Whangarei District Council Meeting
Agenda

Date:	Thursday, 25 June, 2020
Time:	9:00 am
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.

Pages

1. Karakia/Prayer

2. Declarations of Interest

3. Apologies

4. Public Forum 1

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council

5.1 Minutes Whangarei District Council 28 May 2020 3

5.2 Minutes Whangarei District Council meeting 16 June 2020 11

6. Decision Reports

6.1 Adoption of Standing Orders June 2020 15

6.2 Elected member remuneration - 2019-2022 term amendment 129

7. Information Reports

7.1 Financial Report for the 11 months ending 31 May 2020 147

8. Public Excluded Business

8.1 Confidential Minutes Whangarei District Council Meeting 28 May 2020

8.2 Ground Lease Rent Relief Request - 31-37 Port Road

8.3 Securing Additional Walkway Space Upper Port Road - Development Opportunity

9. 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.

5. Public Forum

Meeting: Whangarei District Council

Date of meeting: 25 June 2020

Reporting officer: C Brindle (Senior Democracy Adviser)

1 Purpose

To afford members of the community an opportunity to speak to Council and to report on matters raised at public forums where appropriate.

2 Summary

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application, setting out the subject matter and the names of the speakers, to the Chief Executive at least 2 clear working days before the day of the meeting.

Speaker

Speaker	Subject
Nick Brother (Chairman Saorsa Retirement Village)	Saorsa Retirement Village

Item 5.1

Whangarei District Council Meeting Minutes

Date:	**Thursday, 28 May, 2020**
Time:	**9:00 a.m.**
Location:	**Council Chamber** **Forum North, Rust Avenue** **Whangarei**
In Attendance	**Her Worship the Mayor Sheryl Mai (Chairperson)** **Cr Gavin Benney** **Cr Vince Cocurullo** **Cr Nicholas Connop (Virtually)** **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 (Virtually)** **Cr Simon Reid**
Scribe	**C Brindle (Senior Democracy Adviser)**

Administrative matters

Her Worship covered the following administrative matters:

- Two Councillors attending electronically
- Meeting being livestreamed
- Supplementary report Item 5.5.1 – supporting information to Item 5.5
- Extra ordinary business - Item 5.7 – COVID-19 Response – Te Tai Tokerau Worker Redeployment Package requires council resolution to consider at today's meeting
- Declarations of Interest – Members were reminded to declare any interests.

1. Karakia/Prayer

Her Worship opened the meeting with a karakia/prayer.

Following the karakia Council observed a minutes silence in respect of the recent passing of kaumātua Hohepa Rudolph.

Extra ordinary business

The resolution to accept Item 5.7 – COVID19 Response – Te Tai Tokerau Worker Redeployment Package as extra ordinary business was taken after the moments silence (refer Item 5.7 for resolution)

2. Declarations of Interest

Item 5.3 – 2020-21 Annual Operating Fund (Tranche 1)
Item 6.1 – Whangarei Art Museum request for change to funding model.

3. Apologies

There were no apologies.

4. Confirmation of Minutes of Previous Meeting of the Whangarei District Council

4.1 Minutes Whangarei District Council Meeting held 14 May 2020

Moved By Cr Vince Cocurullo
Seconded By Cr Shelley Deeming

That the open minutes of the Whangarei District Council meeting held on 14 May 2020, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

5. Decision Reports

5.1 Drinking - Water Quality Policy

Moved By Cr Greg Martin
Seconded By Cr Anna Murphy

That Whangarei District Council approve and adopt the Drinking-Water Quality Policy.

Carried

5.2 Urban and Services Plan Change Package - Decision

Moved By Cr Greg Innes
Seconded By Cr Shelley Deeming

That the Council:

1. Adopt the report and recommendation of the Hearing Commissioners for The Urban and Services Plan Changes (PC82A & B, 88A – J, 109, 115, 136, 143, 144, 145, 147, and 148) in terms

of Clause 10 of Part 1 of Schedule 1 of the Resource Management Act 1991.

2. Approve the notification of Council's decision be given in terms of Clause 10 and 11 of Part 1 of Schedule 1 of the Resource Management Act 1991.

Carried
Unanimous

5.3 2020-21 Annual Operating Fund (Tranche 1)

Moved By Cr Gavin Benney
Seconded By Cr Tricia Cutforth

That the Council approves grants from the 2020-21 Annual Operating Fund for Tranche 1, as follows:

1. Approves general Annual Operating grants, totalling $1,304,880 as follows:

a.	Citizens Advice Bureau Whangarei	$70,000
b.	Creative Northland	$208,000
c.	Mangakahia Sports Ground Society Inc	$28,600
d.	Multicultural Whangarei	$6,000
e.	Northland Craft Trust	$51,195
f.	Sistema Whangarei	$20,575
g.	Tai Tokerau Emergency Housing Trust	$15,000
h.	Volunteering Northland	$17,900
i.	Whangarei Art Museum	$398,970
j.	Whangarei Museum and Heritage Trust	$434,210
k.	Whangarei Quarry Gardens Trust	$39,085
l.	Whangarei Youth Space Trust	$15,345.

2. Approves an inflation increase of 2.2% for all applicants totalling $28,707 and allocates one-off additional grants totalling $63,000 to:

i.	Citizens Advice Bureau Whangarei for rent subsidy	$8,000
ii.	Northland Craft Trust for e-commence implementation	$15,000
	Whangarei Museum and Heritage Trust for ICT upgrade	$40,000.

3. Approves indicative levels of funding for the 2021-22 Annual Operating Fund at current 2020-21 funding levels as per Recommendation 1.

Carried

Declarations of Interest:
Her Worship declared a conflict of interest, vacated the Chair and took no part in discussions or voting on Item 5.3.
Deputy Mayor Greg Innes chaired Item 5.3.
Cr Couper declared an interest as council's appointed representative on the Whangarei Art Museum.
Cr Peters declared an interest as council's appointed representative on Creative Northland.
Chief Executive Rob Forlong declared a conflict of interest due to a familial connection to the Northland Craft Trust. Mr Forlong left the room and was absent from the meeting for the duration of Item 5.3.

5.4 Establishment of City Core Inner City Living Working Party

Moved By Her Worship the Mayor
Seconded By Cr Greg Martin

That Council:

1. Agree to establishment of the City Core Inner-city Working Party, with the following membership:

    - Councillor Shelley Deeming (Chair)
    - Councillor Tricia Cutforth
    - Councillor Simon Reid.

2. Agree to the Terms of Reference for the City Core Inner-city Working Party.

3. Note the activities of the working party will be reported to Council through the Strategy, Planning and Development Committee.

Carried

5.5 Working Group recommendation for Māori participation in Decision Making

Subsequent to the agenda being circulated supplementary report 5.5.1 – Attachment 3 was distributed separately, within the timeframes specified in LGOIMA.

Moved By Cr Phil Halse
Seconded By Cr Ken Couper

1. That Council adopts the recommendation of the Māori Participation in Decision Making Working Group to:

    a. Establish Te Kārearea Strategic Partnership Forum from June 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference;

b. Adopt Terms of Reference for creation of Te Kārearea Strategic Partnership Forum (Attachment 1);

c. Endorse the proposed Charter (Attachment 2);

d. Allocate a $150,000 budget (inclusive of any redeployment);

e. Note that Terms of Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020.

2. Notes that while $100,000 of the allocated budget can be managed through existing budget and staff redeployment a further $50,000 of savings will need to be made from other Council budgets.

Carried

Cr Cocurullo requested his vote against be recorded.

5.6 Local Government Funding Agency - Special General Meeting

Moved By Her Worship the Mayor
Seconded By Cr Shelley Deeming

That the Council:

1. Appoints Alan Adcock, GM Corporate/CFO as proxy to vote on behalf of the Council at the Local Government Funding Agency's Special General Meeting on 30 June 2020, with the Chair of the Local Government Funding Agency board as alternate;

2. Agrees that the proxy or alternate votes in favour of the Local Government Funding Agency's proposal as follows:

   i. To increase the foundation policy financial covenant net debt / total revenue from the current 250% to 280% for local authorities with a long-term credit rating of 'A' equivalent or higher;

   ii. That until 2025/26, local authorities with a long-term credit rating of 'A' equivalent or higher must comply with the "Alternative Net Debt / Total Revenue covenant" as below.

Alternative Net Debt / Total Revenue Covenant	
Financial Year (Test Date)	**Net Debt / Total Revenue**
30 June 2020	<250%
30 June 2021	<300%
30 June 2022	<300%
30 June 2023	<295%

30 June 2024	<290%
30 June 2025	<285%

3. Notes the amended foundation policy financial covenant of 380% will apply in the 2025/26 financial year and annually thereafter.

4. Notes that Council staff will update the Council on the Local Government Funding Agency's Shareholder Council's recommendations on the proposed shareholder resolution at the Council meeting.

Carried

Extra ordinary business

Item 5.7 – COVID-19 Response – Te Tai Tokerau Worker Redeployment Package, not circulated within the timeframe specified in LGOIMA, requires a resolution for council to consider this matter at today's meeting.

Item 5.7 was not on the agenda because at the time of the agenda closure the funding agreement had not been received from the Ministry of Business Innovation and Employment (MBIE).

Council are asked to consider this matter at today's meeting to enable the agreement to be signed in time to meet MBIE's deadline for signing.

Moved By Her Worship the Mayor
Seconded By Cr Greg Innes

That Council consider Item 5.7 COVID-19 Response – Te Tai Tokerau Worker Redeployment Package ag today's meeting.

Carried

5.7 COVID-19 Response - Te Tai Tokerau Worker Redeployment Package

Moved By Cr Anna Murphy
Seconded By Cr Greg Innes

That the Council

1. Approve Council entering into an agreement with the Ministry of Business Innovation and Employment to receive $9.32m of funding to be used for local worker redeployment.

2. Approve Council entering into agreements with the Northland Councils (Far North District Council, Kaipara District Council and

Northland Regional Council) and the New Zealand Transport Agency to ensure delivery of the agreement in item 1.

3. Delegates to the Chief Executive the authority to finalise the terms and conditions of the agreements in recommendations 1 and 2.

Carried

Cr Halse requested his vote against be recorded.

6. Information Report

6.1 Whangarei Art Museum - request for change to funding model

Moved By Cr Vince Cocurullo
Seconded By Cr Phil Halse

That Council notes the letter received from Whangarei Art Museum Trust and considers this request along with the Community Funding Review 2020 recommendations when the review is presented to Community Development Committee in due course.

Carried

Declaration of Interest:
Cr Couper declared an interest as council's appointed representative to the Whangarei Art Museum Trust.

7. Public Excluded Business

Moved By Cr Greg Martin
Seconded By Cr Greg Innes

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:

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 passing this resolution**
1.1	Confidential Minutes Whangarei District Council 14 May 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Ground Lease Rent Relief Requests		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:		
Item	**Grounds**	**Section**
1.1	For the reasons as stated in the open minutes.	
1.2	To enable Council to carryon without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(h) Section 7(2)(i) Section 7(2)(j)

Carried

8. Closure of Meeting

The meeting concluded at 12.09pm.

Confirmed this 25th day of June 2020

Her Worship the Mayor Sheryl Mai (Chairperson)

Item 5.2

Whangarei District Council Meeting Minutes

Date:	**Tuesday, 16 June, 2020**
Time:	**9:30 a.m.**
Location:	**Council Chamber** **Forum North, Rust Avenue** **Whangarei**
In Attendance	**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**
Scribe	**C Brindle (Senior Democracy Adviser)**

---

1. Karakia/Prayer

Cr Peters opened the meeting with a karakia.

2. Declarations of Interest

Item 4.1 – Annual Plan 2020-21 Deliberations

3. Apology

Cr Peter's absence for a short interval was noted.

4. Decision Reports

4.1 Annual Plan 2020-21 Deliberations

Item 4.1 was taken in parts.

Motion

Moved By Cr Carol Peters
Seconded By Cr Vince Cocurullo

That Council:

1. Note the 122 valid submissions received on the Annual Plan 2020-21 Consultation Document.
2. Accept two late submissions received outside the consultation period.
3. Deliberate on submissions relating to the Annual Plan 2020-21 consultation question.

Carried

Motion

Moved By Cr Phil Halse
Seconded By Cr Ken Couper

That Council;

4. Agree that the targeted rate for the Hikurangi Swamp Scheme, for the 2020-2021 financial year, is not increased from the 2019-2020 levels.
5. Confirm that no changes, excepting for the change to the targeted rates for the Hikurangi Swamp Scheme, will be made to the Annual Plan 2020-2021, as recommended in the deliberations report.
6. Note that the submissions outside the consultation question will be used to inform development of the 2020-2031 Long Term Plan.

Amendment

Moved By Cr Vince Cocurullo
Seconded By Cr Jayne Golightly

That the rates increase be zero percent.

On the amendment being put Cr Innes called for a division:

Recorded	**For**	**Against**	**Abstain**
Her Worship the Mayor		X	
Cr Gavin Benney		X	
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper		X	
Cr Tricia Cutforth		X	
Cr Shelley Deeming		X	
Cr Jayne Golightly	X		
Cr Phil Halse		X	

			3
Cr Greg Innes		X	
Cr Greg Martin			X
Cr Anna Murphy		X	
Cr Carol Peters		X	
Cr Simon Reid		X	
Results	**2**	**11**	**1**

The amendment was Lost (2 to 11)

On the motion being put Cr Halse called for a division:

Recorded	**For**	**Against**	**Abstain**
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes	X		
Cr Greg Martin			X
Cr Anna Murphy	X		
Cr Carol Peters	X		
Cr Simon Reid	X		
Results	**13**	**0**	**1**

The motion was Carried (13 to 0)

Cr Peters was absent from the meeting from 9.59am to 10.33am during discussion on Item 4.1.

Declarations of interest:
Cr Couper declared an interest in relation to the submission by the Waipu Cycle and Walkway group.
Her Worship the Mayor declared an interest in relation to the submission by the FNT13 group.
Cr Martin declared a conflict of interest in regard to the submission by the Hikurangi Swamp Scheme Pocket representatives. Cr Martin refrained from discussions on the Hikurangi Swamp Scheme rate and abstained from voting.

5. Closure of Meeting

The meeting concluded at 11.19am.

Confirmed this 25th day of June 2020

Her Worship the Mayor Sheryl Mai

Whangarei District Council

6.1 Standing Orders for the Whangarei District Council

Meeting:	Whangarei District Council
Date of meeting:	25 June 2020
Reporting officer:	Carolyne Brindle (Senior Democracy Adviser) Tracey Schiebli (Manager Democracy and Assurance)

1 Purpose

This report recommends the adoption of updated Standing Orders for the triennium.

2 Recommendations

That Council:

a. Note the Whangarei District Council draft Standing Orders in ***Attachment One.***

b. Agree to **retain** clause 19.3 in the draft Standing Orders, for providing for a Chair's Casting Vote

c. Agree to **retain** Option A (clause 22.2 of the draft Standing Orders) as the default option for dealing with motions and amendments, with the option to agree at the start of the meeting to use either Option B or C, as set out in clauses 22.3 and 22.4 of the draft Standing Orders.

d. Agree to **retain** clause 13.7 in the draft Standing Orders to allow members to attend meetings by audio visual link as set out in sections 13.7 to 13.16 of the draft Standing Orders.

e. Agree to **remove** the requirement in clause 13.10 for the chairing duties to be undertaken by a member that is physically present, to allow a Chairperson the flexibility to attend by audio or audio visual link.

f. Adopt the Standing Orders as included in ***Attachment One,*** incorporating recommendations b), c), d) and e) as resolved.

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.

Council's current Standing Orders (approved by Council in 2016) were based on the LGNZ template developed in 2016.

LGNZ undertook a further review in 2019 to address issues that had arisen since the release of the 2016 template, as well as to align with legislative changes since that time.

Democracy Services have drafted new Standing Orders based on the new 2019 Local Government New Zealand (LGNZ) template.

4 Discussion

The draft Whangarei District Council Standing Orders are included in ***Attachment One.*** They reflect the current Standing Orders including amendments taken from the LGNZ's template.

The updated version incorporates legislative changes since 2016 including:

- a definition for an Emergency Meeting and new Standing Orders 8.5, 8.6 and 8.7 regarding the process/timeframes for calling an emergency meeting and the associated public notice
- definitions for internet site, public notice and working days
- other minor amendments. For example, provision for maintaining records of minutes in electronic format (Standing Order 29.2) and the amendment of Standing Order 4.2 Meeting Duration to allow for a meeting break every two hours to reflect changes to the employment law.

