



DECLARATION BY MEMBER

Ideclare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Martinborough Community the powers, authorities, and duties vested in or imposed upon me as a member of the Martinborough Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Martinborough this 20th day of October 2016

Signature.....

In the Presence of:

.....
Paul Crimp, Chief Executive Officer

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM C1

LEGISLATION AFFECTING ELECTED MEMBERS

Purpose of Report

To provide a general explanation of legislation and any other relevant statutes elected members must abide by as required by Clause 21 (5) of Part I of Schedule 7 of the Local Government Act 2002.

Recommendations

The Chief Executive Officer recommends that the Community Board:

1. *Receive the information.*

1. General

The Chief Executive Officer is required by the Local Government Act 2002 to provide a general explanation of relevant sections of legislation at the first meeting of a Local Authority following triennial general election of members.

2. Legislation Affecting Elected Members

Following is the legislation affecting elected members.

- Local Government Official Information and Meetings Act 1987
- Local Authorities (Members' Interests) Act 1968
- Sections 99, 105, and 105A of the Crimes Act 1961
- Secret Commissions Act 1910; and
- Financial Markets Conduct Act 2013

Copies of the above statutes can be obtained by request to the Chief Executive Officer.

3. Other Relevant Publications

The following publications will be distributed to newly elected members.

- LGNZ Standing Orders for meetings of local authorities, their committees, subcommittees and local and community boards.

- A Guide to the Local Authorities (Members' Interests) Act 1968
- Annual Plan 2016/2017
- South Wairarapa Long Term Plan 2015/2025
- Council's Policy Manual (community board members receive the Democracy section only, other policies available on request)
- LGNZ GROW Governance handbook (all elected members)

4. Local Government Official Information and Meetings Act 1987

LGOIMA came into force on 1 March 1988, and that Act incorporated Local Authorities under its umbrella.

Basically, all information in the hands of Local Authorities is "official information" and is discoverable.

This covers emails, texts, written, and verbal information (though this is hard to "discover").

The long and short of the application of this legislation is to treat all information as discoverable. There are some exemptions, for example legal privilege, some commercial dealings – but it is best to treat information as discoverable

5. The Local Authorities (Members' Interests) Act 1968

A copy of guidance provided by the Office of the Auditor General will be circulated.

Members' interests (basically conflicts of interests) can be a bit of a tricky area so it is recommended all members read or reread this document.

6. Crimes Act 1961

Copies of the relevant sections are attached as Appendix 1, in essence these sections cover the rules around giving or accepting of bribes, or corruption of officials.

For the avoidance of doubt, it is illegal.

7. Secret Commissions Act 1910

Included as Appendix 2 is the "interpretation" section of the above Act, which provides an outline of what is covered by this Act.

In general this act relates to receiving or giving "consideration" (of any kind) for what could be described as a "favour".

8. Financial Markets Conduct Act 2013

The Securities legislation is not applicable to SWDC as we are not a “borrower” of public funds, and do not issue prospectuses.

Should this situation occur, guidance will be made available.

Under the Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

[Note that we do not offer financial product to the market]

9. Local Government Act 2002

The purpose of the Local Government Act 2002 is to provide for democratic and effective local government that recognizes the diversity of NZ communities.

The Act:

- States the purpose of local government; and
- Provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- Promotes the accountability of local authorities to their communities; and
- Provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

Copies of the Act can be reviewed online at www.legislation.govt.nz or a hardcopy can be obtained by request to the Chief Executive Officer.

10. Appendices

Appendix 1 – Crimes Act (excerpt)

Appendix 2 – Secret Commissions Act (excerpt)

Contact Officer: Paul Crimp, Chief Executive Officer

Appendix 1 – Crimes Act (excerpt)

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](#)

Appendix 2 – Secret Commissions Act (excerpt)

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.

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM C2

SCHEDULE OF ORDINARY MEETINGS

Purpose of Report

To provide community boards and the Maori Standing Committee with the meeting schedule that will be presented to Council for adoption on 19 October 2016.

Recommendations

Officers recommend that the Community Board/Committee:

1. *Receive the information.*
2. *Adopt the revised 2016 schedule of ordinary meetings.*
3. *Adopt the 2017 schedule of ordinary meetings for Council, community boards and committees.*
4. *Set a regular meeting time of the Community Board.*

1. Background

Each year Council adopts a schedule of Council, committee and community board meeting dates for the coming 12 month period, or following a local government election councils must set the next meeting date or adopt a schedule of meetings at their first meeting.

2. Discussion

2.1 Schedule of Meetings

Any variations to the proposed meeting calendars as a result of the first meeting of Council will be notified to members via an email and discussed at the meeting.

One further meeting is proposed for Martinborough Community Board for the 2016 year. Eight meetings are proposed for 2017 and are spaced six weeks apart as specified by Council policy. Some variations to spacing may occur due to public holidays.

2.2 Time of Meetings

Community board members are to select a meeting time that suits members at the first meeting of the triennium.

3. Appendices

Appendix 1 –Revised Schedule of Ordinary Meetings 2016

Appendix 2 – Proposed Schedule of Ordinary Meetings 2017

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

**Appendix 1 – Proposed
Schedule of Ordinary
Meetings for the Remainder
of 2016**

SOUTH WAIRARAPA DISTRICT COUNCIL

PROGRAMME OF COUNCIL, COMMUNITY BOARD AND COMMITTEE MEETINGS FOR THE REMAINDER OF 2016

<i>MEETING</i>	<i>TIME</i>	<i>DAY</i>	<i>JAN 2016</i>	<i>FEB 2016</i>	<i>MAR 2016</i>	<i>APR 2016</i>	<i>MAY 2016</i>	<i>JUN 2016</i>	<i>JULY 2016</i>	<i>AUG 2016</i>	<i>SEP 2016</i>	<i>OCT 2016</i>	<i>NOV 2016</i>	<i>DEC 2016</i>
Martinborough Community Board	TBC	Mon											21	
Featherston Community Board	TBC	Tues											22	
Greytown Community Board	TBC	Wed											23	
Maori Standing Committee	TBC	Mon											28	
COUNCIL	9.30AM	Wed										26		14

NOTES:

1. The dates of all other meetings will be separately notified
2. Wgtn Anniversary Day: Monday 25 January 2016
3. Waitangi Day: Monday 8 February 2016
4. Easter: Good Friday 25 March 2016 and Easter Monday 28 March 2016
5. Anzac Day: Monday 25 April 2016
6. Queen's Birthday: Monday 6 June 2016
7. Labour Day: Monday 24 October 2016

Appendix 2 – Proposed 2017 Schedule of Ordinary Meetings

SOUTH WAIRARAPA DISTRICT COUNCIL
PROGRAMME OF COUNCIL, COMMUNITY BOARD AND COMMITTEE MEETINGS 2017

<i>MEETING</i>	<i>TIME</i>	<i>DAY</i>	<i>JAN 2017</i>	<i>FEB 2017</i>	<i>MAR 2017</i>	<i>APR 2017</i>	<i>MAY 2017</i>	<i>JUN 2017</i>	<i>JULY 2017</i>	<i>AUG 2017</i>	<i>SEP 2017</i>	<i>OCT 2017</i>	<i>NOV 2017</i>	<i>DEC 2017</i>
Martinborough Community Board	TBC	Mon	30		13	24	29		17	28		9	20	
Featherston Community Board	TBC	Tues	31		14		2	6	18	29		10	21	
Greytown Community Board	TBC	Wed		1	15	26		7	19	30		11	22	
Maori Standing Committee	TBC	Mon		13	27		8	19	31		11	16		4
COUNCIL	9.30AM	Wed		22		5	17	28		9	20	25*		13

***5 week cycle to accommodate adoption of Annual Report**

NOTES:

1. The dates of all other meetings will be separately notified
2. Wgtn Anniversary Day: Monday 23 January 2017
3. Waitangi Day: Monday 6 February 2017
4. Easter: Good Friday 14 April 2017 and Easter Monday 17 April 2017
5. Anzac Day: Tuesday 25 April 2017
6. Queen's Birthday: Monday 5 June 2017
7. Labour Day: Monday 23 October 2017

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM D1

CODE OF CONDUCT FOR ELECTED MEMBERS

Purpose of Report

To adopt the Code of Conduct for Elected Members for the 2016-2019 triennium.

Recommendations

Officers recommend that the Community Board:

1. *Receive the information.*
2. *Adopt the Code of Conduct for Elected Members for the 2016-2019 Triennium.*

1. Discussion

The Council first adopted a Code of Conduct on 27 February 2002 and a revised version was adopted on 24 September 2003.

The Code of Conduct remains in force unless it is amended or replaced, however for the purposes of a personal awareness of the Code and accountability to the public, elected members are asked to adopt the Code of Conduct specifically for the new triennium.

A copy of the current Code is being distributed to newly elected members and is attached as Appendix 1.

