



# **Agenda Council Meeting**

**Tuesday 18 October 2016**  
**10.00am**

**Council Chambers  
Queen Street  
TE KUITI**



## NOTICE OF MEETING

A MEETING OF THE WAITOMO DISTRICT COUNCIL IS TO BE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 18 OCTOBER 2016 COMMENCING AT **10.00AM**

### COUNCIL MEMBERS

Mayor Brian Hanna  
Cr Terry Davey  
Cr Sue Smith

Cr Guy Whitaker  
Cr Allan Goddard

Cr Phil Brodie  
Cr Janene New

CHRIS RYAN  
**CHIEF EXECUTIVE**

### ORDER PAPER

#### Note

The Chief Executive will open and chair the meeting until the Mayor has made and attested his Declaration.

Items of Business	Page No.
1. Council Prayer	
<i>God Grant us the serenity to accept the things we cannot change The courage to change the things we can And the wisdom to know the difference These things we ask in the name of Our Lord Jesus Christ Amen</i>	
2. Apologies	
3. Making and Attesting of Declarations	3 – 4
4. General Legal Issues Facing Members of the Council	5 – 8
5. Council Meeting Schedule for 2016	9 – 10
6. Appointment of Deputy Mayor	11 – 12
7. Elected Member Roles and Responsibilities	13 – 21
8. Register of Interests and Conflicts of Interest	22 – 25
9. Adoption of Standing Orders	26 – 72

#### **PLEASE NOTE**

1. The business papers attached to this Order Paper set out recommendations and suggested resolutions only. Those recommendations and suggested resolutions **DO NOT** represent Council policy until such time as they might be adopted by Council resolution.
2. This Order Paper may be subject to amendment either by the addition or withdrawal of items contained therein.

**Document No:** A329842

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **Making and Attesting of Declarations**

## Purpose of Report

- 1.1 The purpose of this business paper is to inform Members of the necessity to make and attest a declaration as an elected member of the Waitomo District Council.

## Commentary

- 2.1 Clause 14 of Schedule 7 of the Local Government Act 2002 requires that a person may not act as a member of a local authority until that person has made an oral declaration and a written version of the declaration has been attested.

- 2.2 Clause 14 of Schedule 7 of the Local Government Act 2002 reads as follows:

**"14. Declaration by member—**

- (1) *A person may not act as a member of a local authority until—*
- (a) *that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and*
  - (b) *a written version of the declaration has been attested as provided under subclause (2).*
- (2) *The written declaration must be signed by the member and witnessed by—*
- (a) *the chairperson; or*
  - (b) *the mayor; or*
  - (c) *a member of the local authority; or*
  - (d) *the chief executive of the local authority; or*
  - (e) *in the absence of the chief executive, some other officer appointed by the chief executive.*

- (3) *The form of the declaration must consist of the following elements:*

***Declaration by mayor or chairperson or member***

*"I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [region or district], the powers, authorities, and duties vested in, or imposed upon, me as [mayor or chairperson or member] of the [local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.*

*Dated at [place] this [number] day of [month] [year]*

*Signature:*

*Signed in the presence of:*

*CD, [mayor or chairperson or member or chief executive of local authority]"*

- 2.3 The Mayor will complete his Declaration first, witnessed by the Chief Executive. Council Members will then complete their Declarations, witnessed by the Mayor.
- 2.4 Following the making and attesting of the Declarations, the Mayor will adjourn the meeting to enable family and supporter congratulations and a photo opportunity for the local media.



MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

**Document No:** A329844

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **General Legal Issues Facing Members of the Council**

### **Purpose of Report**

1.1 The purpose of this business paper is to advise Members that the Chief Executive will provide a general explanation, as required under Section 21 of Schedule 7 the Local Government Act 2002, of:

- (a) The Local Government Official Information and Meetings Act 1987
- (b) Other laws affecting members including:
  - the appropriate provisions of the Local Authorities (Members Interests) Act 1968
  - sections 99, 105, and 105A of the Crimes Act 1961; and
  - the Secret Commissions Act 1910; and
  - the Financial Markets Conduct Act 2013.

### **Commentary**

2.1 Attached to and forming part of this business paper is a copy of a brief on the above laws. Any Member requiring guidance on these pieces of legislation should not hesitate to discuss the matter further with the Chief Executive.

### **Suggested Resolution**

The business paper on General Legal Issues Facing Members of the Council be received.

A handwritten signature in blue ink, appearing to read "Michelle Higgie".

MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

October 2016

## **BRIEF ON LAWS AFFECTING MEMBERS**

(Pursuant to Clause 21(5)(C) of Schedule 7 the Local Government Act 2002)

### **1.0 LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

1.1 The formal procedures by which members of the public may obtain access to information from local authorities are set out primarily in the Local Government Act and the Local Government Official Information and Meetings Act. The principle of the Local Government Official Information and Meetings Act is that official information must be made available unless there is good reason for withholding it. The valid reasons under Section 13 to withhold information are set out in Sections 6, 7, 8 and 17 of the Act and are summarised below:

- Providing the information would contravene legal requirements, including breaching legal privilege, or prejudice the maintenance of the law, or endanger the health or safety of any person
- The need to protect the privacy of natural persons
- To prevent material loss to members of the public or improper commercial exploitation of information held whether related to the authority's activities or those of another party
- To protect the public interest
- To enable a local authority to conduct its affairs effectively without improper pressure or harassment
- The information required is not available or is trivial
- Substantial collation or research would be required to provide the information.

1.2 When a local authority refuses a request to provide official information or proposes to charge a fee for providing it, then the reasons for doing so must be stated. In addition the Applicants' right to complain to the Ombudsman and request an investigation and review of the refusal must be stated.

1.3 Upon completion of any investigation, the Ombudsman may make recommendations to the local authority. The local authority has a public duty to observe the Ombudsman's recommendations unless it resolves, within 20 days from receipt of those recommendations, not to do so. Any such resolution must be recorded in writing.

### **2.0 LOCAL AUTHORITIES (MEMBERS INTERESTS) ACT 1968**

2.1 The Local Authorities (Members Interests) Act 1968 has two underlying purposes:

- Section 3(1) provides that a member of a local authority is disqualified from office who is concerned or interested in contracts with the authority under which the total payments made, or to be made, by or on behalf of the authority exceed \$25,000 in any financial year, unless approval has been obtained from the Auditor-General.

*If the disqualification applies, it is an offence to continue to act as a member of the local authority.*

- Section 6(1) provides that members must not vote or take part in the discussion of any matter before the local authority in which they have a pecuniary interest (other than one in common with the public), unless any of the statutory exceptions apply.

*Breach of s 6(1) constitutes an offence, and a conviction results in vacation of office. The Act requires a member to declare any pecuniary interest at relevant meetings and for the minutes to record that declaration of interest.*

### 3.0 CRIMES ACT 1961 (Sections 99, 105 and 105A)

#### 99. Interpretation –

In this Part, unless the context otherwise requires,—

**bribe** means any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect

**judicial officer** means a Judge of any court, or a District Court Judge, Coroner, Justice of the Peace, or Community Magistrate, or any other person holding any judicial office, or any person who is a member of any tribunal authorised by law to take evidence on oath

**law enforcement officer** means any constable, or any person employed in the detection or prosecution or punishment of offenders

**official** means any person in the service of the Sovereign in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the education service within the meaning of the State Sector Act 1988.

#### 105. Corruption and bribery of official –

- (1) Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in his or her official capacity.
- (2) Every one is liable to imprisonment for a term not exceeding 7 years who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by him or her in his or her official capacity.

#### [105A. Corrupt use of official information –

Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly uses or discloses any information, acquired by him or her in his or her official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself or any other person.

**4.0 SECRET COMMISSIONS ACT 1910**

- 4.1 This Act makes it an offence for any agent of a principal to accept or attempt to obtain for themselves or any other person, any gift, or inducement or reward for doing or not doing any act in relation to the principal's business.
- 4.2 A number of actions by agents are made offences including having a pecuniary interest in a contract made on behalf of a principal. Presenting false receipts to a principal, and other acts such as advising any person to enter a contract with a third person and receiving a gift or inducement without the person advised knowing.
- 4.3 For the purposes of this Act, every officer or member of a local authority board, council or committee or any other body of persons having public functions under a statute, shall be deemed to be an agent of that local authority.
- 4.4 Persons convict of an offence against this Act are liable to imprisonment for a maximum of 7 years or a fine not exceeding \$1,000 and any corporation to a fine not exceeding \$2,000.

**5.0 FINANCIAL MARKETS CONDUCT ACT 2013**

- 5.1 Under the Financial Markets Conduct Act 2013, elected members are in a similar position to company directors if the Council were to issue financial products, such as equity or debt securities, under its borrowing powers.
- 5.2 Elected members may therefore be personally liable if product disclosure statements to investors contain untrue information, and may be liable for civil action or criminal prosecution if the requirements of the Act, such as keeping an audited register of financial products issued, are not met.
- 5.3 The Act also prohibits any Member who has information about a listed company that is not generally available to the market, from trading in that company's shares or from disclosing that information.
- 5.4 The penalties for certain offences under this Act (false or misleading statements in disclosure documents - 10 years; or insider trading - 5 years) are such that if a Member were convicted, that conviction would result in ousted from office.

Should any member find themselves in a situation where they have concerns in respect to any of the above legislation, they should contact the Chief Executive to discuss those concerns at their earliest convenience.

**Document No:** 331042

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **Council Meeting Schedule for 2016**

**Type:** Decision Required

### **Purpose of Report**

- 1.1 The purpose of this business paper is for Council to formally adopt a Meeting Schedule for the remainder of the 2016 calendar year.

### **Commentary**

- 2.1 Council generally considers and adopts a Meeting Schedule at the end of each calendar year for the proceeding year. That adopted Meeting Schedule includes all planned meetings required to complete Council's Road Map Work Programme.
- 2.2 Council's Road Map Work Programme includes timelines prepared on the basis of ordinary monthly meetings taking place on the last Tuesday of each month. It should be noted however, that because of the "living" nature of the Road Map document, scheduled meeting dates over and above the normal monthly meetings often alter as time passes and therefore only the known dates are included for adoption in the Meeting Schedule. Hearings, workshops and additional meetings are scheduled as and when required.
- 2.3 Where a statutory holiday falls on a Monday, the Council meeting is either moved to later in that week or brought forward/deferred by one week. For example with the Monday-ising of Public Holidays, where a Council meeting is scheduled in that week, the meeting is moved to later in the week. Where a meeting is scheduled in the week following Easter, the meeting is deferred by one week.
- 2.4 Historically, if a December meeting is required, it is convened in the second week of December.
- 2.5 It should be noted that the adopted Meeting Schedule includes only official meetings which must be publicly notified. Informal workshops do not form part of the official Meeting Schedule. There are two workshops scheduled during the remainder of this 2016 calendar year for Tuesday 15 November and Tuesday 6 December 2016.

### **Considerations**

#### **3.1 Risk**

- 3.2 There are no identified risks associated with the adoption of a Meeting Schedule.

**3.3 Consistency with Existing Plans and Policies**

3.4 The adoption of a Meeting Schedule is consistent with Council's plans and policies.

**3.5 Significance and Community Views**

3.6 The adoption of a Meeting Schedule is not significant in terms of WDC's Significance and Engagement Policy and the only affected parties are the elected Council members themselves.

<b>Recommendation</b>
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3.1 It is recommended that Council adopt a Meeting Schedule for the remainder of the 2016 calendar year based on the requirements of the Road Map Work Programme.

