



# AGENDA

**Ordinary meeting of the  
Nelson City Council**

**Inaugural Meeting**

**Tuesday 29 October 2013  
Commencing at 4.30pm  
Council Chamber  
Civic House  
110 Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson, Gaile Noonan, Pete Rainey, Tim Skinner, and Mike Ward

## **Opening Prayer/Karakia/Waiata**

### **Apologies**

#### **1. Statutory Declarations 5**

Document number 1617892

The hearing and attesting of the written versions of Statutory Declarations by the Mayor and Councillors, pursuant to Clause 14 of Schedule 7 of the Local Government Act 2002, is required before Councillors may act as members of the Nelson City Council.

The Mayor and Councillors are required to read aloud and sign the Declaration. A copy of the Declaration is attached.

#### **2. Confirmation of Order of Business**

#### **3. Mayor's Report**

Note: This report will be circulated as a late item in accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Orders 3.7.5 and 2.12.4.

#### **4. Mihi Whakatau/Introductions**

#### **5. Break for Refreshments**

This break will signify the end of the ceremonial aspects of the meeting.

**6. Standing Orders 2013 6-76**

Document number 1611628

Recommendation

***THAT the report Standing Orders 2013 and its attachments (documents 1614752 and 1607916) be received;***

***AND THAT Council adopt the amended standing orders as set out in Attachment 2;***

***AND THAT a further review of standing orders be carried out to consider whether to implement a casting vote for the Mayor and Chairperson, and any further issues that require review.***

**7. Statutory Responsibilities of Members 77-85**

Document number 1611615

Recommendation

***THAT the report Statutory Responsibilities of Elected Members (1611615) and its attachments (1611615) be received.***

**8. Code of Conduct 2013 86-95**

Document number 1611534

Recommendation

***THAT the report Code of Conduct 2013 (1611534) and its attachment (1016476 v6) be received;***

***AND THAT the Elected Members' Code of Conduct be adopted;***

***AND THAT the Elected Members' Code of Conduct be reviewed and returned to Council for adoption as soon as possible.***

**9. Adoption of Annual Report for the Year Ending 30 June 2013**

Note: This report will be circulated as a late item in accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Orders 3.7.5 and 2.12.4.

Nelson City Council Auditor, Bede Kearney, will be in attendance for this item.

**10. Next Meeting Date**

The next meeting date of Council must be set at this meeting, pursuant to Clause 21(5)(d) of Schedule 7 of the Local Government Act 2002.

Recommendation

***THAT the next meeting of the Nelson City Council be held on Tuesday 12 November 2013, commencing at 9.00am.***



.....  
Rachel Hadley Reese

.....  
Chief Executive

.....  
Luke Simon Burgoyne  
Aeland

.....  
Mayor

.....  
Ian Percival Barker

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Mayor

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Ruth Nicola Copeland

.....  
Mayor

.....  
Eric Kay Davy

.....  
Mayor

.....  
Kate Frances Fulton

.....  
Mayor

***Declaration***

I declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Nelson City, the powers, authorities, and duties vested in, or imposed upon, me as an elected representative of the Nelson City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Declared at Nelson this 29th day of  
October 2013.

.....  
Paul Kenneth Matheson

.....  
Mayor

.....  
Gaile Beverley Noonan

.....  
Mayor

.....  
Peter Barton Rainey

.....  
Mayor

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Timothy Robert Skinner

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Mayor

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Michael Grahame Ward

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Mayor

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## **Standing Orders 2013**

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### **1. Purpose of Report**

To adopt standing orders for the 2013-2016 triennium.

### **2. Recommendation**

***THAT the report Standing Orders 2013 and its attachments (documents 1614752 and 1607916) be received;***

***AND THAT Council adopt the amended standing orders as set out in Attachment 2;***

***AND THAT a further review of standing orders be carried out to consider whether to implement a casting vote for the Mayor and Chairperson, and any further issues that require review.***

### **3. Background**

- 3.1 Clause 27 of Schedule 7 of the Local Government Act 2002 requires local authorities to adopt a set of standing orders for the conduct of its meetings and those of its committees. Standing orders provide the Mayor or Chairperson of a meeting with tools to guide meetings through debate and to allow decision-making to occur within defined processes.
- 3.2 It is appropriate that Council's standing orders are reviewed and re-adopted following each triennial election. This process ensures that all councillors, including newly elected members, understand the standing orders that will govern meetings throughout the triennium.
- 3.3 Once standing orders are adopted, they can be altered at any time with a 75 percent majority vote.
- 3.4 Standards New Zealand has published NZS9202:2003 "Model Standing Orders for Meetings of Local Authorities and Community Boards" (model standing orders). The 2010 Nelson City Council standing orders (2010 standing orders) largely mirror the model standing orders, with three exceptions; delivery of agendas to members; the use of cellular phones, and public forums.

- 3.5 This report reviews the three areas where the 2010 standing orders departs from the model standing orders, and includes additional draft standing orders that are required as a result of the 2012 amendments to the Local Government Act 2002. It also addresses the issues of committee quorums and casting votes.
- 3.6 Attachment 1 sets out a table of the proposed alterations to standing orders, with reasons. Attachment 2 provides a full copy of 2010 standing orders, with proposed alterations highlighted as tracked changes.

## **4. Discussion**

### **Delivery of Agendas to Members**

- 4.1 2010 Standing order 2.12.4 states that for each meeting, an agenda together with relevant attachments must be sent to every member not less than four working days before the meeting. The model standing orders is identical, except that it requires agendas to be distributed two working days before the meeting.
- 4.2 For the reasons set out in Attachment 1, officers recommend that the wording of standing order 2.12.4 be amended from four to two working days.

### **Use of Cellular Phones at Meetings**

- 4.3 2010 Standing order 3.3.15 prohibited the use of cellular phones as a telephone during meetings and deemed such use of cellular phones to be conduct creating a disturbance.
- 4.4 For the reasons set out in Attachment 1, officers recommend deleting standing order 3.3.15 in its entirety.

### **Public Forum**

- 4.5 Allowing for public participation at Council meetings is a key method by which Council can understand the views of the community. It promotes democratic principles by allowing members of the public to present their views to Council, and assists with ensuring transparency of Council business.
- 4.6 Appendix F of the Model Standing Orders sets out some informative guidelines for public forum presentations. It is common practice for local authorities to adapt these guidelines to suit local practices.
- 4.7 2010 Standing orders 3.22.1-3.22.4 allow for a public forum at Council meetings. A review of these standing orders is beneficial to ensure that the parameters of public forum presentations are clearly understood by members of the public who wish to participate.
- 4.8 The key issues to be addressed by standing orders relating to a public forum are:

- How often does public forum take place?
  - Is there a time limit on public forum, and on individual speakers?
  - Are there any limits on the subject matter of public forum speakers?
  - Is there any limit on the number of times a speaker can address public forum?
  - How does a member of the public apply to speak at public forum?
  - Who approves the request to speak at public forum?
  - Are members able to question public forum speakers?
  - Are members able to debate issues raised at public forum?
- 4.9 2010 Standing orders 3.22.1-3.22.4 address some of these issues, but not others. Council officers recommend that, in the interests of achieving clarity, these standing orders are amended where necessary. The suggested amendments to standing orders are outlined in Attachment 1.

### **Deputations**

- 4.10 2010 Standing orders 3.19.1 – 3.19.6 mirror model standing orders provisions relating to deputations and presentations. These standing orders have not habitually been utilised at Nelson City Council.
- 4.11 If the amended public forum standing orders as set out in Attachment 2 are adopted, there is no further reason for the standing orders relating to deputations to remain, and it is suggested that these provisions be deleted.

### **Local Government Amendment Act 2012 – Mayoral Powers**

- 4.12 The 2012 amendments to the Local Government Act 2002 included the insertion of section 41A, relating to Mayoral powers, effective as of 12 October 2013.
- 4.13 Council officers recommend that the Mayor’s ability to appoint a deputy mayor, establish committees, and appoint chairpersons of committees be inserted into standing orders. These are incorporated in draft standing orders 2.6.1-2.6.2 and 2.7.1-2.7.4, outlined in Attachment 1.
- 4.14 The mayoral powers extend to establishing committees, and appointing committee chairperson only. Model standing order 2.9.1 retains the local authority’s power to appoint or discharge any other member of a committee.

## **Committee Quorum**

- 4.15 Model standing orders 2.4.4 and 3.4.4 state that quorum of a meeting of a committee is not fewer than 2 members of the committee. The 2010 standing orders currently utilises the same wording.
- 4.16 For the reasons outlined in Attachment 1, officers recommend applying the quorum requirements of local authority and joint committee meetings to committee and sub-committee meetings.

## **Casting Vote**

- 4.17 Model standing order 3.14.2 provides that the Mayor or chairperson has a deliberative vote and in the case of equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). The 2010 standing orders provide the identical provision.
- 4.18 Clause 24 of Schedule 7 of the Local Government Act 2002 expressly allows for local authorities to choose to establish a casting vote, for the Mayor or Chairperson, and a large number of local authorities around New Zealand have chosen to do so.
- 4.19 There are good reasons to consider establishing a casting vote, as well as to remain in the status quo position of not having a casting vote. It is recommended that Council continue to maintain the status quo, with no casting vote for the Mayor or Chairperson at this stage, and that this section of standing orders be reviewed in 18 months time, to consider then whether it is appropriate to provide for a casting vote. To amend standing orders in this way requires a 75 percent majority vote.

## **5. Conclusion**

- 5.1 It is recommended that the reviewed standing orders as set out in Attachment 2 be approved and adopted.

Penny Langley  
**Manager Administration**

## **Attachments**

Attachment 1: Table of suggested amendments [1614752](#)

Attachment 2: Full copy of standing orders marked up with suggested amendments [1607916](#)

No supporting information follows.