2. Appendix

Appendix 1 – Code of Conduct for Elected Members

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

Appendix 1 – Code of Conduct for Elected Members

TABLE OF CONTENTS	PAGES
INTRODUCTION	1
Who it applies to	
Purpose of Code	
RESPECTIVE RESPONSIBILITIES	2
Elected Members	
The Mayor	
The Deputy Mayor	
Community Board and Standing Committee Chairs	
Chief Executive	
DECISION MAKING	4
Predetermination/Bias	
Quality Decision	
Need for Management Report	
Urgency/Non Agenda Items	
LEGISLATION APPLICABLE TO ELECTED MEMBERS	5
Local Government Act 2002	
Local Government Official Meetings Information Act 1987	
Local Authorities (Members Interests) Act 1968	
Other Legislation applicable to Elected Members	
BEHAVIOUR OF MEMBERS	6
Respect and Dignity	
Management Concerns	
Contrary Views	
EXTERNAL COMMUNICATIONS	7
Public Statements	
Delegations	
Disclosure of Information	
INTERNAL COMMUNICATIONS	8
Informal meetings	
Regular reports	
Meeting agendas	
GIFTS/HOSPITALITY/EXPENSES	9
PUBLIC DUTY	9
DISCLOSURE OF PECUNIARY AND OTHER INTERESTS	10
Legal requirements	
REPRESENTING THE COUNCIL	10
Attending outside meetings and conferences	
Reporting back	
IMPLEMENTATION	11
Other Legal Obligations	
NON-ELECTED MEMBERS OF COMMITTEES AND APPOINTTES TO OUTSIDE ORGANSATIONS	11

SOUTH WAIRARAPA DISTRICT COUNCIL CODE OF CONDUCT

First adopted by Council on 27 February 2002

Revised pursuant to Clause 15 of Schedule 7 of the Local Government Act 2002 and adopted by Council on 24 September 2003

Amended on 30 October 2013

1. INTRODUCTION

1.1 This Code of Conduct is prepared to provide guidance on the conduct and standards of behaviour expected of elected members (the Mayor and Councillors) of the South Wairarapa District Council as well as elected members of Community Boards and all Committees and to provide certain information specified under the Act. It applies to elected members in their dealings with :-

- ◆ each other;
- ◆ Council management and staff;
- ◆ the public;
- ◆ the news media.

1.2 Aspects of the Code of Conduct also provide guidance on the standards of behaviour required of Council management. It is a code agreed to by the elected members and management to enhance:

- ◆ the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good government of the South Wairarapa District;
- ◆ the credibility and accountability of the Council and Community Boards in the District and its communities;
- ◆ mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

1.3 The Code of Conduct seeks to achieve its objectives by recording:

- ◆ an agreed statement in respect of responsibilities;
- ◆ agreed general principles of conduct or etiquette;
- ◆ specific codes of conduct applying to particular circumstances or matters.

2. RESPECTIVE RESPONSIBILITIES

2.1 The Local Government Act 2002 envisages a clear separation of roles and responsibilities between elected members and management. The office of the Mayor has additional characteristics created as much by custom as by legislation.

2.2 Elected Members

Council

The elected members of the Council, are responsible for:-

- ◆ the development and approval of Council policy (including the Long Term Plan);
- ◆ determining the expenditure and funding requirements of the Council through the Annual Plan process;
- ◆ monitoring the performance of the Council against its stated objectives and policies;
- ◆ employing and monitoring the performance of the Chief Executive Officer.

Community Boards

Elected members of Community Boards are responsible for –

- ◆ considering and reporting on all matters referred to them by the Council, or matters of concern to the community;
- ◆ providing input to the Annual Plan process and commenting to the Council on public submissions on the Plan;
- ◆ communicating and liaising with community organisations and like groups;
- ◆ the performance of any such functions that are delegated by the Council, in accordance with Section 53 of the Local Government Act 2002.

2.3 The Council and Community Boards can only act by a majority decision at meetings. Each member has one vote, with the presiding member at any meeting having one vote and a casting vote, as per Appendix H of the Model Standing Orders for Meetings of Local Authorities and Community Boards. With certain exceptions, the exercise of the Council's powers can be delegated to committees, or Community Boards or to individual persons.

2.4 The elected members are accountable to electors through the electoral system.

2.5 **The Mayor**

The Mayor is an elected member, and shares the same collective responsibilities as for Councillors. The Mayor is elected by the District at large and is the presiding member at meetings of the Council, and as such is responsible under Standing Orders for the orderly conduct of Council business at meetings.

2.6 The Mayor has no power to commit the Council to any particular course of action except where specifically authorised by the Local Government Act 2002 under duly delegated authority.

2.7 The Office of Mayor carries with it an element of community leadership in addition to the statutory role as presiding member of the Council. The leadership role frequently requires the Mayor to act as community advocate, promoting the attributes of the community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of the Council.

2.8 The Mayor is a Justice of the Peace while holding office as Mayor.

2.9 **The Deputy Mayor**

In addition to the responsibilities of councillor, the Deputy Mayor is authorised to chair meetings of the Council in the Mayor's absence, and generally to perform the functions and duties of the Mayor:

- ◆ With the Mayor's consent at any time during the Mayor's temporary absence; or
- ◆ Without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.

In the absence of both the Mayor and Deputy Mayor, the Council elects one of its members to Chair a particular meeting.

2.10 **Community Board and Standing Committee Chairs**

The Chairs of Community Boards and Standing Committees are responsible for the efficient and proper control and conduct of their respective meetings and for the provision of leadership in the areas for which a Community Board or Standing Committee has responsibility.

The business of Community Boards and Standing Committees shall be consistent with the powers delegated by the Council and the respective Chairs are responsible for ensuring compliance.

2.11 **Chief Executive**

The Chief Executive Officer is responsible for the implementation and management of the Council's policies and objectives. In terms of section 42 of the Local Government Act 2002, the Chief Executive Officer's responsibilities include:

- (a) implementing the decisions of the Council and Community Boards;
- (b) providing advice to elected members;
- (c) ensuring that all responsibilities, duties and powers delegated to the Chief Executive Officer or to any person employed by the Council, or imposed or conferred by an Act, regulation or bylaw are properly performed or exercised;
- (d) ensuring the effective, efficient and economic management of the activities and planning of the local authority.
- (e) Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- (f) Providing leadership for the staff of the local authority; and
- (g) Employing, on behalf of the local authority, the staff of the local authority; and
- (h) Negotiating the terms of employment of the staff of the local authority.

3. DECISION MAKING

3.1 Predetermination or Bias:

Elected members are expected to approach decision making with an open mind (“faithfully and impartially”). This process requires elected members to listen carefully to competing advice and to weigh up the pros and cons before making their decision. Where the Council or a Standing Committee is hearing formal submissions at a hearing, elected members should carefully avoid prior public comments which show a predetermined bias or non flexible attitude.

- 3.2 Decisions are made at various levels within the Council. Effective governance occurs when an organisation’s structure and operating principles recognise, through effective delegation, the need to empower elected members and staff to make decisions at strategic and operational levels, as appropriate to their role.
- 3.3 The Council and Community Boards are required to make decisions that take into account and balance the various needs and preferences of its residents. Good decision making requires considered advice that addresses relevant matters and consequences.
- 3.4 The Council and Community Boards should only make decisions at meetings on those matters that are identified on the agenda or have been resolved by Council for inclusion in the meeting as special or urgent items. While the Council or Community Boards may choose to hear submissions and delegations, and, within the limits of the legislation, discuss matters raised from the floor of the meeting, no decisions may be made unless the matter is also accompanied by sufficient information and/or a written report.
- 3.5 Similarly, Community Boards and Standing Committees of the Council should only make decisions at official meetings where the item to be considered is accompanied by a report that addresses the considerations outlined in paragraph 3.7.

- 3.6 Where a late or urgent item of business is to be included for discussion and the timing precludes the preparation of a management report, the presiding member can call for a verbal report from the relevant manager.
- 3.7 In providing advice on such matters, management will ensure that accompanying reports address the significant implications arising from any proposed recommendations, such as fiscal, environmental and/or social implications.
- 3.8 Matters not on the agenda may only be dealt with in accordance with section 46A(7) or (7A) of the Local Government Official Information and Meetings Act 1987. This means that minor matters relating to the general business of the Council may be discussed but not acted upon (other than by reference to a subsequent meeting) where the presiding member explains at the beginning of the meeting that the item will be discussed. Otherwise late items may only be dealt with at a meeting if the Council or Community Board resolves accordingly and the presiding member explains at the meeting the reason why the item is not on the agenda and the reason why discussion cannot be delayed until a subsequent meeting. In either case the presiding member's explanation must be made at a time when the meeting is open to the public.
- 3.9 The above requirements will also be taken into account when agendas are set for meetings of the Council, its Committees and Community Boards. As a rule items should be raised with the Chief Executive Officer and identified sufficiently far in advance to allow management to provide an accompanying analysis and advice.
- 3.10 While the Council (the corporate body made up of all the elected members) is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, Community Board, committee structures and members day to day dealings with the Chief Executive Officer should recognise the statutory responsibilities of the Chief Executive Officer for the effective management of the Council.

4. LEGISLATION APPLICABLE TO ELECTED MEMBERS

4.1 The Local Government Act 2002

This is the principal piece of legislation under which local authorities function. The Act (the LGA) includes provisions that directly affect elected members including the Conduct of Members and of Meetings.