<b>Suggested Resolutions</b>
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- 1 The business paper on Council Meeting Schedule for 2016 be received.
- 2 Council adopt the following Meeting Schedule for the remainder of the 2016 calendar year:

Wednesday	26 October 2016	October Monthly Meeting (deferred to Wednesday because of Labour Day)
Tuesday	29 November 2016	November Monthly Meeting
Tuesday	13 December 2016	December Monthly Meeting (last meeting of the calendar year)

MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

October 2016

**Document No:** A329840

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **Appointment of Deputy Mayor**

## Purpose of Report

- 1.1 The purpose of this business paper is to advise Council of the appointment of a Deputy Mayor.

## Commentary

- 2.1 Section 41A(3)(a) of the Local Government Act 2002 (LGA) provides the Mayor the power to appoint the deputy mayor.
- 2.2 The Mayor has elected to exercise the authority of Section 41A(3)(a) and appoint the Deputy Mayor. Following the making and attesting of Declarations, the Mayor will appoint Cr Guy Whitaker as Deputy Mayor.
- 2.2 Section 41A of the LGA reads as follows:

### **[41A Role and powers of mayors**

- (1) *The role of a mayor is to provide leadership to—*
- (a) *the other members of the territorial authority; and*
  - (b) *the people in the district of the territorial authority.*
- (2) *Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.*
- (3) *For the purposes of subsections (1) and (2), a mayor has the following powers:*
- (a) *to appoint the deputy mayor;*
  - (b) *to establish committees of the territorial authority;*
  - (c) *to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—*
    - (i) *may make the appointment before the other members of the committee are determined; and*
    - (ii) *may appoint himself or herself.*
- (4) *However, nothing in subsection (3) limits or prevents a territorial authority from—*
- (a) *removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or*
  - (b) *discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or*
  - (c) *appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or*
  - (d) *discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).*
- (5) *A mayor is a member of each committee of a territorial authority.*

- (6) *To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).*
- (7) *To avoid doubt,—*
  - (a) *clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):*
  - (b) *clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.]*

2.4 The Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor in accordance with Section 17 of Schedule 7 of the LGA, which reads as follows:

**Schedule 7**

**17 Election of deputy mayor or deputy chairperson**

- (1) *A territorial authority must elect 1 of its members to be its deputy mayor in accordance with clause 25.*
- (2) *A regional council must elect 1 of its members to be its deputy chairperson in accordance with clause 25.*
- (3) *The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson,—*
  - (a) *with the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson:*
  - (b) *without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office:*
  - (c) *while there is a vacancy in the office of the mayor or chairperson.*
- (4) *In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.*
- (5) *A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.*

<b>Suggested Resolutions</b>
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- 1 The Business Paper – Appointment of Deputy Mayor be received.
- 2 Council acknowledges the Mayor’s exercising of Section 41A(3)(a) of the Local Government Act 2002 in appointing Member Guy Whitaker as Deputy Mayor.



**MICHELLE HIGGIE**  
**EXECUTIVE ASSISTANT**

**Document No:** A329837

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **Council Committees and Appointments**

## Purpose of Report

- 1.1 The purpose of this business paper is for Council to consider the appointment of committees, working parties/groups and the allocation of roles and responsibilities to Elected Members.

## Commentary

- 2.1 A Schedule of Council appointed committees, groups and Elected Member appointments is attached to and forms part of this Business Paper.
- 2.2 Pursuant to Clause 30(7) of the Local Government Act (LGA), committees, subcommittees and other subordinate decision-making bodies are discharged on the coming into office of the members of the local authority elected or appointed at, or following the triennial general election, unless the local authority has previously resolved otherwise.
- 2.3 Membership of joint committees should also be reviewed.
- 2.4 Except where there is a previous resolution to the contrary, new committees (and committee chairpersons) will need to be appointed following the election. The previous Council did not pass any resolution to retain committees.
- 2.5 Pursuant to Clause 41(A)(3) of the LGA, the Mayor has the following powers:
  - to establish committees of the territorial authority;
  - appoint the chairperson of each committee and
  - make the appointment of the chairperson before the other members of the committee are determined and may appoint himself or herself
- 2.6 Clause 41A(4)(b)-(d) states that nothing limits or prevents a territorial authority from discharging or reconstituting a committee established by the Mayor or appointing 1 or more committees in addition to any established by the Mayor or discharging a chairperson appointed by the Mayor. However this has to be done in accordance with Clauses 30 and 31 of Schedule 7.
- 2.7 Clauses 25 (Voting systems for certain appointments) and 26(3) (local authority appointing the chairperson of committee) of Schedule 7 of LGA do not apply to the appointment of the chairperson of a committee of a territorial authority established by the Mayor. Clause 25 does apply to the election or appointment of a chairperson or deputy chairperson where that appointment is made by Council and also applies to any election or appointment of a representative of a local authority.
- 2.8 The amendment inserting Clause 41A came into force on 12 October 2013 and was derived from the Government's programme "Better Local Government".

- 2.9 At the time this Clause came into effect, Brookers provided a commentary which stated as follows:

*"The intent is to provide greater executive powers to the mayor of a local authority, of a similar nature to those established for the Mayor of Auckland under s 9 of the Local Government (Auckland Council) Act 2009. The traditional role of the mayor to provide leadership to other elected members of the territorial or unitary authority and the people of the district is codified. Further it is the role of the mayor to lead the development of the long-term plan, the annual plan, policies and budgets for consideration by members. In addition, the mayor has the new powers to appoint the deputy mayor, establish committees for a territorial authority, and appoint the chairperson of each committee, and the mayor may appoint himself or herself to one of those positions as chair. As a backstop against a failure of the mayor to make the appropriate appointments, or to consider removal of a deputy mayor, discharge of a committee or replacement of a chairperson, a territorial authority retains the existing powers in sch 7 to make those changes in the appropriate manner. This alternate power would enable the members of the local authority, where majority support of actions by the mayor is not forthcoming, to take remedial action to improve the governance situation. Where remedial action does not provide a positive outcome, the expanded powers of the Minister under pt 10 of the Act may become applicable."*

### **Recommendation**

- 3.1 It is recommended that the various committees, working parties/groups and assigned roles and responsibilities for elected members be considered and if appropriate confirmed.

### **Suggested Resolutions**

- 1 The business paper on Council committees and appointments be received.
- 2 Council establish the Committees and Working Parties/Groups, with the purpose and membership and recommended appointments as set out in the attached Schedule of Council appointed committees, groups and Elected Member appointments (Doc No. A329832).
- 3 Council make appointments of persons to external organisations as set out in the attached Schedule of Council appointed Committees, Groups and Elected Member appointments (Doc No. A329832).



MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

October 2016

Attachment: Schedule of Council appointed committees, groups and Elected Member appointments (Doc No. A329832)

## Council Roles and Responsibilities 2016-2019

Details	Membership
<b>Committees</b>	
<p><b>Hearings Committee</b></p> <p>The committee will consist of the Mayor and three RMA Accredited Councillors. The Mayor will convene a Hearings Committee from that Panel for each separate Hearing.</p>	<p>Mayor Councillor Brodie Councillor Goddard Councillor Smith</p>
<p><b>Investment Representative Committee</b></p> <p>This Committee's delegated authority is to work with the Inframax Construction Ltd's Board of Directors to monitor the performance of Council's investment in the Company.</p>	<p>Mayor Deputy Mayor Councillor Goddard Chief Executive</p>
<p><b>Civil Defence Emergency Management Group (Mayors Joint Committee)</b></p> <p>Pursuant to the Civil Defence Act, Civil Defence throughout the Waikato Region is overseen at a political level by a Mayors Joint Committee, the Civil Defence Emergency Management Group (CDEMG) of which the Mayor is a member.</p>	<p>Mayor Alternate = Councillor Goddard</p>
<p><b>Waikato Region Civil Defence Emergency Management Co-ordinating Executive Group</b></p> <p>At a Regional advisory level, Civil Defence for the Waikato Region is administered by a Co-ordinating Executive Group (CEG). This group is made up of senior Council representatives of the eleven councils.</p>	
<p><b>Waitomo/Otorohanga/Waipā Civil Defence Emergency Management Committee</b></p> <p>As per the Shared Service Agreement, a Management Committee has been established with each of the Council's represented by a staff member nominated by each Council.</p>	
<p><b>Waikato Plan Joint Committee</b></p> <p>The Waikato Plan aims to be the collective voice for the Waikato Region on high priority issues, challenges and opportunities that affect the regional community. The Plan will:</p> <ul style="list-style-type: none"> <li>• Set a strategic direction for the Waikato and its communities.</li> <li>• Outline a high level development strategy that identifies settlement, infrastructure and service needs.</li> <li>• Provide an evidential basis to support policy and investment decision making within the Waikato.</li> <li>• Enable coherent and co-ordinated decision making by the local authorities, Central Government and other parties to determine the future location and timing of critical infrastructure, services, and investment within the Waikato.</li> <li>• Provide a basis for aligning the implementation plans, regulatory plans and funding programmes of local government and strategic partner agencies.</li> </ul> <p>The Waikato Plan Joint Committee currently operates under an Agreement developed pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002. The Agreement provides that the Joint Committee is not discharged at the next election, however the current membership of the Committee expired on the date of the triennial Local Government election in October 2016.</p>	<p>Mayor Alternate = Deputy Mayor</p>

Details	Membership
<b>Working Parties/Groups</b>	
<p><b>Better Local Government Working Party (BLGWP)</b></p> <p>The role of the BLGWP will be to assist the development of a WDC position for, and/ or to, for proposals associated with structural change to any existing LG Governance arrangements.</p>	<p>Mayor Deputy Mayor Councillor Goddard</p>
<p><b>Citizen Awards Working Party</b></p> <p>Council's Citizens Award Policy provides for a Citizens Award Working Party (CAwp) to be appointed consisting of community members who have a strong knowledge of the District community. The CAwp will have up to 4 community members plus one Council representative and will serve a term of 3 years. Appointment of the CAwp is made by the full Council with the next review scheduled for late 2017.</p>	<p>Appointed 16 December 2014: Mayor Brian Hanna Max Lamb Ross Alleman Robyn Symonds Mac Waretini</p>
<p><b>Communication Strategy</b></p> <p>Council's Communications Strategy provides a framework for how Council presents its work, vision and goals to its stakeholders including meeting any legislated requirements. Unlike commercial organisations, Council has legislated functions which grant monopoly powers within its community. Although this situation removes the need to compete (for revenue) commercially, it does not remove the need for Council to relate favourably with the community and its stakeholders. Communication is an essential part of good management and the effective delivery of Council services.</p>	<p>Mayor Deputy Mayor</p>
<p><b>Community Youth Connections</b></p> <ul style="list-style-type: none"> <li>• Youth Council</li> <li>• Social Sector Trials</li> <li>• Tuia Programme</li> <li>• Mayor's Taskforce for Jobs</li> <li>• Employment Partnerships</li> </ul>	<p>Mayor Councillor ... Councillor Brodie</p>
<p><b>Economic Development Key Stakeholder Engagement Working Party</b></p> <p>The purpose of this Working Party is to work toward establishing and District Economic Development Board as an independent entity with a formal governance structure supported by a clear constitution and mandate. Any DEDB will act collaboratively with existing community development groups such as Project Piopio Development Trust, Tere Waitomo, Te Kuiti Development Inc and Benneydale Business Group and membership will be drawn from each of these groups together with industry and business representatives from around the District.</p>	<p>Mayor Deputy Mayor Councillor Davey Councillor Brodie Councillor Smith</p>
<p><b>Key Stakeholder Engagement Working Party</b></p>	<p>Mayor Deputy Mayor</p>
<p><b>Maniapoto Iwi Liaison</b></p>	<p>Mayor</p>
<p><b>North King Country Development Trust</b></p> <p>The NKCDT is registered as a Charitable Trust for the purpose of applying the Trust Fund for or toward charitable purposes and in particular Industrial development charitable purposes. Appointment of Trustees is as per the registered Deed of Trust. As per the Deed of Trust registered with the Companies Office, WDC in conjunction with Otorohanga and Taupo District Council's may appoint two Trustees. Trustees are appointed for a term of four years but are re-eligible for reappointment upon expiry of their term.</p>	<p>Mayor</p>
<p><b>Piopio Wastewater Community Liaison Group</b></p> <p>Pursuant to Clause 34 of the Environment Court "Order of Court", Council as the Consent Holder shall establish and service a Community Liaison Group to be known as the Piopio Wastewater Community Liaison Group.</p>	<p>Mayor Councillor Brodie</p>

