

Extraordinary Whangarei District Council Meeting

Agenda

Date: Thursday, 19 March, 2020

Time: 12:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Vince Cocurullo
Cr Nicholas Connop
Cr Ken Couper
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Jayne Golightly
Cr Phil Halse
Cr Greg Innes
Cr Greg Martin
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. **Karakia/Prayer**
2. **Declarations of Interest**
3. **Apologies**
4. **Decision Reports**

4.1 Amendment to Standing Orders

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5. **Closure of Meeting**

Recommendations contained in the Council agenda may not be the
final decision of Council.

Please refer to Council minutes for final resolution.

4.1 Amendment to Standing Orders

Meeting: Emergency Whangarei District Council
Date of meeting: 19 March 2020
Reporting officer: Simon Weston (Deputy Chief Executive)

1 Purpose

To amend Council's Standing Orders to provide for members to attend meetings by audio or audio visual link.

2 Recommendation

That Council agree to **include** a new provision in Council's Standing Orders to allow members (including members of the public and staff as stated in Standing Order 12.7); to attend meetings by audio or audio visual link as set out in Attachment 1.

3 Background

The rules of conduct that govern meetings of the Council and its committees are contained in the Whangarei District Council Standing Orders.

Standing Orders are made up of a mix of legislative requirements relating to meetings that must be followed and meeting procedures that the Council has elected to adopt. There is scope to amend, remove or add to the individual Standing Orders that the Council has elected to adopt.

The approval of not less than 75% of members present at the meeting is required to adopt (or amend) Standing Orders.

4 Discussion

Council's current Standing Orders do not include provision for members to join meetings by audio or audio visual link.

The Local Government Act 2002 gave councils' the option to include in their standing orders a provision to enable members of a local authority to join meetings by audio or audio visual means.

Recent advice from LGNZ related to the COVID-19 situation, is that Councils incorporate the provisions in their Standing Orders to allow members to join meetings by audio or audio visual means. Currently, members who join meetings by audio or audio visual link are not counted as part of the quorum as they are not physically present. Local Government New

Zealand are in discussions with the Department of Internal Affairs (DIA) to determine whether this could be amended by order in council under emergency legislation.

Currently the technology in Council Chambers is not adequate to facilitate attendance by audio visual link, however at least basic audio-only capability could be achieved to enable attendance. Audio visual link capability is currently being reviewed.

It is recommended that Council include provision under the Standing Orders for members (including members of the public and staff as stated in Standing Order 12.7); to attend by audio or audio visual link provided the conditions in Standing Orders 12.11 and 12.12 are met. These sections include the situations where approval may be granted by the Chairperson, and the process for providing notice to the Chair.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6 Attachment

1. Provision to allow members to attend by audio or audio visual link

Attachment 1 – Proposed Standing Order

12.7 Right to attend by audio or audio visual link

Provided the conditions in standing orders 12.11 and 12.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson and staff and others approved by the Chief Executive), may 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.

cl. 25A (4), Schedule 7, LGA 2002.

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; and
- (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. The only situations where approval may be granted are:

- (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

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 not be possible the member may give less notice. Notice must be in writing (notification by email is acceptable).

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 and/or facilities for an audio or audio-visual link available. In the event that the facilities and/or technology are not available, the member must either attend the meeting in person, or tender their apologies.

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.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

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

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.