The LGNZ 2019 Guide to Standing Orders, which highlights the changes, is included as ***Attachment Two.***

Optional clauses – factors to consider

The optional clauses that LGNZ recommend Councils consider include:

1. A casting vote for the Chairperson (clause 19.3)
2. The choice of a default option for speaking and moving motions:
   A – formal (SO 22.2); or
   B – medium (SO 22.3); or
   C – informal, (SO 22.4).
3. Members' right to attend by audio or audio visual link (SO's 13.7 – 13.16).
   Democracy Services are also recommending the removal of the section that requires that chairing duties be undertaken by a member that is physically present.

Council's current Standing Orders already allow for a Chair's casting vote, and Option A (formal) is the default option for speaking and moving motions.

a) Chairs Casting vote

The LGA 2002 allows chairpersons to use a casting vote if provision for such a vote is made in Council's Standing Orders. The vote can be used when there is an equality of votes and despite some views to the contrary, a casting vote is not limited to supporting the status quo.

A chairperson casting vote is additional to their deliberative vote. Council's current Standing Orders include 'chair casting vote'. Democracy staff reviewed district councils in the G9 group (councils of a similar size and demographic to WDC), eight of the nine G9 councils adopted chair casting vote.

LGNZ note the casting vote option was included to enable a meeting to conduct and conclude important business within statutory timeframes to avoid possible sanctions.

b) Speaking and moving motions

Standing Orders provide for three different options for dealing with motions and amendments.

- Option A – is the standard approach, included in the current Standing Orders. This option limits the ability of members to move amendments if they have previously spoken.

- Option B – is a mid-approach which allows members to speak to any amendment on the way through the amendment process, but places restrictions on how many amendments individuals can move and second

- Option C - provides a free approach to the moving and seconding of amendments allowing members the ability to move and second any number of amendments and allow all to speak to the amendments without restriction until an agreed motion is reached.

The current Standing Orders include Option A as the default option and that the Chairperson can recommend to a meeting that Option B or C apply, either for the full meeting or for specified items on the agenda.

Reasons why a committee may consider using Options B or C could be to enable more discussion on an item or to avoid a meeting choosing to suspend Standing Orders altogether.

There were no occasions during the last triennium when either council or a committee chose to use anything other than Option A. If a more flexible approach around debating rules was required, Chair's generally used their discretion provided for in clause 20.1. This standing order allows Chair's some discretion over procedural matters, such as the number of times a member can speak during debate.

It is recommended that Council agree to retain the default Option A, which will apply to all meetings.

c) Joining meetings by audio or audio visual link

In response to the COVID-19 environment Council's current Standing Orders were amended on 19 March 2020 to include provision for members (including members of the public and staff) to join meetings by audio or audio visual link. Council resolved to review this Standing Order by 30 June 2020.

The option to attend meetings by audio or audio-visual link arose from a 2014 amendment to the Local Government Act 2002. The purpose was to enable elected members to attend meetings remotely in circumstances where they would be unable to physically attend.

The provisions place responsibility on the Chair to approve requests from members to attend by audio visual link, perform duties around use of technology, and make sure confidentiality can be maintained where required, as set out in clauses 13.10 to 13.16 of Standing Orders.

If technology fails, the member is counted as not present and their voting would not be counted from that point.

It is important to note that while elected member who join a meeting by audio visual link are able to take part in discussions and vote, they are not counted as part of a meeting quorum.

Allowing the Chairperson to attend by audio or audio visual link

Section 13.10 outlines the Chairperson's responsibilities in respect of facilitating attendance for members by audio or audio visual link.

Currently, where the Chairperson attends by audio or audio visual link, the chairing duties are to be undertaken by the deputy chair or a member that is physically present. This requirement is not included in the Local Government Act 2002.

It is recommended that this section is amended to remove the requirement for the chairing duties to be undertaken by a member that is physically present. This will allow a Chairperson the flexibility to attend via audio or audio visual link should the need arise.

Other provisions

In 2016 Council made other minor amendments to the Standing Orders. Unless Council resolves otherwise these provisions will be retained in the draft Standing Orders:

Committees (clause 7.1)

Council included a statement that the minimum number of members for a committee is three and two for a subcommittee, for clarity. This is in line with legislation.

Quorum (clause 11.5)

The LGNZ template allows that a meeting must lapse if a quorum is not present within 30 minutes of the advertised start time of the meeting. Council's current Standing Orders provide for 10 minutes.

Public Forum (clause 15.1)

The LGNZ template allows for one days' notice for an application for public forum. Council's current standing orders allow two working days' notice for an application. This provides more time for the public to read the agenda and allows enough time to seek a response from the Chair.

5 Conclusion

Standing Orders provide a framework for making decisions that give effect to the principles of providing good local governance.

This ensures the way in which public-decision making is undertaken is open, transparent and fair.

The draft Whangarei District Council Standing Orders provide a framework that reflects the legislative requirements relating to meetings of Council and give effect to principles which are fundamental to a well-functioning democracy.

It is recommended that Council adopt the draft Standing Orders as included in ***Attachment One.***

6 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.

7 Attachments

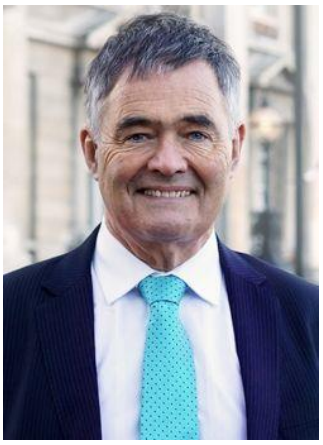
1. Draft Whangarei District Council Standing Orders
2. LGNZ 2019 Guide to Standing Orders

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

The 2019 Guide to Standing Orders

< Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent and fair. >

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.



Preface
Dave Cull, President, LGNZ

Democracy only really works if people trust it. And trust requires that our public decision-making processes are open, transparent and fair. In other words, citizens must be able to assure themselves that governments, at whatever level, work for the public interest. This is one of the reasons why standing orders are important. They provide a framework of rules for making decisions that gives effect to these principles; principles which are fundamental to a well-functioning democracy.

Whether councils apply their standing orders every time they meet, or refer to them only when faced with a complex or controversial issue, the fact that we have agreed and visible processes for making decisions is essential for public confidence in our decision-making. It is, therefore, important that our standing orders are not only fully compliant with legislation and best practice in the conduct of meetings, but that they are also easy to use.

The purpose of this Guide to Standing Orders is to assist those who are chairing meetings and the officials who advise them to ensure standing orders work well for the circumstances of each community. The Guide is designed to help interpret provisions which may be ambiguous in certain situations, and to address those matters that cannot be covered directly in the standing orders, because they are specific to an area.

This, the second edition of the Guide, has been expanded to include matters identified by practitioners over the last three years. I am sure you will find it helpful.

Dave Cull
President
LGNZ

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Contents

Preface 2
Acknowledgements ..... Error! Bookmark not defined.
Contents ..... Error! Bookmark not defined.
Process for adopting standing orders 5
Part 1: General matters 7
Mayoral appointments under s.41A Local Government Act 2002 (LGA) (SO 5.1-5.5) 7
The Mayor's leadership role 7
Ensuring decisions meet requirements of Part 6 LGA (SO 26.2) 7
Appointment of staff to sub-committees (SO 7.4) 8
Policies for leave of absence by members of the governing body (S012.3) 8
Extraordinary and emergency meetings – business (SO 8.3) 8
Use of extraordinary meetings 9
Part 2: Pre-Meeting 10
Meeting times 10
Giving notice 10
Advertising meetings to be held on or after the 21st of the Month 10
Re-locating meetings at the last minute 11
Process for putting matters on the agenda 11
Agendas – good practice 12
Information tabled at meetings. 12
Part 3 Meeting procedures 13
Starting your meeting 13
Voting systems 13
The Chairperson's Casting Vote (SO 19.3) 13
Joining meetings by audio and audio visual means (SO 12.7 – 12.16) 14
Conduct (SO 19) 14
Public Forums: good practice 15
Revoking a decision made under delegated authority (SO 23) 15
Process for release of public excluded information 15
Returning from public excluded to open session 16
Conflicts of interest (SO 19.7 – 19.8) 16

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

How should confidential information in an agenda be managed? 17
What happens to a quorum when a member is 'not at the table'? 17
Members attending meetings of which they are not members 17
Attendance at hearings 18
Divisions 18
Where a motion is lost (SO 22.9) 18
What happens to items left on the table (SO. 24.2) 19
Options for speaking and moving motions (SO 21) 19
Keeping Minutes - additional guidance 19
Taking minutes for hearings held under 'other' statutes 21
Preparing for the next triennial election 22
Feedback: 24
Appendix: Process for implementing s. 41A 25

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Recommended process for adopting standing orders

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. The approval of at least 75 per cent of members present at a meeting is required to adopt (and amend) standing orders.

The 2019 edition of the LGNZ standing orders contains a number of optional provisions and, as part of the adoption process, members need to be given the choice of which options to include prior to being asked to adopt the full set of standing orders. We recommend a process like the following:

Officer's report to an ordinary meeting of the council

To adopt these standing orders, a report should be prepared for consideration at the first ordinary meeting of the governing body of the local authority (the council meeting).

The report should list the optional clauses in the standing orders template and briefly discuss the advantages and disadvantages of each. The optional clauses are:

- Members' right to attend by audio or audio visual link (clauses 13.11 – 13.16);
- A casting vote for the Chairperson (clauses 19.3); and
- The choice of a default option for speaking and moving motions:
    - A - formal, (cl. 22.2); or
    - B,- medium, (cl. 22.3); or
    - C - informal, (cl. 22.4).

Factors to consider

Audio visual link

The LGA 2002 allows members of a local authority to participate in meetings if they are not physically present by audio or audio visual means. This provision was made in response to requests from councils that represent large geographic areas in which it is often difficult for some members to attend meetings at short notice. Its use, however, is not limited by statute and councils can develop policies should they wish to constrain the use of the technology to certain types of meetings or not.

To make use of this option the relevant rules must be incorporated within a council's standing orders. Please note that members attending by audio or audio visual means are not counted as part of a meeting's quorum.

Casting vote

The LGA 2002 allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes and, despite some views to the contrary, a casting vote is not limited to supporting the status quo.

The LGNZ standing order template includes the casting vote option which will need to be removed should councils prefer that their chairpersons are unable to exercise such a vote.

A third option, in which a casting vote can only be used for prescribed types of decisions, is available. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the annual and long term plan (see p. 12 of this Guide).

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Speaking and moving options

The LGNZ standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

- Option A is the most formal of the three and limits the number of times members can speak and move amendments, for example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)
- Option B is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

The council is asked to agree on a default option which will apply to all meetings unless a chairperson, or meeting, agree to apply one of the other two options at specific meeting. It is recommended that the default option be marked as Default in the adopted standing orders.

Draft resolution

Once decisions have been made on whether or not to incorporate the discretionary clauses, then a resolution to adopt the original or amended standing orders can be established. A resolution could take the following shape:

That the council adopt the standing orders as tabled with the following amendments:

i. Provisions for meetings by audio visual link - yes/no.

ii. A casting vote for chairpersons – yes/no.

iii. Option A (formal), B (medium), or C (informal) as the default for speaking and moving motions.

The same process is recommended for local and community boards, and joint committees.

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Part 1: General matters

Mayoral appointments under s.41A Local Government Act 2002

Included in the standing orders are provisions dealing with the ability of mayors to establish committees, appoint deputy mayors, committee chairs and members of committees (see standing orders 5.1 – 5.5).

Where a mayor chooses to use these powers, a council must make provision for ensuring the results of the Mayor's decisions are communicated as soon as practicable to members of the governing body. We recommend that either the Mayor or chief executive provide the information at the first meeting of the governing body that follows the Mayor's appointments.

It is critical that the chief executive of a territorial authority advises their mayor about s. 41A LGA as soon as possible after election results have been confirmed, so as to ascertain whether or not they wish to make use of those powers. Appendix 3 sets out a possible process for this.

The Mayor's leadership role

Under s.41A LGA mayors are responsible for the leadership of the "other members of the territorial authority" and the "people in the district of the territorial authority". They are also responsible for leading the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

Section 41A can have implications for the way these standing orders work, depending on how a mayor wishes to approach their leadership role, particularly in regard to plans, policies and budgets. Some mayors have chosen to put all plans, policies and budgets under their own names so as to give effect to their leadership responsibilities. The standing orders provide for a chairperson to stand down from the chair but still contribute to a debate, should they feel strongly about an issue, in order to ensure the objectivity of the chair.

Ensuring decisions meet requirements of Part 6 LGA 2002

The standing orders highlight the importance of recommendations, whether made in a chairperson's report or a Notice of Motion, complying with the decision-making requirements of Part 6 LGA.

Section 76 LGA specifies that every decision made by a local authority must be made in accordance with such provision of sections 77, 78, 80, 81 and 82 (LGA) as are applicable. This requirement applies to all decisions to the degree appropriate.

In some cases the impact of these provisions will require that a decision can only be made after consideration of options and related matters has taken place while in other cases, especially if the decision is a minor decision, no further analysis is required.

What is required is some evidence that consideration has been given to the degree to which a decision is or should be, subject to the matters specified in the relevant sections of Part 6.

These standing orders make provision within SO 26.2 for a chairperson to refuse to accept a Notice of Motion that fails to include sufficient information to satisfy the requirements of sections 77 – 82 of the LGA.

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Appointment of staff to sub-committees

While non-elected members may be appointed to committees and sub-committees, council staff, in the "course of his or her employment" can only be appointed to a sub-committee. When determining to appoint a sub-committee, a council or committee should, through the terms of reference, be clear about the nature of the skills and competencies required. This may involve:

- Requesting that the Chief Executive, or their nominee, determine which member of staff is appropriate to be a member of the sub-committee; or
- Identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

Policies for leave of absence by members of the governing body

The standing orders provide for a council to delegate the authority to grant leave of absence to a mayor or regional council chair. When deciding whether or not to give a member a leave of absence, a council or their delegate, may wish to consider. The impact of the leave of absence on the capacity of the council to conduct its business with regard to quorum, the number of members available to fulfil the councils' responsibilities and other requests for leave of absences:

- A request for leave of absence should be made in advance of a meeting and would generally apply to a number of meetings that the member knows that he/she will be unable to attend; and
- Apologies are usually given when a member cannot attend a forthcoming meeting or inadvertently missed a meeting, in which cases the apologies are made retrospectively.

If a member is absent from four consecutive meetings without their leave, or apologies approved, an extraordinary vacancy is created. This occurs at the end of a meeting at which a fourth apology has been declined, or a member had failed to appear without leave of absence.

Councils will need to establish their own policy as to whether or not a person who has a leave of absence for a length of time will continue to receive remuneration as an elected member, for example, a policy may provide for remuneration to continue to be paid for the first three months of a leave of absence.

Extraordinary and emergency meetings – business

A question that is commonly asked about extraordinary meetings is whether or not business, other than the business for which the extraordinary meeting was called, should also be included on the agenda, or discussed at the meeting. The Standing Orders recommends that extraordinary meetings should only deal with the business for which they are called and should not be concerned with matters that could be considered at an ordinary meeting or have not been included in the grounds for which an extraordinary meeting has been called. Public forums should not be held prior to an extraordinary meeting.

Enacted in 2019, the Local Government Regulatory Matters Act has provided for a new type of meeting referred to as Emergency Meetings. The difference between extraordinary and emergency meetings is the time-frame involved and the process for calling them, see below.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Table 1 Extraordinary and emergency meetings compared

	Extraordinary meetings	Emergency meetings
Called by:	A resolution of the local authority or requisition in writing delivered to the CE and signed by: • The mayor or chairperson; or • Not less than one-third of the total membership of the local authority (including vacancies).	The mayor or chairperson; or if the mayor and chairperson are unavailable, the chief executive
Process	Notice in writing of the time and place and general business given by the CE.	By whatever means is reasonable by the person calling the meeting or someone on their behalf.
Time frame:	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting.	Not less than 24 hours before the meeting.
Notification of resolutions	With two exceptions a local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting.	No similar provision exists for emergency meetings however good practice would suggest adoption of the same process applies to extraordinary meetings.