Details	Membership
<p><b>Railway Buildings Advisory Group Representatives</b></p> <p>To investigate and develop options for the development of the Te Kuiti Railway Buildings moving forward.</p>	<p>Mayor Deputy Mayor Councillor ... Councillor ... Councillor Brodie</p>
<p><b>Regional Transport Committee of the Waikato Regional Council</b></p> <p>This is a WRC Committee and its purpose is to plan and coordinate land transport and road safety and to recommend WRC's policy on land transport. The Committee also prepares the Regional Land Transport Strategy and Regional Land Transport Programme.</p>	<p>Mayor Alternate = Councillor Brodie</p>
<p><b>Shore Futures Project Team</b></p> <p>Shore Futures is a Regional Council administered initiative in response to challenges facing communities within the Kawhia and Aotea catchments. The population is shrinking and people are concerned about the long-term viability of these communities. At the same time there is pressure to subdivide and develop housing in sensitive areas such as along the coast, and such development could put important natural features of the environment at risk. The purpose of the Shore Futures Project is to provide an overall framework within which all of these issues will be addressed. Details of how to implement this framework will be determined through forthcoming council plans. The Shore Futures Project team comprises staff and representatives from Waikato Regional Council, Otorohanga, Waikato and Waitomo district councils, Federated Farmers and the Department of Conservation. The project team also work with tangata whenua and other interest groups and agencies such as the Ministry of Fisheries and the Historic Places Trust.</p>	<p>Councillor Smith</p>
<p><b>SH3 Working Party</b></p> <p>The SH3 Working Party was formed by the Taranaki Regional Council in 2002. The purpose of the Working Party is to liaise, monitor, co-ordinate, advocate and collate information on the section of State Highway 3 between Piopio and the SH3/3A junction north of New Plymouth, with a view to formulating recommendations to promote the integrity and security of this section of the state highway network in recognition of its strategic importance. WDC is represented on the Working Party by both an elected representative and a staff member.</p>	<p>Councillor Brodie</p>
<p><b>Tere Waitomo Community Trust</b></p> <p>Tere Waitomo Community Trust is a Charitable Trust which was established for the purpose of facilitating community development by fostering a strong community spirit and common vision within the Waitomo Caves District.</p>	<p>Councillor Smith</p>
<p><b>Waikato Mayoral Forum</b></p> <p>The Waikato Mayoral Forum (WMF) is a group involving the Mayors and Chief Executives of local authorities within the Waikato Region (with the exception of Thames Coromandel District Council) and is aimed at achieving a collaborative and co-operative approach to local governance in the Region.</p>	<p>Mayor Alternate = Deputy Mayor</p>
<p><b>Waikato River Authority</b></p> <p>A revised Deed of Settlement was made with Waikato-Tainui in relation to the Waikato River on 17 December 2009. Related co-management deeds were then negotiated with Raukawa, Te Arawa River Iwi, Ngati Tuwharetoa and Maniapoto. The signing of those Deeds set in motion a range of implementation tasks, including preparation for the establishment of a statutory body, the Waikato River Authority. The Minister for the Environment (in consultation with the Ministers of Finance, Local Government and Maori Affairs) was the appointing Minister for five members of the Authority from persons recommended by the relevant territorial authorities.</p>	<p>...</p>

Details	Membership
<p><b>Waikato Triennial Agreement</b></p> <p>Pursuant to Section 15 of the Local Government Act 2002, not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement containing protocols for communication and co-ordination among them during the period until the next triennial general election of members. The Mayor and Chief Executive represent Council on the Waikato Region Triennial Agreement Forum (the Forum). The Forum membership is made up of the Mayors and Chief Executive's of all those Council's located within the Waikato Regional Council's boundaries.</p>	<p>Mayor Chief Executive</p>
<p><b>Waipa Catchment Liaison Subcommittee</b></p> <p>The Waipa Catchment Liaison Subcommittee is a Subcommittee of the Waikato Regional Council's "Catchment Services Committee" which provides and maintains flood protection, soil conservation works, and drainage programmes and services, and also manages flood warning systems and flood control. The role of the Subcommittee is to assist the Committee in the implementation of river and catchment management services in the Waipa River catchment.</p>	<p>Councillor Brodie</p>
<p><b>Waipa Joint Management Agreement</b></p> <p>In June 2012, Council resolved to enter a new era of co-management for the Waipa River between Council and the Maniapoto Maori Trust Board through the recently enacted Nga Wai o Maniapoto (Waipa River Act) 2012. The Act provides for a Joint Management Agreement (JMA) to be developed between Council and the Maniapoto Maori Trust Board as part of the co-management arrangements. To assist the JMA process the Nga Wai o Waipa Joint Committee was established involving all local authorities (whose boundaries fall within the legislated boundaries provided for in the Act) as a collective and the Maniapoto Maori Trust Board. This collective approach also satisfies Council's obligation to form a joint committee and provides for a holistic and collaborative co-governance model for the JMA.</p>	<p>Mayor Alternate = Deputy Mayor</p>
<p><b>West Coast Zone Subcommittee</b></p> <p>The West Coast Zone Subcommittee is a Subcommittee of the Waikato Regional Council's "Catchment Services Committee" which provides and maintains flood protection, soil conservation works, and drainage programmes and services, and also manages flood warning systems and flood control. The role of the Subcommittee is to assist the Committee in the implementation of river and catchment management services in the West Coast Zone which stretches from just below Port Waikato to the regional boundary at Mokau.</p>	<p>Councillor Smith</p>

Details	Membership
<p><b>Rural Ward</b></p> <p>The representation of these areas will include Councillor representation on all committee activities, attending all community events in these areas, and being the point of contact for these "Wards". Representation will include, but not be limited to the organisations listed beneath the relevant area.</p>	
<p><b>Rural North West</b> (incorporating old Waitomo/Te Anga Rural Wards)</p>	
<p><b>Marokopa Recreation Ground Committee</b>  <b>Rural Halls - Waitomo / Te Anga</b>  <b>Maraes</b></p>	<p>Councillor Smith</p>
<p><b>Rural South East</b> (incorporating old Aria/Mangaokewa Wards)</p>	
<p><b>Benneydale Residents and Ratepayers Association</b>  <b>Benneydale Hall</b>  <b>Mokauiti Hall</b>  <b>Rangitoto Hall</b>  <b>Maraes</b></p>	<p>Councillor Goddard</p>
<p><b>Rural South West</b> (incorporating old Paemako/Tainui Wards)</p>	
<p><b>Piopio Retirement Board</b>  <b>Piopio Sports Club</b>  <b>Mokau Residents and Ratepayers Association</b>  <b>Tainui Waitere Domain Board</b>  <b>Tainui Ratepayers</b>  <b>Maraes</b></p>	<p>Councillor Brodie</p>

Details	Membership
<b>Urban Ward</b>	
<b>Community Support</b>	
<p><b>Creative Communities</b></p> <p>WDC administers a local Creative Communities Assessment Committee consisting of two Councillors and community representatives having knowledge of the arts in the Waitomo District, to join the Creative Communities Assessment Committee. The Committee meets twice yearly, in June and November, to distribute funds made available by Creative New Zealand to support community based arts activities in the Waitomo District.</p>	<p>Councillor ...</p> <p>Councillor ...</p>
<p><b>DC Tynan Trust</b></p> <p>The DC Tynan Trust is a Council Controlled Organisation and was established for the purpose of making disbursements from a very generous bequest made to the Borough of Te Kuiti by the late Daniel Tynan. In terms of his will, it was Mr Tynan's wish that his bequest be utilised for such social, cultural, educational or recreational purposes within the Borough of Te Kuiti as the trustees think fit. The Trust is administered by four Trustees, three of which are the urban Councillors.</p>	<p>Deputy Mayor</p> <p>Councillor ...</p> <p>Councillor ...</p>
<p><b>Sport New Zealand</b></p> <p>The Sport New Zealand (SNZ) (formerly SPARC) Rural Travel Fund's objective is to help subsidise travel for junior teams participating in local sport competition. The allocation of the fund's based on a population density formula for territorial authorities that have fewer than 10 people per square kilometre. Council administers one SNZ Rural Travel funding round per year, usually in October. The SNZ Rural Travel Assessment Committee consists of two Council staff, two Councillors, one NZ Police representative and a Sport Waikato representative.</p>	<p>Councillor ...</p> <p>Councillor ...</p>
<p><b>Te Kuiti Community House</b></p> <p>Te Kuiti Community House is a not for profit community organisation set up to provide educational, social and recreational services to the community. It offers support to local organisations, individuals and families and can help find services required for whatever your situation may be.</p>	<p>Councillor ...</p>
<p><b>Te Kuiti and District Historical Society</b></p> <p>In July 2011, the Historical Society wrote to Council advising they had a vacancy on their Committee and sought appointment of a WDC Representative. The general objects of the Society are to preserve, by photographic means, historical information including landmarks and buildings, to record historical research and to stimulate and guide public interest in matters of historical importance to the District.</p>	<p>Councillor ...</p>
<b>Community Development</b>	
<p><b>Elderly Housing Liaison (Hillview/Redwood Flats/St Andrews Court)</b></p> <p>To build relationships with Elderly Housing providers and residents and to act as a Point of Contact in respect to Council related matters pertaining to Elderly Housing.</p>	<p>Councillor ...</p>
<p><b>Te Kuiti Development Incorporated</b></p> <p>TKDI is an Incorporated Society registered in April 2011 and was formed for the purpose of promoting the welfare of the business community of Te Kuiti and in particular to provide a forum for networking and collaboration of members.</p>	<p>Deputy Mayor</p> <p>Councillor ...</p> <p>Councillor ...</p>
<p><b>Te Kuiti Main Street Development</b></p>	<p>Deputy Mayor</p> <p>Councillor ...</p>

Details	Membership
<b>Other Representation</b>	
<p><b>Waitomo Clean Air/Healthy Homes Working Party (EECA)</b></p> <p>The objectives of the Warm Homes and Clean Air Working Party are to support and promote public health action across the health, local government and other sectors engaged in housing insulation and clean heat and for territorial local authorities and regional councils to build collaborative approaches to public health and resource management issues.</p>	Councillor Goddard
<p><b>Waitomo/Otorohanga Road Safety Committee</b></p> <p>To oversee a combined, agreed upon, Road Safety work programme for both the Waitomo and Otorohanga Districts and to implement relevant projects with reference to the Road Safety Action Plan (RSAP) that improves the quality of road safety awareness in the Waitomo and Otorohanga Districts.</p>	Councillor Brodie
<p><b>Waitomo/Tatsuno Sister City Committee</b></p> <p>Councils sister city relationship with Tatsuno in Japan was entered into in May 1995 with Council at that time believing that such a relationship had the potential to provide an enriched cultural experience for the residents of the Waitomo District. Signed agreements between Tatsuno and Waitomo are displayed in the Council chambers and confirm the purpose of the relationship is: "To encourage understanding and awareness of our separate cultures and to encourage the exchange of ideas and people ."</p>	Deputy Mayor Councillor ...