Issue	Current Standing Order	Proposed Standing Order	Reasons
Delivery of agendas to members	<p>2.12.4:</p> <p><i>In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than four clear working days before the day appointed for the meeting.</i></p>	<p>2.12.4:</p> <p><i>In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than <del>four</del> <b>two</b> clear working days before the day appointed for the meeting.</i></p>	<p>In practice, the requirement to deliver agendas four clear working days prior to meetings means that agendas must be distributed one full calendar week prior to the meeting.</p> <p>This requirement allows members additional time to read agendas and ask questions ahead of meetings.</p> <p>However, it also results in large numbers of late items, and reports requiring verbal or written updates. This has the potential to cause confusion, and may result in decreased efficiency at Council meetings.</p> <p>In the previous Council term, elected members expressed frustration with the large number of late items distributed.</p> <p>It is difficult for local authorities to balance the legal requirements of operating as a public body within the bounds of legislative requirements, with the ability to act quickly and respond to issues in a timely manner. A requirement to distribute agendas two clear working days prior to the meeting allows</p>

			<p>more opportunity to respond promptly to issues. Urgent late items may still need to be distributed beyond this timeframe.</p> <p>Officers are not aware of any other local authorities that have diverted from the model standing orders requirement to provide agendas two clear working days in advance.</p>
Use of cellular phones at meetings	<p>3.3.15:</p> <p><i>The use or operation of cellular phones as a telephone during the holding of any meeting shall not be permitted and for the purposes of Clause 3.3.13 the use or operation of cellular phones by any members within any meeting room, during the holding of any meeting shall be regarded as conduct creating a disturbance.</i></p>	Delete in its entirety	<p>There is no model standing order relating to the use of cellular phones during meetings.</p> <p>Advances in smart phone technology mean that it is reasonable to expect members to use smart phones or other mobile electronic devices in various ways throughout meetings, for example to access agendas, meeting documents or other relevant material.</p> <p>Standing orders 3.3.13 and 3.13.4(a) can be invoked to ensure an appropriate standard of conduct by all members during meetings, and could cover any concerns a member may have about the appropriateness of another's use of cellular phones.</p>

<p>Public Forum:</p>	<p>3.22.1: <i>The Council shall from time to time provide an opportunity for any member or members of the public to address the Council on any issue of concern which is within the functions and responsibilities of the Council</i></p> <p>3.22.2: <i>Every person wishing to participate in a public forum will be asked to provide an outline in writing of the subject matter, or a copy of their address, to an Administration Adviser for inclusion within the agenda to be circulated to the Council.</i></p> <p>3.22.3: <i>Except with the express approval of the Chairperson, the participation of any person or organisation at a public forum shall be subject to the</i></p>	<p>3.22.1: <i>A period of up to 30 minutes will be set aside for public forum at the commencement of meetings of the local authority, its committees and sub-committees which are open to the public.</i></p> <p><i>This time limit may be extended at the Mayor or Chairperson's discretion.</i></p> <p>3.22.2: <i>A limit of five minutes is placed on any individual speaker addressing a meeting during public forum.</i></p> <p><i>Where the address is by a group of people with a specific purpose or common view, an interest group or an organisation, a total limit of ten minutes will apply for all speakers.</i></p> <p><i>These time limits may be extended at the Mayor's or Chairperson's discretion.</i></p> <p>3.22.3: <i>Every person wishing to participate in a public forum will be asked to provide an</i></p>	<p>Amended standing order 3.22.1 clarifies when, and for how long, public forum should occur, and the basis for any extension of time. It utilises the timeframes set out in model standing orders Appendix F.</p> <p>Amended standing order 3.22.2 builds upon previous standing order 3.22.3(i) and (ii). It clarifies the time limit for individual speakers, the parameters for speakers from a group or organisation, and the basis for any extension of time.</p> <p>Amended standing order 3.22.3 matches the timeframe within which a public forum should be booked to agenda distribution,</p>
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	<p><i>following:</i></p> <p><i>(i) No more than two persons from any organisation will be permitted to speak on any matter.</i></p> <p><i>(ii) A limit of five minutes shall be placed on each person speaking.</i></p> <p><i>(iii) Unless the matter appears on the agenda of a subsequent meeting, no person shall be permitted to address more than one meeting on any matter.</i></p> <p><i>(iv) Members may question any person addressing the meeting, but will not express any opinion on the matter raised nor enter into any debate, except in respect of a motion to seek a report to a subsequent meeting.</i></p> <p><i>3.22.4:</i></p> <p><i>Any member may at any time</i></p>	<p><i>outline of the subject matter on which they propose to speak to an Administration Adviser no later than two clear working days prior to the meeting.</i></p> <p><i>Applications made later than two clear working days prior to the meeting may be accepted at the Mayor's or Chairperson's discretion.</i></p> <p><i>3.22.4:</i></p> <p><i>Public forum speakers may speak to any subject falling within the terms of reference for that meeting.</i></p> <p><i>The Mayor or Chairperson may refuse requests for public forum:</i></p> <p><i>(a) which are offensive, vexatious or repetitive;</i></p> <p><i>(b) where the same person or group of people have previously been heard on the same item at a prior committee or sub-committee meeting;</i></p> <p><i>(c) where the subject matter of the proposed public forum is subject to a</i></p>	<p>thereby allowing public forum details to be included on agenda faces.</p> <p>It also sets out the basis for accepting applications made later than two clear working days prior to the meeting.</p> <p>Amended standing order 3.22.4 clarifies the parameters for the subject matter of a public forum, allowing public forum speakers to be directed to the most appropriate meeting, depending on the subject matter.</p> <p>Amended standing order 3.22.4 also sets out grounds on which applications for public forum may be turned down. The grounds aim to ensure that the opportunity for public forum is not abused, while recognising that the opportunity for members of the public to participate in local authority meetings should not be limited unless there is good reason to do so. It also ensures that public forum is not used in an attempt to circumvent matters that are subject to</p>
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	<p>during the address raise a point of order as to the statements being made, the language used or the disrespect being shown by the person speaking.</p>	<p>statutory hearings process currently before Council or Independent Commissioners;</p> <p>(d) where the matter has already been considered and determined.</p> <p>3.22.5:  <i>Members may ask questions of public forum speakers, in order to obtain information or clarification on matters raised by the speaker.</i></p> <p><i>Questions of public forum speakers are not included within the time limit placed on speakers.</i></p> <p>3.22.6:  <i>Members may not express any opinion or enter into any debate on any matter raised at public forum.</i></p> <p><i>Members may pass a motion to seek a report on the matter to a subsequent meeting.</i></p> <p>3.22.7:</p>	<p>statutory hearings processes, or which have been considered and determined.</p> <p>Amended standing order 3.22.5 reflects previous standing order 3.22.3(iv) and is based on model standing orders Appendix F. It clarifies the parameters around questions by members during a public forum.</p> <p>Amended standing order 3.22.6 reflects previous standing order 3.22.3(iv). It clarifies the restriction on debating matters raised at a public forum at the same meeting and explains how to ensure an appropriate opportunity to debate the matter at a later meeting, with sufficient information.</p> <p>Amended standing order 3.22.7 reflects previous standing order 3.22.4, to clarify the</p>
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		<p><i>Members may raise a point of order during any public forum in relation to the statements being made, the language being used, or any disrespect being shown by the person speaking.</i></p> <p><i>The Mayor or Chairperson may terminate any public forum which is disrespectful or offensive.</i></p>	standards of conduct expected of public forum speakers, and the consequences that may follow if speakers are offensive or disrespectful.
<p>2012 Amendments to the Local Government Act 2002 – Mayoral powers to appoint deputy mayor</p>	<p>2.6.1: <i>This standing order applies to</i></p> <p><i>(a) the election or appointment of the chairperson and deputy chairperson of a regional council; and</i></p> <p><i>(b) the election or appointment of the deputy mayor; and</i></p> <p><i>(c) the election or appointment of the chairperson and deputy chairperson of a committee; and</i></p> <p><i>(d) the election or</i></p>	<p>2.6.1: <i>The Mayor has the power to appoint the deputy mayor. The Mayor may decline to exercise this power.</i></p> <p><i>Where the Mayor declines to exercise this power of appointment, the local authority must elect a deputy mayor in accordance with standing order 2.6.2.</i></p> <p>2.6.2: <i>This standing order applies to</i></p> <p><i>(a) the election or appointment of the chairperson and deputy chairperson of a regional council; and</i></p> <p><i>(b) the election or <del>appointment</del> of the</i></p>	<p>Amended standing order 2.6.1 reflects section 41A of the Local Government Act 2002, which is effective as of 13 October 2013. This section gives the Mayor the power to appoint the deputy mayor, establish a committee structure, and to appoint chairpersons of committees (including him or herself if so desired).</p> <p>However, standing orders still needs to account for what happens should the Mayor decline to exercise their power of appointment, or if Council passes a resolution in accordance with the provisions of clause 18 of schedule 7 of the Local Government Act to remove and replace the deputy mayor.</p>

	<p><i>appointment of a representative of a local authority.</i></p> <p><i>If this standing order applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:</i></p> <p><i>(a) System A; or</i></p> <p><i>(b) System B (...)</i></p>	<p><i>deputy mayor <b>where no appointment has been made under standing order 2.6.1</b>; and</i></p> <p><i>(c) the election <del>or appointment</del> of the chairperson and deputy chairperson of a committee <b>where no appointment has been made under standing order 2.7.2</b>; and</i></p> <p><i>(d) the election or appointment of a representative of a local authority.</i></p> <p><i>If this standing order applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:</i></p> <p><i>(a) System A; or</i></p> <p><i>(b) System B (...)</i></p>	<p>Therefore, standing order 2.6.2 has been retained in a modified form in order to specify the methods by which the deputy mayor or committee chairperson is elected, but clarifies that it is only used where no appointments have been made by the Mayor.</p>
<p>2012 Amendments to the Local Government Act 2002 – Mayoral</p>	<p>2.7.1: <i>A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers</i></p>	<p>2.7.1: <i>The Mayor may establish any committees he or she considers appropriate.</i>  <i>The Mayor may decline to exercise this</i></p>	<p>Amended standing orders 2.7.1 – 2.7.3 reflect section 41A of the Local Government Act 2002, which is effective as of 13 October 2013. This section gives the Mayor the power to appoint the deputy mayor, establish a committee structure, and to</p>

<p>powers to establish committees and appoint committee chairpersons.</p>	<p><i>appropriate and... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.</i></p>	<p><i>power.</i></p> <p><b>2.7.2:</b></p> <p><i>The Mayor may appoint the chairperson and deputy chairperson (if desired) of any committee established under standing order 2.7.1.</i></p> <p><i>The Mayor may make the appointment of the chairperson before the other members of the committee are determined, and may appoint themselves.</i></p> <p><b>2.7.3:</b></p> <p><i>Where the Mayor declines to appoint a chairperson or deputy chairperson pursuant to standing order 2.7.2, the local authority may elect the chairperson and deputy chairperson (if desired) of any committee in accordance with the provisions of standing order 2.6.2.</i></p> <p><b>2.7.4:</b></p> <p><i>Where no chairperson or deputy chairperson of a committee have been appointed or elected pursuant to standing orders 2.7.2 or 2.7.3, the</i></p>	<p>appoint chairpersons of committees (including him or herself if so desired).</p> <p>However, standing orders still needs to account for what happens should the Mayor decline to exercise their power of appointment, or if Council passes a resolution in accordance with the provisions of clause 31 of schedule 7 of the Local Government Act to remove and replace the members of committees.</p> <p>Amended standing order 2.7.4 clarifies the position where no chairperson or deputy chairperson of a committee has been appointed or elected pursuant to the previous standing orders.</p> <p>Amended standing order 2.7.5 retains the power of the local authority to establish other committees and sub-committees that it considers appropriate by majority resolution.</p> <p>The powers in these standing orders have been extended to apply to the appointment or election of committee deputy chairpersons, if these positions are desired.</p>
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		<p><i>committee may appoint or elect its own chairperson and deputy chairperson.</i></p> <p><b>2.7.5:</b></p> <p><i>Where the Mayor does not establish any committees pursuant to standing order 2.7.1, a local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.</i></p>	
Committee quorum	<p><b>2.4.4 (and 3.4.4):</b></p> <p><i>The quorum of a meeting of-</i></p> <p><i>(b) a committee –</i></p> <p><i>(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and</i></p> <p><i>(ii) in the case of a committee other than a subcommittee, must include at least 1</i></p>	<p><b>2.4.4:</b></p> <p><i>The quorum of a meeting of a committee consists of-</i></p> <p><i>(a) half of the members if the number of members (including vacancies) is even; or</i></p> <p><i>(b) a majority of members if the number of members (including vacancies) is odd; and</i></p> <p><i>(c) in the case of a committee other than a sub-committee, must include at</i></p>	<p>Amended standing order 2.4.4 (and 3.4.4, which is identical) reflects the principle that decisions should not be made unless at least half, or a majority, of members are present.</p> <p>The default position with model standing order 2.4.4 of a quorum of 2 members is illustrative of this principle, as the Local Government Act 2002 requires that committees have no fewer than 3 members. Therefore, the default quorum position already mirrors the local authority quorum principle for committees of 3-4 members,</p>

	<i>member of the local authority.</i>	<i>least 1 member of the local authority.</i>	but not for committees of more than 4 members.  In the interests of consistency and majority decision making, it is recommended that the principle of at least half of the members being required for quorum be extended to committee meetings.
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# Standing Orders

For Meetings of  
Local Authorities and Community Boards

Issued to assist those local authorities required to comply with Part 4 and Schedule 7 of the Local Government Act 2002 and Part VII of the Local Government Official Information and Meetings Act 1987.