Use of extraordinary meetings

Extraordinary meetings are designed to consider specific matters which cannot, due to urgency, be considered at an ordinary meeting. It is for this reason that extraordinary meetings can be held with less public notification than ordinary meetings.

If councils need to hold meetings that are additional to those specified in their meeting schedule, then the appropriate response is to amend their meeting schedule to include additional ordinary meetings, rather than call extraordinary meetings to address what might be the general business of the council. Extraordinary meetings, as the name implies, are for business that cannot wait for an ordinary meeting and where grounds exist for shortening public notice.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Part 2: Pre-Meeting

Meeting times

Consideration should be given to choosing a meeting time that is convenient for members and facilitates the participation of the public. One approach would be to use the council induction workshop to seek agreement from members as to the times that will best suit them, their council and their community.

Giving notice

The Standing Orders have now been updated to include the new definitions of what constitutes a public notice and how working days are defined. The new provisions are set out in the Local Government Regulatory Matters Act 2019. The full provisions are:

Internet site, in relation to a local authority, other person or entity, means an internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Public notice, in relation to a notice given by a local authority, means that:

(a) It is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and

(b) It is published in at least:

(i) One daily newspaper circulating in the region or district of the local authority; or

(ii) One or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district.

Working day means a day of the week other than:

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day;

(b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;

(c) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and

(d) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Advertising meetings to be held on or after the 21st of the month

Section 46(1) and (2) provide timeframes for the public advertising of meetings. The purpose of these subsections is to ensure sufficient notification to the public regarding when meetings will take place. However, the wording of these subsections can cause some confusion.

- Section 46(1) envisages that an efficient way of advertising meetings is to provide a monthly schedule, published 5-14 days before the end of the month.
- Section 46(2) envisages that meetings in the latter half of the month may not be confirmed sufficiently in advance to form part of a monthly meeting schedule published before the start of the month.

Therefore, Section 46(2) provides a separate mechanism for advertising meetings held after the 21st of the month, which councils can choose to follow. If councils wish to do so, meetings after the 21st of the month can be advertised 5-10 working days prior to the meeting taking place (that being 1-2 standard calendar weeks, unless public holidays fall during that time.

Basically, Councils must utilise the monthly schedule in Section 46(1) for meetings held between the 1st and 21st of the month, however, either method for advertising meetings can be used for meetings held after the 21st

Re-locating meetings at the last minute

Local authorities must hold meetings at the times and places that it appoints, so if an appointed meeting room becomes unavailable at the last minute (i.e. after the agenda has been published), and an alternative room in the same venue or complex cannot be used, the meeting can be re-located but will become extraordinary and the requirements set out in Standing Orders 8.5 and 8.10 will need to be met.

If a meeting is re-located, we recommend informing the public of the change in as many different ways as possible, for example:

- Customer Services made aware;
- Meeting invitations to elected members changed;
- Relevant notices visible outside both old and new venues;
- A sign on the original meeting room door, and/or; and
- Updates on the Council's website and social media pages.

Process for putting matters on the agenda

An issue for many elected members, particularly those newly elected, is how to get matters on to the agenda of a meeting in order to achieve a decision. This issue is addressed in Standing Order 9.1 and Appendix 13. The provision applies to councils, subordinate decision-making bodies (these include committees and subcommittees), local and community boards. In short, a matter may be placed on the agenda as a result of any of the following:

- Through a direct request to the chief executive or an officer with the relevant delegated responsibility;
- From the Chairperson through their chairperson's report, although depending on the nature of the item and decision suggested, a staff report may be required;
- Through the report of a committee. Committee meetings are generally less formal than a meeting of the governing body and a committee can make recommendations to the governing body. Please note that any request should fall within the committee's terms of reference;
- Through a report of a local or community board. A councillor could, for example, ask a local or community board to support a matter and even recommend a course of action to the governing body; and
- Members may apply to place an item on the agenda through a notice of motion (see SO 27.1), however, a notice of motion must comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. 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 be referred to the chief executive for consideration and report.

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Though any and all of these may be used it is important to remember that until presented to members (i.e. published), an agenda is ultimately the responsibility of the Chief Executive and the collation of the agenda and its contents must remain under the Chief Executive's control.

Where a matter is urgent and has not been placed on an agenda it may be brought before a meeting as "extraordinary business" as a result of a report by the Chief Executive or a report by the Chairperson. This process gives effect to Section 46A (7) and (7A) of LGOIMA.

Please note: the content or topic of any request must fall within the terms of reference of the specific body or meeting, for example, a request made to a community board should be for an item that falls within the decision-making authority of the board.

Agendas – good practice

Underpinning open and transparent government is the opportunity for members of the public to know in advance what matters their local governments will be debating and making decisions about ahead of time. Consequently making copies of council and committee agendas available for members of the public is critical. Officials need to be aware of their communities' preferences for accessing information when deciding how access to draft agendas will be facilitated.

Information tabled at meetings

Any extra information tabled after the reports and agendas have been distributed should be specified and noted in the minutes, with copies made available in all places that the original material was distributed to. A copy must also be filed with the agenda papers for archival purposes (and future research if necessary).

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Part 3 Meeting procedures

Starting your meeting

Questions are sometimes asked whether or not council meetings should begin with some form of reflection to acknowledge the importance of our democratic processes.

There is no obligation on a local authority to start its meetings with a reflection or ceremony, however if a council wishes to begin its meetings with a formal procedure to recognise the civic importance of council meetings, we have made a few suggestions in this section. Which allow for tangata whenua processes which should alleviate any awkwardness around introducing such processes.

An example of a reflection used at the start of a meeting is the following karakia used by Hutt City Council.

Opening formalities - karakia timatanga	
Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air.
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day.
Tīhei mauri ora.	

Voting systems

One of the issues that arose during preparation of the new Standing Orders concerned the performance of some of the electronic voting systems that are in use and whether or not the way in which they operate is consistent with what we understand as 'open voting'.

We have taken the view that open voting means that members should be able to see how each other votes 'as they vote' (i.e. simultaneously) as opposed to a system which votes are tallied (in a manner that does not show how individuals voted) and then a result is released.

It is also important to note that under these Standing Orders electronic systems should allow a member to abstain from voting, see Standing Order 19.7.

The Chairperson's casting vote

Standing Order 19.3 allows the Chairperson to exercise a casting vote where there is an equality of votes. Incorporating a casting vote in a council's Standing Orders is optional under cl. 24 (2) Schedule 7, LGA 2002. The casting vote option has been included in the template to enable a meeting to conduct and conclude important business without the risk that a vote might be tied and as a result a significant statutory timeframe might be exceeded.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

There are three options:

1. The casting vote provisions are left as they are in the default standing orders.
2. The casting vote provision, Standing Order 18.3, is removed from the draft standing orders before the standing orders are adopted.
3. The standing orders are amended to provide for a "limited casting vote" that would be limited to a prescribed set of decisions only such as statutory decisions, for example: *where the meeting is required to make a statuary decision e.g. adopt a Long Term Plan, the chair has a casting vote where there is an equality of votes.*

Chairperson does not have a casting vote except in the case of statutory decisions

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved) with the exception of statutory decisions such as (but not limited to) the adoption of Annual Plans, Annual Reports and Long Term Plans where a casting vote may be exercised (Western Bay of Plenty District Council Standing Orders 2016).

Joining meetings by audio and audio visual means

The Local Government Act 2002 Amendment Act 2014 gave local authorities the option to include in their standing orders a provision to enable members to join meetings by audio or audio visual means.

These standing orders include this provision and if a council wishes not to make that option available to its members the specific standing orders should be removed before the standing orders are adopted. The relevant standing orders are 13.7 – 13.16.

A number of members have found the audio and audio visual provisions prescribing quorums and voting confusing. We have worked on the Standing Order to make it as clear as possible that while a member can take part in discussions and vote while joining a meeting electronically, they are not part of the quorum.

Conduct

Section 20 of the Standing Orders deals with the lected member conduct at meetings. One feature of the LGNZ Standing Orders is the cross reference to each council's Code of Conduct. The Code of Conduct sets standards by which members agree to abide in relations to each other. Clause 5.1 of the LGNZ Code of Conduct template sets out the following standards with regard to relations between members:

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open and honest;
- Is courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

At the start of a triennium, councils as well as committees and local and community boards should agree on protocols for how meetings will work, including whether or not members are expected to stand when speaking and any specific dress requirements.

Public forums: good practice

These standing orders state that a period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the meeting for up to five minutes on items that fall within the delegations of the meeting, provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting i.e. consideration of business items listed on the agenda. We recommend that a brief record be kept of matters raised during any public forum section of the meeting with matters for action to be referred to the Chief Executive or other person as requested by the meeting.

Revoking a decision made under delegated authority

A council cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, assuming that the subordinate decision-making body, or local or community board, has exercised its decision-making powers in a lawful manner.

Where a decision of a subordinate body or a local or community board has been made under delegated authority but has not been implemented, a council can remove the specific delegation from that body and resolve to implement an alternative course of action.

Process for release of public excluded information

Councils have different processes for releasing the reports, minutes and decisions from public excluded meetings (material considered confidential under Section 6 or Section 7 of LGOIMA). It is important to be aware that reasons for withholding information from the public does not necessarily endure, for example, information that was confidential due to negotiations may not need to remain confidential when negotiations have concluded. Equally, documents may be released in part, with only parts withheld.

Generally information may only be publicly released by a decision of the meeting, or a decision of the Chief Executive. Each council will have systems and policy for controlling the release of information.

When a report is deemed to be 'In confidence' information can be provided on whether or not it will be publicly released and when. With regard to items under negotiation, such as contracts, land purchase or disposal, resource consents and district plan matters, there is often an end point when confidentiality is no longer necessary. If no release clause is provided a further report may be needed to release the information creating double handling and report writing.

The following clause can be included in report templates to address this issue:

(If in confidence) That the report/recommendation be transferred into the open section of the meeting on {state when the report and/or recommendation can be released as an item of open business and include this clause in the recommendation}.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Returning from public excluded to open session

Councils take different approaches to the way in which a meeting moves from public excluded to open status. There are basically two approaches:

1. Meeting resolution - whereby the chair, or a member, moves that since the grounds for going into public excluded no longer exist the public excluded status is hereby lifted.
2. End of the public excluded item – whereby public excluded status is "tagged" to only those items that meet the criteria in the sample resolution set out in Appendix Two of the Standing Orders and is automatically lifted once discussion on that item is concluded.

Generally, moving out of public excluded sessions should follow the approach set out in option two. However, option one might apply where, during a substantive item, it is necessary to go into public excluded for a section of that item. In this case the Chair, or a member, should signal, though a point of order that the grounds for excluding the public no longer apply. Whether a motion to return to open meeting is required or not is a question of style.

Conflicts of interest

Questions from elected members about when a conflict of interest may exist and how it should be managed are amongst the most common faced by governance staff. The rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have with a financial or non-financial conflict of interest. However, determining whether a conflict exists or not is not always so clear.

Financial conflicts of interest:

It is an offence under the Local Authorities Members' Interests Act 1968 to participate in any matter in which a member has a financial interest. These are defined by the Auditor General as:

> *whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member involved (p. 25 Conflicts of Interest OAG 2004).*

The Auditor General can, in certain situations, grant exemptions from the rule which makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

In such cases the Auditor General can grant an exemption or a declaration to allow a member to participate. Members should be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG's guide on Conflicts of Interest published in 2004).

Non-financial conflicts of interest:

The Auditor General defines a non-financial conflict of interest or 'bias' as:

> *Is there, to a reasonable, fair minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard (with favour or disfavour) the case of a party to the issue under consideration.*

Bias involves not just actual bias but also the perception of bias. A claim of bias can be made on the basis of predetermination. A member who believes they may have a non-financial conflict of interest should:

- Declare they have a conflict of interest when the matter comes up at a meeting;
- Ensure that their declaration is recorded in the minutes; and
- Refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter. In determining the level of conflict, members should discuss the matter with the meeting chairperson and/or chief executive or their nominee, however, the decision whether to participate or not must be made by the members themselves.

The Auditor General cannot provide an exemption or declaration with regard to non-financial conflicts of interest.

How should confidential information in an agenda be managed?

Occasionally councils have to address the issue of how confidential agenda items should be handled where there is a possibility, should it become public, that the information in the agenda could benefit a member or individuals. Some councils address this risk by tabling confidential papers at the meeting on the day and ensuring those papers are returned before members leave.

What happens to a quorum when a member is 'not at the table'?

Whether or not members must be 'at the table' to constitute a quorum is a frequently asked question, usually in response to a member standing aside from the table due to a perceived or actual conflict of interest.

Standing Order 10.4 covers this situation when it states "a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote". "Present" in the context of these standing orders is to be in the room, not necessarily around the table. Please note that if a member is excluded from the meeting room due to a financial conflict of interest they are no longer considered "present" for the purposes of the quorum.

Members attending meetings of which they are not members

A common question involves the role of elected members who attend meetings of which they are not members and what their status at these meetings should be. The legislation and these standing orders are clear (cl. 19(2) Schedule 7, LGA 2002) that members can attend any meetings unless they are "lawfully excluded" (see definition of lawfully excluded in the Standing Orders).

An elected member who attends the meeting of a committee or which they are not a member may not necessarily be able to claim allowances, such as mileage, for attending that meeting. This question should be addressed in a council's allowances and expenses policy.

Elected members attending a meeting of which they are not a member have the same rights as the public. They may be granted additional speaking rights if permitted by the Chairperson. To remove the possibility of confusion about membership and speaking rights for both the public and the members concerned many councils require non-members to sit away from the meeting table i.e. in the public gallery.

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Attendance at hearings

There is often confusion as to whether or not elected members must be present throughout a hearings or submission process in order to be able to vote on the outcomes of the hearing. This is a case where the rules vary according to the legislation under which the hearing or submission process is occurring.

Hearings under the LGA 2002, such as Annual Plan or Long Term Plan hearings, do not require all elected members to have participated in the submission process in order to take part and vote on the outcomes of that process. Elected members who cannot participate at all or who miss part of a hearing should review all submissions and the analysis provided by officials of the written and oral submissions before taking part in any debate and vote on the plan or policy under consideration.

It is good practice to remove doubt on this matter that there be a record in the minutes stating that the members who have been absent have been provided with, prior to deliberations, all records of submissions made both orally and in written form.

Please note that the Auditor General recommends that members should be present for the whole of a hearing "to show a willingness to consider all points of view" (Conflicts of Interest August 2004 p. 43). The guidance suggests that lengthy periods of nonattendance at a hearing could suggest an element of pre-determination.

Divisions

Under Standing Order 19.5 a member can call for a 'division' for any reason. If a division is called the standing orders require the Chief Executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the Chairperson to declare the result. It is important to remember to record the names of members in the minutes and the way in which they voted.

There are different approaches taken to ascertaining how people voted. For example:

- When asking each individual member how they voted vary the order in which elected members are asked e.g. alternate between clockwise and anti-clockwise.
- To get a clear picture ask members who voted for or against a motion or amendment to stand to reflect how they voted i.e. "all those in favour please stand" and the committee secretary will record those votes and names, followed by "all those against please stand" again with names recorded, followed (where abstention is provided for) with "all those abstaining, please stand" and again record those names.

Where a motion is lost

A new provision has been added to make it clear that when a motion is lost it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion "that the council's social housing stock be sold" was defeated, the organisation might be left without direction with regard to the question of how the stock should be managed in the future.

Standing Order 23.10 enables a meeting to submit a new motion if required to provide direction to management where this might be required following the defeat of a motion.

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

What happens to items left on the table

Standing Order 25.2 *Procedural motions to close or adjourn a debate* provides five procedural motions to close or adjourn a debate. In relation to the procedural motion whereby the item of business is left to "lie on the table" we recommend that any such matters should cease to lie on the table and are withdrawn at the end of the triennium.

It is however good practice wherever possible to state (when an item is left to lie on the table) what action is required to finalise it and when it will be reconsidered. For example, "that the report on the sale of the land lie on the table until further information on land values is received and that on receipt of such information the item be reported to the next scheduled meeting of the Property Committee".

Options for speaking and moving motions

One of the new features in these standing orders is the ability to use different rules for speaking to and moving motions so as to give greater flexibility when dealing with different situations.

Standing Orders (22.1 – 22.5) provide for three options. Option A repeats the provisions in the Standards New Zealand Model Standing Orders which limit the ability of members to move amendments if they have previously spoken. Option B provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option C allows further flexibility.