Details	Membership
<b>Portfolio Responsibilities</b>	
<b>Aerodrome</b>	Deputy Mayor Councillor Goddard
<b>Environment and Regulatory - Policy and Development</b>	Mayor Deputy Mayor

**Document No:** A329843

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject: Register of Interests and Conflicts of Interest**

## **Purpose of Report**

- 1.1 The purpose of this business paper is to inform Members of the requirement to declare any "interests" and "conflicts of interest" as per the Local Authorities (Members Interests) Act 1968 (LAMI) and the best practice guidelines produced by the Office of the Controller and Auditor-General.

## **Background**

### **2.1 Contractual and Pecuniary Interests**

- 2.2 LAMI is designed to help protect the integrity of local authority decision-making by ensuring that Members are not affected by personal motives when they participate in local authority decision-making, and cannot use their position to obtain preferential access to contracts.

- 2.3 The two specific rules in the Act are that members cannot:

- enter into **contracts** with their local authority worth more than \$25,000 in a financial year; or
- participate in matters before their authority in which they have a **pecuniary** interest, other than an interest in common with the public.

- 2.4 In determining whether a Member whose actions are under consideration, comes within the situations contemplated by the Act, it is appropriate to take into account the considerations in relation to the general rules of natural justice i.e. "Would an informed objective bystander form an opinion that there was a likelihood that bias existed?"

### **2.5 Other Types of Interests: Non-pecuniary and Bias**

- 2.6 Having an "interest" or "conflict of interest" in a matter before the local authority, as provided for in the Act and set out above, is not the only type of interest a Member can have. However, quite apart from the Act, there are legal rules about conflicts of interest more generally, which apply to both pecuniary and non-pecuniary conflicts of interest.

- 2.7 A conflict of interest exists where two different interests intersect – in other words, where your responsibilities as a member of the Council could be affected by some other separate interest or duty that you may have in relation to a particular matter. That other interest or duty might exist because of:

- your own financial affairs;
  - a relationship or role that you have; or
  - something you have said or done.
- 2.8 Common law requires that public decision-making be procedurally fair. Conflicts of interest falling outside the Act are usually dealt with under the common law rule about bias. The law about bias exists to ensure that people with the power to make decisions affecting the rights and obligations of others carry out their duties fairly and free from bias. It is summed up in the saying “no one may be judge in their own cause”.
- 2.9 A conflict of interest can arise in a wide range of circumstances and may involve an interest that overlaps with the official role. A “conflict” might be –
- Financial or non-financial
  - Professional or personal
  - Commercial or charitable
  - Relate to a potential advantage or disadvantage
  - Relate to the member or official themselves, or another person or organisation with whom they are associated
  - Something the member or official is actively involved in, or something they have no control over
  - Arise from a longstanding state of affairs, or something that has only just happened.
- 2.10 An “interest” could be:
- holding another public office
  - being an employee, advisor, director, or partner of another business or organisation
  - pursuing a business opportunity
  - being a member of a club, society, or association
  - having a professional or legal obligation to someone else (such as being a trustee)
  - owning a beneficial interest in a trust
  - owning or occupying a piece of land
  - owning shares or some other investment or asset
  - having received a gift, hospitality, or other benefit from someone
  - owing a debt to someone
  - holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue; or
  - being a relative or close friend of someone who has one of these interests, or who could otherwise be personally affected by a decision of the public entity.

<b>Commentary</b>
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### **3.1 Register of Interests and Register of Conflict of Interest**

- 3.2 As set out in Council’s Code of Conduct, Council has adopted the best practice suggestion of the OAG and requests all elected members to make a written declaration of any personal and financial interests that may at times conflict with their roles. Members are responsible for keeping those declarations up to date.
- 3.3 Historically, the provision/updating of Member Declarations has not been satisfactory.

- 3.4 When the Register of Interests is updated regularly it aids in the identification of situations where contracts should not be entered into without OAG prior approval.
- 3.5 If Council were to make periodic purchases from businesses in which members have an interest, a monitoring system to provide regular checks of the accumulating value of contracts is required.
- 3.6 Investigations have been carried out into "best practice" application by other local authorities with respect to the maintaining of an "Interest Register" and/or "Conflict of Interest Register".
- 3.7 Of the local authorities investigated, the majority consider it best practice to maintain both a "Members' Interest Register" which is considered to be a "confidential" record, and a "Conflict of Interest Register" which is a public record i.e. declared "interests" are private to individual Members'; declared "conflicts" are recorded in a public register.
- 3.8 The recording of any conflict in the Register does not expose the private interest of a Member. The wording in the public record Minutes would be along the lines of "Member ... declared an interest in the item and refrained from participating in the consideration of the matter." or "Member ... declared an interest in the item and removed himself from the meeting for the duration of consideration of this matter." The Register record itself would contain only the subject matter under consideration and that Member ... declared an interest.
- 3.9 In order to satisfactorily administrate the requirements of Council's adopted Code of Conduct, in future all Monthly Council Meeting Order Papers will make provision for the declaration of "Conflicts of Interest" for any matter contained on the Order Paper. Members' will also be required to review their Declaration of Interests on an annual basis.
- 3.10 A copy of the "Register of Interests for Elected Members" Form (Doc A236734) is attached to and forms part of this business paper for Members information. Copies of this Form can also be downloaded from the Intranet.

### **Suggested Resolution**

The business paper on Register of Interests and Conflicts of Interest be received.



MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

Attachment: Register of Interests for Elected Members" Form (Doc A236734)



**Document No:** A329838

**Report To:**

**Council**



**Meeting Date:** 18 October 2016

**Subject:** **Adoption of Standing Orders**

## Purpose of Report

- 1.1 The purpose of this business paper is for Council to consider adopting Standing Orders for the conduct of its meetings and those of its committees.
- 1.2 It is important to note that there is no statutory requirement for the Standing Orders adopted by the previous Council to be reviewed following an election, however it is deemed appropriate for Council to reconfirm or review the Standing Orders at this time.

## Background

- 2.1 Section 27, Schedule 7 of the Local Government Act 2004 requires Council to adopt a set of Standing Orders for the conduct of its meetings.
- 2.2 Section 27, Schedule 7 reads as follows:

### **27 Standing orders**

- (1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.
- (2) The standing orders of a local authority must not contravene this Act, the [Local Government Official Information and Meetings Act 1987](#), or any other Act.
- (3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.
- (4) A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.
- [(5) Where a local authority wishes to permit the use of audio link or audiovisual link for the purposes of clause [25A\(1\)\(a\)](#), the local authority—
  - (a) must first provide for this matter in its standing orders; and
  - (b) may include in its standing orders matters concerning the use of audio links or audiovisual links at meetings, including, without limitation,—
    - (i) specifying the type or types of meeting at which members may participate by way of audio link or audiovisual link; and
    - (ii) attendance requirements; and
    - (iii) prescribing any method or technology of audio links and audiovisual links; and
    - (iv) any other requirements that the local authority considers are appropriate to maintain public confidence in the transparency

- and integrity of decision-making processes and the conduct of members during these processes; and
- (v) specifying that any person wishing to participate in this manner must make prior arrangement with the local authority.]

### Commentary

- 3.1 The previous Council adopted New Zealand Model Standing Orders NZS 9202:2003 with the following two amendments:
- Amendment of Clause 2.1.2 to provide that five out of seven Councillors must vote affirmation for a change in Standing Orders to be effective.
  - Amendment of Clause 3.14.2 to provide for the Mayor to have a deliberative vote and, in the case of equality of votes, a casting vote.
- 3.2 A copy of Council's current Standing Orders, is attached to and forms part of this business paper. These Standing Orders as adopted by the previous Council are appropriate and it is recommended that the new Council reconfirm these Standing Orders for the current triennium.
- 3.3 It is noted that LGNZ has recently completed a review of Model Standing Orders for Meetings and released a new version, however at this time a comparison has not been carried out to detail the changes. Discussion with other councils has revealed that the majority will not be considering LGNZ's new version of Standing Orders until the induction processes following the Elections have been bedded in.
- 3.4 A review of Model Standing Orders for Meetings of the Waitomo District Council (including all Committees and Subcommittees) will be added to the Road Map Work Programme for 2017.

### Suggested Resolutions

- 1 The business paper on Adoption of Standing Orders be received.
- 2 Council reconfirm Model Standing Orders for Meetings of the Waitomo District Council (including all Committees and Subcommittees) (Doc Number A162992).



MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

October 2016

Attachment: Model Standing Orders for Meetings of the Waitomo District Council (Doc Number A162992)



# **Model Standing Orders**

for Meetings of the Waitomo District Council  
(including all Committees and Subcommittees)

Issued to comply with Part 4 and Schedule 7 of the  
Local Government Act 2002 and Part VII of the  
Local Government Official Information and Meetings Act 1987

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All enquiries about or formal requests for information in terms of the Local Government Official Information and Meetings Act 1987 should be in writing to:

The Chief Executive  
Waitomo District Council  
P O Box 404  
**TE KUITI 3941**

These Standing Orders were adopted by the

## **Waitomo District Council**

at a meeting held on

**19 October 2010**  
**Reconfirmed 24 October 2013**

and apply to all meetings of this local authority, its committees and subcommittees.

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## REFERENCED DOCUMENTS

### New Zealand Legislation

Commissions of Inquiry Act 1908  
Crimes Act 1961  
Local Authorities (Members' Interests) Act 1968  
Local Electoral Act 2001  
Local Government Act 1974 and 2002 (LGA)  
Local Government Official Information and Meetings Act 1987 (LGOIMA)  
Marine Farming Act 1971  
Resource Management Act 1991 (RMA)  
Secret Commissions Act 1910  
Securities Act 1978

## FOREWORD

These Model Standing Orders reflect legislative requirements relating to the conduct of local authority meetings, particularly the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987, including amendments made to these Acts in 2004. This includes provisions relating to extraordinary meetings (replacing special and emergency meetings), voting at meetings and the option of a casting vote for the person presiding at a meeting where there is an equality of votes, and references to subordinate decision-making bodies, to the chief executive (replacing principal administrative officer) and other minor amendments. There is also a modernizing of the language adopted in line with that now used in legislation.

In relation to voting at meetings, Standing Orders 2.5.1 and 3.14.2 reflect the default position in the legislation that there is to be no casting vote for the presiding member, unless expressly provided for in the Standing Orders of the local authority. However, where a local authority wishes to have a casting vote, Appendix H *Provision for casting vote* can be used. When adopting, amending or suspending Standing Orders to provide for a casting vote, clause 27, schedule 7 of the Local Government Act 2002 applies.

## PART 1 GENERAL

### 1.1 Scope and General

This document sets out standing orders for the conduct of proceedings at meetings of territorial authorities, regional councils and community boards in the form of model orders for adoption with or without amendment. It incorporates new provisions in the Local Government Act 2002 as they affect the provisions of the model standing orders.

This document is presented in three parts. Part 1 is the general introduction. Part 2 covers constitutional and legislative matters, and Part 3 relates to meeting procedures.

Part 3 involves some repetition of Part 2, to ease use and to ensure each part can stand alone without the need for undue cross referencing.