Most aspects of Council functions and activities, unless covered under other statutes, are included. Certain sections of the old 1974 Local Government Act still remain in force, however. These are set out in Schedule 18 of the 2002 Act.

4.2 Local Government Official Information and Meetings Act 1987

Elected members are bound by the provision of this Act (LGOIM). It primarily concerns the availability of, and access to, local authority information and explains the basis and procedures for withholding information.

Procedures to be followed for calling meetings and aspects of preparing and distributing agendas, reports and related information are included. While Standing Orders cover in detail meeting procedures, the LGOIM Act contains some key aspects as well.

The question of defamatory material and matters of privilege and oral statements at meetings are covered.

4.3 The Local Authorities (Members' Interests) Act 1968

This Act (for which a booklet has been prepared and is distributed to all elected members) exists to clarify situations where members may have a pecuniary interest, direct or indirect, in a matter being considered at a meeting of the Council, Community Board or a Committee.

Elected members must disclose an interest voluntarily and must not be asked to by either the Mayor or Chair of a meeting or a Council officer.

Members declaring an interest must not discuss or vote on a matter to which their interest relates. Occasionally it may be prudent to leave the meeting room while the matter is discussed.

A member may seek an exemption from this provision in the Act by making an application to the Audit Office.

The ultimate penalty for a breach of the Act is disqualification from office.

4.4 Other Legislation applicable to Elected Members

- The Crimes Act 1961
Part VI – Bribery and Corruption
- The Secret Commissions Act 1910. The receipt of secret commissions or rewards for services or contracts is an offence.
- Securities Act 1978
This only concerns elected members where a local authority issues a prospectus or appoints them as directors of Council owned companies or LATEs.

5. BEHAVIOUR OF MEMBERS

- 5.1 All elected members should respect the dignity of their office in their dealings with each other, management and the public. Elected members should remember that they have no personal power to commit the Council to any particular policy or course of action or expenditure. That can only be done by resolution at a meeting of the Council or a committee with delegated authority. Community Boards' powers are limited to those delegated by the Council. (LGA Section 53)
- 5.2 Councillors and Community Board members who have concerns regarding management matters should not raise them with an employee or contractor other than the Chief Executive, and at all times their dealings should be through the Chief Executive. Should an elected member have a concern and not be satisfied with the response of the Chief Executive, the Committee or Council process should be used to address the concern. That way elected members will be properly informed, particularly if any public explanation or comment is required. Statements that are contentious should be raised only after consultation with the Chief Executive Officer.
- 5.3 Elected members, not officers, bear the ultimate responsibility for decisions made by themselves and by officers. Elected members should ensure that the anonymity of individual

officers is preserved and should not comment publicly on the management or staff of the Council.

- 5.4 Elected members holding views on an issue that are at variance with Council policy or, any decision of either the Council, a Committee or Community Board, is entitled to state those views when such issues are being considered at a meeting. They may not speak in terms, either at a meeting or elsewhere, that seeks to undermine those policies or decisions or causes offence to any elected member or Council Officer.
- 5.5 When a decision has been made by the Council or Community Board, and the decision is contrary to a particular elected member's point of view, that elected member's public statements should make it clear that they represent a minority view.
- 5.6 Elected members should act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.
- 5.7 Elected members should make no allegations which are improper or derogatory. In the performance of their official duties they should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

6. EXTERNAL COMMUNICATIONS

- 6.1 Within the limits imposed by Standing Orders, at any meeting of the Council or Community Board (or at any committee), every elected member (who has the right to speak at the meeting) has the right to express their opinion on any matter lawfully before the meeting. Once a matter has been lawfully determined at a meeting of the Council, it determines the Council's or Community Board's position on that matter until it is lawfully changed by a subsequent decision of that authority. All elected members and management will respect this position.
- 6.2 Public statements representing Council policy or reporting decisions of the Council or Community Boards will be made only with specific or general authority of the Council, and will clearly state the person's authority for making the statement on behalf of the Council or Community Board.

Generally:

- ◆ The Mayor or Chief Executive Officer is authorised to make statements accurately reporting decisions of Council meetings.
 - ◆ Committee Chairpersons are authorised to make statements accurately reporting decisions of their Committees, and factual statements relating to their committees. This applies equally to Community Boards. The Chief Executive Officer is authorised to make statements relating to any of the areas for which the Chief Executive Officer has statutory responsibility.
 - ◆ Department managers may make factual statements relating to the functions of their departments
- 6.3 Alternatively the Chief Executive, Mayor, or any elected member or officer may make specific statements on behalf of the Council but only with the specific authority of the relevant Council, committee, subcommittee or Community Board meeting.

- 6.4 The Mayor or Chief Executive Officer may deal with the news media and make public statements relevant only where it is clearly stated that the views expressed are, in the case of the Mayor, his own and are not made on behalf of the Council. Statements made in this capacity may not undermine any existing policy or decision of the Council.
- 6.5 Elected members are entitled to make public statements expressing their opinion on matters before the Council. All such statements should clearly state that they represent the personal opinion of the elected member and are not made on behalf of the Council. Such statements may not criticise the conduct of the Council, other elected members or officers of the Council nor should they undermine any existing policy or decision of the Council.
- 6.6 The Chief Executive Officer, management and staff should not comment publicly on the performance of the Council or elected members.
- 6.7 **Disclosure of Information**

Elected members have a responsibility to see that whenever possible business is conducted in “open” meeting. Powers to exclude the public should be used only where absolutely necessary and for the reasons permitted by law. Business conducted where the public is excluded remains confidential and should not be disclosed to the public until either the Council decides by resolution to make it public or the Chief Executive Officer determines in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993 that there is no longer good reason to withhold it under the Act. Subject to these Acts, any information of a confidential nature may not be communicated. Elected members in possession of information, whether documentary or otherwise that is received by them in their capacity as an elected member and relates to the local authority should be judicious in publicly releasing the information. Except when the information relates to a matter under discussion at a meeting, the Mayor or Chief Executive Officer should be consulted to ensure no policy or decision is being compromised by publicly disseminating the information. It is a grave betrayal of trust to disclose information while it is confidential or use such confidential information for private gain or to bring the Council into disrepute or public odium

7. INTERNAL COMMUNICATIONS

- 7.1 The Mayor, Standing Committee Chairs, Community Board Chairmen and the Chief Executive Officer will meet informally from time to time to maintain and promote effective communication. The function of these meetings is to ensure that all parties are familiar with the work being carried out by each; to improve co-ordination; and to ensure the business of the Council, its Committees and Community Boards is conducted in a timely and effective manner.
- 7.2 At every ordinary meeting of the Council, the Mayor will either table or give an oral report to be included in the agenda, outlining activities undertaken in the capacity of Mayor (including activities in the community and in his leadership/advocacy role) since the date of the last ordinary meeting or any matters the Mayor wishes to draw to the attention of Council.
- 7.3 At every Standing Committee meeting, the Chair of that committee may table a report in the agenda outlining any activities undertaken in their capacity as Chairperson, or any matters the Chairperson wishes to draw to the attention of the committee. This applies equally to Community Boards.

- 7.4 Other elected members will provide reports (preferably written) on their attendances on behalf of the Council. (Refer to Section 11)
- 7.5 All meeting agendas will be finalised by the Chief Executive Officer or delegated officer in consultation with the presiding member (the Mayor in the case of Council meetings, the relevant Committee Chair in the case of committee meeting or Community Boards). Agendas will include reference to any deputations to be received at the meeting.

8.0 GIFTS/HOSPITALITY/EXPENSES

- 8.1 Acceptance of gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of gifts, including special occasion goodwill gifts must be reported to the Chief Executive Officer. Working lunches and social occasions should be undertaken in an appropriate manner.

8.2 Expenses, Fees and Allowances

Rules for the payment of expenses, meeting fees and allowances are determined by the Remuneration Authority.

An elected member is entitled to claim expenses, fees and allowances in connection with their duties in conformity with the approved Rules. Claim forms are distributed at the commencement of each month for completion and return to the Council administration within 2 days of the end of the month.

8.3 Use of Facilities

Services may be available from the Council for the use by or for an elected member, but only for official Council purposes and should be cleared in the first instance by the Chief Executive Officer, and are subject to the necessary resources being available.

9. PUBLIC DUTY

- 9.1 Elected Council members have a responsibility to the whole community of the South Wairarapa District.
- 9.2 Council Members are elected on a ward basis and have a special interest in that ward but their prime responsibility is to the District as a whole.
- 9.3 Community Board members are responsible to the electors of the community from which they are elected. They are, however, bound by the decisions of the Council who ultimately carry the responsibility for each Community Board's actions and decisions.
- 9.4 Actions of all elected members may need to be justified to the public. The reputation of the Council is dependent on elected members' conduct, and the public perception of this conduct.

10. DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 10.1 The law makes specific provision requiring an elected member to disclose pecuniary (financial) interest. But interests which are not pecuniary can be just as important. Family connections, kinship, friendship, membership of an association, society, company or trade union, trusteeship and many other kinds of relationships can influence members' judgement and may give the impression that an elected member might be acting for personal motives. A good test is to consider whether others would think that the interest is of a kind to make this possible. If members are in doubt, they should disclose the interest, seek advice from the Chair or Chief Executive Officer and if necessary withdraw from the meeting.
- 10.2 A member or some firm or organisation with which the elected member is personally connected may have professional, business or personal interests within an area for which Council is responsible. Such interests may be substantial and closely related to the work of one or more of the Council's committees, subcommittees or Community Boards concerned with (say) planning or developing land, personnel matters, or the letting of contracts for supplies, services or works. Before seeking or accepting membership and particularly the chairing of any such committee or subcommittee, that member should seriously consider whether membership would involve them:
- a) in disclosing an interest so often that the member would be of little value to the committee or subcommittee; or
 - b) in weakening public confidence in the impartiality of the committee or subcommittee.
- 10.3 The principles about disclosures of interest should be borne in mind with regard to unofficial contact with other elected members at informal occasions, no less scrupulously than at formal Council, Committee or Community Board meetings.

11. REPRESENTING THE COUNCIL

- 11.1 Elected members who are invited or appointed to represent the Council at an event such as a seminar or conference, should meet the following conditions:
- ◆ The Council must approve any requests involving members travelling outside the Wairarapa area at Council expense.
 - ◆ The cost of representation must be within the annual budgeted figure for such activities unless the Council makes specific authorisation for additional expenditure.
 - ◆ Following his or her attendance, the member must present a report to the Council, or appropriate Standing Committee or Community Board which summarises the event including its potential significance to the business of the South Wairarapa District Council. Where the Council is represented by a delegation, one member of the party will report back on their behalf.
- 11.2 These requirements apply to situations where members will be participating as representatives of the South Wairarapa District Council. They do not apply to situations where members attend in a private capacity. In such cases the member may wish to report to the Council on items of interest or general value.

12. IMPLEMENTATION

- 12.1 This Code is intended to provide guidance to elected members and management in their relationships and the exercising of their functions and duties. It should be read in conjunction with the obligations set out in the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, any other Act and the Council's Standing Orders.
- 12.2 The parties to this Code agree to abide by its provisions at all times having regard to the declaration of office and Council policy.

13. NON-ELECTED MEMBERS OF COMMITTEES AND APPOINTEES TO OUTSIDE ORGANISATIONS

- 13.1 The terms, obligations and provisions of this Code of Conduct as they apply to elected members of Council, Community Boards and Committees, are, by the adoption of the Code by the Council, deemed to apply to all non-elected members of committees and non-elected members appointed to outside organisations.
- 13.2 All such appointments are only made by resolution of the Council or a Community Board.

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM D2

ESTABLISHMENT OF AND APPOINTMENTS TO COMMITTEES

Purpose of Report

To provide the Community Board with information on establishing committees.

Recommendations

Officers recommend that the Community Board:

1. *Receive the information.*
2. *Consider the need for committees/working groups to be established and make appointments as required.*
3. *Appoint members to Council committees and working groups.*

1. Background

On 19 October 2016 Mayor Napier will establish Council committees and working groups. Community boards may be asked to nominate members to some of these committees.

The Community Board may also establish committees by resolution and appoint members to these committees.

2. Committees Established in 2013

Martinborough Community Board resolved to establish the following Committees by resolution on 4 November 2013 and appointed the members as follows:

Community Board Committees	Appointment Detail
Town Centre Committee	Victoria Read, Pam Colenso
Considine Park Committee	Victoria Read, Pam Colenso and Heather Gibbs co-opted

If the Community Board determines that there is a need for a committee to be established, then the Board should resolve to create this committee and appoint members to it.

3. Other Establishments and Appointments

3.1 Emergency Response

Pam Colenso and Tony Stevenson were appointed as Community Board representatives to attend Emergency Response meetings and assist WREMO write the Martinborough Emergency Response Plan.

The Community Board made the following resolution on the 30 May 2016.

MCB RESOLVED (MCB 2016/45):

1. To receive the tabled report.
2. That appointments are made to Community Resilience and Planning Group at the first meeting of the triennium.

(Moved Colenso/Seconded Cornelissen)

Carried

3.2 Pain Farm Supervisor

Martinborough Community Board oversees the management of Pain Farm and makes recommendations to Council for funds expenditure. A Pain Farm supervisor is contracted to Council to deliver regular reports at an approximate cost of up to \$1,000 per year which is paid for from the Pain Farm accounts. The supervisor contract has been in place since March 2011 and it is suggested that the contract is reviewed in 2017 along with the new lease of the farm.

4. Appointments to Council Committees and Working Groups

Council requires the Community Board to make appointments to:

Council Committee/Working Group	Appointment Detail
Wairarapa Library Service	1 community board member from either Martinborough, Featherston or Greytown who will be appointed by the Mayor for the 2016-2019 triennium
Martinborough Community Centre Steering Group	1 community board member (previously Lisa Cornelissen)
Community Safety and Resilience Working Party	1 representative from each community board (previously Fiona Beattie)
Martinborough Waste Water Treatment Community Liaison Group	1 community board member (previously Lisa Cornelissen)
Infrastructure and Planning Working Party	Chair
South Wairarapa Annual Plan/Long Term Plan Working Party	Chair

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM D3

COMMUNITY BOARD TERMS OF REFERENCE

Purpose of Report

To provide the Community Board with information on establishing committees.

Recommendations

Officers recommend that the Community Board:

1. *Receive the information.*

1. Background

Attached in Appendix 1 is the Community Board Terms of Reference which was first adopted in 2010.

2. Community Board Delegations

Following are the current Martinborough Community Board delegations which are included in the Council and Committees policy.

- All matters relating to urban reserves, urban amenities and town main streets that meet current Council policy or management plans and fall within the Annual Plan/Long Term Plan budget.
- Determination of priorities for footpath maintenance and priority locations for new footpaths.
- Naming for public roads, private roads and rights of way. This power may not be sub-delegated and is undertaken according to policy.
- Community Grants
- Pain Farm income distribution according to Policy.

3. Appendices

Appendix 1 – Community Board Terms of Reference

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

Appendix 1 – Community Board Terms of Reference

TERMS OF REFERENCE FOR SOUTH WAIRARAPA DISTRICT COUNCIL COMMUNITY BOARDS

1. Purpose

To outline the roles, responsibilities, and expectations for the South Wairarapa District Community Boards.

2. Applies To

All South Wairarapa District Community Boards.

3. Definition of a Community

Each Community Board represents their corresponding ward. This includes the town and the rural area within that ward. A map of the ward boundaries is included as Appendix One.

4. Overview

Community Boards provide an important conduit between the Council and the community. To do this they must engage with their communities of interest and put in place mechanisms and protocols to ensure the regular exchange of information with the Council and the broader community.

Community boards can help set the strategic direction for their communities. They provide core local representative and work in partnership with the community.

One of the key differences between the Council and a Community Board is that a Community Board advocates for its specific community while the Council must balance the needs of and make decisions in the interest of the whole district.

Community Board members are elected under the Local Electoral Act 2001, or appointed by the local authority under that same Act. A community Board is not a committee of the relevant territorial authority.

5. Role

The purpose of local government is to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future. Community Boards are a key component of local government in the South Wairarapa and have a role in contributing to and supporting that purpose. Community Boards are also a way for local government to help achieve its other purpose which is to enable

democratic local decision-making and action by, and on behalf of, communities.

The specific role of a community board as outlined in the Local Government Act is to:

- represent, and act as an advocate for, the interests of its community; and
- consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- maintain an overview of services provided by the territorial authority within the community; and
- prepare an annual submission to the territorial authority for expenditure within the community; and
- communicate with community organisations and special interest groups within the community; and
- undertake any other responsibilities that are delegated to it by the territorial authority.

In addition to this, South Wairarapa Community Boards have identified that they have a role to play in civil defence emergency management.

6. Responsibilities

A Community Board's role is mainly advocacy but it also has powers to make some decisions about issues within its boundaries. Community Boards can make submissions to Council and other statutory agencies. They control local funds for making grants to individuals and groups for community purposes.

South Wairarapa Community Boards have some responsibilities relating to urban reserves, urban amenities, and town main streets. They have a key role to play with the community groups associated with those reserves and amenities.

Community Boards can also advocate and be involved in matters outside of Council responsibilities. They can provide a point of contact for people seeking to improve and support their community and may identify and support community development projects.

7. Fulfilling the Roles and Responsibilities

The Terms of Reference does not prescribe the mechanisms and protocols for the Community Boards fulfilling their roles and responsibilities. It is up to each Community Board to determine how they can best achieve meaningful engagement with the community and the Council. It will vary depending on the specific matter that is being considered and the decisions that are being made. Some ideas are provided in Appendix Two.