When a council, committee or community board adopts their standing orders at the start of the triennium it should decide which of the three options will be the default option. We recommend that the default be the approach which will be used most frequently.

Reasons why a committee may consider using options B or C could be to enable more discussion on items and/or to avoid a meeting choosing to suspend standing orders altogether.

For joint committees the decision could be simplified by agreeing to adopt the settings used by whichever member council is providing the administrative services.

Keeping minutes - additional guidance

Since the release of the 2016 standing orders a number of requests for further guidance have been raised.

Hard copy or digital

A common question since the release of the LGNZ standing orders has been to do with whether or not minutes should only be kept in hard copy. Since the 2016 edition Archives New Zealand has released guidance on the storage of records by digital means. In short general approval has been given to public offices to retain electronic records in digital form, except in a few specified cases. The advice is set out below.

Mandate

This Authority to retain public records in electronic form only (the Authority) is issued by the Chief Archivist under Section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

Purpose

The purpose of the Authority is to grant general approval from the Chief Archivist to public offices to retain public records in electronic (digital) form only, subject to the exclusions listed in "4 Exclusions to this Authority" below. This means that the source public records do not need to be retained after digitisation and can be destroyed without further authorisation.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Approval to retain in electronic form

The Chief Archivist approves public records not excluded under *4 Exclusions to this Authority* below for retention in electronic form only, after these have been digitised.

Exclusions to this Authority

The following categories of public records are excluded from the general approval given in "*Approval to retain in electronic form*" above:

- Unique or rare information, information of importance to national or cultural identity or information of historical significance;
- Unique or rare information of cultural value to Māori (land and people) and their identity; and
- All information created prior to 1946.

For more detail on each of these categories, refer to the guide *Destruction of source information after digitisation 17/G1*3. Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

Compliance with Section 229(1) of the CCLA

A public office can retain public records in electronic form only, and destroy the source information, only if the public record is covered by the approval given in this Authority (or specific authorisation has otherwise been given by the Chief Archivist); and the conditions of Section 229(1) of the CCLA are met. The two conditions of s\Section 229(1) are:

(a) *The electronic form provides a reliable means of assuring that the integrity of the information is maintained*

In accordance with Section 221 of the CCLA, "the integrity of information is maintained only if the information has remained complete and unaltered, except for the addition of any endorsement, or immaterial change that arises in the normal course of communication, storage, or display."

The Chief Archivist considers that if any unique characteristics of the source information, which contribute to the value of that information, would be lost during digital conversion then the integrity of the information would not be maintained. The source information must then be retained.

(b) *The information is readily accessible so as to be usable for subsequent reference*

Usable information is information that can be located, retrieved, presented and interpreted within a reasonable time period. A usable record should be connected to the business process or transaction that produced it. Linkages between records that document related business transactions should be maintained (sourced from ISO 15489-1:2016 *Information and documentation – Records management – Concepts and principles*).

Note: Public offices should be aware that Section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (Enactments and provisions excluded from subpart 3 of Part 4).

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

For further detail, the Authority should be read in conjunction with the guide *Destruction of source information after digitisation 17/G13*[1].

Chairperson's signature

Where councils capture and store minutes digitally the traditional practice for authorizing minutes of the Chair's signature is not at all practical. For the digital environment one approach would be to include, with the motion to adopt the minutes, a sub-motion to the effect that the Chair's electronic signature be attached/inserted.

What to record?

The purpose of taking minutes is to meet legal requirements set out in LGOIMA 1987, "create an audit trail of public decision-making and to provide an impartial record of what has been agreed". But most of all having a clear and precise record of the decisions that our public agencies make strengthens accountability and helps build confidence in our local democracy.

The level of proceedings recorded will vary according to the preferences of different councils and their administrations. What is important is to ensure that the bodies on behalf of which minutes are being taken are fully aware of, and have agreed in advance, to the style of those minutes. One way of doing this is to include, as part of the resolution adopting the minutes, either a stand-alone motion stating the level of detail that will be recorded, or including this within the Standing Orders themselves.

Good practice

- Minutes should be a clear audit trail of decision-making.
- Less is best.
- Someone not in attendance will be able to understand what was decided
- Anyone reading the minutes in 20 years' time will understand them (Fleur Sweeney).

In addition to the items set out in SO 27.2, a further reason why more detailed records might be taken is to record the reasons given for a meeting not accepting an officer's recommendations on a report - this might be important for future audit purposes.

Taking minutes for hearings held under 'other' statutes

The LGNZ Standing Orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which councils may have meetings and hearings can have specific requirements that are different to the general requirements of the LGA 2002. For example:

Minutes of hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 include additional items, namely:

- Record of oral evidence;
- Questions put by panel members and the speaker's response;
- Reference to tabled written evidence; and
- Right of reply.

[1] See https://records.archives.govt.nz/assets/Guidance-new-standard/17-Sp7-Authority-to-retain-public-records-in-electronic-form-only.pdf

Information required in minutes of hearings of submissions under a special consultative procedure, such as Long Term Plan hearings, include:

- Records of oral submission;
- Questions put by elected members and the speaker's response to them; and
- Reference to tabled written submission.

In cases where a council resolves a course of action in response to submissions which is contrary to advice provided by officials, the reasons why the Council chose not to follow official advice should be recorded. In summary:

- For procedural matters a pre-formatted list of statements can be useful for slotting in the minutes as you go.
- Avoid attributing statements to specific politicians as it creates opportunity for debate during the confirmation of minutes.
- Do attribute statements when given as expert advice.
- Be flexible. Minutes are live recordings of real events – the rules won't always help you.

Preparing for the next triennial election

There is often uncertainty about what, if anything, should be done to prepare for the triennial elections and the interregnum period during which elected members are unable to act.

Governance hand-overs

To assist new councils get up to speed, councils, i.e. the governing bodies, may like to "prepare a letter to themselves", i.e. for their successors (noting that this may largely be the incumbents).

The purpose of such a letter or report is to provide the new members of the councils with an insight into what the outgoing councils saw as the major challenges and what they learned during their term in office that they might have done differently. In other words, a chance to help the new council avoid the mistakes they may have made.

Whether or not to prepare advice for an incoming council and if so, what advice, is ideally a discussion that a mayor/regional council chair should have with their respective governing body before the last scheduled council meeting. It may be an ideal topic for a facilitated workshop.

Reviewing decision-making structures

One of the first matters that new councils must address is to adopt a decision-making structure and in the vast majority of cases end up adopting the decision-making body of their predecessors.

We spend too little time looking at whether or not our councils have the right decision-making structure, as there is a very wide menu of options, from governing bodies that choose to make all decisions, to committees which are "committees of the whole" and committees with external appointments. We need to work with our governing bodies to help them identify the right approach for their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved.

Based on surveys and interviews the incoming councils should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly.

Committees that are not-discharged

Depending on the nature of their responsibilities a council, or a group of councils in the case of a joint committee, can resolve that a committee continues beyond a triennial election. Typically such a committee would be responsible for providing oversight of some form of project that has a long term focus and may also contain appointed members.

Whether or not the committee is to be discharged at an election should be set out in its original terms of reference, adopted by resolution. Following an election the council, or councils by agreement in the event of a joint committee, can discharge and appoint new members to that committee.

There is some ambiguity as to whether District Licensing Committees automatically continue past the triennium or a resolution not discharging them is required. While the legislation is not specific the fact that DLCs are required by statute and that members can be appointed for terms longer than three years strongly suggests that the automatic discharge provision probably does not apply. However councils have the choice of resolving not to discharge should they choose.

When to schedule the last ordinary meeting

When putting together the schedule of meetings for the last year of a triennium how close to polling day should the last meeting of the governing body be scheduled? Councils do take different approaches, and practice may be affected by the nature of business that a council is facing prior to the coming elections.

Given that the election campaign properly starts four weeks before polling day, common practice would be to schedule the last ordinary council meeting in the week before the campaign period begins.

This allows retiring members to make valedictory speeches away from the political atmosphere of the election and those members seeking re-election may not be fully occupied with their campaigns.

Council business still continues in the four weeks before polling day so expect some council committees/sub-committees to still be meeting to deal with ongoing work, whether it is preparation of a submission or oversight of a local project. Urgent matters can still be addressed through an extraordinary or emergent meeting.

What about issues emerging in the interregnum?

Between polling day and the first meeting of the new council, at which members are sworn in, issues can arise that require an urgent council decision, who should make any such decisions?

This is a question that is asked frequently and there is only one practical answer, and that is your council's chief executive. Before the elections (and preferably at the first or second council meeting where delegations are agreed) a time-limited delegation should be adopted giving the chief executive broad discretion to act on behalf of the local authority. For example:

> *That from the day following the Electoral Officer's declaration, until the new Council is sworn in, the Chief Executive is authorised to make decisions in respect of urgent matters, in consultation with the Mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new Council.*

We are.
LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Feedback:

The 2019 edition of the Standing orders incorporates all relevant legislative changes made by Parliament since 2016 that we are aware of. If any changes have escaped our attention please let us know.

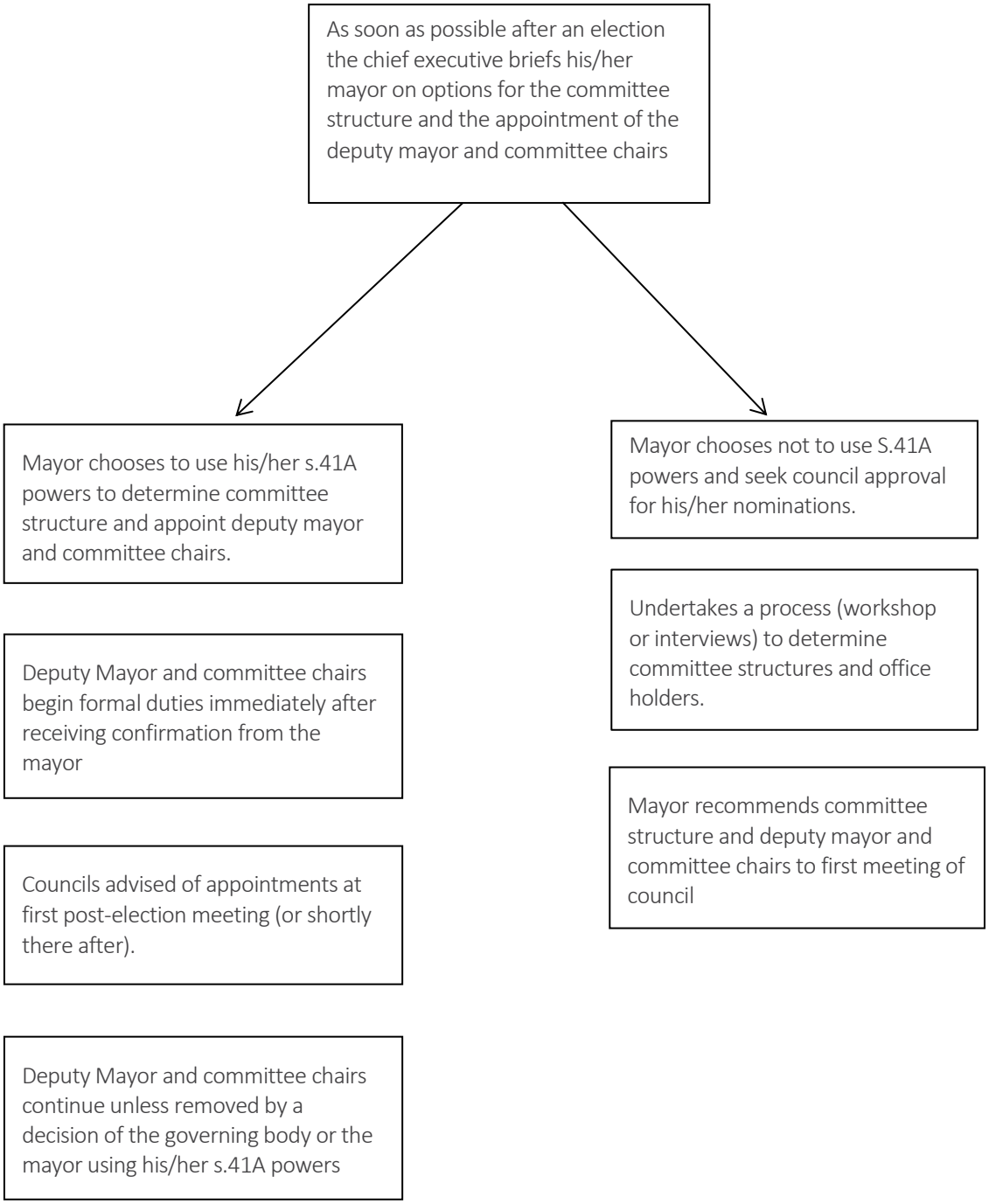
We are also keen to ensure that the Standing Orders continue to help councils run effective meetings so we appreciate any feedback users might like to make. For example, comments on the following would be appreciated:

- The layout and structure of the Standing Orders;
- Standing orders that are ambiguous or simply unclear;
- Jargon that could be replaced;
- Information that is missing; and
- Good practice ideas.

Please forward any comments or suggestions to admin@lgnz.co.nz.

We are. LGNZ.
Te Kāhui Kaunihera ō Aotearoa.

Appendix: Process for implementing s. 41A



Whangarei District Council
Draft Standing Orders

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.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

Contents

1. Introduction 10

1.1 Principles 10

1.2 Statutory references 11

1.3 Acronyms 11

1.4 Application 11

2. Definitions 11

General matters 17

3. Standing orders 17

3.1 Obligation to adopt standing orders 17

3.2 Process for adoption and alteration of standing orders 17

3.3 Members must obey standing orders 17

3.4 Application of standing orders 17

3.5 Temporary suspension of standing orders 17

3.6 Quasi-judicial proceedings 18

3.7 Physical address of members 18

4. Meetings 18

4.1 Legal requirement to hold meetings 18

4.2 Meeting duration 18

4.3 Language 18

4.4 Webcasting meetings 19

4.5 First meeting (inaugural) 19

4.6 Requirements for the first meeting 19

5. Appointments and elections 20

5.1 Mayoral appointment of deputy Mayor, committee chairs and members 20

5.2 Council Discharge of a Mayoral Appointment 20

5.3 Establishment of committees by the Mayor 20

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons 21

5.5 Removal of a deputy Mayor 21

5.6 Voting system for chairs, deputy Mayors and committee chairs 21

6. Delegations 22

6.1 Limits on delegations 22

6.2 Committees may delegate 22

6.3 Use of delegated powers 22

6.4 Decisions made under delegated authority cannot be rescinded or amended 23

6.5 Committees and sub committees subject to the direction of the local authority 23

6.6 Duty to consider delegations to community boards 23

7. Committees 24

7.1 Appointment of committees and subcommittees 24

7.2 Discharge or reconstitution of committees and subcommittees 24
7.3 Appointment or discharge of committee members and subcommittee members 24
7.4 Elected members on committees and subcommittees 24
7.5 Local authority may replace members if committee not discharged 25
7.6 Membership of Mayor 25
7.7 Decision not invalid despite irregularity in membership 25
7.8 Appointment of joint committees 25
7.9 Status of joint committees 26
7.10 Power to appoint or discharge individual members of a joint committee 26

Pre-meeting 27

8. Giving notice 27

8.1 Public notice – ordinary meetings 27
8.2 Notice to members - ordinary meetings 27
8.3 Extraordinary meeting may be called 27
8.4 Notice to members - extraordinary meetings 27
8.5 Emergency meetings may be called 28
8.6 Process for calling an emergency meeting 28
8.7 Public notice – emergency and extraordinary meetings 28
8.8 Meetings not invalid 28
8.9 Resolutions passed at an extraordinary meeting 29
8.10 Meeting schedules 29
8.11 Non-receipt of notice to members 29
8.12 Meeting cancellations 29

9. Meeting agenda 30

9.1 Preparation of the agenda 30
9.2 Process for raising matters for a decision 30
9.3 Chief executive may delay or refuse request 30
9.4 Order of business 30
9.5 Chairperson’s recommendation 30
9.6 Chairperson’s report 30
9.7 Public availability of the agenda 31
9.8 Public inspection of agenda 31
9.9 Withdrawal of agenda items 31
9.10 Distribution of the agenda 31
9.11 Status of agenda 31
9.12 Items of business not on the agenda which cannot be delayed 32
9.13 Discussion of minor matters not on the agenda 32
9.14 Public excluded business on the agenda 32
9.15 Qualified privilege relating to agenda and minutes 32