### 1.2 Interpretation

In this document the word "shall" identifies a mandatory requirement for compliance. The word "should" refers to practices which are advised or recommended.

Where direct quotations from the legislation are cited in these standing orders they are shown in bold type with quotation marks.

### 1.3 Definitions

In these standing orders, unless inconsistent with the context:

**Agenda** means the list of items for consideration at a meeting together with reports and other attachments relating to those items.

**Chairperson** means the mayor of a territorial authority or chairperson of a regional council or community board including any person acting as the mayor of the territorial authority or chairperson of the regional council or community board, and any person presiding at any meeting of a committee or subcommittee of a regional council, territorial authority or community board.

**Chief executive** means the chief executive of a local authority appointed under section 42 of the Local Government Act 2002, irrespective of their designation, and includes for the purposes of these standing orders, any other officer authorized by the local authority.

**Clear working days** means the number of working days prescribed in these standing orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.

**Committee** includes, in relation to a local authority:

- (a) A committee comprising all the members of that local authority;
- (b) A standing committee or special committee appointed by that local authority;
- (c) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002; and
- (d) Any subcommittee of a committee described in items (a), (b) or (c) of this definition.

**Deputation** means a request from any person or interest group in the community to make a presentation to the local authority or any committee.

**Extraordinary meeting** has the same meaning as defined in clause 22 of Schedule 7 of the Local Government Act 2002.

**Local authority** means the local authority and/or the community boards covered by these standing orders, being a local authority or a community board as defined in section 5 of the Local Government Act 2002.

**Mayor** means the mayor of a territorial authority elected under the Local Electoral Act 2001.

**Meeting** means any first or extraordinary meeting of a local authority; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the

local authority. At any meeting of a local authority, or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made, the provisions of these standing orders regarding public access and notification need not apply.

**Member** means any person elected or appointed to the local authority or to any committee or subcommittee of the local authority, and includes the mayor of a territorial authority and the chairperson of a regional council or community board, or of any committee or subcommittee of a regional council, territorial authority or community board.

**Minutes** means the record of the proceedings of any meeting of the local authority and its committees and subcommittees.

**Public excluded information** means any information which can be excluded from the public for reasons meeting the provisions of the Local Government Official Information and Meetings Act 1987.

**Public excluded session** refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in the Local Government Official Information and Meetings Act 1987.

**Publicly notified** means notified to members of the public by notice contained in some newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice published on signboard affixed to public places in the district to which the notice relates.

**Quorum** means the minimum number of members needing to be present to constitute a valid meeting.

**Working day** means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day, and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

## PART 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

### 2.1 Introduction

#### 2.1.1 Requirement for adoption of standing orders

"A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act." [cl. 27(1) & (2), Schedule 7, LGA]

#### 2.1.2 Alteration of standing orders

After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, **five out of the seven** elected members to vote affirmation for a change to be effective. [cl. 27(3), Schedule 7, LGA]

#### 2.1.3 Temporary suspension of standing orders

"A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension." [cl. 27(4), Schedule 7, LGA]; (See Standing Order 3.2.1)

#### 2.1.4 All members to abide by standing orders

"A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]." [cl. 16(1), Schedule 7, LGA]; (See Standing Order 3.1.1)

### 2.2 First Meeting of the Local Authority Following Election

#### 2.2.1 Meeting called by chief executive

"The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act]." [cl. 21(1) - (4), Schedule 7, LGA]

#### 2.2.2 Business to be conducted

"The business that must be conducted at the meeting must include -

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation, given or arranged by the chief executive, of -
  - (i) the Local Government Official Information and Meetings Act 1987; and
  - (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and
- (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]."

[cl. 21(5), Schedule 7, LGA]

### **2.2.3 Members to give notice of addresses**

Every member of a local authority must give to the chief executive a residential or business address together with, if desired, a facsimile or other address within the district or region of the local authority to which notices and material relating to meetings and local authority business may be sent or delivered.

## **2.3 Chairperson of Meetings**

### **2.3.1 Mayor or chairperson of local authority to preside**

"The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting. If the mayor or chairperson of a local authority is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority must preside. If a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson is also absent, the members of the local authority that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the mayor or chairperson." [cl. 26(1), (5) & (6), Schedule 7, LGA]

### **2.3.2 Chairperson of committee to preside**

"The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting. If the chairperson of a committee is absent from a meeting, the deputy chairperson (if any) of the committee must preside. If a deputy chairperson has not been appointed, or if the deputy chairperson is also absent, the members of the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the chairperson." [cl. 26(2), (5) & (6), Schedule 7, LGA]

## **2.4 Quorum at Meetings**

### **2.4.1 Requirement for a quorum**

"A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote." [cl. 23(1), Schedule 7, LGA]

### **2.4.2 Quorum to be present throughout meeting**

"Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted." [cl. 23(2), Schedule 7, LGA]

### **2.4.3 Definition of quorum for local authority or joint committee meetings**

"The quorum at a meeting of –

- (a) a local authority or joint committee consists of –
  - (i) half of the members if the number of members (including vacancies) is even; or
  - (ii) a majority of members if the number of members (including vacancies) is odd."

[cl. 23(3), cl. 30(9), Schedule 7, LGA]

### **2.4.4 Definition of quorum for committee meetings**

"The quorum at a meeting of –

- [... (b) a committee –
  - (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and
  - (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority."

## 2.5 Voting at Meetings

### 2.5.1 Acts and decisions of the local authority by meetings

- (1) "The acts of a local authority must be done, and the questions before majority vote at the local authority must be decided, at a meeting by:
- a) vote; and
  - b) the majority of members that are present and voting."

#### Casting vote

- (2) "For the purposes of [2.5.1(1)], the mayor or chairperson or other person presiding at the meeting:
- a) Has a deliberative vote; and
  - b) **In the case of an equality of votes, the chairperson has a casting vote.**

NOTE – The legislative default position is that there is no casting vote. Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this section. When adopting, amending or suspending Standing Orders to provide for a casting vote clause 27, schedule 7 of the Local Government Act 2002 applies.

#### Open voting

- (3) "An act or question coming before the local authority must be done or decided by open voting."

#### Mandatory requirements

(1) and (2) apply unless the Local Government Act 2002 provides otherwise. [cl. 24, Schedule 7, LGA]

## 2.6 Voting Systems For Certain Appointments

### 2.6.1 Provisions for election or appointment of deputy mayor, chairpersons and of local authorities and committees, and representatives of the local authority

"[This Standing Order applies to] –

- (a) the election or appointment of the chairperson and deputy chairperson deputy chairpersons of a regional council; and
- (b) the election or appointment of the deputy mayor; and
- (c) the election or appointment of the chairperson and deputy chairperson of a committee; and
- (d) the election or appointment of a representative of a local authority.

If this [Standing Order] applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- (a) [System A]; or
- (b) [System B].

#### System A

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) has the following characteristics:
  - i. there is a first round of voting for all candidates; and
  - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
  - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
  - iv. in any round of voting, if 2 or more candidates tie for the lowest number of

votes, the person excluded from the next round is resolved by lot.

System B

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
  - (b) has the following characteristics:
    - i. there is only 1 round of voting; and
    - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.”
- [cl. 25, Schedule 7, LGA]

## **2.7 Appointment of Committees and Other Subordinate Decision-Making Bodies**

### **2.7.1 Appointment of committees, subcommittees and other subordinate decision-making bodies**

“A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.” [cl. 30(1) & (2), Schedule 7, LGA]

### **2.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies**

“Unless expressly provided otherwise in an Act, –

- (a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.” [cl. 30(5) & (7), Schedule 7, LGA]

### **2.7.3 Committees and subordinate decision making bodies subject to direction of local authority**

“A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body.” [cl. 30(3), (4) & (6), Schedule 7, LGA]

## **2.8 Joint Committees**

### **2.8.1 Appointment of joint committees**

“A local authority may appoint ... a joint committee with another local authority or other public body.” [cl. 30(1), Schedule 7, LGA]

### **2.8.2 Status of joint committees**

“A joint committee...is deemed to be both a committee of the local authority and a committee of the other local authority or public body.” [cl. 30(8), Schedule 7, LGA]

### **2.8.3 Powers and responsibilities of joint committees**

Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that –

- (a) The powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and
- (b) The meeting quorum is as outlined in 2.4.3; and
- (c) The committee may appoint and remove its own chairperson or deputy chairperson.  
[cl. 30(9), Schedule 7, LGA]

#### **2.8.4 Application to a public body that is not a local authority**

For the purposes of a public body that is not a local authority, Standing Orders 2.8.2 and 2.8.3 apply to the extent that they are not inconsistent with the law applicable to committees of the public body. [cl. 30(10), Schedule 7, LGA]

## **2.9 Membership of Committees and Subcommittees**

### **2.9.1 Appointment or discharge of committee members and subcommittee members**

"A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee." [cl. 31(1) & (2), Schedule 7, LGA]

### **2.9.2 Elected members on committees and subcommittees**

"The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee." [cl. 31(3) & (4), Schedule 7, LGA]

### **2.9.3 Local authority may replace members if committee not discharged**

"If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members." [cl. 31(5), Schedule 7, LGA]

### **2.9.4 Minimum numbers on committees and subcommittees**

"The minimum number of members is 3 for a committee, and is 2 for a subcommittee." [cl. 31(6), Schedule 7, LGA]

### **2.9.5 Mayor or chairperson of local authority an ex-officio member**

The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.

## **2.10 Powers of Delegation**

### **2.10.1 Delegations to committees, decision-making bodies, community boards, members and officers**

- (1) "Unless expressly provided otherwise in [the Local Government Act subcommittees, 2002], or in any other Act, for the purposes , of efficiency and subordinate effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its members and officers responsibilities, duties, or powers except –
  - (a) the power to make a rate; or
  - (b) the power to make a bylaw; or

- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
  - (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
  - (e) the power to appoint a chief executive; or
  - (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term council community plan or developed for the purpose of the local governance statement.
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (f) above].
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.”

[cl. 32(1), (2) & (3), Schedule 7, LGA]

### **2.10.2 Use of delegated powers**

“A committee, subcommittee, other subordinate decision-making body, community board or member or officer of the local authority to which or to whom any responsibilities, powers or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.” [cl. 32(4) Schedule 7, LGA]

### **2.10.3 Delegations related to bylaws and other regulatory matters**

“A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.” [cl. 32(5) Schedule 7, LGA]

## **2.11 Proceedings Not Invalidated by Vacancies or Irregularities**

### **2.11.1 Proceedings not invalidated by irregularities**

“An act or proceeding of a local authority or committee, or of a person acting vacancies or as a member of a local authority or committee, is not invalidated by a vacancy in the membership of the local authority or committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or committee, or that that person was or is incapable of being a member.” [cl. 29, Schedule 7, LGA]

## **2.12 General Provisions as to Meetings**

### **2.12.1 Meetings to be held**

“A local authority must hold the meetings that are necessary for the good government of its region or district.” [cl. 19(1), Schedule 7, LGA]

### **2.12.2 Right to attend meetings**

“A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.” [cl. 19(2), Schedule 7, LGA]

### **2.12.3 Calling, public notification and conduct of meetings**

“A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority.” [cl. 19(3), Schedule 7, LGA]

**2.12.4 Agenda to be sent to members**

In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl. 2.14.2 applies).