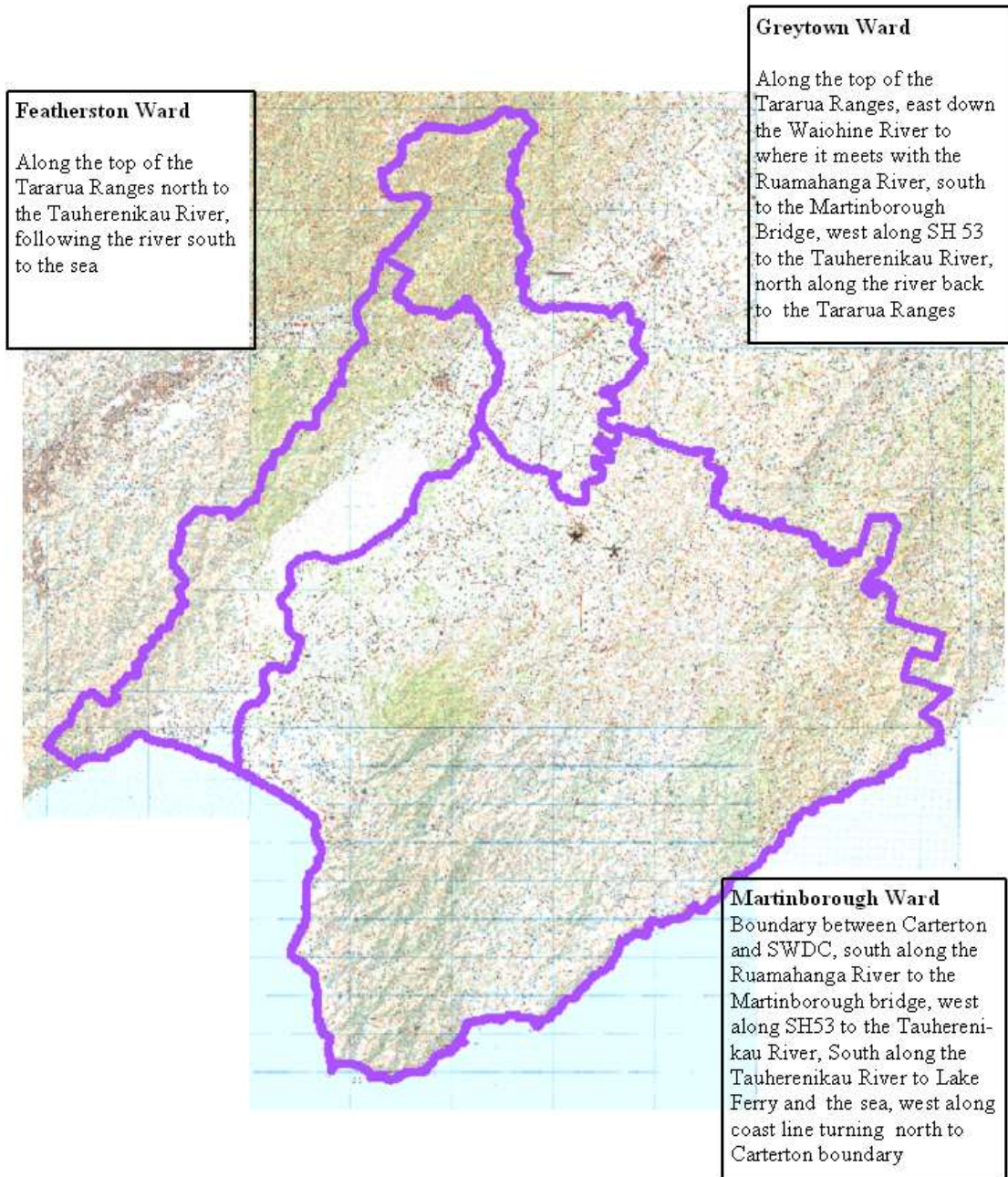
8. Working with Community Groups

There are many people who are interested in the Council reserves and amenities in their area. These people often want to form or be part of community groups to provide ideas and do work on those assets. Community Boards play an important role in identifying how a community group can best contribute to the management of a reserve and amenity. Suggestions on working with community groups are in Appendix Three.

9. Raising Concerns

Where a person has a concern about whether the Community Board is acting in accordance with its Terms of Reference they should raise the matter with the Community Board in the first instance. If they feel their concerns have not been addressed they should raise the matter with the Council.

APPENDIX ONE – WARD BOUNDARIES



APPENDIX TWO – IDEAS FOR HOW COMMUNITY BOARDS CAN FULFIL THEIR ROLES AND RESPONSIBILITIES

1. Engagement – Communicate, Collaborate, Coordinate

To adequately fulfil the role Community Boards need to engage with their communities. Engagement is an ongoing and dynamic process. It great to use existing networks and opportunities and but also important to identify and try and engage with the “silent majority” – people who usually don’t get involved in local matters or networks.

Community Boards may wish to find ways to better represent and engage with youth in their communities. These people have the greatest stake in the future of the district but are often the most disaffected or disengaged from local government processes.

2. Delegated Responsibilities

South Wairarapa Community Boards have some responsibilities relating to urban reserves, urban amenities, and town main streets. To fulfil these responsibilities, Community Boards can work with Council officers and community groups to ensure the appropriate process is followed for approval of projects that fall within those delegations. Having a clear process will help clarify where responsibility for decision-making sits and help reduce delays.

3. Working with Community Groups

Community Boards have a key role to play with the community groups associated with Council reserves and amenities. They can help ensure that any work the community group does, supports the approved strategic and operational objectives for that reserve or amenity. Community Boards can help connect people to relevant community groups. They may also identify where it is useful to consolidate several groups working on the same reserve to minimise any confusion or overlap.

4. Discretionary Spend

The Community Boards are allocated money each year for discretionary spending. The Community Boards decide how this money is spent within the community. It may be spent on projects relating to Council reserves and amenities, on the main street, or on other matters.

5. Annual Plan Process

Community Boards can identify the priorities for their community and prepare a submission to the Annual Plan process. The Community Board can maintain an interest in the progress of relevant projects that are included in the Annual Plan.

6. Community Strategic Plans and Town Centre Plans

Community Boards may develop a strategic plan identifying priorities for the improvement of their community. The plan may include Council and non-Council related matters.

Community Boards may also like to develop structure plans for their main streets / town centres. These plans set out the look, feel, and functionality of the key public spaces.

7. Responding to Operational Matters and Identifying Unplanned Works

If matters arise during the year in urban reserves or with urban amenities that need attention, the Community Board members can identify these to Council officers. Where they are minor matters Community Board members should contact Council staff directly.

For more significant issues that may require additional spending the Community Board should discuss the matter and agree at a meeting that the matter be referred to Council staff or Council (if appropriate). Council and/or staff will consider how the request can be balanced with other priorities or demands identified across the district and if there is sufficient budget to get the work done.

8. Civil Defence Emergency Management

Community Boards often have the best knowledge about the most vulnerable people in their community and have existing networks to be able to respond in the case of a natural disaster. Community Boards can work alongside the formal civil defence emergency management planning process to help with preparedness, response, and recovery.

9. Sharing Knowledge

To ensure they are continuing to implement the Terms of Reference and to make sure they are as effective as possible, Community Board members can share success stories with each other, identify training needs, and share their knowledge and experience with each other. Informal training and networking is often the most valuable way for people to learn and apply new ideas and skills.