Meeting Procedures **33**
10. Opening and closing **33**
11. Quorum **33**
11.1 Council meetings 33
11.2 Committees and subcommittee meetings 33
11.3 Joint Committees 33
11.4 Requirement for a quorum 34
11.5 Meeting lapses where no quorum 34
11.6 Business from lapsed meetings 34
12. Public access and recording **34**
12.1 Meetings open to the public 34
12.2 Grounds for removing the public 34
12.3 Local authority may record meetings 34
12.4 Public may record meetings 35
13. Attendance **35**
13.1 Members right to attend meetings 35
13.2 Attendance when a committee is performing judicial or quasi-judicial functions 35
13.3 Leave of absence 35
13.4 Apologies 36
13.5 Recording apologies 36
13.6 Absent without leave 36
13.7 Right to attend by audio or audio visual link 36
13.8 Member's status: quorum 36
13.9 Member's status: voting 36
13.10 Chairperson's duties 37
13.11 Conditions for attending by audio or audio visual link 37
13.12 Request to attend by audio or audio visual link 37
13.13 Chairperson may terminate link 38
13.14 Giving or showing a document 38
13.15 Link failure 38
13.16 Confidentiality 38
14. Chairperson's role in meetings **38**
14.1 Council meetings 38
14.2 Other meetings 39
14.3 Addressing the Chairperson 39
14.4 Chairperson's rulings 39
14.5 Chairperson standing 39
14.6 Member's right to speak 39
14.7 Chairperson may prioritise speakers 39

15. Public Forums **40**

15.1 Time limits 40

15.2 Restrictions 40

15.3 Questions at public forums 40

15.4 No resolutions 40

16. Deputations **41**

16.1 Time limits 41

16.2 Restrictions 41

16.3 Questions of a deputation 41

16.4 Resolutions 41

17. Petitions **42**

17.1 Form of petitions 42

17.2 Petition presented by petitioner 42

17.3 Petition presented by member 42

18. Exclusion of public **42**

18.1 Motions and resolutions to exclude the public 42

18.2 Specified people may remain 43

18.3 Public excluded items 43

18.4 Non-disclosure of information 43

18.5 Release of information from public excluded session 44

19. Voting **44**

19.1 Decisions by majority vote 44

19.2 Open voting 44

19.3 Chairperson has a casting vote 44

19.4 Method of voting 44

19.5 Calling for a division 45

19.6 Request to have votes recorded 45

19.7 Members may abstain 45

20. Conduct **45**

20.1 Calling to order 45

20.2 Behaviour consistent with Code of Conduct 45

20.3 Retractions and apologies 45

20.4 Disorderly conduct 46

20.5 Contempt 46

20.6 Removal from meeting 46

20.7 Financial conflicts of interests 46

20.8 Non-financial conflicts of interests 46

20.9 Qualified privilege for meeting proceedings 47

20.10 Qualified privilege additional to any other provisions 47

20.11 Electronic devices at meetings 47

21. General rules of debate 47
21.1 Chairperson may exercise discretion 47
21.2 Time limits on speakers 47
21.3 Questions to staff 48
21.4 Questions of clarification 48
21.5 Members may speak only once 48
21.6 Limits on number of speakers 48
21.7 Seconder may reserve speech 48
21.8 Speaking only to relevant matters 49
21.9 Restating motions 49
21.10 Criticism of resolutions 49
21.11 Objecting to words 49
21.12 Right of reply 49
21.13 No other member may speak 49
21.14 Adjournment motions 50
21.15 Chairperson's acceptance of closure motions 50
22. General procedures for speaking and moving motions 50
22.1 Options for speaking and moving 50
22.2 Option A 50
22.3 Option B 51
22.4 Option C 51
22.5 Procedure if no resolution reached 51
23. Motions and amendments 51
23.1 Proposing and seconding motions 51
23.2 Motions in writing 52
23.3 Motions expressed in parts 52
23.4 Substituted motion 52
23.5 Amendments to be relevant and not direct negatives 52
23.6 Chairperson may recommend amendment 52
23.7 Foreshadowed amendments 52
23.8 Lost amendments 52
23.9 Carried amendments 53
23.10 Where a motion is lost 53
23.11 Withdrawal of motions and amendments 53
23.12 No speakers after reply or motion has been put 53
24. Revocation or alteration of resolutions 53
24.1 Member may move revocation of a decision 53
24.2 Revocation must be made by the body responsible for the decision 54
24.3 Requirement to give notice 54
24.4 Restrictions on actions under the affected resolution 54

24.5 Revocation or alteration by resolution at same meeting 54
24.6 Revocation or alteration by recommendation in report 54
25. Procedural motions 55
25.1 Procedural motions must be taken immediately 55
25.2 Procedural motions to close or adjourn a debate 55
25.3 Voting on procedural motions 55
25.4 Debate on adjourned items 55
25.5 Remaining business at adjourned meetings 55
25.6 Business referred to the council, committee or local or community board 56
25.7 Other types of procedural motions 56
26. Points of order 56
26.1 Members may raise points of order 56
26.2 Subjects for points of order 56
26.3 Contradictions 56
26.4 Point of order during division 56
26.5 Chairperson's decision on points of order 57
27. Notices of motion 57
27.1 Notice of intended motion to be in writing 57
27.2 Refusal of notice of motion 57
27.3 Mover of notice of motion 57
27.4 Alteration of notice of motion 58
27.5 When notices of motion lapse 58
27.6 Referral of notices of motion 58
27.7 Repeat notices of motion 58
28. Minutes 58
28.1 Minutes to be evidence of proceedings 58
28.2 Matters recorded in minutes 59
28.3 No discussion on minutes 59
28.4 Minutes of last meeting before election 59
29. Keeping a record 59
29.1 Maintaining accurate records 59
29.2 Method for maintaining records 60
29.3 Inspection 60
29.4 Inspection of public excluded matters 60
Referenced documents 61
Appendix 1: Grounds to exclude the public 62
Appendix 2: Sample resolution to exclude the public 64
Appendix 3: Motions and amendments (Option A) 67
Appendix 4: Motions and amendments (Option B) 67
Appendix 5: Motions and amendments (Option C) Error! Bookmark not defined.

Appendix 6: Table of procedural motions **70**
Appendix 7: Webcasting protocols **72**
Appendix 8: Powers of a Chairperson **73**
Appendix 9: Mayors' powers to appoint under s.41A **78**
Appendix 10: Process for removing a Chairperson or deputy Mayor from office **79**
Appendix 11: Workshops **80**
Appendix 12: Sample order of business **81**
Appendix 13: Process for raising matters for a decision **82**

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.

The Appendix, which follows Part 3, provides 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 on the application of the standing orders and are also 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 principles 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 consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice ~~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 ~~during a meeting~~ that statutory references in the standing orders apply throughout the period of a 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 and Meetings Act 1987
LAMIA	Local Authorities (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 unless specifically included in their terms of reference.

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 groups, 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 chief executive.

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.

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

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.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

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.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

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 (i.e. enables an observer to identify how a member has voted on an issue) 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.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

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; and
- 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.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

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 reply to those who have spoken to the motion. (The right does not 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 a day of the week other than:

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;

(b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and

(c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

~~**Working day** means a day of the week other than:~~

~~(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day and, if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;~~

~~(b) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.~~

Should a local authority wish to meet between the 20th of December and the 10th ~~15th~~ of January of 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 specified 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~~ two 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);

(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);

(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 herself.

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.

Please note that a Mayor is a member of every committee unless specific legislation provides otherwise, for example a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

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 5.6) 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 9.

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 10.

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*; and

(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 will enable the community board to best achieve its role.

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

A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in.

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. The minimum number of members for a committee is **three** and for a sub-committee **two**.

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. This also applies to District Licensing Committees.

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) Schedule7, 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 unless specific legislation provides otherwise, such as a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

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;

(b) How the Chairperson and deputy Chairperson are to be appointed;

(c) The terms of reference of the committee;

(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 the current ~~every~~ month, together with the dates, the times and places on and 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 may ~~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 date, 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), Schedule7, 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. Not 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

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the ~~and of~~ the general nature of business to be considered ~~must be given to 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), Schedule7, LGA 2002.

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

(a) The Mayor; or

(b) If the Mayor is unavailable, the chief executive.

cl. 22A(1), Schedule7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

(a) To be publicly notified as soon as practicable before the meeting is to be held; or

(b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 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.

8.9 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.

8.10 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.

8.11 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.

8.12 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 13.

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 12.

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, as described in its terms of reference.

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 or an emergency meeting (see Standing Orders 8.4 and 8.10).

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

10. 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.

11. Quorum

11.1 Council meetings

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.

11.2 Committees and subcommittee meetings

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. (See also 7.4).

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.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. 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.

11.4 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.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within **10** 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.

Should a quorum be lost during a meeting, the meeting will lapse if the quorum is not present within 15 minutes.

11.6 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.

12. Public access and recording

12.1 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.

12.2 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.

12.3 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.

12.4 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.

13. Attendance

13.1 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.

13.2 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.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member.

The Mayor may approve a members' application, and the Council may approve an application from the Mayor. The Mayor will advise all members of the council 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.

13.4 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 Mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 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.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council, local board or community board without leave of absence or an apology being accepted (not including extraordinary or emergency 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.

13.7 Right to attend by audio or audio visual link

Provided the conditions in standing orders 13.11 and 13.12 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.

13.8 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.

13.9 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.

13.10 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.

13.11 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.

13.12 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.

13.13 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.

13.14 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.

13.15 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.

13.16 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.

14. Chairperson's role in meetings

14.1 Council meetings

The Mayor ~~or Chairperson of the council or local 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 Mayor~~/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 the 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.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each ~~all committee~~ meeting unless they vacate the chair for all 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. This person may ~~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.

14.3 Addressing the Chairperson

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

14.4 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.

14.5 Chairperson standing

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

14.6 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.

14.7 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.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary 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, not necessarily on the meeting's agenda, 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 fall within the terms of reference of that body.

15.1 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 chief executive (or their delegate) at least **two clear working days** before the meeting; however this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

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.

15.2 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; and
- 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 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.

15.4 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.

16. 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 should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 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; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

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

16.4 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.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting.

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 present their petition ~~make a petition~~ in te reo ~~Maori~~ or sign language should advise the chief executive in time to allow translation services to be arranged. ~~relevant Chairperson at least two working days before the meeting to enable the petition to be translated and reprinted if necessary.~~

17.2 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.

17.3 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.

18. Exclusion of public

18.1 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.

18.2 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.

18.3 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.

18.4 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; and

(b) The information is no longer confidential.

18.5 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.

19. Voting

19.1 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.

19.2 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.

19.3 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.

19.4 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 publicly displayed and notified to the Chairperson who must declare the result.

19.5 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.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated ~~(should they be required to stand to address the chair)~~ 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.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may ~~speak or act in a manner which is disrespectful of other members~~ or act inconsistently with their ~~local authority's~~ Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public ~~at any meeting~~.

20.3 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.

20.4 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.

20.5 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.

20.6 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.

20.7 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.

20.8 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.

20.9 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.

20.10 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.

20.11 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.

21. General rules of debate

21.1 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 or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 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 5 minutes;

(b) Movers of motions when exercising their right of reply – not more than 5 minutes; and

(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.

21.3 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.

21.4 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.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 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.

21.7 Seconder may reserve speech

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

21.8 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.

21.9 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.

21.10 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.

21.11 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.

21.12 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.

21.13 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; and

(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.

21.14 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.

21.15 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.

22. General procedures for speaking and moving motions

22.1 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.

22.2 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.

22.3 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.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 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.

22.5 Procedure if no resolution reached

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

23. Motions and amendments

23.1 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 valid ~~in order~~ and are not entered in the minutes.

23.2 Motions in writing

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

23.3 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.

23.4 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.

23.5 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. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 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 as well as the nature of the content of those amendments.

23.8 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.

23.9 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.

23.10 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.

23.11 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.

23.12 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.

24. Revocation or alteration of resolutions

24.1 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.

24.2 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. 30 (6) Schedule 7, LGA 2002.

24.3 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.

24.4 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.

24.5 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.

24.6 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.

25. Procedural motions

25.1 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. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 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; (items lying on the table at the end of the triennium will be deemed to have expired); and

(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.

25.3 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.

25.4 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.

25.5 Remaining business at adjourned meetings

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

25.6 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.

25.7 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.

26. Points of order

26.1 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).

26.2 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 – to bring disorder to the attention of the Chairperson;

(b) Language – to highlight use of disrespectful, offensive or malicious language;

(c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;

(d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;

(e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and

(f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

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

26.4 Point of order during division

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

26.5 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.

27. Notices of motion

27.1 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.

27.2 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.

27.3 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.

27.4 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.

27.5 When notices of motion lapse

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

27.6 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.

27.7 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.

28. Minutes

28.1 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 or electronic copy, authorised by a Chairperson's manual or electronic signature ~~signed and included in the council's minute book unless the local authority has formally prescribed otherwise, and when~~ once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the ~~and signed by the Chairperson, will be~~ *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 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 their vote or abstention 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; and
(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.

28.3 No discussion on minutes

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

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

(a) The provision of a reliable means of assuring the integrity of the information is maintained; and

(b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Law Act 2017.

29.3 Inspection

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

s. 51 LGOIMA.

29.4 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 if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- 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
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- 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.

c. In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of 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.

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.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and 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;

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

iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved:**

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable*)
- The following parts of the proceedings of this meeting, namely; (*delete if not applicable*)

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

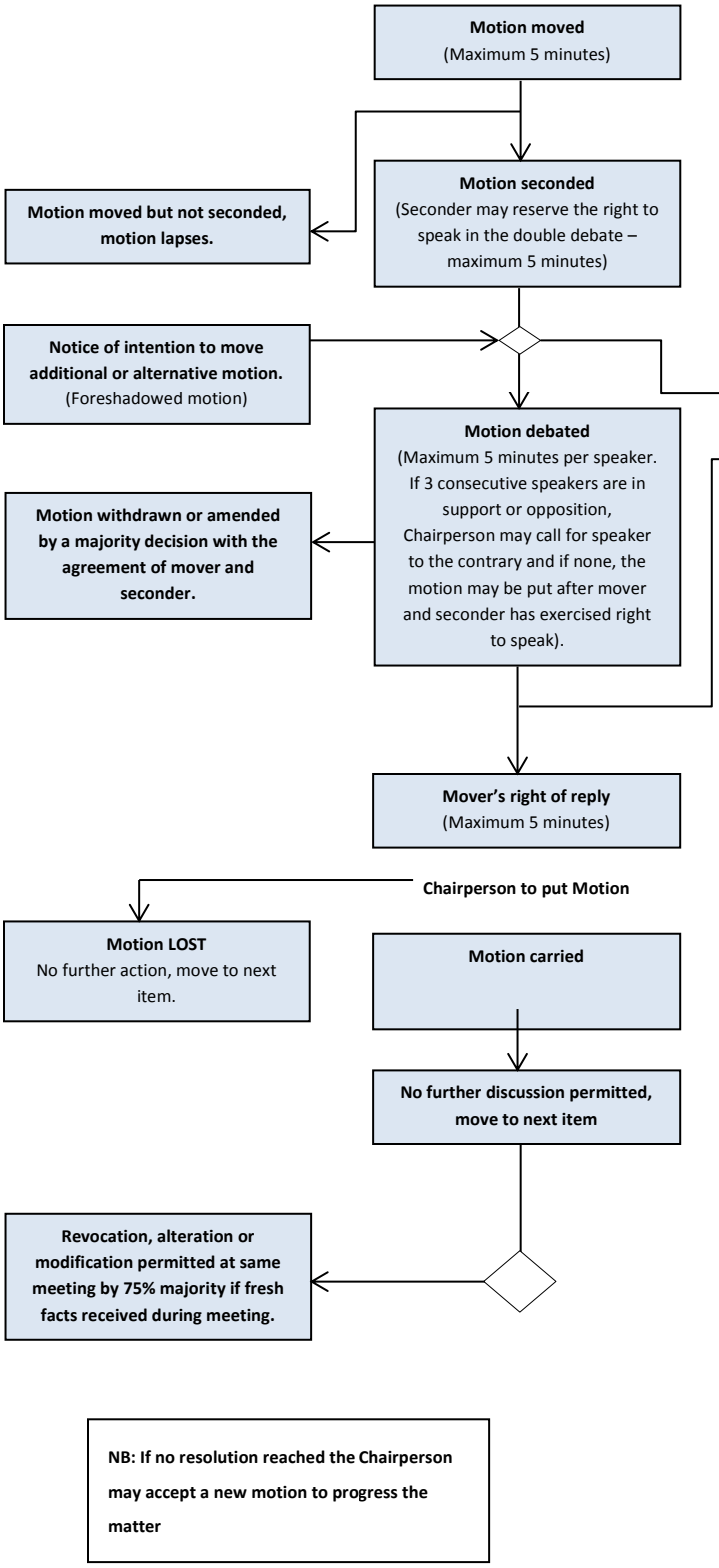
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: i. prejudice the supply of similar information, or information from the same source, where 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 (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