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## REFERENCED DOCUMENTS

### New Zealand Legislation

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

## FOREWORD

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

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

## MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

These Standing Orders were adopted by Nelson City Council at a meeting held on ~~28 October 2010~~ [insert date of first meeting of triennium] and apply to all meetings of this local authority, its committees and subcommittees.

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# MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

## PART 1 GENERAL

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

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

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

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

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

- 1.3 Definitions** In these standing orders, unless inconsistent with the context:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

### 2.1 INTRODUCTION

Requirement for adoption of standing orders	<p>2.1.1 "A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act." [cl. 27(1) &amp; (2), Schedule 7, LGA]</p>
Alteration of standing orders	<p>2.1.2 "After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75 % of the members present." [cl. 27(3), Schedule 7, LGA]</p>
Temporary suspension of standing orders	<p>2.1.3 "A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75 % of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension." [cl. 27(4), Schedule 7, LGA] (See Standing Order 3.2.1)</p>
All members to abide by standing orders	<p>2.1.4 "A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]." [cl. 16(1), Schedule 7, LGA] (See Standing Order 3.1.1)</p>

### 2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

Meeting called by chief executive	<p>2.2.1 "The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act]." [cl. 21(1) – (4), Schedule 7, LGA]</p>
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**Business to be conducted**

**2.2.2**

**"The business that must be conducted at the meeting must include –**

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation, given or arranged by the chief executive, of –
  - (i) the Local Government Official Information and Meetings Act 1987; and
  - (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and
- (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]," except where the mayor chooses to appoint the deputy mayor pursuant to standing order 2.6.1.

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

**Members to give notice of addresses**

**2.2.3**

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

**2.3 CHAIRPERSON OF MEETINGS**

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

**2.3.1**

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

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

Chairperson of committee to preside 2.3.2  
 "The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting...If the...chairperson of a committee is absent from a meeting,...the deputy chairperson (if any)...of the committee must preside...If...a deputy chairperson has not been appointed, or if...the deputy chairperson is also absent, the members of...the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the chairperson."  
 [cl. 26(2), (5) & (6), Schedule 7, LGA]

2.4 QUORUM AT MEETINGS

Requirement for a quorum 2.4.1  
 "A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote."  
 [cl. 23(1), Schedule 7, LGA]

Quorum to be present throughout meeting 2.4.2  
 "Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted."  
 [cl. 23(2), Schedule 7, LGA]

Definition of quorum for local authority or joint committee meetings 2.4.3  
 "The quorum at a meeting of –  
 (a) a local authority or joint committee consists of –  
 (i) half of the members if the number of members (including vacancies) is even; or  
 (ii) a majority of members if the number of members (including vacancies) is odd."  
 [cl. 23(3), cl. 30(9), Schedule 7, LGA]

Definition of quorum for committee meetings 2.4.4  
 "The quorum at a meeting of a committee consists of –  
 (a) half of the members if the number of members (including vacancies) is even; or  
 (b) a majority of members if the number of members (including vacancies) is odd; and

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~~... (b) a committee –~~

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~~(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints~~

~~the committee); and~~

(c)iii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”

[cl. 23(3), Schedule 7, LGA] (See Standing Order 3.4)

## 2.5 VOTING AT MEETINGS

Acts and decisions of the local authority by meetings 2.5.1 (1) “The acts of a local authority must be done, and the questions before majority vote at the local authority must be decided, at a meeting by:

- a) vote; and
- b) the majority of members that are present and voting.”

Casting vote (2) “For the purposes of [2.5.1(1)], the mayor or chairperson or other person presiding at the meeting:

- a) Has a deliberative vote; and
- b) In the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).”

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

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

Mandatory requirements (1) and (2) apply unless the Local Government Act 2002 provides otherwise.

[cl. 24, Schedule 7, LGA]

## 2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

Appointment of deputy mayor 2.6.1 The Mayor has the power to appoint the Deputy Mayor. The Mayor may decline to exercise this power.

Where the Mayor declines to exercise this power of appointment, the local authority must elect a deputy mayor in accordance with Standing Order 2.6.2.

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Provisions for election or appointment of ~~2-6.12.6.2~~ “[This Standing Order applies to] –

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deputy mayor,  
chairpersons and  
of local authorities and  
committees, and  
representatives of the  
local authority where  
not otherwise appointed

- (a) the election or appointment of the chairperson and deputy chairperson deputy chairpersons of a regional council; and
- (b) ~~the election or appointment of the deputy mayor, where no appointment has been made under Standing Order 2.6.1; and~~
- (c) ~~the election or appointment of the chairperson and deputy chairperson of a committee, where no appointment has been made under Standing Order 2.7.2; and~~
- (d) the election or appointment of a representative of a local authority.

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

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

**System A**

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

**System B**

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
  - I. there is only 1 round of voting; and
  - II. if 2 or more candidates tie for the most votes, the tie is resolved by lot."

2.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

Mayor to establish committees 2.7.1

~~The Mayor may establish any committees he or she considers appropriate.~~  
~~The Mayor may decline to exercise this power.~~

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Committee Chairpersons 2.7.2

~~The Mayor may appoint the chairperson and deputy chairperson (if desired) of any committee established under Standing Order 2.7.1.~~  
~~The Mayor may make the appointment of the chairperson before the other members of the committee are determined, and may appoint themselves.~~

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Election of Committee Chairpersons 2.7.3

~~Where the Mayor declines to appoint a chairperson or deputy chairperson pursuant to standing order 2.7.2, the local authority may elect the chairperson and deputy chairperson (if desired) of any committee in accordance with the provisions of Standing Order 2.6.2.~~

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Appointment of Chairperson by Committee 2.7.4

~~Where no chairperson or deputy chairperson of a committee has been appointed or elected pursuant to standing orders 2.7.2 or 2.7.3, the committee may appoint or elect its own chairperson and deputy chairperson.~~

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Appointment of committees, subcommittees and other subordinate decision-making bodies 2.7.4-2.7.5

~~Where the Mayor does not establish any committees pursuant to standing order 2.7.1, "a local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority."~~

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

Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies 2.7.256

~~"Unless expressly provided otherwise in an Act, –~~

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

(b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body."

[cl. 30(5) & (7), Schedule 7, LGA]

Committees and 2.7.367

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subordinate decision-making bodies subject to direction of local authority

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

[cl. 30(3), (4) & (6), Schedule 7, LGA]

## 2.8 JOINT COMMITTEES

**Appointment of joint committees**      **2.8.1**  
**“A local authority may appoint ... a joint committee with another local authority or other public body. ”**

[cl. 30(1), Schedule 7, LGA]

**Status of joint committees**      **2.8.2**  
**“A joint committee...is deemed to be both a committee of the local authority and a committee of the other local authority or public body.”**

[cl. 30(8), Schedule 7, LGA]

**Powers and responsibilities of joint committees**      **2.8.3**  
Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that –

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

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

**Application to a public body that is not a local authority**      **2.8.4**  
For the purposes of a public body that is not a local authority, Standing Orders 2.8.2 and 2.8.3 apply to the extent that they are not inconsistent with the law applicable to committees of the public body.

[cl. 30(10), Schedule 7, LGA]

## 2.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

**Appointment or discharge of committee**      **2.9.1**  
**“A local authority may appoint or discharge any member of a**

members and subcommittee members	<p>committee.</p> <p>Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”</p> <p>[cl. 31(1) &amp; (2), Schedule 7, LGA]</p>
Elected members on committees and subcommittees	<p><b>2.9.2</b></p> <p>“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”</p> <p>[cl. 31(3) &amp; (4), Schedule 7, LGA]</p>
Local authority may replace members if committee not discharged	<p><b>2.9.3</b></p> <p>“If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members.”</p> <p>[cl. 31(5), Schedule 7, LGA]</p>
Minimum numbers on committees and subcommittees	<p><b>2.9.4</b></p> <p>“The minimum number of members is 3 for a committee, and is 2 for a subcommittee.”</p> <p>[cl. 31(6), Schedule 7, LGA]</p>
Mayor or chairperson of local authority an ex-officio member	<p><b>2.9.5</b></p> <p>The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.</p>

## 2.10 POWERS OF DELEGATION

Delegations to committees, decision-making bodies, community boards, members and officers	<p><b>2.10.1</b></p> <p>(1) “Unless expressly provided otherwise in [the Local Government Act subcommittees, 2002], or in any other Act, for the purposes of efficiency and subordinate effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its members and officers responsibilities, duties, or powers except –</p> <p>(a) the power to make a rate; or</p>
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- (b) the power to make a bylaw; or
  - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
  - (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
  - (e) the power to appoint a chief executive; or
  - (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term council community plan or developed for the purpose of the local governance statement.
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (f) above].
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.”

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

Use of delegated powers

2.10.2

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

[cl. 32(4) Schedule 7, LGA]

Delegations related to bylaws and other regulatory matters

2.10.3

“A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.”

[cl. 32(5) Schedule 7, LGA]

## 2.11 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

Proceedings not invalidated by irregularities	<p>2.11.1 "An act or proceeding of a local authority or committee, or of a person acting vacancies or as a member of a local authority or committee, is not invalidated by a vacancy in the membership of the local authority or committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or committee, or that that person was or is incapable of being a member." [cl. 29, Schedule 7, LGA]</p>
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## 2.12 GENERAL PROVISIONS AS TO MEETINGS

Meetings to be held	<p>2.12.1 "A local authority must hold the meetings that are necessary for the good government of its region or district." [cl. 19(1), Schedule 7, LGA]</p>
Right to attend meetings	<p>2.12.2 "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]</p>
Calling, public notification and conduct of meetings	<p>2.12.3 "A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority." [cl. 19(3), Schedule 7, LGA]</p>
Agenda to be sent to members	<p>2.12.4 In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than <del>four</del> <u>two</u> clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl. 2.14.2 applies).</p>
Meetings not invalid because notice not received	<p>2.12.5 "A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless –</p> <p>(a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and</p> <p>(b) the member concerned did not attend the meeting.</p> <p>A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member." [cl. 20(1), (2), Schedule 7, LGA]</p>

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Minutes of proceedings 2.12.6  
"A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings."  
[cl. 28(1), (2), Schedule 7, LGA]

## 2.13 NOTIFICATION OF MEETINGS TO MEMBERS

Period for notice in writing 2.13.1  
"The chief executive must give notice in writing to each member of the time and place of [a] meeting –  
(a) not less than 14 days before the meeting; or  
(b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule."  
[cl. 19(5)(a), (b), Schedule 7, LGA]

Schedule of meetings 2.13.2  
"If a local authority adopts a schedule of meetings, –  
a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and  
b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment."  
[cl. 19(6), Schedule 7, LGA]

Cancellation of scheduled meetings 2.13.3  
If it is necessary to cancel a scheduled meeting, all reasonable effort shall be taken to notify elected members and the public as soon as practicable of the cancellation and of the reasons for the cancellation.