**2.12.5 Meetings not invalid because notice not received**

"A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless –

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member." [cl. 20(1), (2), Schedule 7, LGA]

**2.12.6 Minutes of proceedings**

"A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings." [cl. 28(1), (2), Schedule 7, LGA]

**2.13 Notification Of Meetings To Members****2.13.1 Period for notice in writing**

"The chief executive must give notice in writing to each member of the time and place of [a] meeting –

- (a) not less than 14 days before the meeting; or
- (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule."

[cl. 19(5)(a), (b), Schedule 7, LGA]

**2.13.2 Schedule of meetings**

"If a local authority adopts a schedule of meetings, –

- a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and
- b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment."

[cl. 19(6), Schedule 7, LGA]

**2.13.3 Cancellation of scheduled meetings**

If it is necessary to cancel a scheduled meeting, all reasonable effort shall be taken to notify elected members and the public as soon as practicable of the cancellation and of the reasons for the cancellation.

**2.14 Extraordinary Meetings****2.14.1 Extraordinary meetings may be called**

"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –

- (a) a resolution of the local authority; or
- (b) a requisition in writing delivered to the chief executive and signed by –
  - (i) the mayor or chairperson; or
  - (ii) not less than one-third of the total membership of the local authority (including vacancies)."

[cl. 22(1), Schedule 7, LGA]

**2.14.2 Notification of extraordinary meetings to members**

"Notice in writing of the time and place of the meeting called under [Standing Order 2.14.1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours." [cl. 22(3), Schedule 7, LGA]

**2.14.3 Calling of extraordinary meetings at earlier time**

"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive." [cl. 22(2), Schedule 7, LGA]

**2.14.4 Notification of extraordinary meetings held at earlier time**

"Notice of the time and place of a meeting called under [Standing Order 2.14.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting." [cl. 22(4)Schedule 7, LGA]

**2.14.5 Public notice of resolutions of extraordinary meetings**

"A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless –

- a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

For the purposes of this [Standing Order] resolution means the resolution on the matter or matters for which the extraordinary meeting was held." [s. 51A, LGOIMA]

**2.15 Public At Meetings, Access To Agendas Etc.****2.15.1 Meetings normally to be open to the public**

"Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media." [s. 47 & 49(a), LGOIMA]

**2.15.2 Information to be available to public**

All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded. [s. 5 & 49, LGOIMA]

**2.15.3 Public notification about meetings**

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held. [s. 46, LGOIMA]

**2.15.4 Public notification about extraordinary meetings**

"Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as

practicable before the meeting is to be held as is reasonable in the circumstances". [s. 46(3) & (4), LGOIMA]

#### **2.15.5 Public notification additional requirements**

The chief executive is to make any other arrangement for the notification of meetings including extraordinary meetings as the local authority may from time to time determine.

#### **2.15.6 Meetings not invalid because not publicly notified**

"No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5]." [s. 46(5), LGOIMA]

#### **2.15.7 Public notice of meetings not notified**

"Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified." [s. 46(6), LGOIMA]

#### **2.15.8 Availability of agendas and reports**

"Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting. The agendas –

- (a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority's control; and
- (b) shall be accompanied by either –
  - (i) the associated reports; or
  - (ii) a notice specifying the places at which the associated reports may be inspected.

The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public ... . Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances." [s. 46A(1) – (6), LGOIMA]

#### **2.15.9 Exclusion from reports to be discussed with public excluded**

The chief executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.

#### **2.15.10 Availability of agendas and reports for meetings of community boards**

Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these standing orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

#### **2.15.11 Agenda to be made available to public who are at meetings**

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any). [s. 49, LGOIMA]

#### **2.15.12 List of committee members publicly available**

The members of each committee are to be named on the relevant agenda.

**2.15.13 Public entitled to inspect minutes**

The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded. [s. 51, LGOIMA]

**2.15.14 Requests for minutes of meetings in closed session**

The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987. [s. 51, LGOIMA]

**2.16 Reasons To Exclude Public****2.16.1 Lawful reasons to exclude public**

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act (see Appendix A). [s. 48, LGOIMA]

**2.16.2 Form of resolutions to exclude public**

Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (For an example resolution refer to Appendix B).

**2.16.3 Motion to exclude public to be put with the public present**

Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority. [s. 48(4), LGOIMA]

**2.16.4 Provision for persons to remain after public excluded**

A resolution in accordance with Standing Order 2.16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session. [s. 48(5) & (6), LGOIMA]

**2.16.5 Release of public excluded information**

A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

**2.17 Application Of Standing Orders To Public Excluded Session****2.17.1 Standing orders to apply**

Standing orders apply to meetings or parts of meetings from which the public has been excluded.

**2.18 Use Of Public Excluded Information****2.18.1 Public excluded business not to be disclosed**

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

## **PART 3 MEETING PROCEDURES**

### **3.1 Application Of Standing Orders**

#### **3.1.1 All members to abide by standing orders**

"A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]." [cl. 16(1), Schedule 7, LGA]; (See Standing Order 2.1.4)

#### **3.1.2 Additional to or substitution of standing orders**

Notwithstanding the generality of standing order 3.1.1, for any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices additional to, or in substitution of these standing orders for the conduct of the business to be transacted.

For example, committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908. [s.41, RMA]

#### **3.1.3 Exclusions for meetings at which no resolutions or decisions are made**

For the avoidance of doubt, any provision of these standing orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the local authority or of any committee or subcommittee or other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

### **3.2 Suspension Of Standing Orders**

#### **3.2.1 Temporary suspension**

A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension (see Standing Order 2.1.3). [cl. 27(4), Schedule 7, LGA]

### **3.3 Conduct Of Meetings**

#### **3.3.1 Mode of address for chairperson**

The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.

#### **3.3.2 Chairperson to decide**

The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the chairperson shall be held guilty of contempt (see Standing Orders 3.1.1, 3.13.6 and Appendix C).

#### **3.3.3 Chairperson rising**

Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated, and members are to be silent so that the chairperson may be heard without interruption.

#### **3.3.4 Members to speak in places and address the chair**

Members granted the right to speak at meetings are to address the chairperson, and may not leave their place while speaking without the leave of the chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority and at committee meetings.

**3.3.5 Priority of speakers**

When two or more members seek the right to speak, the chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:

- (a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker;
- (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or
- (c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.8.13).

**3.3.6 Speeches in English or Māori**

A member may address the chairperson in English or Māori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the chairperson if he or she intends to address the chairperson in Māori, when the normal business of the committee is conducted in English, or in English when the normal business of the committee is conducted in Māori.

**3.3.7 Duration of meetings and time limits**

Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.

**3.3.8 Reporting of meetings**

When a meeting of a local authority is open to the public the following provisions shall apply:

- (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings. [s. 49(a) LGOIMA]
- (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.
- (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.

**3.3.9 Disorderly members to withdraw**

Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine (see Appendix C).

**3.3.10 Members not to be disrespectful**

No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.

**3.3.11 Retraction of, or apology for, offensive or malicious language**

The chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

**3.3.12 Withdrawal from meeting**

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

**3.3.13 Disorder in meeting**

The chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the chairperson.

**3.3.14 Adjournment of meeting following disorder**

Should the disorder continue, the chairperson has the right to adjourn the meeting for a time specified by the chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

**3.3.15 Contempt to be recorded in minutes**

Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.

**3.3.16 Removal from meeting**

"A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –

- (a) refuses or fails to leave the meeting; or
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson."

[cl. 16(2), Schedule 7, LGA]

**3.4 Quorum At Meetings****3.4.1 Requirement for a quorum**

"A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote." [cl. 23(1), Schedule 7, LGA]

**3.4.2 Quorum to be present throughout meeting**

"Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted." [cl. 23(2), Schedule 7, LGA]

**3.4.3 Definition of quorum for local authority or joint committee meetings**

The quorum at a meeting for local authority or joint committee consists of –

- (a) half of the members if the number of members (including vacancies) is even; or
- (b) a majority of members if the number of members (including vacancies) is odd.

[cl. 23(3), Schedule 7, LGA]

**3.4.4 Definition of quorum for committee meetings**

"The quorum at a meeting of –

- (b) a committee –
  - (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and
  - (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority."

[cl. 23(3), Schedule 7, LGA]; (See Standing Order 2.4)

### **3.5 Failure Of A Quorum**

#### **3.5.1 Meeting lapses if no quorum**

If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 10 minutes, the chairperson is to vacate the chair and the meeting shall lapse.

#### **3.5.2 Lapsed business**

The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next meeting unless an earlier meeting is fixed by the chairperson and notified by the chief executive.

#### **3.5.3 Minutes to record failure of quorum**

If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

### **3.6 Leave Of Absence And Apologies**

#### **3.6.1 Granting leave of absence**

The local authority may grant leave of absence to a member from a meeting or other meetings of the local authority or its committees upon application by the member.

#### **3.6.2 Apologies at meetings**

If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

#### **3.6.3 Recording of apologies**

The chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

#### **3.6.4 Absence without leave**

An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive meetings other than extraordinary meetings of the territorial authority, regional council or community board. [cl. 5, Schedule 7, LGA]

### **3.7 Order Of Business**

#### **3.7.1 Adoption of order of business**

The order of business is to be determined by the local authority.

#### **3.7.2 Agenda**

The chief executive is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the chairperson accord precedence to any business set down on the agenda.

#### **3.7.3 Public excluded items**

The chief executive must place on a public excluded agenda any matters for which he/she considers the local authority or committee of the local authority is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

**3.7.4 Chairperson's report**

The chairperson, by report, has the right to direct the attention of the local authority or the relevant committee as the case may be, to any matter or subject within the role or function of the local authority or committee respectively.

**3.7.5 Major items not on the agenda may be dealt with**

"An item that is not on the agenda for a meeting may be dealt with at the meeting if –

- (a) the local authority by resolution so decides; and
- (b) the presiding member explains at the meeting at a time when it is open to the public, –
  - (i) the reason why the item is not on the agenda; and
  - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting."

[s. 46A(7), LGOIMA]

**3.7.6 Minor items not on the agenda may be discussed**

Where an item is not on the agenda for a meeting, –

- (a) That item may be discussed at that meeting if –
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

[s. 46A(7) & 46A(7A), LGOIMA]

**3.7.7 Chairperson's recommendation**

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting.

**3.8 Rules Of Debate****3.8.1 Reserving speech**

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

**3.8.2 Irrelevant matter and needless repetition**

In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.

**3.8.3 Limitation on speakers**

If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.

**3.8.4 Taking down words**

When any member objects to words used and desires his/her objection to be recorded in the minutes, the chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken (see Standing Order 3.13.4).

**3.8.5 Reading of speeches**

Members shall not read their speeches, except with the permission of the chairperson, but may refresh their memory by reference to notes.

**3.8.6 Time limits on speakers**

The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:

- (a) Movers of motions when speaking to the motion, ten minutes;
- (b) Movers of motions, when exercising their right of reply, five minutes;
- (c) Other members, not more than five minutes.

(See also Standing Order 3.19.6.)

**3.8.7 Member speaking more than once**

A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.

**3.8.8 Restating of motion**

Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

**3.8.9 Right of reply**

The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the chairperson has intimated his intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.

When right of reply may be exercised

The right of reply is governed as follows:

- (a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- (b) If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 3.8.9), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

NOTE – A right of reply can be exercised at either the end of the debate on an original motion or at the end of the debate on an amendment. Only the mover of an original motion has a right of reply and that right can only be used once. In addition to a right of reply, the mover of an original motion may reserve a right of reply and speak once to an original motion and once to each amendment without losing that right of reply.

**3.8.10 Speaking only to relevant matters**

Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.