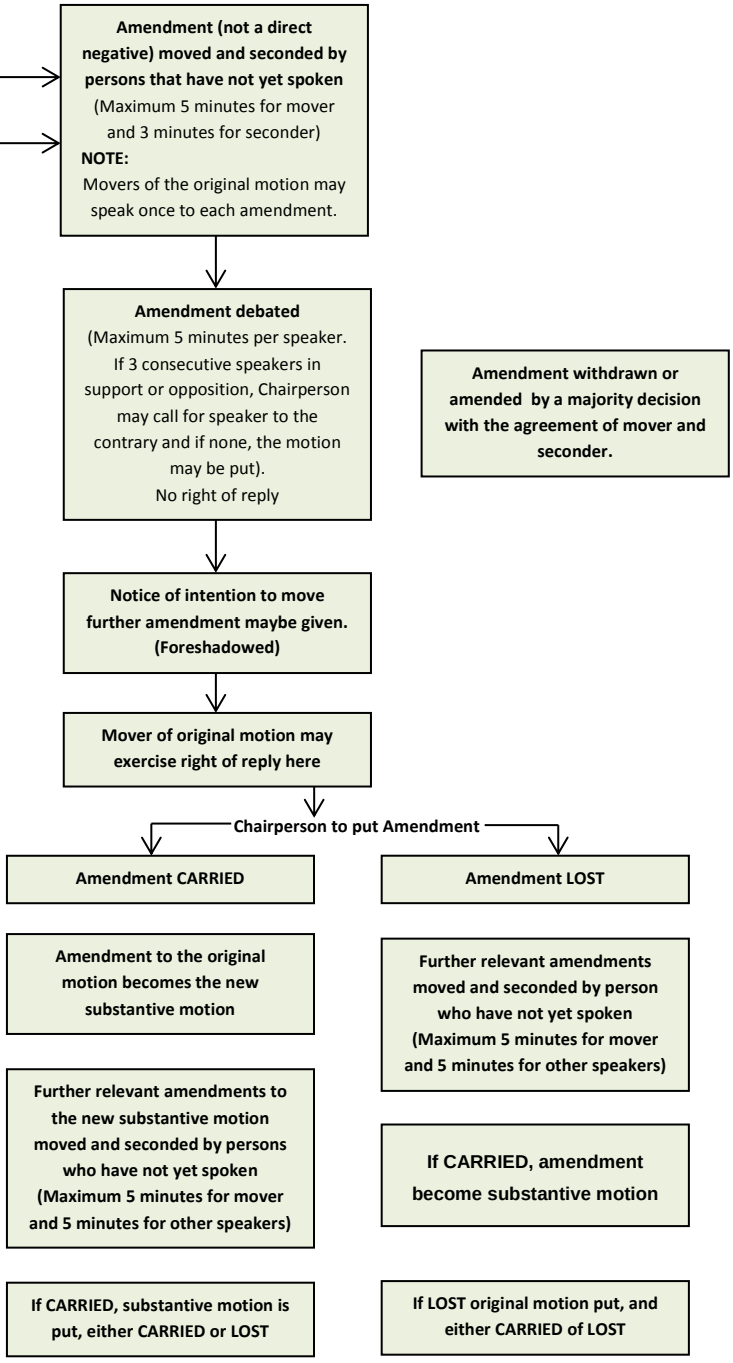
2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 3: Motions and amendments (Option A)

Motions without amendments

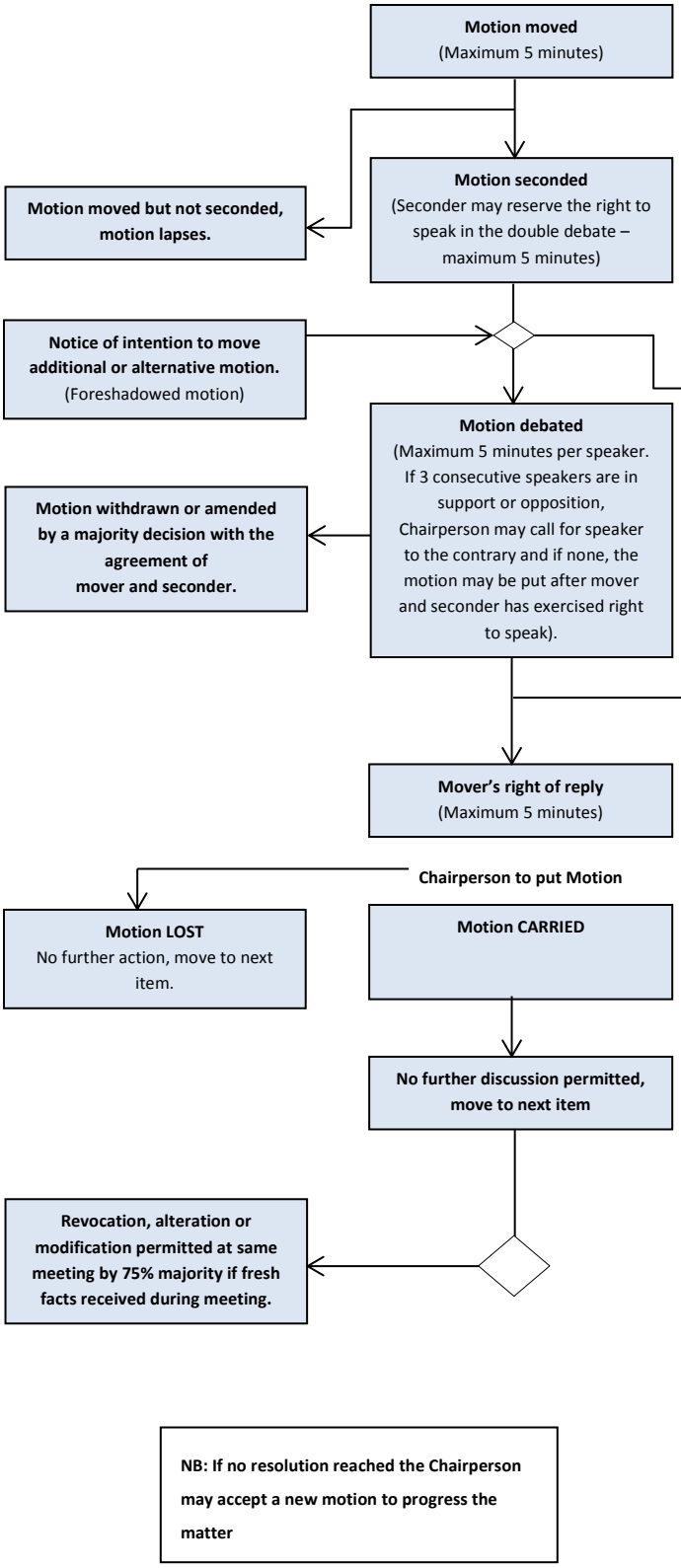


Motions with amendments

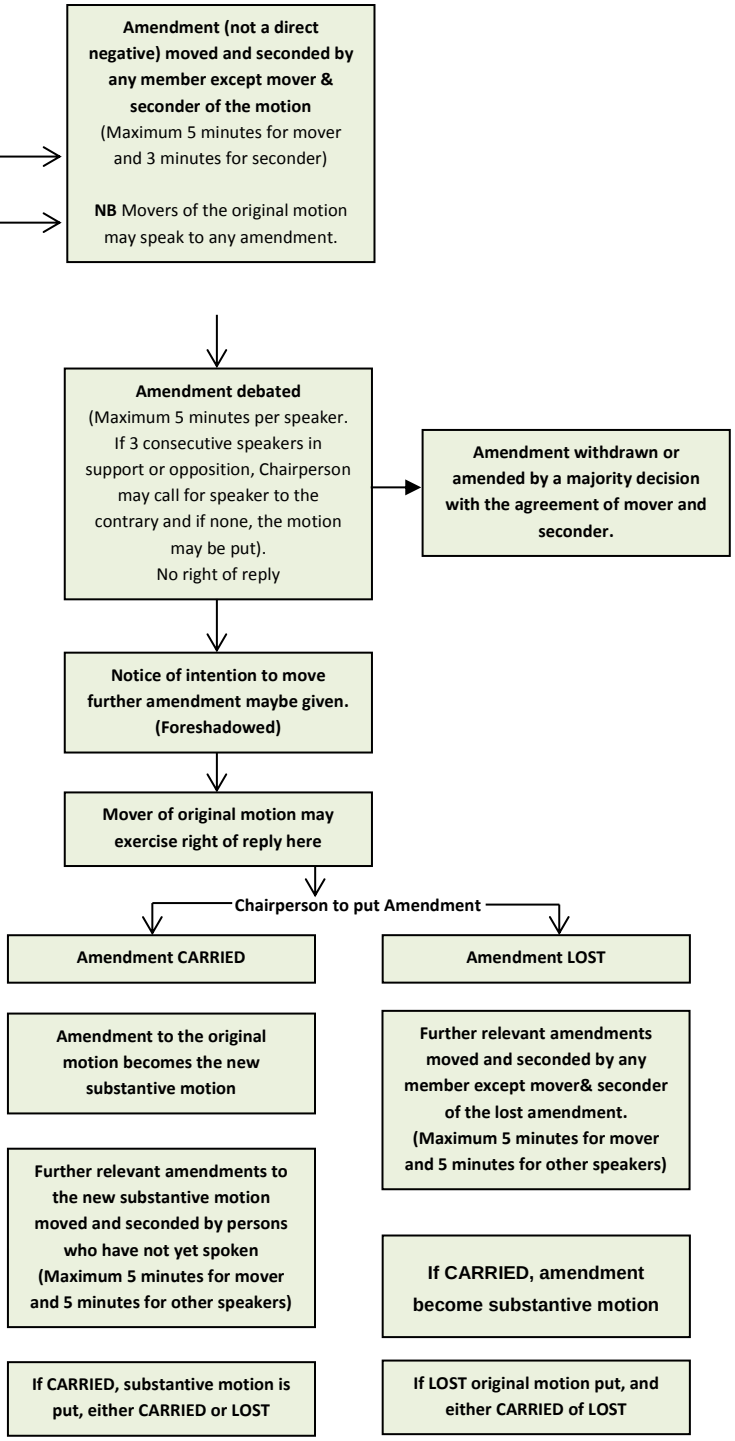


Appendix 4: Motions and amendments (Option B)

Motions without amendments

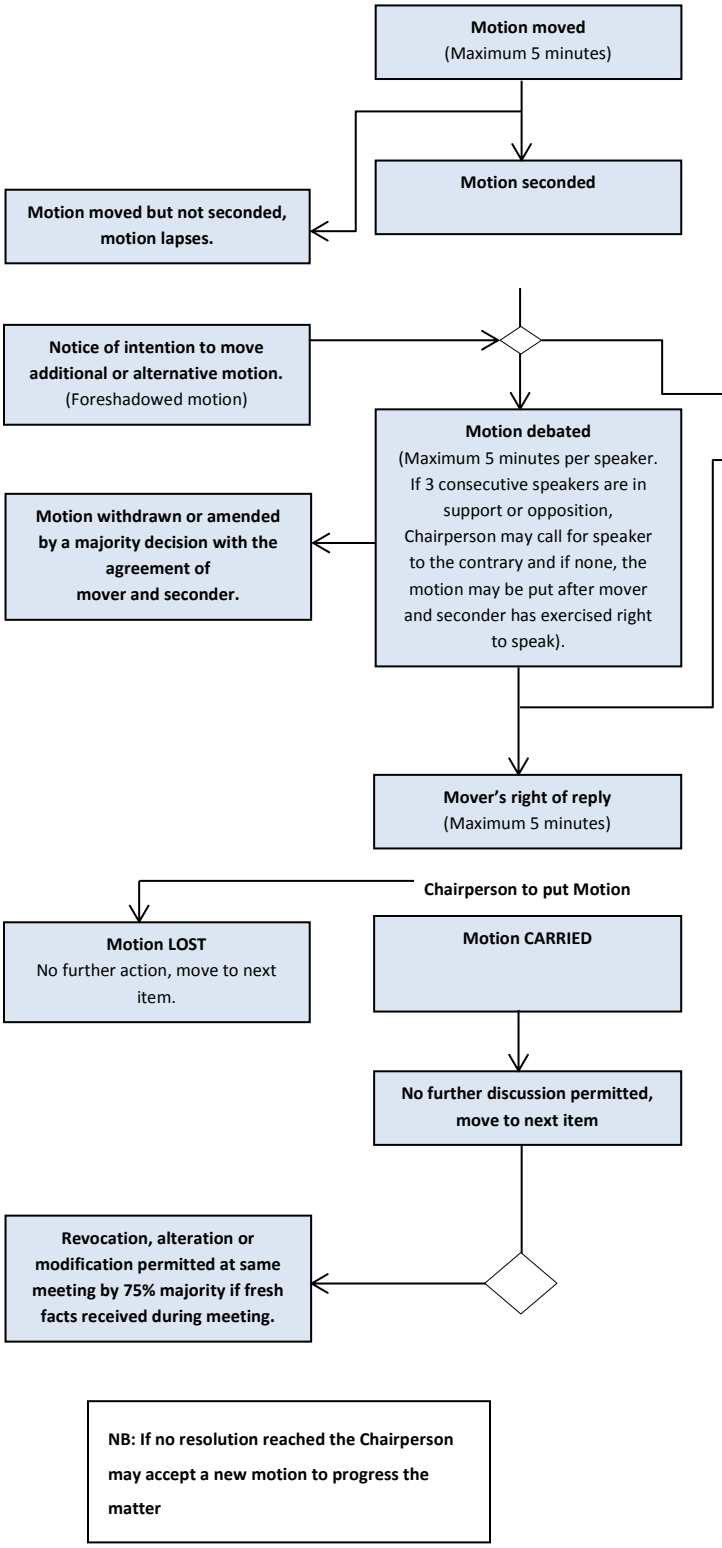


Motions with amendments

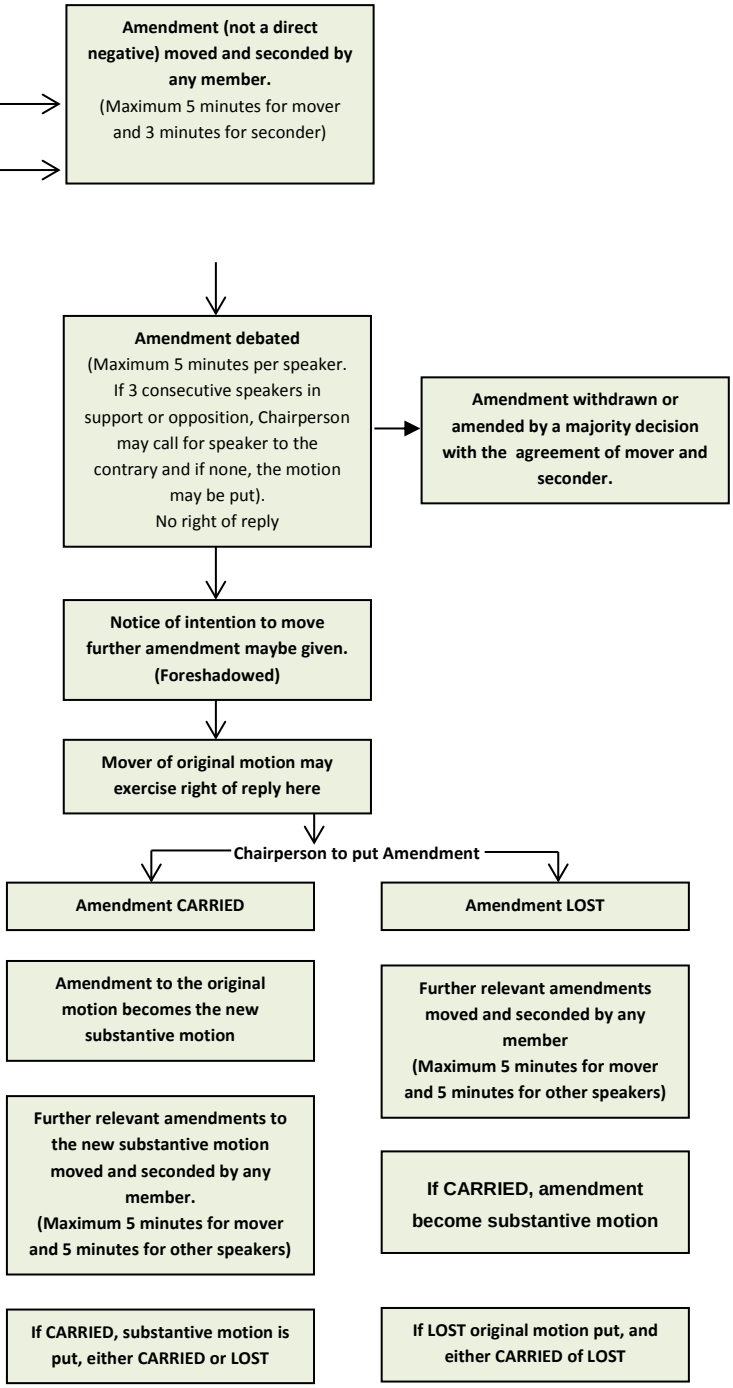


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: 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	Are previous participants in debate entitled to move this	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 ion 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	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 7: 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 8: 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 twelve 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; and

(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; 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 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 undertaken by the deputy chair or a member who is physically present.