## 2.14 EXTRAORDINARY MEETINGS

Extraordinary meetings may be called 2.14.1  
"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –  
(a) a resolution of the local authority; or  
(b) a requisition in writing delivered to the chief executive and signed by –  
(i) the mayor or chairperson; or  
(ii) not less than one-third of the total membership of the local authority (including vacancies)."  
[cl. 22(1), Schedule 7, LGA]

Notification of extraordinary meetings to members 2.14.2  
"Notice in writing of the time and place of the meeting called under [Standing Order 2.14.1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."  
[cl. 22(3), Schedule 7, LGA]

Calling of extraordinary meetings at earlier time 2.14.3  
"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive."  
[cl. 22(2), Schedule 7, LGA]

Notification of extraordinary meetings held at earlier time 2.14.4  
"Notice of the time and place of a meeting called under [Standing Order 2.14.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting."  
[cl. 22(4)Schedule 7, LGA]

Public notice of resolutions of extraordinary meetings 2.14.5  
"A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless –  
a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or  
b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.  
For the purposes of this [Standing Order] resolution means the resolution on the matter or matters for which the extraordinary meeting was held." [s. 51A, LGOIMA]

## 2.15 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC

Meetings normally to be open to the public 2.15.1  
"Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media."

	[s. 47 & 49(a), LGOIMA]
<b>Information to be available to public</b>	<p><b>2.15.2</b> All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.</p> <p>[s. 5 &amp; 49, LGOIMA]</p>
<b>Public notification about meetings</b>	<p><b>2.15.3</b> All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.</p> <p>[s. 46, LGOIMA]</p>
<b>Public notification about extraordinary meetings</b>	<p><b>2.15.4</b> "Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances".</p> <p>[s. 46(3) &amp; (4), LGOIMA]</p>
<b>Public notification additional requirements</b>	<p><b>2.15.5</b> The chief executive is to make any other arrangement for the notification of meetings including extraordinary meetings as the local authority may from time to time determine.</p>
<b>Meetings not invalid because not publicly notified</b>	<p><b>2.15.6</b> "No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5]."</p> <p>[s. 46(5), LGOIMA]</p>
<b>Public notice of meetings not notified</b>	<p><b>2.15.7</b> "Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified."</p> <p>[s. 46(6), LGOIMA]</p>

<b>Availability of agendas and reports</b>	<p><b>2.15.8</b>          “Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting. The agendas –</p> <p>(a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority’s control; and</p> <p>(b) shall be accompanied by either –</p> <p style="padding-left: 20px;">(i) the associated reports; or</p> <p style="padding-left: 20px;">(ii) a notice specifying the places at which the associated reports may be inspected.</p> <p>...The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public ... . Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances.”</p> <p>[s. 46A(1) – (6), LGOIMA]</p>
<b>Exclusion from reports to be discussed with public excluded</b>	<p><b>2.15.9</b>          The chief executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.</p>
<b>Availability of agendas and reports for meetings of community boards</b>	<p><b>2.15.10</b>          Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these standing orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.</p>
<b>Agenda to be made available to public who are at meetings</b>	<p><b>2.15.11</b>          Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).</p> <p>[s. 49, LGOIMA]</p>
<b>List of committee members publicly available</b>	<p><b>2.15.12</b>          The members of each committee are to be named on the relevant agenda.</p>

**Public entitled to inspect minutes**                    **2.15.13**  
The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.  
[s. 51, LGOIMA]

**Requests for minutes of meetings in closed session**                    **2.15.14**  
The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.  
[s. 51, LGOIMA]

**2.16 REASONS TO EXCLUDE PUBLIC**

**Lawful reasons to exclude public**                    **2.16.1**  
A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act (see Appendix A).  
[s. 48, LGOIMA]

**Form of resolutions to exclude public**                    **2.16.2**  
Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (For an example resolution refer to Appendix B).

**Motion to exclude public to be put with the public present**                    **2.16.3**  
Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority.  
[s. 48(4), LGOIMA]

**Provision for persons to remain after public excluded**                    **2.16.4**  
A resolution in accordance with Standing Order 2.16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.  
[s. 48(5) & (6), LGOIMA]

**Release of public excluded information**                    **2.16.5**  
A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

## 2.17 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION

<b>Standing orders to apply</b>	<b>2.17.1</b> Standing orders apply to meetings or parts of meetings from which the public has been excluded.
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## 2.18 USE OF PUBLIC EXCLUDED INFORMATION

<b>Public excluded business not to be disclosed</b>	<b>2.18.1</b> Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.
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## 3 MEETING PROCEDURES

### 3.1 APPLICATION OF STANDING ORDERS

<b>All members to abide by standing orders</b>	<b>3.1.1</b> "A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."  [cl. 16(1), Schedule 7, LGA]  (See Standing Order 2.1.4)
<b>Additional to or substitution of standing orders</b>	<b>3.1.2</b> Notwithstanding the generality of standing order 3.1.1, for any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices additional to, or in substitution of these standing orders for the conduct of the business to be transacted.  For example, committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.  [s.41, RMA]
<b>Exclusions for meetings at which no resolutions or decisions are made</b>	<b>3.1.3</b> For the avoidance of doubt, any provision of these standing orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the local authority or of any committee or subcommittee or other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

## 3.2 SUSPENSION OF STANDING ORDERS

### Temporary suspension 3.2.1

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

[cl. 27(4), Schedule 7, LGA]

## 3.3 CONDUCT OF MEETINGS

### Mode of address for chairperson

#### 3.3.1

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

### Chairperson to decide

#### 3.3.2

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

### Chairperson rising

#### 3.3.3

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 to speak in places and address the chair

#### 3.3.4

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

### Priority of speakers

#### 3.3.5

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

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

### Speeches in English or Māori

#### 3.3.6

A member may address the chairperson in English or Māori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days

before the meeting, to the chairperson if he or she intends to address the chairperson in Māori, when the normal business of the committee is conducted in English, or in English when the normal business of the committee is conducted in Māori.

<b>Duration of meetings and time limits</b>	<b>3.3.7</b> Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.
<b>Reporting of meetings</b>	<b>3.3.8</b> When a meeting of a local authority is open to the public the following provisions shall apply:  (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.  [s. 49(a) LGOIMA]  (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.  (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.
<b>Disorderly members to withdraw</b>	<b>3.3.9</b> Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine (see Appendix C).
<b>Members not to be disrespectful</b>	<b>3.3.10</b> No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.
<b>Retraction of, or apology for, offensive or malicious language</b>	<b>3.3.11</b> The chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.
<b>Withdrawal from meeting</b>	<b>3.3.12</b> Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

**Disorder in meeting** 3.3.13  
The chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the chairperson.

**Adjournment of meeting following disorder** 3.3.14  
Should the disorder continue, the chairperson has the right to adjourn the meeting for a time specified by the chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

~~**Cellular phones** 3.3.15  
The use or operation of cellular phones as a telephone during the holding of any meeting shall not be permitted and for the purposes of Clause 3.3.13 the use or operation of cellular phones by any members within any meeting room, during the holding of any meeting shall be regarded as conduct creating a disturbance.~~

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**Contempt to be recorded in minutes** 3.3.16  
Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.

**Removal from meeting** 3.3.17  
"A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –  
(a) refuses or fails to leave the meeting; or  
(b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson."  
[cl. 16(2), Schedule 7, LGA]

#### 3.4 QUORUM AT MEETINGS

**Requirement for a quorum** 3.4.1  
"A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote."  
[cl. 23(1), Schedule 7, LGA]

**Quorum to be present throughout meeting** 3.4.2  
"Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted."  
[cl. 23(2), Schedule 7, LGA]

**Definition of quorum for local authority or joint committee meetings** 3.4.3  
The quorum at a meeting for local authority or joint committee consists of –  
(a) half of the members if the number of members (including vacancies) is even; or

(b) a majority of members if the number of members (including vacancies) is odd.

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

**Definition of quorum for committee meetings**

**3.4.4**

**"The quorum at a meeting of a committee consists of –**

**(a) half of the members if the number of members (including vacancies) is even; or**

**(b) a majority of members if the number of members (including vacancies) is odd; and**

~~(b) a committee –~~

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~~(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and~~

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~~(c) (ii) – in the case of a committee other than a subcommittee, must include at least 1 member of the local authority."~~

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

(See Standing Order 2.4)

**3.5 FAILURE OF A QUORUM**

**Meeting lapses if no quorum**

**3.5.1**

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

**Lapsed business**

**3.5.2**

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

**Minutes to record failure of quorum**

**3.5.3**

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

**3.6 LEAVE OF ABSENCE AND APOLOGIES**

**Granting leave of absence**

**3.6.1**

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

- Apologies at meetings** 3.6.2  
If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.
- Recording of apologies** 3.6.3  
The chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.
- Absence without leave** 3.6.4  
An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive meetings other than extraordinary meetings of the territorial authority, regional council or community board.  
[cl. 5, Schedule 7, LGA]

### 3.7 ORDER OF BUSINESS

- Adoption of order of business** 3.7.1  
The order of business is to be determined by the local authority.
- Agenda** 3.7.2  
The chief executive is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the chairperson accord precedence to any business set down on the agenda.
- Public excluded items** 3.7.3  
The chief executive must place on a public excluded agenda any matters for which he/she considers the local authority or committee of the local authority is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.
- Chairperson's report** 3.7.4  
The chairperson, by report, has the right to direct the attention of the local authority or the relevant committee as the case may be, to any matter or subject within the role or function of the local authority or committee respectively.
- Major items not on the agenda may be dealt with** 3.7.5  
"An item that is not on the agenda for a meeting may be dealt with at the meeting if –  
  
(a) the local authority by resolution so decides; and  
  
(b) the presiding member explains at the meeting at a time when it is open to the public, –

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

[s. 46A(7), LGOIMA]

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

**3.7.6**

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

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

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

**Chairperson’s recommendation**

**3.7.7**

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

### **3.8 RULES OF DEBATE**

**Reserving speech**

**3.8.1**

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

**Irrelevant matter and needless repetition**

**3.8.2**

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

**Limitation on speakers**

**3.8.3**

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

**Taking down words**

**3.8.4**

When any member objects to words used and desires his/her objection to be recorded in the minutes, the chairperson may order the objection to be recorded, provided such objection be made at the time the words were

used and not after any other members have spoken (see Standing Order 3.13.4).

**Reading of speeches** 3.8.5  
Members shall not read their speeches, except with the permission of the chairperson, but may refresh their memory by reference to notes.

**Time limits on speakers** 3.8.6  
The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:

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

(See also Standing Order 3.19.6.)

**Member speaking more than once** 3.8.7  
A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.

**Restating of motion** 3.8.8  
Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

**Right of reply** 3.8.9  
The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the chairperson has intimated his intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.

**When right of reply may be exercised** 3.8.10  
The right of reply is governed as follows:

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

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

<b>Speaking only to relevant matters</b>	<b>3.8.11</b> Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.
<b>Personal explanation</b>	<b>3.8.12</b> Notwithstanding Standing Order 3.8.7, members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.
<b>Explanation of previous speech</b>	<b>3.8.13</b> With the permission of the chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.