**3.8.11 Personal explanation**

Notwithstanding Standing Order 3.8.7, members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.

**3.8.12 Explanation of previous speech**

With the permission of the chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.

**3.9 Motions And Amendments****3.9.1 Requirement for a seconder**

All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the chairperson shall state the matter raised and propose it for discussion.

**3.9.2 Withdrawal of motions and amendments**

Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

**3.9.3 Substituted motion by amendment**

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

**3.9.4 Motions in writing**

The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.

**3.9.5 Motions expressed in parts**

The chairperson or any member may require a motion expressed in parts to be decided part by part.

**3.9.6 Amendment once moved**

When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.

**3.9.7 Amendments and motions not seconded**

Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.

**3.9.8 Further amendments**

No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.

**3.9.9 Where amendment lost**

Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new

amendment.

### **3.9.10 Where amendment carried**

Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

### **3.9.11 Amendments relevant**

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

### **3.9.12 Direct negatives not allowed**

No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

### **3.9.13 Procedure until resolution**

The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.

### **3.9.14 Flow chart of motions and amendments**

A flow chart illustrating the process regarding motions and amendments is included in this document as Appendix D.

### **3.9.15 Revocation or alteration of resolutions**

A notice of motion for the revocation or alteration of all or part of a previous resolution of the local authority is to be given to the chief executive by the member intending to move such a motion.

- (a) Such notice is to set out:
  - (i) The resolution or part thereof which it is proposed to revoke or alter;
  - (ii) The meeting date when it was passed; and
  - (iii) The motion, if any, that is intended to be moved in substitution thereof.
- (b) Such notice is to be given to the chief executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the local authority, including vacancies.
- (c) The chief executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.

### **3.9.16 Restriction on action to be taken on previous resolution**

Where a notice of motion has been given in terms of Standing Order 3.9.15, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the chairperson:

- (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if;
- (b) By reason of repetitive notices the effect of the notice is an attempt by a minority to frustrate the will of the local authority;

then, in either case, action may be taken as though no such notice to the chief executive had been given or signed.

### **3.9.17 Revocation or alteration of resolution at same meeting**

If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75 % of the members then present and voting.

**3.9.18 Local authority may revoke or alter any previous resolution**

A local authority meeting may, on a recommendation contained in a report by the chairperson or chief executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

**3.9.19 Restating the motion**

The chairperson may, immediately prior to any division being taken, request the chief executive to restate the motion upon which the division is to be taken.

**3.9.20 No speakers after reply or question has been put**

Members may not speak on any motion once the mover has commenced replying or where the chairperson has commenced putting the question.

**3.9.21 Reflections on resolutions**

In speaking in any debate no member may unduly criticise the validity of any resolution of the local authority except by a notice of motion to amend or revoke the same.

**3.10 Notices Of Motion****3.10.1 Notices of motion to be in writing**

Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting.

**3.10.2 Refusal of notice of motion**

The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

**3.10.3 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover, unless moved by another member authorized in writing by the mover to do so.

**3.10.4 Alteration of notice of motion**

A notice of motion may be altered only by the mover with the consent of the meeting.

**3.10.5 When notices of motion lapse**

Notices of motion not moved on being called for by the chairperson, shall lapse.

**3.10.6 Referral of notices of motion to committees**

Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

### **3.11 Repeat Notices Of Motion**

#### **3.11.1 First repeat where notice of motion rejected**

When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.

#### **3.11.2 Second repeat where notice of motion rejected rejected**

If such a repeat notice of motion as provided for in Standing Order 3.11.1 is also rejected by the local authority, any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.

#### **3.11.3 No repeats where notice of motion adopted**

Where a notice of motion has been considered and adopted by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

### **3.12 Procedural Motions To Terminate Or Adjourn Debate**

#### **3.12.1 Members may move procedural motions to terminate or adjourn debate**

Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:

- (a) That the meeting be adjourned to the next meeting, unless an alternative time and place is stated; or
- (b) That the item of business being discussed be adjourned to a time and place to be stated; or
- (c) That the motion under debate be now put (a "closure motion"); or
- (d) That the meeting move directly to the next business, superseding the item under discussion; or
- (e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or
- (f) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority.

#### **3.12.2 Chairperson may accept closure motions**

The chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the chairperson's opinion, it is reasonable to do so.

#### **3.12.3 Procedural motions to terminate or adjourn debate to take precedence**

Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately without discussion or debate.

#### **3.12.4 Voting on procedural motions to terminate or adjourn debate**

All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.

#### **3.12.5 Closure motion to be put if no further speaker**

Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.

**3.12.6 Closure motion on amendment**

When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

**3.12.7 Right of reply following closure**

If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.

**3.12.8 Debate on items previously adjourned**

The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.

**3.12.9 Adjourned items taken first**

Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.

**3.12.10 Other business not superseded**

The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.

**3.12.11 Referral or referred back to committee**

Business referred, or referred back, to a specified committee is to be considered at the next meeting of that committee, unless otherwise specified.

**3.12.12 Table of procedural motions**

A table of procedural motions is included in this document as Appendix E.

**3.13 Points Of Order****3.13.1 Members rising to points of order**

Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.

**3.13.2 Stating subject matter of point of order**

The member rising is to state without explanation precisely the subject matter of the point of order.

**3.13.3 Points of order during division**

No point of order may be raised during a division except by the permission of the chairperson.

**3.13.4 Types of points of order**

The following are recognized as substance for points of order:

- (a) Where disorder is drawn to the attention of the chairperson; or
- (b) Use of disrespectful, offensive or malicious language; or
- (c) Discussion of a question not before the local authority; or
- (d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or
- (e) The breach of any standing order; or
- (f) A request that words objected to be recorded in the minutes.

### 3.13.5 Contradiction not point of order

Rising to express a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.

### 3.13.6 Decision of chairperson final

The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final.

## 3.14 Voting

### 3.14.1 Decisions to be decided by majority votes

"[Unless the Local Government Act 2002 provides otherwise], the acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by –

- (a) vote; and
  - (b) the majority of members that are present and voting".
- [cl. 24, Schedule 7, LGA]; (See Standing Order 2.5.1)

### 3.14.2 Chairperson's voting

Unless the Local Government Act 2002 provides otherwise, for the purposes of Standing Order 3.14.1, the mayor or chairperson or other person presiding at the meeting –

- (a) Has a deliberative vote; and
- (b) In the case of an equality of votes, the chairperson has a casting vote.**

NOTE – The legislative default position is that there is no casting vote. Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this section. When adopting, amending or suspending Standing Orders to provide for a casting vote, clause 27, schedule 7 of the Local Government Act applies.  
[cl. 24, Schedule 7, LGA]

### 3.14.3 Open voting

"An act or question coming before the local authority must be done or decided by open voting".  
[cl. 24(3), Schedule 7, LGA]

### 3.14.4 Members may abstain

Any member may abstain from voting.

### 3.14.5 Members may have their votes recorded

Any member's vote or abstention must be recorded in the minutes if so requested by that member.

### 3.14.6 Method of voting

The method of voting shall be as follows:

- (a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson shall call a division.
- (b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.
- (c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the chairperson who shall declare the result.

**3.14.7 Division**

When a division is called, the chief executive shall take down the names of the members voting for and against the motion and abstentions and is to hand the list to the chairperson to declare the result. The result of the division shall be entered into the minutes.

**3.14.8 Second division**

The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

**3.14.9 Pecuniary interest**

No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public. R[s. 6(1), Local Authorities (Members' Interests) Act]

**3.14.10 Declaration of pecuniary interest**

Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes. [s. 6(1), Local Authorities (Members' Interests) Act]

**3.14.11 Pecuniary interest a reason for leaving room**

Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.14.10, should consider leaving the meeting room for the full duration of discussion on such matters.

**3.15 Qualified Privilege****3.15.1 Qualified privilege relating to agenda and minutes**

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication. [s. 52, LGOIMA]

**3.15.2 Qualified privilege relating to oral statements**

Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication. [s. 53, LGOIMA]

**3.15.3 Qualified privilege additional to any other provisions**

The privilege conferred by Standing Order 3.15.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

**3.16 Maintenance Of Public Order At Meetings****3.16.1 Chairperson may require members of the public to leave meeting**

The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain. [s. 50, LGOIMA]

### **3.16.2 Removal of members of public**

If any member of the public who is required in accordance with Standing Order 3.16.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the chairperson, any police officer or employee of the local authority may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

## **3.17 Minutes Of Proceedings**

### **3.17.1 Minutes to be evidence of proceedings**

- “(1) A local authority must keep minutes of its proceedings.  
 (2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.”

[cl. 28, Schedule 7, LGA]

### **3.17.2 Keeping of minutes**

The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5 and 3.14.11).

### **3.17.3 No discussion on minutes**

No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.

## **3.18 Minute Books**

### **3.18.1 Inspection of minute books**

The minute books of the local authority must be kept by the chief executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act (see Standing Order 2.15.14 and 2.15.15). [s.51, LGOIMA]

### **3.18.2 Minutes of last meeting before election**

The chairperson and the chief executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.

## **3.19 Deputations And Presentations**

### **3.19.1 Deputations where heard**

Deputations may be received by the local authority or any of its committees provided an application for admission setting forth the subject, has been lodged with the chief executive at least 2 working days before the date of the meeting concerned, and has been subsequently approved by the chairperson. The chairperson may refuse requests for deputations which are repetitious or offensive.

### **3.19.2 Urgency or major public interest**

Notwithstanding Standing Order 3.19.1, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the chairperson may determine that the deputation be received.

**3.19.3 Deputations and presentations in English or Māori**

A deputation or presentation to a local authority or any of its committees, may be made in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the address is not in English. The chairperson may order that any speech or document presented be translated and/or printed in another language.

**3.19.4 Procedures for deputations**

Except with the approval of the local authority or committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.15.2 regarding qualified privilege).

**3.19.5 Termination of presentation if disrespectful**

The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.15.2 regarding qualified privilege).

**3.19.6 Time limit on presentation**

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

**3.20 Petitions****3.20.1 Form of petitions**

Every petition presented to the local authority or to any of its committees, must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege).

**3.20.2 Petition where presented by members**

Any member of the local authority, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.

**3.20.3 Petition in English or Māori**

A petition presented to a local authority or any of its committees may be in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.

**3.20.4 Petition where presented by petitioner**

Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition.

**3.21 Questions****3.21.1 Questions to officers during debate**

In the course of any debate at any local authority meeting, any member may, at the chairperson's discretion, ask any question of the relevant officer on any matter under debate. Such questions are to be directed through the chair.

## APPENDICES

### **A Grounds To Exclude The Public From Meetings In Terms Of The Local Government Official Information And Meetings Act 1987**

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

**A1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:

- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) To endanger the safety of any person.

**A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information:
  - (i) Would disclose a trade secret or
  - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
- (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
- (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
  - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied or
  - (ii) Would be likely otherwise to damage the public interest; or
- (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (g) Maintain the effective conduct of public affairs through the protection of members, officers or employees of any local authority from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded, unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of a local authority named or specified in the First Schedule to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a local authority where:
    - (i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings or
    - (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

**B Sample Resolution To Exclude The Public**

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Item No</b>	<b>Minutes/report of:</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of resolution</b>
1. 48(1)(a)	Report of the Chair of the Strategy and Finance Committee	Appointment of Directors – City Services Limited	Good reason to withhold exists under section 7	Section
2. 48(1)(a)	Report of the Sustainable Transport and Utilities Committee Meeting of 24/12/2003	North Connection to Smith Road. Purchase of Land	Good reason to withhold exists under section 7	Section
3. 48(1)(a)	Report of the Chairman of the Parks, Gardens and Waterways Committee	Property Purchase – 20 Smith Street	Good reason to withhold exists under section 7	Section
4. 48(1)(a)	Report of the Council Hearings Panel	Recommendation on Submissions to Variation 100 to City Proposed District Plan	Good reason to withhold exists under section 7	Section

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

**Item No:**

1	Protection of privacy of natural persons	(Section 7(2)(a))
2, 3	Conduct of negotiations	(Section 7(2)(i))
4	Prevention of improper advantage	(Section 7(2)(j))

NOTE –

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

(a) Shall be available to any member of the public who is present; and

(b) Shall form part of the minutes of the local authority.”