APPENDIX THREE – COMMUNITY BOARDS WORKING WITH COMMUNITY GROUPS

1. Working with Community Groups

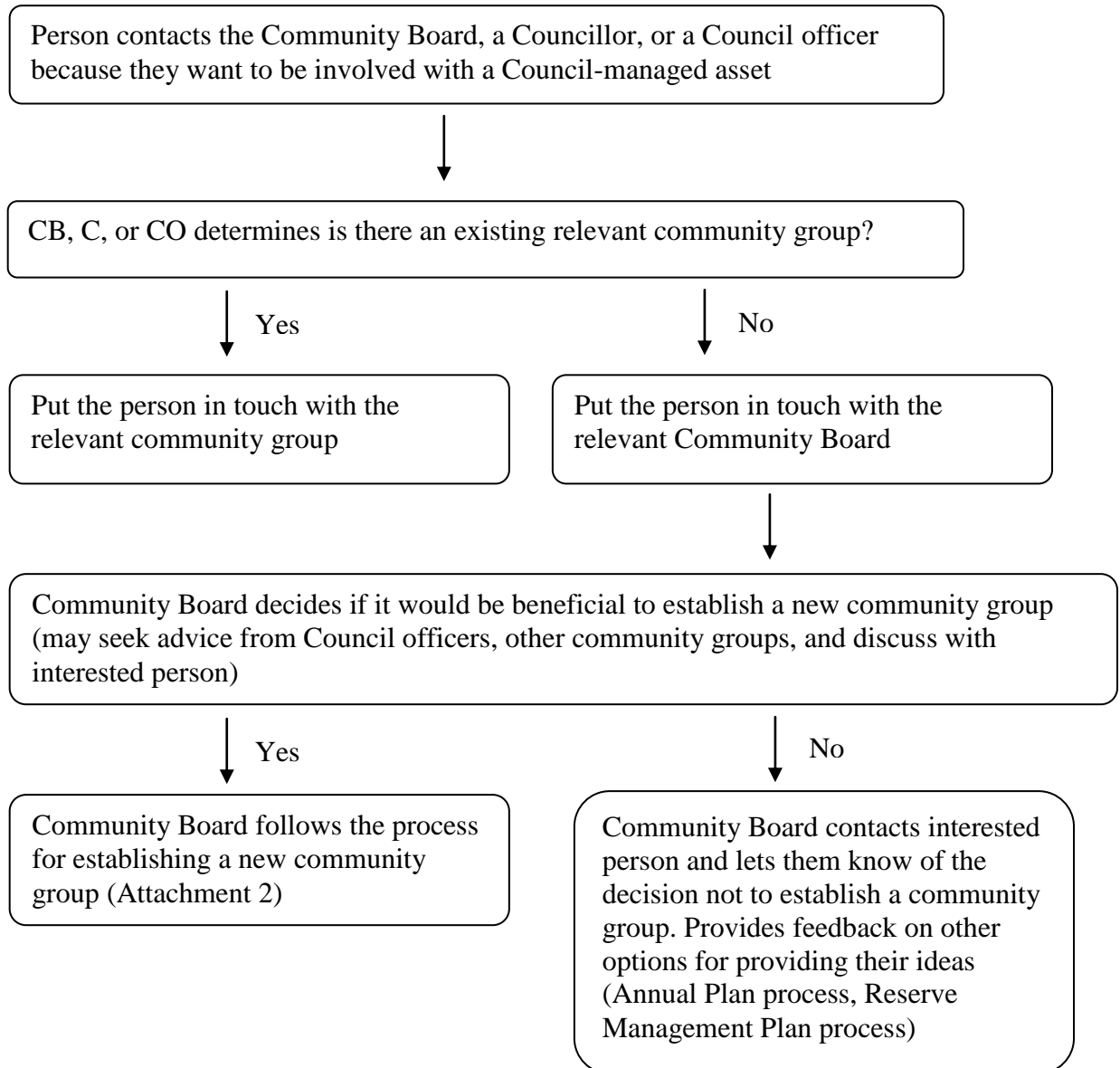
Below are some suggestions on how Community Boards and community groups can effectively work together. Generally these suggestions relate to reserves and facilities owned and managed by the Council.

There are lots of people with enthusiasm, energy, and interest in Council reserves and amenities. Unclear working relationships can cause frustrations for community groups, elected representatives, and council officers.

Attachment 1 shows how people can make the most of the energy and enthusiasm of volunteers within the structure and requirements of local government. The steps are explained in more detail below.

Attachment 2 provides a basic terms of reference for the community group and memorandum of understanding between the community group and the Community Board.

ATTACHMENT ONE – PROCESS FOR A PERSON WHO WANTS TO BE INVOLVED WITH A COUNCIL MANAGED ASSET



ATTACHMENT TWO – ESTABLISHING A NEW COMMUNITY GROUP OR CONSOLIDATING EXISTING COMMUNITY GROUPS

Once a Community Board has decided that a community group should be established for a Council-managed asset they should work through this form to make sure the key issues have been addressed. This form serves as a basic terms of reference for the community group and memorandum of understanding between the community group and the Community Board. This copy of the form includes instructions for filling it in (shaded). A blank copy follows.

Name:	For consistency and to avoid any confusion, groups will be called "Friends of" or ".....working group" or ".....community group". The term subcommittee or committee will be avoided.
Purpose:	Explain in a few sentences. It may include advocacy, engagement, on-the-ground works, expertise. Perhaps refer back to the Community Board's strategic plan or specific reserve management or development plans. For example – To support the implementation of the ... Park development plan and
Point of contact:	Name, email address, postal address
The point of contact will:	<ul style="list-style-type: none"> - work with the Community Board and members of the community group to identify priorities for the community group for the coming year - provide a written update to the Community Board on progress on priorities at least once during and at the end of the year - provide feedback to the Community Board prior to the Annual Plan process - Welcome other members of the community to be part of the community group - Let members of the group know where responsibility for decision-making in relation to different projects. [For example there are some decisions that need to be made by Council, others that have been delegated to Community Boards, and some decisions that can be made by Council Officers. It is important that these requirements are understood and implemented].
The Community Board will:	<ul style="list-style-type: none"> - Seek the views of the community group when preparing a strategic plan - Seek feedback from the community group prior to preparing their submission as part of the Annual Plan process - Maintain an overview of the work of the community group to ensure it is aligned with the Community Board and Council's strategic and operational objectives. [This does not mean CB members will need to have a permanent representative on the group or attend every working bee]

	- Provide advice and guidance to the group about Council processes, delegated responsibilities, and any other relevant requirements. [Community Board members will direct the community group to or will seek advice from staff for answers to any operational requirements]
Review:	This agreement will be reviewed every two years to ensure it continues to be relevant and it is up to date.
Signed on behalf of the community group:	
Signed on behalf of the Community Board:	

ESTABLISHING A NEW COMMUNITY GROUP OR CONSOLIDATING EXISTING COMMUNITY GROUPS FORM

Name:	
Purpose:	
Point of contact:	
The point of contact will:	
The Community Board will:	
Review:	
Signed on behalf of the community group:	
Signed on behalf of the Community Board:	

MARTINBOROUGH COMMUNITY BOARD

20 OCTOBER 2016

AGENDA ITEM D4

STANDING ORDERS

Purpose of Report

To bring to attention of Community Board members the proposed standing orders for adoption at Council on the 19 October 2016.

Recommendations

Officers recommend that the Community Board:

1. *Receive the information.*
2. *Defer adoption of the Standing Orders for Meetings of Local Authorities and Community Boards until after adoption by Council and notification of changes to community boards.*

1. Executive Summary

Attached as Appendix 1 is the Council report recommending adoption of the new LGNZ Standing Orders to Council. Council will consider this report on the 19 October 2016. As the standing orders have been revised, and Council may wish to make amendments, Council officers will be seeking adoption of the standing orders by community boards at the November meetings.

2. Appendices

Appendix 1 – Report to Council: Proposed Standing Orders for Meetings of Local Authorities and Community Boards

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Chief Executive, Paul Crimp

Appendix 1 – Report to Council: Proposed Standing Orders for Meetings of Local Authorities and Community Boards

SOUTH WAIRARAPA DISTRICT COUNCIL

19 OCTOBER 2016

AGENDA ITEM E2

PROPOSED STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

Purpose of Report

To present a set of standing orders to council for discussion and adoption for use at meetings as required by clause 27 of Part I of Schedule 7 of the Local Government Act.

Recommendations

Officers recommend that the Council:

1. *Receive the information.*
2. *Adopt the LGNZ Standing Orders for the conduct of its meetings and those of its committees (including community boards); or*

1. Background

Clause 27 of Part I of Schedule 7 of the Local Government Act requires the Council to adopt a set of standing orders for the conduct of its meetings and those of its committees (including community boards).

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

The proposed standing orders for adoption have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfill the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

A copy of the proposed standing orders for adoption with recommended changes is attached in Appendix 1. When Council has formally adopted a set of Standing Orders the final copy will be distributed to elected members and placed on Council's website.

2. Specific clauses for attention of members

2.1 Clause 9.2– Process for raising matters for a decision

The proposed standing orders outline the process for reports to be requested by council, committees, community boards etc. This clause and Appendix 11 are new but introduce a more formal process for requesting reports than what has previously existed.

2.2 Clause 9.3 – Chief executive may delay or refuse request

The proposed standing order is new and relates to resolutions made under clause 9.2.

2.3 Clause 10.5 – Meeting lapses where no quorum

In the previous adopted standing orders a meeting would lapse after 10 minutes. The suggestion in the new standing orders is 30 minutes. Council officers have proposed the clause be changed to 20 minutes so as to not to further inconvenience those members who have presented at a meeting, while still recognizing that 10 minutes may not be enough time before a formal 'no quorum' is called.

2.4 Clause 14 – Public Forums

The proposed standing orders provide good organisational guidelines for public participation and clarify the procedure, but reverse our current procedure. Under our current provisions the public are permitted to address our committees and community boards on matters which don't fall within the terms of reference of a meeting, but at Council the item must be on the agenda for decision for a member of the public to address Council.

Clause 14 has been amended to allow public participants to speak on any matter at Council, committee or community board meetings.

2.5 Clause 18.3 – Chairperson has a casting vote

In the previous adopted standing orders the provision for the chairperson to have the decisive vote was formally resolved so there was no ambiguity as to its application as it was included in the standard as an Appendix. In the amended model standing orders, the casting vote provision for the Mayor,

chairperson, or other person presiding at a meeting, has been incorporated as standard in clause 18.3 and no specific resolution is now required.

2.6 Audio/audio visual links and webcasting

The proposed standing orders include provisions for attendance via audio/audio visual methods (clauses 12.7-12.14) as well as webcasting (Appendix 5). These clauses are new and many councils use these methods of communications but at present South Wairarapa does not have the technology available. No changes are proposed to the standing orders.