### 3.9 MOTIONS AND AMENDMENTS

<b>Requirement for a seconder</b>	<b>3.9.1</b> All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the chairperson shall state the matter raised and propose it for discussion.
<b>Withdrawal of motions and amendments</b>	<b>3.9.2</b> Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.
<b>Substituted motion by amendment</b>	<b>3.9.3</b> The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
<b>Motions in writing</b>	<b>3.9.4</b> The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
<b>Motions expressed in parts</b>	<b>3.9.5</b> The chairperson or any member may require a motion expressed in parts to be decided part by part.
<b>Amendment once moved</b>	<b>3.9.6</b> When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.

<b>Amendments and motions not seconded</b>	<b>3.9.7</b> Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.
<b>Further amendments</b>	<b>3.9.8</b> No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.
<b>Where amendment lost</b>	<b>3.9.9</b> Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.
<b>Where amendment carried</b>	<b>3.9.10</b> Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.
<b>Amendments relevant</b>	<b>3.9.11</b> Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
<b>Direct negatives not allowed</b>	<b>3.9.12</b> No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.
<b>Procedure until resolution</b>	<b>3.9.13</b> The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.
<b>Flow chart of motions and amendments</b>	<b>3.9.14</b> A flow chart illustrating the process regarding motions and amendments is included in this document as Appendix D.
<b>Revocation or alteration of resolutions</b>	<b>3.9.15</b> A notice of motion for the revocation or alteration of all or part of a previous resolution of the local authority is to be given to the chief executive by the member intending to move such a motion.  (a) Such notice is to set out:  (i) The resolution or part thereof which it is proposed to revoke or alter;  (ii) The meeting date when it was passed; and  (iii) The motion, if any, that is intended to be moved in substitution thereof.  (b) Such notice is to be given to the chief executive at least 5 clear working days before the meeting at which it is proposed to consider

such a motion and is to be signed by not less than one third of the members of the local authority, including vacancies.

- (c) The chief executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.

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

**3.9.16**

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

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

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

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

**3.9.17**

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

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

**3.9.18**

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

**Restating the motion**

**3.9.19**

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

**No speakers after reply or question**

**3.9.20**

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

**Reflections on resolutions**

**3.9.21**

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

### 3.10 NOTICES OF MOTION

<b>Notices of motion to be in writing</b>	<b>3.10.1</b> Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting.
<b>Refusal of notice of motion</b>	<b>3.10.2</b> The chairperson may direct the chief executive to refuse to accept any notice of motion which:  (a) Is disrespectful or which contains offensive language or statements made with malice; or  (b) Is not related to the role or functions of the local authority; or  (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or  (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.  Reasons for refusing a notice of motion should be provided to the proposer.
<b>Mover of notice of motion</b>	<b>3.10.3</b> Notices of motion may not proceed in the absence of the mover, unless moved by another member authorized in writing by the mover to do so.
<b>Alteration of notice of motion</b>	<b>3.10.4</b> A notice of motion may be altered only by the mover with the consent of the meeting.
<b>When notices of motion lapse</b>	<b>3.10.5</b> Notices of motion not moved on being called for by the chairperson, shall lapse.
<b>Referral of notices of motion to committees</b>	<b>3.10.6</b> Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

### 3.11 REPEAT NOTICES OF MOTION

<b>First repeat where notice of motion rejected</b>	<b>3.11.1</b> When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.
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<b>Second repeat where notice of motion rejected</b>	<b>3.11.2</b> If such a repeat notice of motion as provided for in Standing Order 3.11.1 is also rejected by the local authority, any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.
<b>No repeats where notice of motion adopted</b>	<b>3.11.3</b> Where a notice of motion has been considered and adopted by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

### 3.12 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

<b>Members may move procedural motions to terminate or adjourn debate</b>	<b>3.12.1</b> Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:  <ul style="list-style-type: none"> <li>(a) That the meeting be adjourned to the next meeting, unless an alternative time and place is stated; or</li> <li>(b) That the item of business being discussed be adjourned to a time and place to be stated; or</li> <li>(c) That the motion under debate be now put (a "closure motion"); or</li> <li>(d) That the meeting move directly to the next business, superseding the item under discussion; or</li> <li>(e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or</li> <li>(f) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority.</li> </ul>
<b>Chairperson may accept closure motions</b>	<b>3.12.2</b> The chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the chairperson's opinion, it is reasonable to do so.
<b>Procedural motions to terminate or adjourn debate to take precedence</b>	<b>3.12.3</b> Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately without discussion or debate.
<b>Voting on procedural motions to terminate or adjourn debate</b>	<b>3.12.4</b> All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.
<b>Closure motion to be put if no further speaker</b>	<b>3.12.5</b> Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.
<b>Closure motion on amendment</b>	<b>3.12.6</b> When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

<b>Right of reply following closure</b>	<b>3.12.7</b> If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.
<b>Debate on items previously adjourned</b>	<b>3.12.8</b> The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.
<b>Adjourned items taken first</b>	<b>3.12.9</b> Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
<b>Other business not superseded</b>	<b>3.12.10</b> The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.
<b>Referral or referred back to committee</b>	<b>3.12.11</b> Business referred, or referred back, to a specified committee is to be considered at the next meeting of that committee, unless otherwise specified.
<b>Table of procedural motions</b>	<b>3.12.12</b> A table of procedural motions is included in this document as Appendix E.

### 3.13 POINTS OF ORDER

<b>Members rising to points of order</b>	<b>3.13.1</b> Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.
<b>Stating subject matter of point of order</b>	<b>3.13.2</b> The member rising is to state without explanation precisely the subject matter of the point of order.
<b>Points of order during division</b>	<b>3.13.3</b> No point of order may be raised during a division except by the permission of the chairperson.
<b>Types of points of order</b>	<b>3.13.4</b> The following are recognized as substance for points of order: <ul style="list-style-type: none"> <li>(a) Where disorder is drawn to the attention of the chairperson; or</li> <li>(b) Use of disrespectful, offensive or malicious language; or</li> <li>(c) Discussion of a question not before the local authority; or</li> <li>(d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or</li> </ul>

	(e) The breach of any standing order; or
	(f) A request that words objected to be recorded in the minutes.
<b>Contradiction not point of order</b>	<p><b>3.13.5</b> Rising to express a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.</p>
<b>Decision of chairperson final</b>	<p><b>3.13.6</b> The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final.</p>
<b>3.14 VOTING</b>	
<b>Decisions to be decided by majority votes</b>	<p><b>3.14.1</b> “[Unless the Local Government Act 2002 provides otherwise], the acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by –</p> <p>(a) vote; and</p> <p>(b) the majority of members that are present and voting”.</p> <p>[cl. 24, Schedule 7, LGA] (See Standing Order 2.5.1)</p>
<b>Chairperson’s voting</b>	<p><b>3.14.2</b> Unless the Local Government Act 2002 provides otherwise, for the purposes of Standing Order 3.14.1, the mayor or chairperson or other person presiding at the meeting –</p> <p>(a) Has a deliberative vote; and</p> <p>(b) 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).</p> <p>NOTE – This is based on the legislative default position of there being no casting vote. Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this section. When adopting, amending or suspending Standing Orders to provide for a casting vote, clause 27, schedule 7 of the Local Government Act applies.</p> <p>[cl. 24, Schedule 7, LGA]</p>
<b>Open voting</b>	<p><b>3.14.3</b> “An act or question coming before the local authority must be done or decided by open voting”.</p> <p>[cl. 24(3), Schedule 7, LGA]</p>
<b>Members may abstain</b>	<p><b>3.14.4</b> Any member may abstain from voting.</p>

<b>Members may have their votes recorded</b>	<p><b>3.14.5</b> Any member's vote or abstention must be recorded in the minutes if so requested by that member.</p>
<b>Method of voting</b>	<p><b>3.14.6</b> The method of voting shall be as follows:</p> <p>(a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson shall call a division.</p> <p>(b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.</p> <p>(c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the chairperson who shall declare the result.</p>
<b>Division</b>	<p><b>3.14.7</b> When a division is called, the chief executive shall take down the names of the members voting for and against the motion and abstentions and is to hand the list to the chairperson to declare the result. The result of the division shall be entered into the minutes.</p>
<b>Second division</b>	<p><b>3.14.8</b> The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.</p>
<b>Pecuniary interest</b>	<p><b>3.14.9</b> No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.</p> <p>[s. 6(1), Local Authorities (Members' Interests) Act]</p>
<b>Declaration of pecuniary interest</b>	<p><b>3.14.10</b> Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.</p> <p>[s. 6(1), Local Authorities (Members' Interests) Act]</p>
<b>Pecuniary interest a reason for leaving room</b>	<p><b>3.14.11</b> Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.14.10, should consider leaving the meeting room for the full duration of discussion on such matters.</p>

### 3.15 QUALIFIED PRIVILEGE

<b>Qualified privilege relating to agenda and minutes</b>	<b>3.15.1</b> Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.  [s. 52, LGOIMA]
<b>Qualified privilege relating to oral statements</b>	<b>3.15.2</b> Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.  [s. 53, LGOIMA]
<b>Qualified privilege additional to any other provisions</b>	<b>3.15.3</b> The privilege conferred by Standing Order 3.15.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

### 3.16 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

<b>Chairperson may require members of the public to leave meeting</b>	<b>3.16.1</b> The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.  [s. 50, LGOIMA]
<b>Removal of members of public</b>	<b>3.16.2</b> If any member of the public who is required in accordance with Standing Order 3.16.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the chairperson, any police officer or employee of the local authority may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

### 3.17 MINUTES OF PROCEEDINGS

<b>Minutes to be evidence of proceedings</b>	<b>3.17.1</b> “(1) A local authority must keep minutes of its proceedings.  (2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.”  [cl. 28, Schedule 7, LGA]
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**Keeping of minutes** 3.17.2  
 The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5 and 3.14.11).

**No discussion on minutes** 3.17.3  
 No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.

**3.18 MINUTE BOOKS**

**Inspection of minute books** 3.18.1  
 The minute books of the local authority must be kept by the chief executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act (see Standing Order 2.15.14 and 2.15.15).  
 [s.51, LGOIMA]

**Minutes of last meeting before election** 3.18.2  
 The chairperson and the chief executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.

**3.19 DEPUTATIONS AND PRESENTATIONS**

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~~**Deputations where heard** 3.19.1  
 Deputations may be received by the local authority or any of its committees provided an application for admission setting forth the subject, has been lodged with the chief executive at least 2 working days before the date of the meeting concerned, and has been subsequently approved by the chairperson. The chairperson may refuse requests for deputations which are repetitious or offensive.~~

~~**Urgency or major public interest** 3.19.2  
 Notwithstanding Standing Order 3.19.1, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the chairperson may determine that the deputation be received.~~

~~**Deputations and presentations in English or Māori** 3.19.3  
 A deputation or presentation to a local authority or any of its committees, may be made in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the address is not in English. The chairperson may order that any speech or document~~

~~presented be translated and/or printed in another language.~~

<del>Procedures for deputations</del>	<del>3.19.4</del> Except with the approval of the local authority or committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.15.2 regarding qualified privilege).
<del>Termination of presentation if disrespectful</del>	<del>3.19.5</del> The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.15.2 regarding qualified privilege).
<del>Time limit on presentation</del>	<del>3.19.6</del> Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

## 3.20 PETITIONS

<del>Form of petitions</del>	<del>3.20.1</del> Every petition presented to the local authority or to any of its committees, must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege).
<del>Petition where presented by members</del>	<del>3.20.2</del> Any member of the local authority, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.
<del>Petition in English or Māori</del>	<del>3.20.3</del> A petition presented to a local authority or any of its committees may be in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.
<del>Petition where presented by petitioner</del>	<del>3.20.4</del> Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition.