## **C Powers Of The Chairperson**

This Appendix is intended to separately set out the chairperson's powers which are contained in various parts of the Model Standing Orders.

The provisions in the Model Standing Orders shall be authoritative. The relevant Model Standing Orders are referred to in brackets.

### **C1 Chairperson to decide all questions**

The chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The chairperson's ruling is final and not open to debate. (See Standing Order 3.3.2)

### **C2 Chairperson to decide points of order**

The chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the chairperson. (See Standing Orders 3.13.3 and 3.13.6)

### **C3 Items not on the agenda**

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting. (See Standing Orders 3.7.5 and 3.7.5.1)

### **C4 Chairperson's report**

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority. (See Standing Order 3.7.4)

### **C5 Chairperson's recommendation**

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion. (See Standing Order 3.7.6)

### **C6 Chairperson's voting**

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, does not have a casting vote unless expressly provided for in these standing orders.

NOTE – Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this Standing Order. When adopting, amending or suspending Standing Orders to provide for a casting vote clause 27, Schedule 7 of the Local Government Act 2002 applies. (See Standing Order 2.5.1)

### **C7 Motion in writing**

The chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover. (See Standing Order 3.9.4)

### **C8 Motion in parts**

The chairperson may require any motion expressed in parts to be decided part by part. (See Standing Order 3.9.5)

### **C9 Notice of motion**

The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (e) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands. (See Standing Orders 3.10.2 and 3.11.3)

**C10 Action on previous resolutions**

If in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, until the proposed notice of motion has been dealt with by the local authority, would be equivalent to revocation of the resolution, or if repetitive notices of motion are considered by the chairperson to be an attempt by a minority to frustrate the will of the local authority, action may be taken as though no such notice had been given. (See Standing Order 3.9.16)

**C11 Repeat notice of motion**

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies. (See Standing Order 3.11.1)

**C12 Revocation or alteration of previous resolution**

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation. (See Standing Order 3.9.18)

**C13 Chairperson may call a meeting**

The chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extraordinary meeting to be held at a specified time and place, in order to conduct specified business; (See Standing Orders 3.5.2, 2.14.1 and 2.14.2)

**C14 Irrelevant matter and needless repetition**

The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge. (See Standing Order 3.8.2)

**C15 Taking down words**

The chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken. (See Standing Order 3.8.4)

**C16 Reading of speeches**

The chairperson may permit members who request permission to do so, to read their speeches. (See Standing Order 3.8.5)

**C17 Explanations**

The chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate. (See Standing Orders 3.8.12 and 3.8.13)

**C18 Chairperson rising**

Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the chairperson may be heard without interruption. (See Standing Order 3.3.3)

**C19 Members may leave places**

The chairperson may permit members to leave their place while speaking. (See Standing Order 3.3.4)

**C20 Priority of speakers**

The chairperson shall determine the order in which members may speak when two or more members indicate their wish to speak. (See Standing Order 3.3.5)

**C21 Minutes**

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members. (See Standing Orders 3.17.1 and 3.18.2)

**C22 Questions of speakers**

The chairperson may permit members to ask questions of speakers under public forum or tangata whenua participation, for the purpose of obtaining information or clarification on matters raised by the speaker. (See Appendices F4 and G5.)

**C23 Withdrawal of offensive or malicious expressions**

- (a) The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression. (See Standing Order 3.3.11)
- (b) Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson. (See Standing Order 3.3.12)

**C24 Chairperson's rulings**

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time. (See Standing Orders 3.1.1 and 3.3.2)

**C25 Disorderly behaviour**

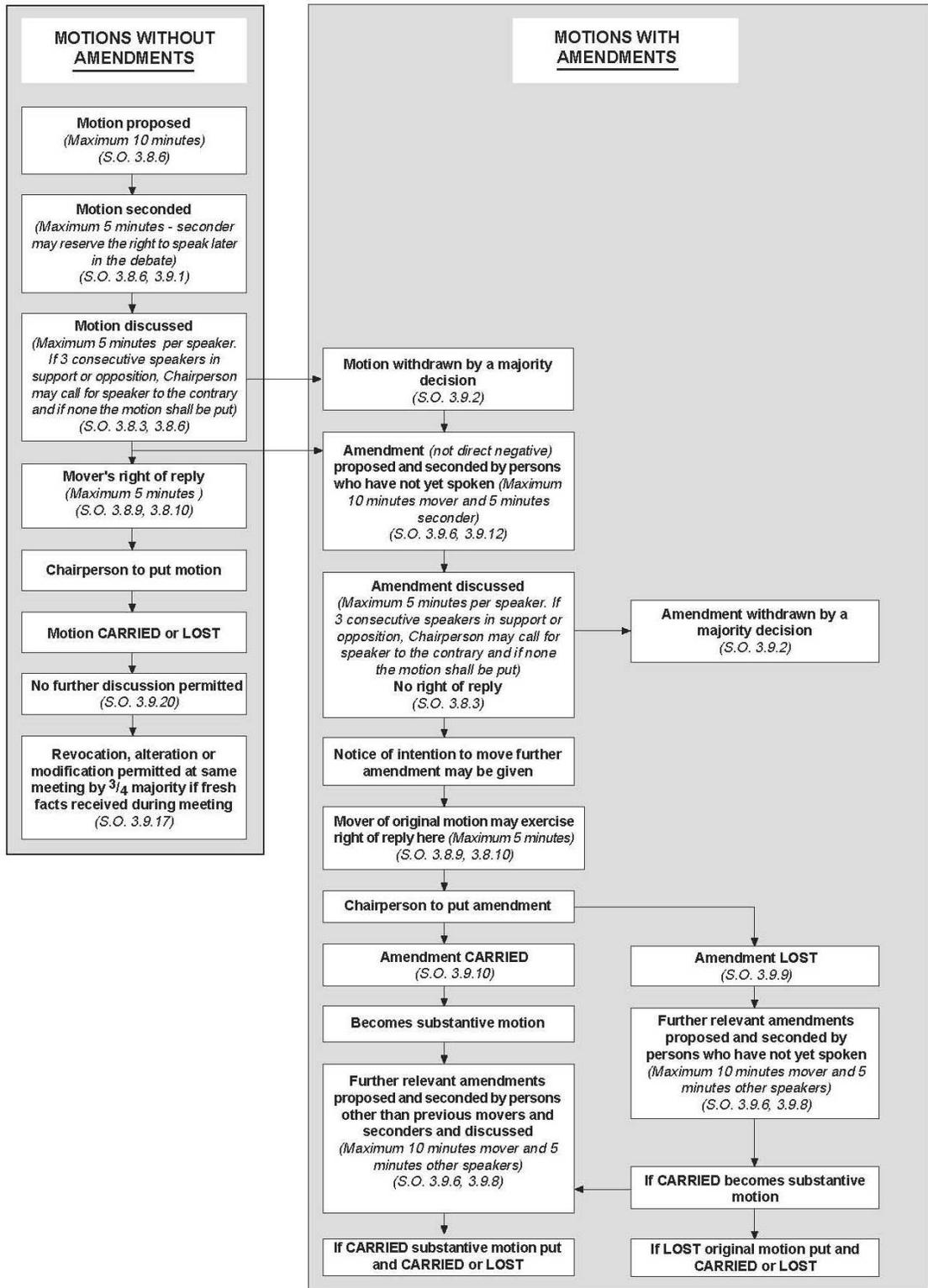
The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson. (See Standing Orders 3.3.13 and 3.16.1)
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes. (See Standing Orders 3.3.14 and 3.3.15)

**C26 Failure to leave meeting**

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting. (See Standing Orders 3.3.16 and 3.16.2)

**D Motions And Amendments**



**E Table Of Procedural Motions**

(See Standing Orders 3.12.1 to 3.12.12 and 3.13.1 to 3.13.6)

Motion	Has the Chair discretion to refuse this motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next meeting, or to a stated time and place."	No	Yes	No	As to time and date only.	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again.
(b) "That the item of business being discussed be adjourned to a stated time and place."	No	Yes	No	As to time and date only.	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	
(c) "That the motion under debate be now put (closure motion)."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, only the amendment is put.	If carried, only the procedural motion is put.	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put.
(d) "That the meeting move directly to the next business, superseding the item under discussion."	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	
(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, the original motion and amendment are both laid on the table.	Motion not in order.	
(f) "That the item of business being discussed be referred to the relevant committee."	No	Yes	No	As to committee, time for reporting back etc. only.	No	No	No	Yes – 15 minutes.	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Points of order."	No – but may rule against.	No	Yes – at discretion of Chairperson.	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.13.1 to 3.13.6

**F Public Forum****F1 Public forum**

A period of up to 30 minutes, or such other time as the local authority may determine, will be set aside for a public forum at the commencement of meetings of the local authority, committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting, may speak for three minutes.

**F2 Time extension**

Standing orders may be suspended on a vote of not less than 75 % of those present, to extend the period of public participation or the period any speaker is allowed to speak.

**F3 Subjects of public forum**

In respect of local authority, committee and subcommittee meetings, the public forum is to be confined to those items falling within the terms of reference of that meeting, provided the matter is not sub-judice.

NOTE – The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or subcommittee sits in a quasi-judicial capacity.

**F4 Questions of speakers during public forum**

With the permission of the chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**G Additional Provisions For Tangata Whenua****G1 Tangata whenua representation at meetings**

Where representatives of the tangata whenua identify any item on the agenda for a meeting of a local authority, committee or subcommittee which the tangata whenua wish to discuss, they may attend the meeting for that purpose. These provisions do not apply to any meeting of a local authority, committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard.

**G2 Speaking rights in addition to public forum**

The right to speak at meetings of the local authority conferred by these provisions, are in addition to and separate from those rights of a public forum available in terms of Appendix F.

**G3 Tangata whenua representation at committees and subcommittees**

Where representatives of the tangata whenua have, in accordance with clause F1, identified items they wish to discuss at a meeting, they may be represented by such number of representatives as is equal to the number of permanent members of that committee or subcommittee who are present at that meeting.

**G4 Tangata whenua speaking time**

Representatives of the tangata whenua shall have the right to address any meeting of the local authority, committee or subcommittee for a period of 15 minutes in total on any item or issue which has been identified or initiated by the tangata whenua and listed for consideration at a meeting.

**G5 Questions of speakers during tangata whenua participation**

With the permission of the chairperson, members may ask questions of representatives of the tangata whenua. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

NOTE – The term “tangata whenua” is not mentioned in the Local Government Act 2002. The Act refers to “Māori”.

**H Provision For Casting Vote**

Where a local authority wishes to have a casting vote replace Standing Order 3.14.2(b) with “in the case of equality of votes the chairperson has a casting vote.”

NOTE – When adopting, amending or suspending Standing Orders to provide for a casting vote clause 27, Schedule 7 of the Local Government Act 2002 applies.