Appendix 9: 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 of 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 10: Process for removing a Chairperson or 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 11: 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; and

(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.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 12: 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 13: 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; or
- 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; or
- 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.

Whangarei District Council

6.2 Elected member remuneration 2019-2022 term - amendment

Meeting:	Whangarei District Council
Date of meeting:	25 June 2020
Reporting officer:	Tracey Schiebli (Manager Democracy and Assurance)

1 Purpose

To decide on allocation of the elected member remuneration pool, following the establishment of the Te Karearea Strategic Forum within Council's governance structure, and an associated position of responsibility.

2 Recommendations

That Council:

1. Note the change to the governance structure for the 2019-2022 term, agreed by Council on 28 May 2020, created a new position of responsibility.

2. Note that changes to the number of positions of responsibility held by elected members, require reallocation of the remuneration pool.

3. Agree to increase positions of responsibility held by elected members for the purposes of allocation of the remuneration pool, from five to six as follows:

    - Deputy Mayor – ***existing*** position of responsibility
    - Chair Infrastructure Committee – ***existing*** position of responsibility
    - Chair Strategy, Planning and Development – ***existing*** position of responsibility
    - Chair Community Development – ***existing*** position of responsibility
    - Chair Civic Honours Selection Committee – ***existing*** position of responsibility
    - Chair Te Karearea Strategic Partnership Forum (and any subsequent standing committee) – ***new*** position of responsibility

4. Note the allocation of the pool that will be effective from 29 May 2020, if agreed by the Remuneration Authority through an amended Determination. Changes will be backdated to that date.

5. Agree to submit the proposal for reallocation of the pool to the Remuneration Authority for approval.

3 Background

On 19 December 2019, Council agreed the allocation of the elected member remuneration pool, following establishment of Council's governance structure for the 2019-2022 term, including positions of responsibility. This was subsequently agreed by the Remuneration Authority through issue of a Determination.

As previously advised to Council, changes to the governance structure during the term, such as the appointment of a new chairperson, may require reallocation of the remuneration pool if the position is deemed to be a position of additional responsibility.

The impact on the remuneration pool of adding additional positions of responsibility was modeled for Council at a briefing preceding the December 2019 Council meeting.

On 28 May 2020, Council agreed to the establishment of the Commercial Property Committee, to report to Council. However this did not change the allocation of the remuneration pool as the chair of the committee already held a position of responsibility as Deputy Mayor, and the remuneration associated with this position was deemed to cover all additional responsibilities taken on during this term of Council.

On 28 May 2020, Council agreed to the establishment of the Te Karearea Strategic Partnership Forum, with terms of reference. The partnership forum was to operate from June to September 2020 in order to embed a new way of working and test the terms of reference. It was noted that the terms of reference would be reviewed and reported back to Council in September 2020, along with the process for establishment of a Standing Committee of Council.

The Te Karearea Strategic Partnership Forum is accountable to Council through the terms of reference. The forum has an elected member chair, Councilor Phil Halse, who does not currently hold a position of responsibility under the remuneration structure.

The elected member chair is responsible for providing leadership to the forum, including managing the relationship between Council and hapu at a governance level. The elected member chair will take on the functional chair role every second month when the meetings are held in Council Chambers. In alternative months, when meetings are marae based, a hapu representative will take the functional chair. The nature of the shared chair position is unique within Council's governance structure, and recognises the partnership with hapu.

4 Discussion

It is considered that the elected member chair of the Te Karearea Strategic Partnership Forum is deemed to be a position of responsibility for the purposes of allocation of the remuneration pool. The reasons for this are as follows:

- The forum reports, and is accountable, directly to Council
- The elected member chair is responsible for providing leadership to the forum, including managing the relationship between Council and hapu at governance level.
- The chair maintains the leadership role at monthly meetings from a relationship perspective, even though the functional chair role is rotated bi-monthly depending on the location of the meeting.
- It is consistent with other committees that report directly to Council as agreed through allocation of the remuneration pool in December 2019. That is, remuneration needs to recognise the scope of the committee and associated responsibilities, and time commitment for the chair.

On this basis, the position of responsibility attached to the Te Karearea Strategic Partnership Forum will attract the same remuneration weighting as the three standing committees of Council. This equates to 1.4 times the minimum Councillor remuneration. The assumption is that this position of responsibility will transfer to the chair of any subsequent standing committee established to support the partnership with Hapu.

This increases the positions of responsibility held by elected members, from five to six as follows:

- Deputy Mayor – ***existing*** position of responsibility
- Chair Infrastructure Committee – ***existing*** position of responsibility
- Chair Strategy, Planning and Development – ***existing*** position of responsibility
- Chair Community Development – ***existing*** position of responsibility
- Chair Civic Honours Selection Committee – ***existing*** position of responsibility
- Chair Te Karearea Strategic Partnership Forum (and any subsequent standing committee) – ***new*** position of responsibility

The effect of this change, alongside the current elected member remuneration allocations, is modelled in ***Appendix One.***

The effective date of the change to the allocations will be the day following the decision to establish the forum including agreement of the terms of reference. In this case, that is 29 May 2020, the day following the Council meeting on 28 May 2020. This is subject to approval of the proposal by the Remuneration Authority through an amended Determination.

The role description for the new position of responsibility, along with the current positions, is included as ***Attachment Two.*** This is submitted to the Remuneration Authority with the proposal for reallocation of the pool.

Once the Determination has been issued, the changes for all elected members are backdated to 29 May 2020.

4.1 Financial/budget considerations

There are no financial considerations for 2020-21 or beyond, as the total pool is redistributed rather than increased.

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 Attachments

1. Modelling of allocation of the remuneration pool – current and proposed
2. Role description for positions of additional responsibility
3. Terms of Reference Te Karearea Strategic Partnership Forum

Proposed Remuneration for Councillors Using Ratios

RemunerationAuthority

Use this worksheet to calculate the base remuneration for a councillor (elected member) and to calculate the proposed remuneration for positions with additional responsibilties by assigning ratios between the two roles.

For example, ratios can be 2.0, 1.5, 1.25, 1.05 times a councillor's base remunertion. A ratio cannot be less than 1.

As an illustration you may wish to set the deputy mayor's remuneration at 1.5 times a councillor's base remuneration.

Local Authority: Whangarei District Council

Number of members (excluding the mayor or regional chair): 13

Councillor remuneration pool ($): 815,063

Councillor minimum remuneration ($): 48,871

1) Enter name/title of proposed position with additional responsibilities	2) Enter number of members per position	3) Enter proposed ratio to councillor base remuneration	Proposed councillor base remuneration ($)	Proposed additional remuneration ($)	Proposed annual total remuneration per councillor ($)	Total ($)
Deputy Mayor	1	1.60	54,702	32,821	87,524	87,524
Chair of Infrastructure Committee	1	1.40	54,702	21,881	76,583	76,583
Chair of Community Development Committee	1	1.40	54,702	21,881	76,583	76,583
Chair of Strategy, Planning & Development Committee	1	1.40	54,702	21,881	76,583	76,583
Chair of Civic Honours Committee	1	1.10	54,702	5,470	60,172	60,172
OPTION TWO - current allocations approved by Council 19 December 2019						
			Councillor minimum remuneration ($)	Proposed additional remuneration ($)	Proposed councillor base remuneration ($)	
Councillor (with no additional responsibilities)	8	1.00	48,871	5,831	54,702	437,618

Grand Total ($): 815,063

Proposed Remuneration for Councillors Using Ratios

RemunerationAuthority

Use this worksheet to calculate the base remuneration for a councillor (elected member) and to calculate the proposed remuneration for positions with additional responsibilties by assigning ratios between the two roles.

For example, ratios can be 2.0, 1.5, 1.25, 1.05 times a councillor's base remunertion. A ratio cannot be less than 1.

As an illustration you may wish to set the deputy mayor's remuneration at 1.5 times a councillor's base remuneration.

Local Authority: Whangarei District Council

Number of members (excluding the mayor or regional chair): 13

Councillor remuneration pool ($): 815,063

Councillor minimum remuneration ($): 48,871

1) Enter name/title of proposed position with additional responsibilities	2) Enter number of members per position	3) Enter proposed ratio to councillor base remuneration	Proposed councillor base remuneration ($)	Proposed additional remuneration ($)	Proposed annual total remuneration per councillor ($)	Total ($)
Deputy Mayor - existing	1	1.60	53,272	31,963	85,235	85,235
Chair of Infrastructure Committee - existing	1	1.40	53,272	21,309	74,581	74,581
Chair of Community Development Committee - existing	1	1.40	53,272	21,309	74,581	74,581
Chair of Strategy, Planning & Development Committee - existing	1	1.40	53,272	21,309	74,581	74,581
Chair of the Te Karearea Strategic Partnership Forum - new	1	1.40	53,272	21,309	74,581	74,581
Chair of Civic Honours Committee - existing	1	1.10	53,272	5,327	58,599	58,599
			Councillor minimum remuneration ($)	Proposed additional remuneration ($)	Proposed councillor base remuneration ($)	
Councillor (with no additional responsibilities)	7	1.00	48,871	4,401	53,272	372,905

Grand Total ($): 815,063

FORM B

Information about each position recommended for additional payments

RemunerationAuthority

NAME OF COUNCIL	Whangarei District Council
POSITION TITLE	**Deputy Mayor** Councillor Greg Innes
NUMBER OF POSITIONS WITH THAT TITLE	One
POSITION DESCRIPTION *Specify additional responsibilities over and above the basic councillor role - covering duties, delegations, deputising and reporting obligations.*	The Deputy Mayor performs all the responsibilities and duties, and exercises the powers of, the Mayor under defined circumstances, deputises for the Mayor, provides community leadership and supports and assists the Mayor. This includes the following; ▪ Performing all the responsibilities and duties, and exercising all the powers, of the Mayor: (a) with the consent of the Mayor at times during temporary absences, (b) without the Mayor's consent, at any time while the Mayor is prevented by illness or otherwise from performing her duties, (c) while there is a vacancy in the office of Mayor. ▪ Undertaking a strategic role by leading projects that span standing committee roles through Chairing Briefing meetings to enable considered recommendations to be forwarded to the appropriate standing committee for their resolution. ▪ Undertaking consultation with Central Government and Local Government organisations in the review, development and implementation of policy that benefits the district. ▪ Regularly deputising for the Mayor when competing commitments arise

FORM B

Information about each position recommended for additional payments

	▪ Providing community leadership through holding meetings with various groups on strategic issues, as requested and discussed with the Mayor, and working with those groups and council staff to resolve them ▪ Assisting the Mayor to work closely with other district and Northland elected members to ensure efficient and effective council decision-making.
ADDITIONAL TIME *Estimation of extra time involved in carrying out the additional responsibilities*	Estimated ratio of 1.6 over normal Councillor hours.
BASE COUNCILLOR SALARY The 2019 base councillor salary for your council	$53,272
RECOMMENDED ADDITIONAL PAY Amount recommended for additional pay	$31,963
TOTAL REMUNERATION	$85,235
ADDITIONAL COMMENT	Effective date of change 29 May 2020.

FORM B
Information about each position recommended for additional payments

RemunerationAuthority

NAME OF COUNCIL	Whangarei District Council
POSITION TITLE	**Chairs of Committees of the Whole** Councillor Greg Martin (Chair Infrastructure Committee) Councillor Gavin Benney (Chair Community Development Committee) Councillor Shelley Deeming (Chair Strategy, Planning and Development Committee)
NUMBER OF POSITIONS WITH THAT TITLE	Three
POSITION DESCRIPTION *Specify additional responsibilities over and above the basic councillor role - covering duties, delegations, deputising and reporting obligations*	Committee of the Whole Chairs assume leadership, responsibility and representation duties for each of their portfolios. In order to do this each Chair must have an in depth understanding of the portfolio, including completing any technical training required. The Chairs must be thoroughly prepared and knowledgeable. Each Chair of also the spokesperson on the portfolio within Council and importantly, with the community and stakeholders at large. As such, these are significant leadership positions with broad responsibility for the portfolio with the delegations as set out in the Committee Terms of Reference. The Terms of Reference for each committee is **attached.**
ADDITIONAL TIME *Estimation of extra time involved in carrying out the additional responsibilities*	Estimated ratio of 1.4 over normal Councillor hours.
BASE COUNCILLOR SALARY The 2019 base councillor salary for your council	$53,272

FORM B

Information about each position recommended for additional payments

RECOMMENDED ADDITIONAL PAY Amount recommended for additional pay	$21,309
TOTAL REMUNERATION	$74,581
ADDITONAL COMMENT	Effective date of change 29 May 2020.

FORM B

Information about each position recommended for additional payments

RemunerationAuthority

NAME OF COUNCIL	Whangarei District Council
POSITION TITLE	**Chairs of Te Karearea Strategic Partnership Forum** Councillor Phil Halse
NUMBER OF POSITIONS WITH THAT TITLE	One
POSITION DESCRIPTION *Specify additional responsibilities over and above the basic councillor role - covering duties, delegations, deputising and reporting obligations*	The Chair of this forum assumes leadership, responsibility and representation duties for the portfolio. In order to do the Chair must have an in depth understanding of the portfolio, including completing any technical training required. The Chair must be thoroughly prepared and knowledgeable. The Chair maintains the leadership role at monthly meetings from a relationship perspective, even though the functional chair role is rotated bi-monthly depending on whether the meetings are Council or Marae based (in which case hapu nominate a Chair). The Chair is also the spokesperson on the portfolio within Council and importantly, manages the relationship between Council and hapu at governance level. As such, this is a significant leadership position with broad responsibility for the portfolio with the delegations as set out in the Terms of Reference. The Terms of Reference for the Te Karearea Strategic Partnership Forum is **attached.**
ADDITIONAL TIME *Estimation of extra time involved in carrying out the additional responsibilities*	Estimated ratio of 1.4 over normal Councillor hours.
BASE COUNCILLOR SALARY The 2019 base councillor salary for your council	$53,272

FORM B

Information about each position recommended for additional payments

RemunerationAuthority

RECOMMENDED ADDITIONAL PAY Amount recommended for additional pay	$21,309
TOTAL REMUNERATION	$74,581
ADDITONAL COMMENT	Effective date of change 29 May 2020.