3.21 QUESTIONS

Questions to officers during debate

3.21.1

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

3.22 PUBLIC FORUM

Public forum

3.22.1

~~The Council shall from time to time provide an opportunity for any member or members of the public to address the Council on any issue of concern which is within the functions and responsibilities of the Council. A period of up to 30 minutes will be set aside for public forum at the commencement of meetings of the local authority, its committees and sub-committee which are open to the public.~~

This time limit may be extended at the Mayor's or Chairperson's discretion.

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Speaking time

3.22.2

~~A limit of five minutes is placed on any individual speaker addressing a meeting during public forum. Where the address is by a group of people with a specific purpose or common view, an interest group or an organization, a total time limit of ten minutes will apply for all speakers.~~

These time limits may be extended at the Mayor's or Chairperson's discretion.

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Notice of participation in public forum

3.22.3

~~Every person wishing to participate in a public forum will be asked to provide an outline in writing of the subject matter on which they propose to speak, or a copy of their address, to an Administration Adviser no later than two clear working days prior to the meeting.~~

Applications made later than two clear working days prior to the meeting may be accepted at the Mayor's or Chairperson's discretion, for inclusion within the agenda to be circulated to the Council.

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Subject matter

3.22.4

~~Public forum speakers may speak to any subject falling within the terms of reference for that meeting.~~

The Mayor or Chairperson may refuse requests for public forum:

(a) which are offensive, vexatious or repetitive;

(b) where the person or group of people have previously been heard on the same item at a prior committee or sub-committee meeting;

(c) where the subject matter of the proposed public forum is subject to a statutory hearing process currently before Council or Independent Commissioners;

(d) where the matter has already been considered and determined.

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Questions

3.22.5

~~Members may ask questions of public forum speakers, in order to obtain information or clarification on matters raised by the speaker.~~

Questions of public forum speakers are not included within the time limit placed on speakers.

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No debate

3.22.6

~~Members may not express any opinion or enter into any debate on any matter raised at public forum.~~

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~~Members may pass a motion to seek a report on the matter to a subsequent meeting.~~

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Speaking at public forum

3.22.3

~~Except with the express approval of the Chairperson, the participation of any person or organisation at a public forum shall be subject to the following:~~

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~~(i) No more than two persons from any organisation will be permitted to speak on any matter.~~

~~(ii) A limit of five minutes shall be placed on each person speaking.~~

~~(iii) Unless the matter appears on the agenda of a subsequent meeting, no person shall be permitted to address more than one meeting on any matter.~~

~~(iv) Members may question any person addressing the meeting, but will not express any opinion on the matter raised nor enter into any debate, except in respect of a motion to seek a report to a subsequent meeting.~~

Points of order

3.22.43.22.7

~~Many members may at any time during the address raise a point of order during any public forum, in relation to as to the statements being made, the language being used or the any disrespect being shown by the person speaking.~~

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~~The Mayor or Chairperson may terminate any public forum which is disrespectful or offensive.~~

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**APPENDIX A  
GROUNDS TO EXCLUDE THE PUBLIC FROM MEETINGS IN TERMS OF THE  
LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

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

- A1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information:
    - (i) Would disclose a trade secret or
    - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
  - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
    - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied or
    - (ii) Would be likely otherwise to damage the public interest; or
  - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (g) Maintain the effective conduct of public affairs through the protection of members, officers or employees of any local authority from improper pressure or harassment; or
  - (h) Maintain legal professional privilege; or

- (i) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

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

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

**APPENDIX B  
SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC**

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

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

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

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

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

**Item no:**

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

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NOTE –

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

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
  - (b) Shall form part of the minutes of the local authority.”

## **APPENDIX C POWERS OF THE CHAIRPERSON**

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

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

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

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

(See Standing Order 3.3.2)

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

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

(See Standing Orders 3.13.3 and 3.13.6)

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

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

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

(See Standing Orders 3.7.5 and 3.7.5.1)

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

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

(See Standing Order 3.7.4)

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

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

(See Standing Order 3.7.6)

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

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

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

(See Standing Order 2.5.1)

**C7 Motion in writing**

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

(See Standing Order 3.9.4)

**C8 Motion in parts**

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

(See Standing Order 3.9.5)

**C9 Notice of motion**

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

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

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

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

(See Standing Orders 3.10.2 and 3.11.3)

**C10 Action on previous resolutions**

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

(See Standing Order 3.9.16)

**C11 Repeat notice of motion**

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

(See Standing Order 3.11.1)

**C12 Revocation or alteration of previous resolution**

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

(See Standing Order 3.9.18)

**C13 Chairperson may call a meeting**

The chairperson:

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

**C14 Irrelevant matter and needless repetition**

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

(See Standing Order 3.8.2)

**C15 Taking down words**

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

(See Standing Order 3.8.4)

**C16 Reading of speeches**

The chairperson may permit members who request permission to do so, to read their speeches.

(See Standing Order 3.8.5)

**C17 Explanations**

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

(See Standing Orders 3.8.12 and 3.8.13)

**C18 Chairperson rising**

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

(See Standing Order 3.3.3)

**C19 Members may leave places**

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

(See Standing Order 3.3.4)

**C20 Priority of speakers**

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

(See Standing Order 3.3.5)

**C21 Minutes**

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

(See Standing Orders 3.17.1 and 3.18.2)

**C22 Questions of speakers**

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

(See Appendices F4 and G5.)

**C23 Withdrawal of offensive or malicious expressions**

(a) The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.  
(See Standing Order 3.3.11)

(b) Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.  
(See Standing Order 3.3.12)

**C24 Chairperson's rulings**

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

(See Standing Orders 3.1.1 and 3.3.2)

**C25 Disorderly behaviour**

The chairperson may:

(a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.  
(See Standing Orders 3.3.13 and 3.16.1)

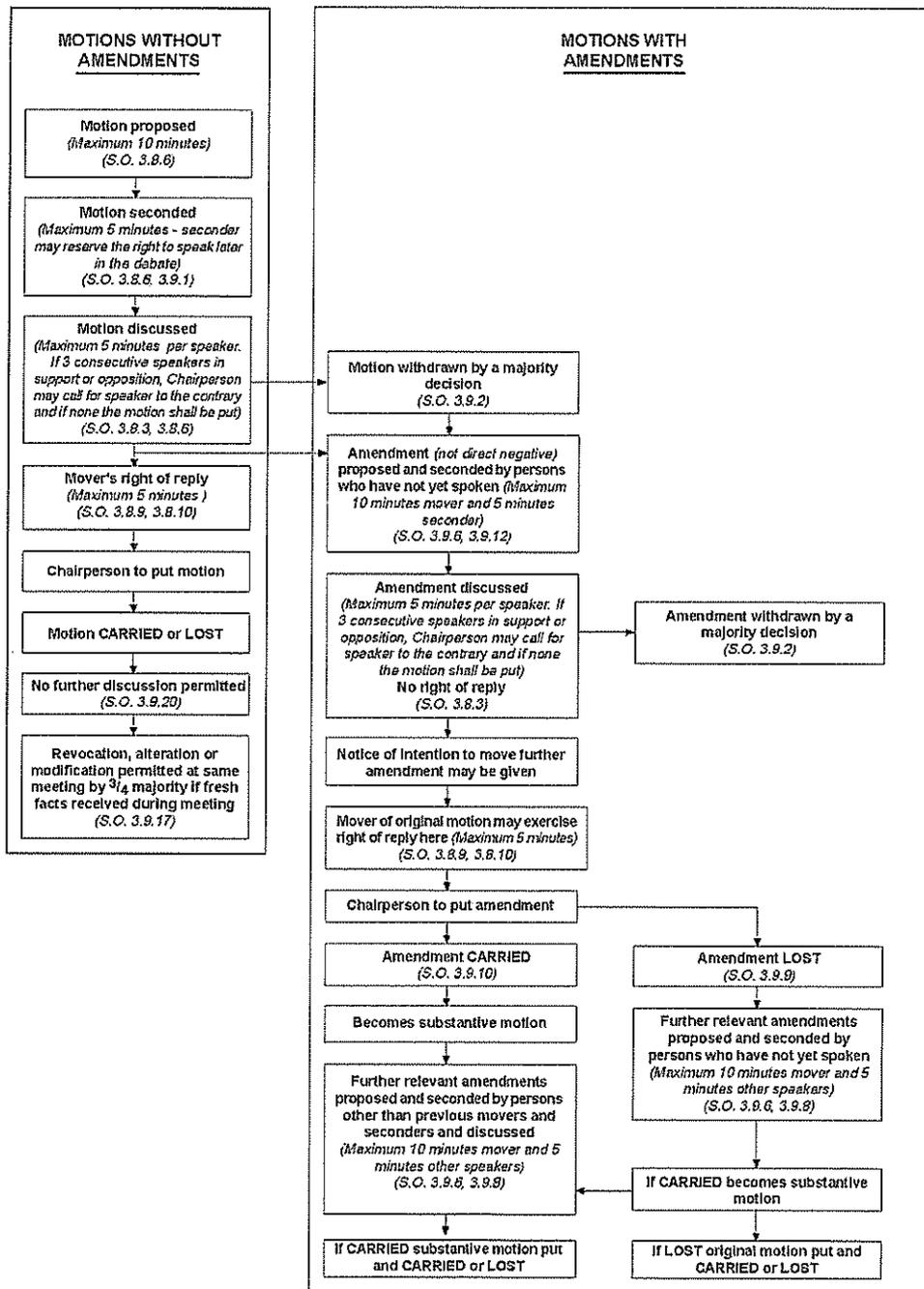
(b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.  
(See Standing Orders 3.3.14 and 3.3.15)

**C26 Failure to leave meeting**

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

(See Standing Orders 3.3.16 and 3.16.2)

**APPENDIX D  
MOTIONS AND AMENDMENTS**



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**APPENDIX E  
TABLE OF PROCEDURAL MOTIONS**

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

Motion	Has the Chair discretion to refuse this?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next meeting, or to a stated time and place."	No	Yes	No	As to time and date only.	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again.
(b) "That the item of business being discussed be adjourned to a stated time and place."	No	Yes	No	As to time and date only.	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	

Motion	Has the Chair discretion to refuse this?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(c) "That the motion under debate be now put (closure motion)."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, only the amendment is put.	If carried, only the procedural motion is put.	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put.
(d) "That the meeting move directly to the next business, superseding the item under discussion."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	
(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, the original motion and amendment are both laid on the table.	Motion not in order.	

Motion	Has the Chair discretion to refuse this?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(f) "That the item of business being discussed be referred to the relevant committee."	No	Yes	No	As to committee, time for reporting back etc only.	No	No	No	Yes – 15 minutes.	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Point of order."	No – but may rule against.	No	Yes – at discretion of Chairperson.	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.13.1 to 3.13.6

## **APPENDIX F ADDITIONAL PROVISIONS FOR TANGATA WHENUA**

### **G1 Tangata whenua representation at meetings**

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

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

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

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

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

### **G4 Tangata whenua speaking time**

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

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

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

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

**APPENDIX G  
PROVISION FOR CASTING VOTE**

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

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

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## **Statutory Responsibilities of Elected Members**

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### **1. Purpose of Report**

- 1.1 To provide a general explanation of some of the laws that directly affect the conduct of elected members and the business of Council, as required by the Local Government Act 2002.