3. Appendices

Appendix 1 – Proposed Standing Orders

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

Appendix 1 – Proposed Standing Orders

South Wairarapa District Council



Standing Orders

Adopted xx October 2016

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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Contents

1. Introduction	10
1.1 Principles	10
1.2 Statutory references	10
1.3 Acronyms	11
1.4 Application	11
2. Definitions	11
General matters	16
3. Standing orders	16
3.1 Obligation to adopt standing orders	16
3.2 Process for adoption and alteration of standing orders	16
3.3 Members must obey standing orders	16
3.4 Application of standing orders	16
3.5 Temporary suspension of standing orders	16
3.6 Quasi-judicial proceedings	17
3.7 Physical address of members	17
4. Meetings	17
4.1 Legal requirement to hold meetings	17
4.2 Meeting duration	17
4.3 Language	17
4.4 Webcasting meetings	18
4.5 First meeting (inaugural)	18
4.6 Requirements for the first meeting	18
5. Appointments and elections	19
5.1 Mayoral appointment of deputy Mayor, committee chairs and members	19
5.2 Council Discharge of a Mayoral Appointment	19
5.3 Establishment of committees by the Mayor	19
5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons	20
5.5 Removal of a deputy Mayor	20
5.6 Voting system for chairs, deputy Mayors and committee chairs	20
6. Delegations	21
6.1 Limits on delegations	21
6.2 Committees may delegate	21
6.3 Use of delegated powers	22
6.4 Decisions made under delegated authority cannot be rescinded or amended	22
6.5 Committees and sub committees subject to the direction of the local authority	22
6.6 Duty to consider delegations to community boards	22

7.	Committees	23
7.1	Appointment of committees and subcommittees	23
7.2	Discharge or reconstitution of committees and subcommittees	23
7.3	Appointment or discharge of committee members and subcommittee members	23
7.4	Elected members on committees and subcommittees	23
7.5	Local authority may replace members if committee not discharged	24
7.6	Membership of Mayor	24
7.7	Decision not invalid despite irregularity in membership	24
7.8	Appointment of joint committees	24
7.9	Status of joint committees	25
7.10	Power to appoint or discharge individual members of a joint committee	25
	Pre-meeting	26
8.	Giving notice	26
8.1	Public notice – ordinary meetings	26
8.2	Notice to members - ordinary meetings	26
8.3	Extraordinary meeting may be called	26
8.4	Notice to members - extraordinary meetings	26
8.5	Public notice - extraordinary meetings	27
8.6	Process for calling an extraordinary meeting at an earlier time	27
8.7	Notification of extraordinary meetings held at an earlier time	27
8.8	Chief executive may make other arrangements	27
8.9	Meetings not invalid	27
8.10	Resolutions passed at an extraordinary meeting	28
8.11	Meeting schedules	28
8.12	Non-receipt of notice to members	28
8.13	Meeting cancellations	28
9.	Meeting agenda	29
9.1	Preparation of the agenda	29
9.2	Process for raising matters for a decision	29
9.3	Chief executive may delay or refuse request	29
9.4	Order of business	29
9.5	Chairperson’s recommendation	29
9.6	Chairperson’s report	29
9.7	Public availability of the agenda	30
9.8	Public inspection of agenda	30
9.9	Withdrawal of agenda items	30
9.10	Distribution of the agenda	30

9.11	Status of agenda	30
9.12	Items of business not on the agenda which cannot be delayed	31
9.13	Discussion of minor matters not on the agenda	31
9.14	Public excluded business on the agenda	31
9.15	Qualified privilege relating to agenda and minutes	31
Meeting Procedures		32
10.	Quorum	32
10.1	Councils	32
10.2	Committees and subcommittees	32
10.3	Joint Committees	32
10.4	Requirement for a quorum	33
10.5	Meeting lapses where no quorum	33
10.6	Business from lapsed meetings	33
11.	Public access and recording	33
11.1	Meetings open to the public	33
11.2	Grounds for removing the public	33
11.3	Local authority may record meetings	33
11.4	Public may record meetings	34
12.	Attendance	34
12.1	Members right to attend meetings	34
12.2	Attendance when a committee is performing judicial or quasi-judicial functions	34
12.3	Leave of absence	34
12.4	Apologies	35
12.5	Recording apologies	35
12.6	Absent without leave	35
12.7	Right to attend by audio or audio visual link	35
12.8	Member's status: quorum	35
12.9	Member's status: voting	35
12.10	Chairperson's duties	35
12.11	Conditions for attending by audio or audio visual link	36
12.12	Request to attend by audio or audio visual link	36
12.13	Chairperson may terminate link	36
12.14	Giving or showing a document	36
12.15	Link failure	38
12.16	Confidentiality	38
13.	Chairperson's role in meetings	38
13.1	Council meetings	38

13.2	Committee meetings	38
13.3	Addressing the Chairperson	38
13.4	Chairperson’s rulings	39
13.5	Chairperson standing	39
13.6	Member’s right to speak	39
13.7	Chairperson may prioritise speakers	39
14.	Public Forums	39
14.14	Time limits	39
14.15	Restrictions	40
14.16	Questions at public forums	40
14.17	No resolutions	40
15.	Deputations	40
15.1	Time limits	40
15.2	Restrictions	40
15.3	Questions of a deputation	41
15.4	Resolutions	41
16.	Petitions	41
16.1	Form of petitions	41
16.2	Petition presented by petitioner	41
16.3	Petition presented by member	42
17.	Exclusion of public	42
17.1	Motions and resolutions to exclude the public	42
17.2	Specified people may remain	42
17.3	Public excluded items	42
17.4	Non-disclosure of information	43
17.5	Release of information from public excluded session	43
18.	Voting	43
18.1	Decisions by majority vote	43
18.2	Open voting	43
18.3	Chairperson has a casting vote	43
18.4	Method of voting	44
18.5	Calling for a division	44
18.6	Request to have votes recorded	44
18.7	Members may abstain	44
19.	Conduct	45
19.1	Calling to order	45
19.2	Disrespect	45
19.3	Retractions and apologies	45

19.4	Disorderly conduct	45
19.5	Contempt	45
19.6	Removal from meeting	45
19.7	Financial conflicts of interests	46
19.8	Non-financial conflicts of interests	46
19.9	Qualified privilege for meeting proceedings	46
19.10	Qualified privilege additional to any other provisions	46
19.11	Electronic devices at meetings	47
20.	General rules of debate	47
20.1	Chairperson may exercise discretion	47
20.2	Time limits on speakers	47
20.3	Questions to staff	47
20.4	Questions of clarification	47
20.5	Members may speak only once	47
20.6	Limits on number of speakers	48
20.7	Secunder may reserve speech	48
20.8	Speaking only to relevant matters	48
20.9	Restating motions	48
20.10	Criticism of resolutions	48
20.11	Objecting to words	48
20.12	Right of reply	48
20.13	No other member may speak	49
20.14	Adjournment motions	49
20.15	Chairperson's acceptance of closure motions	49
21.	General procedures for speaking and moving motions	49
21.1	Options for speaking and moving	49
21.2	Option A	50
21.3	Option B	50
21.4	Option C	50
21.5	Procedure if no resolution reached	51
22.	Motions and amendments	51
22.1	Proposing and seconding motions	51
22.2	Motions in writing	51
22.3	Motions expressed in parts	51
22.4	Substituted motion	51
22.5	Amendments to be relevant and not direct negatives	51
22.6	Foreshadowed amendments	51
22.7	Lost amendments	52

22.8	Carried amendments	52
22.9	Where a motion is lost	52
22.10	Withdrawal of motions and amendments	52
22.11	No speakers after reply or motion has been put	52
23.	Revocation or alteration of resolutions	52
23.1	Member may move revocation of a decision	52
23.2	Revocation must be made by the body responsible for the decision	53
23.3	Requirement to give notice	53
23.4	Restrictions on actions under the affected resolution	53
23.5	Revocation or alteration by resolution at same meeting	53
23.6	Revocation or alteration by recommendation in report	54
24.	Procedural motions	54
24.1	Procedural motions must be taken immediately	54
24.2	Procedural motions to close or adjourn a debate	54
24.3	Voting on procedural motions	54
24.4	Debate on adjourned items	54
24.5	Remaining business at adjourned meetings	55
24.6	Business referred to the local authority or a committee	55
24.7	Other types of procedural motions	55
25.	Points of order	55
25.1	Members may raise points of order	55
25.2	Subjects for points of order	55
25.3	Contradictions	55
25.4	Point of order during division	56
25.5	Chairperson's decision on points of order	56
26.	Notices of motion	56
26.1	Notice of intended motion to be in writing	56
26.2	Refusal of notice of motion	56
26.3	Mover of notice of motion	56
26.4	Alteration of notice of motion	57
26.5	When notices of motion lapse	57
26.6	Referral of notices of motion	57
26.7	Repeat notices of motion	57
27.	Minutes	57
27.1	Minutes to be evidence of proceedings	57
27.2	Matters recorded in minutes	58
27.3	No discussion on minutes	58
27.4	Minutes of last meeting before election	58

28. Minute books	59
28.1 Inspection	59
28.2 Inspection of public excluded matters	59
Referenced documents	59
Appendix 1: Grounds to exclude the public	60
Appendix 2: Sample resolution to exclude the public	62
Appendix 3: Motions and amendments (option A)	65
Appendix 4: Table of procedural motions	66
Appendix 5: Webcasting protocols	68
Appendix 6: Powers of a Chairperson	69
Appendix 7: Mayors' powers to appoint under s.41A	74
Appendix 8: Process for removing a Chairperson and deputy Mayor from office	75
Appendix 9: Workshops	76
Appendix 10: Sample order of business	77
Appendix 11: Process for raising matters for a decision	78

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, 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 (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

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

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

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

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Seconder means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

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, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (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.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; 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 Financial Markets Conduct Act 2013;
- (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 cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*;
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, 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 body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The 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, duties are delegated may, without confirmation by the council, 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(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee 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 to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (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 a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary 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. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

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.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

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.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members

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 or board 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 the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

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

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

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within ~~30~~20 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12. Attendance

12.1 Members 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 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;

- ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
- iii. the requirements of Part 7 of LGOIMA are met; and
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) where a member is unwell; and
- (c) where a member is unable to attend due to an emergency.