NAME OF COUNCIL	Whangarei District Council
POSITION TITLE	**Chairs of Civic Honours Selection Committee** Councillor Vince Cocurullo
NUMBER OF POSITIONS WITH THAT TITLE	One
POSITION DESCRIPTION *Specify additional responsibilities over and above the basic councillor role - covering duties, delegations, deputising and reporting obligations*	The Civic Honours Committee is a specialist committee of Council. The purpose of the committee is to consider nominations for Civic Honours Awards. The Chairs role is to support assessment of nominations in accordance with the Civic Honours Policy and to provide a recommendation on honour recipients to Council. In order to do this the Chair must have an in depth understanding of the portfolio and be thoroughly prepared. The Terms of Reference for this committee is **attached.**

FORM B

Information about each position recommended for additional payments

RemunerationAuthority

ADDITIONAL TIME *Estimation of extra time involved in carrying out the additional responsibilities*	Estimated ratio of 1.1 over normal Councillor hours.
BASE COUNCILLOR SALARY The 2019 base councillor salary for your council	$53,272
RECOMMENDED ADDITIONAL PAY Amount recommended for additional pay	$5,327
TOTAL REMUNERATION	$58,599
ADDITONAL COMMENT	Effective date of change 29 May 2020.

External Partnerships

Te Kārearea Strategic Partnership Forum – Terms of Reference

Membership

Chairperson	Council based meetings: Councillor Phil Halse
	Marae based hui: Mandated hapū representative (TBC)
Members	Her Worship the Mayor Sheryl Mai
	Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid
	Eight mandated hapū representatives, TBC following a hapū led mandating process
Meetings	Monthly to September 2020, alternating between Council Chambers and Marae based hui
Quorum	8 comprised of 4 councillor and 4 hapū members

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship. The Statement of Principle for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei **-** Māori Community Outcomes:
  - a A rohe with a vibrant Māori culture

b A Māori community, which is healthy and highly educated

c A society that protects and cares for all its members

d A rohe with a flourishing Māori economy

e A society that appreciates and cares for its natural environment

- Nga tikanga – Values

a Whanau – the extended family is the social unit that Māori identify with.

b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.

c Mana Motuhake – self-determination, self-reliance and self-sustainability.

d Whakarite – Invest time and energy in building decision-making capacity and capability.

e Te Manawatoopu – Of one heart and mind. We are stronger working together.

f Kia maia – Providing leadership through courage.

Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi (*face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori[1] in the Whangarei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

[1] Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

Key responsibilities

- Participation
  - Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
  - Ensure the views of Māori are taken into account.
  - Recommend ways to develop Māori capacity to contribute to decision making processes
  - Recommend ways to develop Council capacity for He Whakaputanga and Te Tiriti o Waitangi
  - Provide for equitable participation

- Direction
  - Provide advice on topics referred by Council and Māori
  - Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
  - Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
  - Identifying joint/agreed strategic priorities of the partners, along with the mechanisms for implementation
  - Monitor progress of each partner on strategic priorities
  - Recommend to Council the name for a new Standing Committee

- Assurance
  - Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
  - Receive and consider audit reports on Council's compliance with its legislative obligations
  - Monitor and ensure that appropriate action is being taken
  - Monitor and assess the primary partner relationship against its vision and mission
  - Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls

7.1 Financial report for the 11 months ending 31 May 2020

Meeting:	Whangarei District Council
Date of meeting:	25 June 2020
Reporting officer:	Alan Adcock (General Manager – Corporate/CFO)

1 Purpose

To provide the operating result for the eleven months ending 31 May 2020.

2 Recommendation

That the Council notes the operating results for the eleven months ending 31 May 2020.

3 Background

3.1 Operating Result – Full Year Forecast

The year to date position is a surplus of $12.6 million, compared to a budgeted surplus of $16.0 million, resulting in an unfavourable variance of $3.4 million.

The forecast net surplus for the financial year ending 30 June 2020 is $12.1 million compared with a budgeted surplus of $14.8 million, resulting in an unfavourable variance of $2.7 million.

The year to date unfavourable variance is expected to improve somewhat by the end of the year. It has been caused by the fall in income on activities that have not been able to be completed during the Covid 19 lockdown such as water meter readings.

With the halt to most roading activities this has also resulted in a reduction in roading subsidies received. With the change to level 1 we expect some of these activities to have a catch up on revenue received over the remaining one month of the year.

Staff are not forecasting to receive any further contributions under the Bream Bay Land Owners Association termination agreement for this financial year. This contributes to the forecasted unfavourable variance for subsidies and grants at year end.

Budget managers have considered the potential impact of Covid 19 on their activities for the remainder of the financial year and adjusted their forecast accordingly. Assumptions have been made in a very volatile environment and may differ to our final year end results.

3.2 External Net Debt and Treasury

Total net external debt at the end of May 2020 was $104.7 million compared to year to date budgeted net debt of $132.0 million, resulting in net debt being $27.3 million under budget.

This favourable variance is due to assumptions made regarding the opening net debt balance of the 2019-20 Annual Plan.

As at 31 May 2020 cash and term deposits held of $47.3m was comprised of:

- $10.0 million of term deposits relating to short term borrowings not yet required
- $17.0 million of term deposits relating to excess cash not currently required
- $20.3 million cash on hand.

3.3 Economic Outlook

The commentary in italics below was taken from the Economic Outlook provided by PWC Treasury Advisory, dated 9 June 2020.

> *Greater confidence in New Zealand's economic position has been aided by commodity prices continuing to perform well given global circumstances. April's merchandise trade data showed a record surplus, with dairy, meat and fruit exports performing relatively well, while imports fell significantly.*
>
> *While the earlier move out of lockdown will support improving confidence to a degree, this does not change the broader outlook that the global economy is entering an unprecedented recession.*
>
> *It remains possible that the reality of the negative impacts of COVID-19 will come into focus later in the year. This contributes toward the medium term employment outlook being skewed to the downside, subsequently weighing on the outlook for housing and consumption.*
>
> *It is therefore likely that monetary policy is going to remain accommodative for a very long time (i.e. we don't see short term rates moving higher from here).*

Given the near certainty the economy will enter a period of recession, we expect to see global liquidity tighten. However, Council is well placed to deal with this as our cash reserves will provide a good liquidity buffer over the next few months. This will hopefully preclude the need for short term borrowing to cover any emerging cashflow deficits; although we have access to debt markets through the Local Government Funding Agency if needed.

4 Discussion

Total arrears as at 31 May 2020 was $7.2 million, compared to $4.6 million in the previous year. The increase is mainly accounted for by the deferred due date for land rates.

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 Attachments

1 Monthly key indicators
2 Monthly activity summary
3 Monthly income statement
4 Treasury report

Whangarei District Council

MONTHLY KEY INDICATORS
MAY 2020

	YTD to May 2020					Full Year Forecast			
	Actual	Revised Budget	Variance	YTD	YTD Trend	Full Year Forecast	Revised Budget	Variance	YTD
	YTD $ m	YTD $ m	YTD $ m	Indicator	Current / previous month	2019-20 $ m	2019-20 $ m	2019-20 $ m	Indicator
OPERATING									
Total Rates	91.5	93.4	(1.9)			100.2	101.8	(1.6)	
Development Contributions	6.3	4.4	1.9			6.3	4.8	1.5	
Subsidies and Grants	16.9	23.3	(6.4)			20.7	26.4	(5.7)	
User Fees	13.2	13.7	(0.5)			14.0	15.2	(1.2)	
Total Operating Income	136.4	142.7	(6.3)			151.7	158.3	(6.6)	
Personnel Costs	26.8	28.3	1.5			28.5	30.8	2.3	
Other Operating Expenditure	54.4	53.1	(1.3)			63.7	63.9	0.2	
Total Operating Expenditure	126.7	127.0	0.3			143.3	144.4	1.1	
Surplus/(Deficit) from Operations	9.8	15.7	(5.9)			8.5	13.9	(5.4)	
Total Surplus/(Deficit)	12.6	16.0	(3.4)			12.1	14.8	(2.7)	
EXTERNAL DEBT FUNDING									
External Net Debt	104.7	132.0	27.3						
Net Interest on debt	4.9	6.2	1.3			6.8	6.8	0.0	

KEY

- Favourable to budget
- Unfavourable, but within 5% of budget
- Unfavourable, over 5% of budget
- Favourable to previous month
- Unfavourable to previous month

Key Contributors to Variances

Other operating expenses:

- $400k re Health and Bylaw costs for parking, noise and dog control
- $540k re external contractors for building consent processing
- $700k for costs related to compliance activity

The variances identified above within Planning & Development have been offset by favourable variances in other departments

The forecast for personnel costs has been adjusted to reflect minimal recruitment activity for the rest of the year

The forecast for various revenue streams have been reduced due to the anticipated impacts of COVID-19s alert levels

Note: The above information includes excerpts taken from the Monthly Income Statement. The shaded lines above represent key totals from the Monthly Income Statement but are not totals of the lines above.

MONTHLY ACTIVITY SUMMARY
MAY 2020

Whangarei District Council

	YTD to May 2020					Full Year Forecast			
	Actual Surplus/ (Deficit) $m	Revised Budget Surplus/ (Deficit) $m	Variance Surplus/ (Deficit) $m	YTD Indicator	YTD Trend Current / previous month	Full Year Forecast Surplus/ (Deficit) $m	Revised Budget Surplus/ (Deficit) $m	Variance Surplus/ (Deficit) $m	Full Year Indicator
Surplus/(deficit) from operations	9.8	15.7	(5.9)			8.5	13.9	(5.4)	
Transportation	(11.7)	(7.5)	(4.2)			(14.4)	(12.4)	(2.0)	
Water	4.0	4.5	(0.5)			1.7	2.1	(0.4)	
Solid Waste	3.1	2.8	0.3			2.3	2.3	0.0	
Waste Water	8.5	11.2	(2.7)			6.8	10.0	(3.2)	
Storm Water	(3.3)	(3.5)	0.2			(4.5)	(4.7)	0.2	
Flood Protection	0.5	0.3	0.2			0.3	0.2	0.1	
Community Facilities	(22.1)	(22.6)	0.5			(35.3)	(36.0)	0.7	
Governance & Strategy	(0.4)	(0.9)	0.5			(1.0)	(1.7)	0.7	
Planning & Regulatory	(2.4)	(1.0)	(1.4)			(9.3)	(7.7)	(1.6)	
Support Services	33.6	32.4	1.2			61.9	61.8	0.1	

KEY:

- Favourable to budget
- Unfavourable, but within 5% of budget
- Unfavourable, over 5% of budget
- Favourable to previous month
- Unfavourable to previous month

Note: The above information is at Council Operations level and excludes non-cash adjustments

Whangarei District Council

MONTHLY INCOME STATEMENT
31 MAY 2020

Council Summary	Actual YTD $000	Revised Budget YTD $000	Forecast 2019-20 $000	Revised Budget 2019-20 $000	Variance* 2019-20 $000
Operating income					
Rates	91,490	93,359	100,228	101,776	(1,548)
Development and other contributions	6,260	4,394	6,260	4,794	1,467
Subsidies and grants	16,946	23,293	20,703	26,355	(5,652)
Fees and charges	13,174	13,691	13,999	15,216	(1,217)
Interest revenue	1,013	512	1,033	548	485
Other revenue	7,531	7,481	9,498	9,610	(112)
Total operating income	**136,415**	**142,730**	**151,722**	**158,299**	**(6,577)**
Operating expenditure					
Other expenditure	54,380	53,095	63,734	63,854	120
Depreciation and amortisation	39,528	38,913	43,136	42,453	(684)
Finance costs	5,945	6,723	7,833	7,345	(488)
Personnel costs	26,799	28,297	28,547	30,775	2,228
Total operating expenditure	**126,652**	**127,029**	**143,251**	**144,426**	**1,176**
Surplus/(deficit) from operations	**9,763**	**15,702**	**8,471**	**13,873**	**(5,402)**
Plus non-cash income adjustments					
Vested assets income	5,948	2,166	7,137	3,000	4,137
Gain on disposal of assets	-	-	-	-	-
Total non-cash income adjustments	**5,948**	**2,166**	**7,137**	**3,000**	**4,137**
Less non-cash expenditure adjustments					
OPEX on capital projects**	1,982	1,880	2,160	2,081	(79)
Loss on disposal of assets	1,117	-	1,366	-	(1,366)
Total non-cash expenditure adjustments	**3,099**	**1,880**	**3,525**	**2,081**	**(1,445)**
Total non-cash adjustment	**2,849**	**287**	**3,611**	**919**	**2,692**
Total surplus/(deficit)	**12,612**	**15,988**	**12,082**	**14,792**	**(2,710)**

* Favourable variances are recorded as positive amounts (unfavourable variances as negative amounts)
** This expenditure is included within the Capital Projects Report

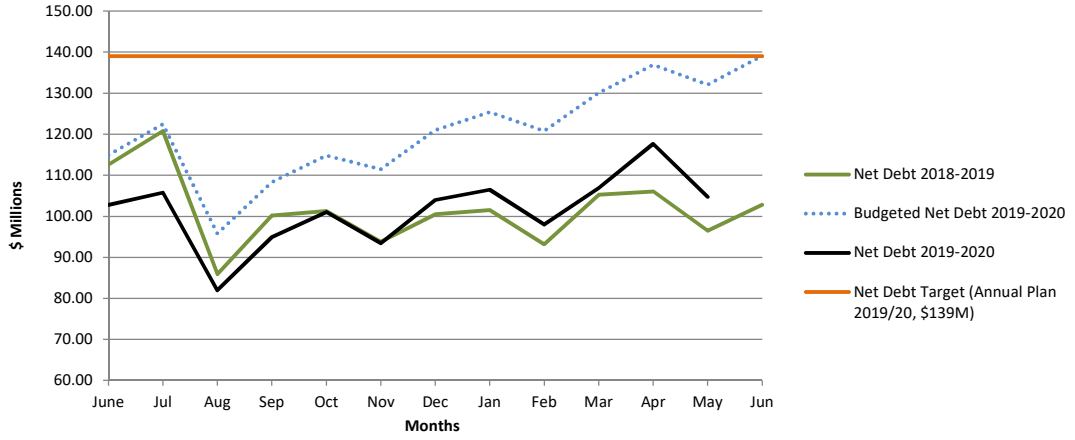
TREASURY REPORT
31 MAY 2020

Whangarei District Council

STANDARD AND POORS CREDIT RATING:	AA	Outlook: Positive

DEBT SUMMARY:		
As at 31 May 2020		
External Debt		
Opening public debt as at 1 May 2020		152,000,000
Plus loans raised during month	-	
Less loan repayments made during month (Note: Facility movement has been netted)	-	
Net movement in external debt		-
Total External Debt		**152,000,000**
Less: Cash balances (excluding funds held on behalf)	20,257,987	
Term deposits (Funds held on deposit until required for project funding)	27,000,000	
Total cash and term deposits		47,257,987
Total Net External Debt		**104,742,013**
Note: Council also holds $2.3m of LGFA borrower notes. These are not included in net external debt as per Council's Treasury Risk Management Policy.		
External debt is represented by:		
Less than 1 Year		33,000,000
1-3 Years		30,000,000
3-5 Years		33,000,000
Greater than 5 Years		56,000,000
Total		**152,000,000**

NET EXTERNAL DEBT COMPARED TO BUDGET:



Internal Funding*		
Community Development Funds		10,682,505
Property Reinvestment Reserve - Available for Reinvestment	5,034,063	
Property Reinvestment Reserve - Accumulated	29,908,084	
		34,942,147
Water Reserve		32,554,125
Total		**78,178,777**

Note: Reserves Funding is disclosed to ensure transparency of Council's use of cashflow management to fund capital works.
Where funds are raised through property sales or targeted rates for Water, but they are not required for immediate investment in that asset category, Council's Revenue and Financing policy allows them to be used for other purposes, rather than being held on deposit.
To ensure total transparency of this we create Reserve Accounts so that the appropriate funding can be made available and transferred back when it is required. The timing of projects requiring these funds is set out in our Long Term Plan (LTP) and/or Annual Plan (AP).
These Reserves are not a liability to an external party, and are not part of Council's debt obligations.

The Property Reinvestment Reserve is split to record funds that were used specifically for capital works in previous years; and a smaller amount representing recent unbudgeted sales where the funds received have offset external debt.

The only situation where our Net Debt would increase as a result of these Reserves is if major expenditure on Water Assets or property purchases is brought forward from the dates set out in the LTP/AP.

RESOLUTION TO EXCLUDE THE PUBLIC

Move/Second

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:

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 passing this resolution
1.1	Confidential Minutes Whangarei District Council 28 May 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Ground Lease Rent Relief Request		
1.3	Securing Additional Walkway Space Upper Port Road – Development Opportunity		

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

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes.	
1.2	To enable Council to carryon without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations	Section 7(2)(h) Section 7(2)(i)
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial 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.