### **2. Recommendation**

***THAT the report Statutory Responsibilities of Elected Members (1611615) and its attachments (1611615) be received.***

### **3. Background**

- 3.1 The Local Government Act 2002 Schedule 7 clause 21(5)(c) requires at the first meeting of the Council following a triennial general election, that a general explanation be given by the Chief Executive of:

- The Local Government Official Information and Meetings Act 1987;
- Other laws affecting members, including:
  - The appropriate provisions of the Local Authorities (Members' Interests) Act 1968
  - The Privacy Act 1993
  - Section 99, 105 and 105A of the Crimes Act 1961
  - The Secret Commissions Act 1910
  - The Securities Act 1978

### **4. Discussion**

#### **The Local Government Official Information and Meetings Act 1987**

- 4.1 The fundamental principle of availability is embodied in the Local Government Official Information and Meetings Act 1987, (LGOIMA) and provides that information should be made available unless there is good reason for withholding it. The express purposes of the Act are:

- To make information held by the Council freely available to the public;
  - To provide access by members of the public to their personal information;
  - To promote more open conduct of Council meetings, effective participation by the public, and ensure adequate public notification of meetings; and
  - To protect information and enable the deliberations of local authorities to be held in private where reason under the Act exists for doing so.
- 4.2 The Council must consider all requests by the public for information, taking account of those principles, and the Ombudsman can review any decisions made by Council under the provisions of LGOIMA. Reasons for withholding information are specified in section 6 and 7 of the Act, and have been included in attachment 1.
- 4.3 The Act also contains provisions relating to the conduct of Council meetings, additional to those contained in Schedule 7 of the Local Government Act 2002 and in the Council's Standing Orders. This applies to all Committees of Council. These provisions provide as follows:
- All Council meetings are to be publicly notified (section 46);
  - Members of the public can obtain Council meeting agendas, including all reports and other information that has been provided to elected members for consideration and decision at the meeting (section 46A), except for information that is confidential under the provisions of LGOIMA;
  - Members of the public, including the media, have the right to attend Council meetings (section 47), unless the public have been excluded on one of the grounds specified in the Act (section 48).
- 4.4 Notice required for meetings
- 4.4.1 The Local Government Act 2002 Schedule 7, Clause 19 provides for notice of meetings to be given as follows:
- 14 days notice must be given of all ordinary meetings unless advance schedules of meetings are adopted;
  - Special meetings can be held on three working days notice or on 24 hours notice if a Council resolution is passed.
- 4.5 Agendas
- 4.5.1 All business dealt with at the meeting will be listed on the agenda for the meeting.

4.5.2 Items that are not on an agenda for a meeting may be dealt with if the meeting resolves to do so and the chairperson explains in the public part of the meeting why the item is not on the agenda and why consideration of it cannot be delayed to a subsequent meeting (section 46A(7)).

#### 4.6 Public Excluded Business

4.6.1 Section 48 of LGOIMA has been included in attachment 1 and outlines the reasons for which the public may be excluded from Council meetings.

4.6.2 A meeting must be open to the public when a resolution to exclude the public is passed, and the resolution must indicate the general subject matter to be considered. Where it is proposed that a person be allowed to remain after the public has been excluded, such provision must be incorporated into the resolution stating the names of the persons concerned and the reasons for their remaining.

### **The Local Authorities (Members' Interests) Act 1968**

4.7 Section 3 of the Local Authorities (Members' Interests) Act 1968 restricts elected members, and their spouses or partners, from having entered into contracts for payment by the Council exceeding \$25,000 (including gst), except with the express approval of the Office of Auditor General.

4.8 Section 6 of the Act restricts elected members from discussing or voting on issues in which they have, directly or indirectly, a pecuniary interest, other than an interest in common with the public.

4.9 The penalty for these offences can lead to automatic disqualification from office.

4.10 The Act also applies to the pecuniary interests of elected member's business activities. A member is deemed to have a pecuniary interest in a matter before Council where the member, or the members spouse or partner holds:

- more than 10% of the issued capital in a company; and
- a pecuniary interest in, and/or is a director of an incorporated company that is involved in a contract with the Council.

4.11 Where a matter is raised at a Council meeting in which a member has a pecuniary interest, the member is prohibited from discussing and voting on the matter, and must declare a conflict of interest. It is advised that, at the very least, the member withdraw from the table. Best practise would be to leave the room for the duration of that matter, especially where it is public excluded.

4.12 It is important to note that it is the responsibility of the elected member to ensure compliance with this Act. The publication from the Controller and Auditor General 'Guidance for members of local authorities about the Local Authorities (Members Interests) Act 1968' can be found at

<http://www.oag.govt.nz/2010/lamia> and can be provided by request to an Administration Adviser.

- 4.13 Council officers will provide you with a form to complete that details any possible conflict of interest in line with this Act. Please speak to the Chief Executive or an Administration Adviser about any concerns you may have over a possible conflict of interest.

### **The Privacy Act 1993**

- 4.14 The purpose of the Privacy Act 1993 is to protect the privacy of individuals and in particular to:
- limit the extent to which personal information about any person may be disclosed to others; and
  - enable individuals to have access to information about them and to request the correction of any inaccurate detail.
- 4.15 The Act also imposes restriction on the collection of personal information and how this information may be used.
- 4.16 The Act is relevant to the business of Council because of the detailed information Council often holds about individuals.

### **The Crimes Act 1961 (Sections 99, 105 and 105A)**

- 4.17 According to the Crime Act 1961, elected members and employees of a local authority commit a crime if they corruptly accept or obtain any bribe for themselves or any other person in respect of an act done or omitted in their official capacity. A bribe is defined as meaning any money, valuable consideration, office or employment, or any benefit, whether direct or indirect.
- 4.18 Members and employees also commit a crime if they corruptly use any information acquired by them in their official capacity, to obtain an advantage or a pecuniary gain for themselves or any other person.
- 4.19 These provisions apply to all 'officials', which by definition includes any member or employee of any local authority.

### **The Secret Commissions Act 1910**

- 4.20 Under the Secret Commissions Act 1910, it is an offence for any officer or member of a local authority to:
- corruptly give, or accept a gift, or other consideration in relation to the Council's affairs or business;
  - use information gained in their capacity for their or another person's monetary gain or advantage;
  - present a false receipt to the Council;

- advise a person to enter into a contract with a third party and receive a gift or inducement as a result.

### **The Securities Act 1978**

- 4.21 The Securities Act 1978 imposes restrictions on the offer of securities to the public for subscription and applies when the Council offers stock to the public or seeks to raise funds in the form of loans.
- 4.22 Elected members may be personally liable if investment documents such as a prospectus, investment statement or advertising are not carried out in accordance with the terms of the Act.
- 4.23 The Act applies to all local authorities, subject to some limited exemptions defined in the Act, and imposes significant penalties for breach of the Act.
- 4.24 In the event that this Act is likely to apply, proper legal advice will be sought and provided to elected members as part of the reporting process. At this time, Council has not made any decision to offer securities of any type to the public.

### **5. Conclusion**

- 5.1 This report contains a brief and general summary of some of the legislation that directly affects the conduct of elected members and the business of Council.

Penny Langley  
**Manager Administration**

### **Attachments**

Attachment 1: Local Government Official Information and Meetings Act 1987 sections 6, 7 and 48 (1611615)

No supporting information follows.

## Local Government Official Information and Meetings Act 1987

### Section 6

#### Conclusive reasons for withholding official information

Good reason for withholding official information exists, for the purpose of section 5, if the making available of that 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.

### Section 7

#### Other reasons for withholding official information

- (1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
- (2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—
  - (a) protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) protect information where the making available of the information—
    - (i) would disclose a trade secret; or
    - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - (ba) 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 Maori, or to avoid the disclosure of the location of waahi tapu; or
  - (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any

- enactment, where the making available of the information—
- (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - (ii) would be likely otherwise to damage the public interest; or
- (d) avoid prejudice to measures protecting the health or safety of members of the public; or
  - (e) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (f) maintain the effective conduct of public affairs through—
    - (i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty; or
    - (ii) the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (g) maintain legal professional privilege; or
  - (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
  - (j) prevent the disclosure or use of official information for improper gain or improper advantage.

## **Section 48**

### **Right of local authorities to exclude public**

- (1) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:
  - (a) 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 for which good reason for withholding would exist,—
    - (i) where the local authority is named or specified in Schedule 1, under section 6 or section 7 (except section 7(2)(f)(i));
    - (ii) where the local authority is named or specified in Schedule 2 of this Act, under section 6 or section 7 or

- section 9 (except section 9(2)(g)(i)) of the Official Information Act 1982:
- (b) 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—
    - (i) be contrary to the provisions of a specified enactment; or
    - (ii) constitute contempt of court or of the House of Representatives:
  - (c) that the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a local authority named or specified in Schedule 1) or under section 30(1) or section 35(2) of the Official Information Act 1982 (in the case of a local authority named or specified in Schedule 2 of this Act):
  - (d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- (2) Paragraph (d) of subsection (1) applies to—
- (a) any proceedings before a local authority where—
    - (i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings; or
    - (ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) [Repealed]
  - (c) any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.
- (3) Every resolution excluding the public from any meeting shall be in the form set out in Schedule 2A and shall state—
- (a) the general subject of each matter to be considered while the public is excluded; and
  - (b) the reason for the passing of that resolution in relation to that matter, including, where that resolution is passed in reliance on subsection (1)(a), the particular interest or interests protected by section 6 or section 7 of this Act, or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings in public; and
  - (c) the grounds on which that resolution is based (being 1 or more of the grounds set out in subsection (1)).
- (4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—

- (a) shall be available to any member of the public who is present; and
  - (b) shall form part of the minutes of the local authority.
- (5) A resolution pursuant to subsection (1), may also provide for 1 or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority.
- (6) Where a local authority resolves that 1 or more persons may remain after the public has been excluded, the resolution must state the knowledge possessed by that person or those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to that matter.

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## **Code of Conduct 2013**

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### **1. Purpose of Report**

- 1.1 To adopt an Elected Members' Code of Conduct.

### **2. Recommendation**

***THAT the report Code of Conduct 2013 (1611534) and its attachment (1016476 v6) be received;***

***AND THAT the Elected Members' Code of Conduct be adopted;***

***AND THAT the Elected Members' Code of Conduct be reviewed and returned to Council for adoption as soon as possible.***

### **3. Background**

- 3.1 The Local Government Act 2002 (the LGA) requires Council to have an Elected Members' Code of Conduct (the Code).
- 3.2 The Code is an agreement between elected members. It sets out the standards of behaviour expected from elected members, and is considered to be a statement of good governance practice. It is up to Council to decide the content of the Code.
- 3.3 The 2006 Auditor General's Good Practice Guide for Local Authority Codes of Conduct (the Good Practice Guide) recommends that councils re-adopt their codes after each triennial election. This ensures newly elected members understand, and agree to be governed by, the Code. It also allows the new Council an opportunity to review the principles and rules of the Code in line with best practice and experience in enforcing the Code.
- 3.4 The Code may be amended or replaced at a meeting of the full Council, provided that the motion is supported by 75% of the members present.