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

12.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;

- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

~~In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.~~

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum

exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.16 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.17 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;

- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session

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.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

18. Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 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 2002.

18.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must 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, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (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 notified to the Chairperson who must declare the result.

18.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

20. General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Secunder may reserve speech

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

20.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments

22.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

22.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and

- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (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 or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25. Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion

26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 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 meeting concerned; 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 officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

26.3 Mover of notice of motion

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

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

28.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

28.2 Inspection of public excluded matters

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

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- 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

Appendix 1: Grounds to exclude the 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 following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information 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 would:
 - i. disclose a trade secret; or
 - ii. 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 i, or to avoid the disclosure of the location of waahi 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 would:
 - i. 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. 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 such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council 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 that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 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 Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council 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 Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

<p>4 <i>Hearings Committee</i></p>	<p>To enable the Committee to consider the application and submissions.</p> <p style="text-align: center;">OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p style="text-align: center;">OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee 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. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

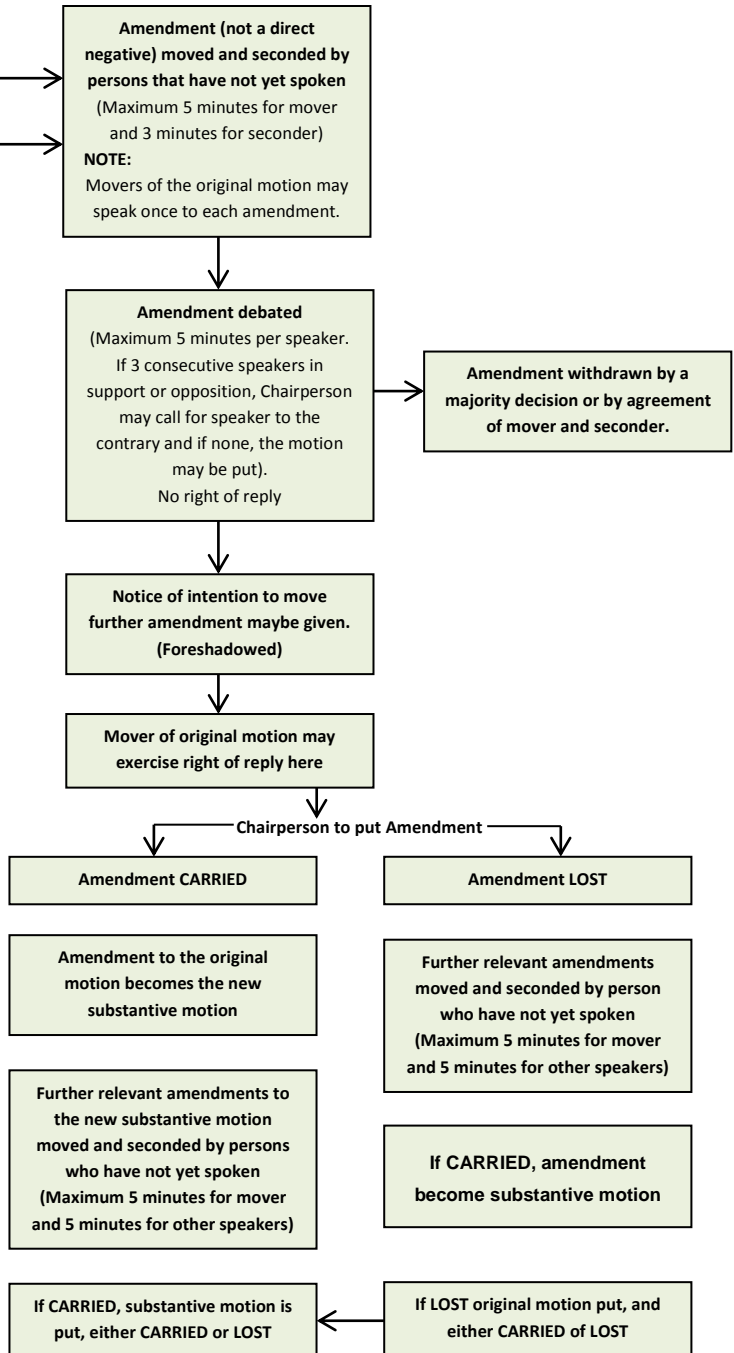
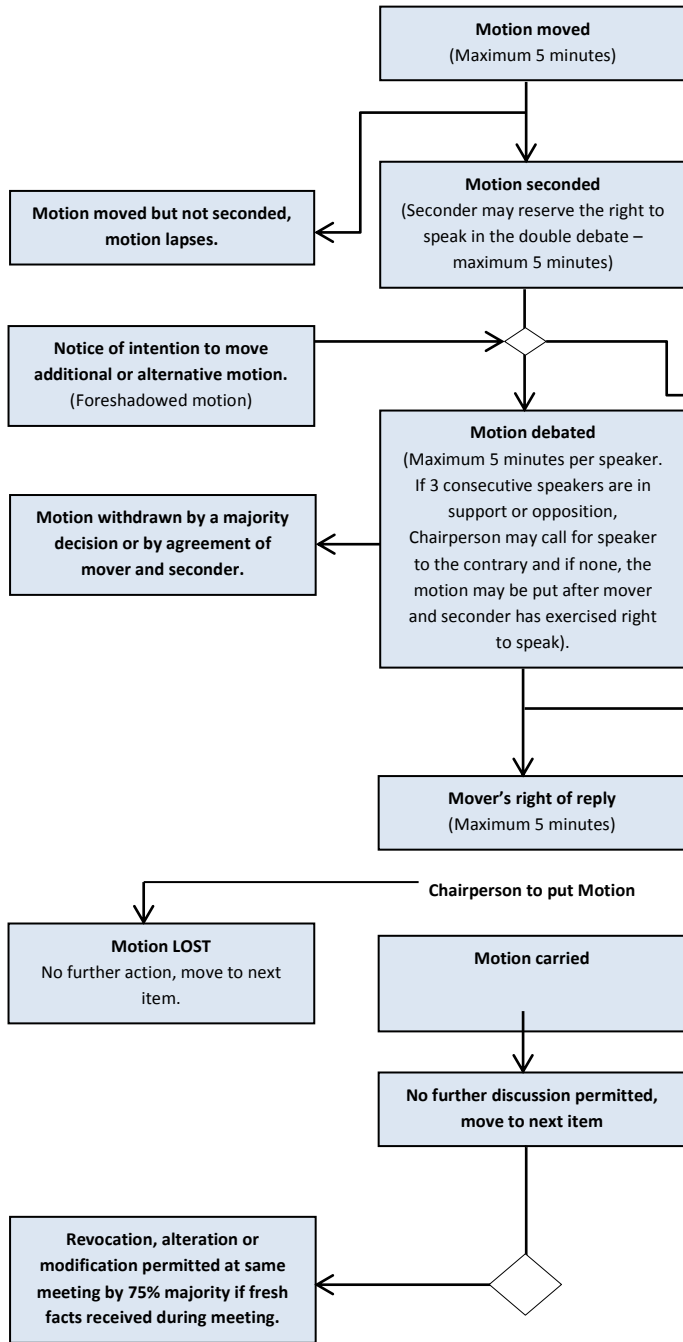
Item No	Interest
	Protect information where the making available of the information <ul style="list-style-type: none"> (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	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 waahi tapu (Schedule 7(2)(ba))
	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 - <ul style="list-style-type: none"> (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 (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments

Motions with amendments



Appendix 4: Table of procedural motions

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 ordinary 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 spoken in the debate may not speak again
(b) "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
(c) "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	

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
(d) "That the item of business being discussed does lie on the table and not be 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	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or 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	
(f) "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 order 3.14

Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

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.

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.

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.

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.

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.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

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
- (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.

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.

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, 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 meeting, action may be taken as though no such notice of motion had been given.

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.

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 in accordance with the provisions in these standing orders.

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 extra meeting to be held at a specified time and place, in order to conduct specified business.

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.

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.

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.

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.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

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.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

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

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.

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.

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.
- (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.

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.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.