## **4. Discussion**

- 4.1 There has been little substantive change to the current Code since its inception. The Good Practice Guide makes recommendations on factors councils should consider when reviewing their codes of conduct.
- 4.2 This review will take some time to undertake. It is advisable for the existing Code to be adopted by the new Council to ensure that there is a Code in place while a review is being done.
- 4.3 On 23 April 2013, Council resolved to update the Code at its next review to give additional effect to the relevant principles of the Office of the Auditor General's 'Good Practice for Managing Public Communications by Local Authorities'. This update is yet to take place and will need to be included in the review when it is undertaken.

## **5. Options**

- 5.1 Adopt the current Code to ensure that there is a Code in place while a review is being done.
- 5.2 Do not adopt the current code and rely on the adoption of the previous Council being adequate to meet legislative requirements. This option is not in line with the 2006 Auditor General's Good Practice Guide for Local Authority Codes of Conduct and is therefore not the preferred option.

## **6. Conclusion**

- 6.1 That Council adopts the Elected Members Code of Conduct and agrees that a review be undertaken.

Clare Hadley  
**Chief Executive**

### **Attachments**

Attachment 1: Elected Members' Code of Conduct 2013 ([1016476](#))

No supporting information follows.



**Nelson City Council**

*te kaunihera o whakatū*

# **Elected Members' Code of Conduct**

**Adopted 29 October 2013**

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## **1. Purpose**

This Code of Conduct sets out principles of good conduct and standards of behaviour for the elected members of the Nelson City Council.

Elected members of the Nelson City Council have agreed to abide by these principles and standards when carrying out their roles and functions as elected community representatives.

## **2. Power to Make the Policy**

Council has developed this code as required by Section 15 in Schedule 7 of the Local Government Act 2002 (the Act). The policy may be amended or replaced at a meeting of the full Council, provided that this motion is supported by 75% of the members present. The Code of Conduct cannot be revoked without replacement.

## **3. General Principles**

Elected members represent the public. As such, they are obliged to act in good faith and conscientiously perform their duties in a professional manner with honesty and integrity as well as with reasonable care and diligence. General principles that apply include:

### **3.1 Acting in a fair, honest and proper manner**

A member of Council must act in a fair, honest and proper manner by:

- (a) acting in accordance with legislation;
- (b) undertaking their work in accordance with natural justice principles;
- (c) behaving in a reasonable, just and non-discriminatory manner in all aspects of carrying out their roles and responsibilities;
- (d) undertaking all actions in good faith and not for improper or ulterior motive;
- (e) being impartial in reaching Council decisions and accepting and respecting the responsibility associated with those decisions; and
- (f) not making improper use of information acquired or making improper use of their position as a member of Council.

### **3.2 Care and diligence in performing their duties**

A Council member must act with reasonable care and diligence in performing his or her duties and responsibilities by:

- (a) appropriately and properly using information available to them in the course of exercising their responsibilities and balancing the interests of the community against the rights of the individual;
- (b) giving proper consideration to the business of the Council and ensuring that they are informed on the matters requiring decision;
- (c) being fair and equitable in the treatment of all matters under consideration;
- (d) giving careful and responsible consideration to the allocation of resources; and
- (e) monitoring the effectiveness of Council policies.

### **3.3 Relationship with the public**

Council members must be honest and fair in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council and the community by:

- (a) behaving in a courteous and sensitive manner and not discriminating against any person;
- (b) not misusing their positions to gain an advantage for themselves or others;
- (c) conducting themselves in a manner that does not offend members of the public or employees of the Council; and
- (d) not soliciting, demanding or requesting any gift or benefit for themselves or anyone else.

### **3.4 Relationship with staff**

Council members will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving the Council's objectives by:

- (a) showing employees courtesy and respect;
- (b) demonstrating respect for employees' professional opinion and expertise;
- (c) complying with the principles of the Council's Equal Opportunity Policy; and
- (d) recognising that an individual Council Member has no authority to make decisions, direct staff or commit Council resources without specific delegated authority.

### **3.5 Representing the Council**

When representing the Council in the community, Council members will:

- (a) provide an accurate and fair representation of Council decisions;
- (b) respect Council decisions and policy directions; and
- (c) behave in a manner that maintains and enhances the image of the Council.

### **3.6 Relationship between Council members**

Council members will establish a working relationship with fellow members that achieves the best possible outcomes for the community by:

- (a) demonstrating courtesy and respect to their fellow members of Council; and
- (b) respecting the diversity of opinion that may exist and the right of different points of view to be heard.

### **3.7 Use of information**

Information obtained by a Council member in the course of his or her duties must be respected and used in a careful and prudent manner, therefore:

- (a) information obtained by Council members in the course of their duties will not be used for any purpose other than Council business; and

- (b) elected members will not withhold any information that relates to the ability of the Council to meet its obligations under any legislation; however they will respect and maintain confidentiality of an individual member of the public as and when required.

### **3.8 Contact with the Media**

The Nelson City Council's elected members have a responsibility to conduct Council business in an open and democratic manner mindful of the role that the media plays in the democratic process. There may be, from time to time, differences between the Council view on issues and individual views. Therefore the following rules apply for contacts with the media as they relate to Council business:

- (a) the Mayor or relevant Portfolio Holders is the first point of contact for the official view on issues; and
- (b) no other member may comment on behalf of council without first obtaining the approval of the Mayor.

Elected members, including the Mayor, are free to express a personal view in the media at any time, provided the following rules are observed:

- (a) media comments must not state or imply that they represent the views of Council;
- (b) where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that their view represents a majority view.; and
- (c) media comments must observe the other requirements of the code of conduct including that members must not disclose confidential information or compromise the impartiality or integrity of staff.

### **3.9 Confidentiality of information**

During the course of their business, a Council member will from time to time be privy to confidential information which may affect Council activities. The confidentiality of this information will be protected and not disclosed until a resolution of Council to release the information is made.

## **4. Meeting Attendance and Civic Duties**

### **4.1 Portfolio of responsibilities**

One of the duties accepted by elected members when standing for office includes their attendance at meetings to fulfil their civic role. The mix of standing committees, subcommittees, working parties, outside organisations and civic functions that each member is allocated will comprise their portfolio of responsibilities. The Delegations Register (1068492) outlines the membership of standing committees, subcommittees, working parties, other groups and portfolio areas.

Elected members will attend and participate in all meetings for their portfolio unless they have submitted an apology or obtained a leave of absence in advance for non-attendance. Council members will abide by the Council's standing orders for meetings.

## **4.2 Council Meetings, Workshops and Hearings**

All Councillors are expected to attend all full council meetings, workshops and hearings. Hearings include those which are held as part of the consultation process on Council documents such as the Annual Plan, Long Term Council Community Plan, and Resource Management Plan, but not resource consent application hearings.

## **4.3 Standing Committees**

The Mayor will consult with Councillors on which standing committees they are appointed to and Councillors are expected to attend all meetings of those standing committees.

## **4.4 Subcommittees (Including Working Parties)**

From time to time, subcommittees and working parties will be established by the Council or a standing committee to achieve specific outcomes. Councillors are expected to make themselves available to be appointed to an equitable share of these subcommittees, and to attend all meetings of those to which they are appointed.

## **4.5 Outside Organisations**

The Council has close relationships with a number of outside organisations and may appoint Councillors to liaison positions with these organisations. In some cases this will require attendance at meetings of the outside organisation. In other cases the role will be informal. The requirements for each outside organisation will be specified in the Councillor's individual portfolio of responsibilities.

## **4.6 Civic Events and Functions**

All Councillors should attend Citizenship Ceremonies, Memorial Services, and other official civic functions as required from time to time.

Individual invitations from outside organisations should be responded to personally, within the timeframes given.

## **4.7 Chairmanships**

Councillors who are chairpersons of standing committees are required to perform the additional tasks of chairing the standing committee meetings, being spokesperson for the committee, and other tasks as may be required. The powers of the chairperson at meetings are outlined in the standing orders.

## **5. Compliance**

Action in enforcing compliance of this code of conduct would normally be undertaken as a last resort. Notwithstanding this, any Council member who considers that the undertakings set out in this code have been breached by an elected member of Council other than the Mayor, shall submit a written report to the Mayor detailing the manner in which they believe that the breach has occurred.

The Mayor will then either investigate the alleged breach or, if the Mayor wishes, an investigating committee of three Councillors may be established to investigate and report back on the alleged breach. The principles and process to be followed are:

- (a) The principles of natural justice must be observed during the investigation of an alleged breach. The Member who is the subject of an investigation must be given all the information in regard to the

allegations and an opportunity to respond and be supported if they desire. Likewise any individual who alleges a breach of the code of conduct must not be disadvantaged because of such an action.

- (b) The code of conduct will not be acted upon where other legislation determines the consideration of a matter.
- (c) All investigations or discussions in respect of the alleged breaches of the code of conduct will be conducted in confidence.
- (d) The Council will have the discretion to determine the appropriate remedies for proven breaches of the code, including public censure.
- (e) The member who is being investigated, the complainant and the Council will be advised in writing of the outcome of the investigation of the alleged breach.
- (f) In the event that the Mayor has allegedly breached the code, the complaint shall be referred to the Chief Executive Officer (CEO). Upon receipt, the CEO shall refer the matter to the Council for the appointment of an investigating committee which shall investigate the matter in a similar manner to that described above.

## **6. Undischarged Bankrupt**

In terms of section 15(5) of the Act, the Council has decided that a member or newly elected member must declare whether or not they are an undischarged bankrupt.

## **7. Relationship between the Code of Conduct and Other Legislation**

This Code of Conduct does not apply where specific legislation governs a matter, this includes:

### **7.1 Local Government Act 2002**

Schedule 7, Section 27 sets out the requirement for a local authority to adopt a set of standing orders for the conduct of its meetings and those of its committees. Section 16 of this schedule also provides that a member may be required to leave a meeting if a ruling is made under the standing orders.

### **7.2 Local Authorities (Members Interests) Act 1968**

Section 6 of this legislation sets out the restriction that a member of a local authority or committee is not to discuss or vote on questions in which they have a pecuniary interest.

Section 3 provides for restrictions on contracts between the Council and its members.

If there is any doubt over the nature of their interest in a matter, the member is encouraged to discuss the situation with the Chief Executive, prior to the issue being discussed or voted upon.

### **7.3 Local Government Official Information and Meetings Act 1987**

This Act requires Councils to make official information more freely available. It provides for:

- (a) Access to information by the public on information held by the Council on themselves.
- (b) Transparency and accountability in decision making through providing for public admission to meetings of local authorities (unless there is good reason to restrict public access).
- (c) Protects official information held by local authorities and the deliberations of local authorities where it is in the public interest and/or personal privacy needs to be preserved.
- (d) Establishes procedures for the achievement of these purposes.

### **7.4 Secret Commissions Act 1910**

Under this Act it is unlawful for an elected member to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

### **7.5 Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- (a) Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council.
- (b) Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

### **7.6 Securities Act 1978**

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## **8. Council Endorsement**

This Policy was endorsed by Council on 2 December 2010.

## **9. Availability of the Policy**

This Policy will be available for inspection at the Council's office at 110 Trafalgar Street during ordinary business hours (Monday – Friday 8.30am to 5.00pm) or at Council's website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz).

Alternatively, you can request a copy from an Administration Adviser by phoning the Council on 03 546 0200.