

ATTACHMENT 1

Wellington City Council
DRAFT Standing Orders
For Meetings of Council, Committees and Sub-Committees

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- B. Sample Resolution to exclude the public
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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 Standing Orders are based on the NZS: 9202 (2003): Model Standing Orders for Meetings of Local Authorities and Community Boards.

These 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.

These Standing Orders were adopted by Wellington City Council at a meeting held on(date) and apply to all meetings of the Wellington City Council, its committees and subcommittees.

These Standing Orders come into effect on 1 April 2013 with the exception of Standing Orders 2.2.2, 2.6.2, 2.7.1, and 2.9.1 which will come into effect after 12 October 2013.

WELLINGTON CITY COUNCIL: STANDING ORDERS FOR MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

PART 1 GENERAL

1.1 SCOPE AND GENERAL This document sets out standing orders for the conduct of proceedings at meetings of Wellington City Council, its committees and sub-committees.

These Standing Orders are presented in three parts. Part 1 is the general introduction. Part 2 covers legislative and constitutional 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 The terms “normative” and “informative” have been used in these Standing Orders to define the application of the Appendix to which they apply. A “normative” appendix is an integral part of the Standing Orders, whereas an “informative” appendix is only for information and guidance. Informative provisions do not form part of the mandatory requirements of the Standing Orders.

In the Standing Orders the word “shall” identifies a mandatory requirement for compliance with the Standing Orders. 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.

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

Chair means the Mayor at a meeting of the Wellington City Council (or the Deputy Mayor in the absence of the Mayor) or the person appointed to chair a Committee or Subcommittee and also includes any person properly appointed in the absence of the appointed chair.

Chief executive means the chief executive of the Wellington City Council appointed under section 42 of the Local Government Act 2002 and includes any person appointed specially or generally by the Council to perform the duties of that office for the time being. The term also means any person deputised by the CHIEF EXECUTIVE to carry out a particular duty or perform a function on her/his behalf. For the purposes of these standing orders it includes 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 parts (a), (b) or (c) of this definition;

Conflict of Interest includes any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest.

Council means the Wellington City Council comprising the MAYOR and MEMBERS elected under the Local Electoral Act 2001.

Division means a formal vote at a Council, Committee or Subcommittee meeting whereby the names of those members present, including the Mayor, are formally recorded as voting either AYE or NO. This includes a vote where the names and votes are recorded electronically.

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

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Local authority means the Wellington City Council, being a local authority as defined in section 3 of the Local Government Act 2002.

Mayor means the Mayor of Wellington City Council elected under the Local Electoral Act 2001.

Meeting means any first, ordinary or extraordinary meeting of the Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Council.

Member means any person elected or appointed to the Council or to any committee or subcommittee of the local authority, and includes the mayor.

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

'Motion means a substantive matter for resolution at a meeting.

Officer means any person employed by the Council either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in sections 3 and 6 of the Local Authorities (Members Interests) Act 1968.

Pro-forma means moving or seconding a motion as a matter of form and does not require the mover to support the motion.

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.

Public input means a request from any person, organisation or interest group in the community to address the Council or any committee. This includes public participation and presentations but excludes petitions. Public input is in addition to participation in hearings as part of statutory or non-statutory consultation.

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

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

Working day means any day of the week other than:

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

PART 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

2.1 INTRODUCTION

2.1.1 Requirement for the adoption of standing orders

“A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.

The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act.”

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

2.1.2 Alteration of standing orders

“After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.”

[cl. 27(3), Schedule 7, LGA]

2.1.3 Temporary suspension of standing orders

“A local authority or committee may temporarily suspend standing orders [or part thereof] during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.”

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

(See Standing Order 3.2.1)

2.1.4 All members to abide by standing orders

“A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act 2002].”

[cl. 16(1), Schedule 7, LGA]

(See Standing Order 3.1.1)

2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

2.2.1 Meeting called by chief executive

“The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known.

The chief executive must give the persons elected to the local authority not less than 7 days’ notice of the meeting.

[However,] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable.

The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor []has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act 2002].”

[cl. 21(1) – (4), Schedule 7, LGA]

2.2.2 Mayor may appoint a deputy mayor

The mayor must give notice to members that either

- (a) the mayor will appoint a deputy mayor; or
- (b) the mayor will seek ratification of their nominee for deputy mayor; or
- (c) the local authority will elect a deputy mayor at its first meeting.

2.2.3 Business to be conducted

“The business that must be conducted at the meeting must include –

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act 2002]; and**
- (b) [...]**
- (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 [...] in accordance with clause 17 [of Schedule 7 of the Local Government Act 2002],” unless notice has been given that the mayor will appoint a deputy mayor, seek ratification of a nominee or a deputy mayor has been appointed.**

[s. 41A(3)(a), cl. 21(5), Schedule 7, LGA]

2.3 CHAIRPERSON OF MEETINGS

2.3.1 Mayor of local authority to preside

“The mayor ... must preside at each meeting of the local authority at which he or she is present unless the mayor vacates the chair for a particular meeting” or part thereof.

“If the mayor ... is absent from a meeting, the deputy mayor (if any) must preside.

However, if a deputy mayor ... has not been appointed, or if the deputy mayor ... 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 ...”.

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

2.3.2 Chairperson of the committee to preside “The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting” or part thereof.

If the ... chairperson of a committee is absent from a meeting,... the deputy chairperson (if any) ... of the committee must preside.

However, if ... a deputy chairperson has not been appointed, or if ... the deputy chairperson is also absent, the members of ... the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the chairperson.”

[cl. 26(2), (5) & (6), Schedule 7, LGA]

2.4 QUORUM AT MEETINGS

2.4.1 Requirement for quorum “A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.”

[cl. 23(1), Schedule 7, LGA]

2.4.2 Quorum to be present throughout meeting “Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.”

[cl. 23(2), Schedule 7, LGA]

2.4.3 Definition of quorum of local authority or joint committee “The quorum at a meeting of a 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), cl. 30(9), Schedule 7, LGA]

2.4.4 Definition of quorum for committees of the whole The quorum at a meeting of a committee of the whole is –

(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.

2.4.5 Definition of quorum to be in Terms of Reference The quorum at a meeting of any committee will be included in the Terms of Reference of that committee.

(See Standing Order 3.6.5)

2.5 VOTING AT MEETINGS

- 2.5.1 Acts and decision of the local authority by majority vote at meetings** **“Unless the Local Government Act 2002 provides otherwise, the acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by:**
- (a) vote; and**
 - (b) the majority of members that are present and voting.”**
- [cl. 24(1), Schedule 7, LGA]*
(See Standing Order 3.18.1)
- 2.5.2 Casting vote** **“For the purposes of[Standing Order 2.5.1], the mayor or other person presiding at the meeting:**
- (a) Has a deliberative vote; and”**
 - (b) In the case of an equality of votes, has a casting vote**
- [cl. 24(2), Schedule 7, LGA]*
(See Standing Order 3.18.2)
- 2.5.3 Open voting** **“An act or question coming before the local authority must be done or decided by open voting.”**
- [cl. 24, Schedule 7, LGA]*
(See Standing Order 3.18.3)
- 2.5.4 Members must vote** Every member present when a motion is put must vote unless they are prevented from doing so by a conflict of interest (either pecuniary or non-pecuniary).

2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

- 2.6.1 Provisions for election or appointment of deputy mayor, chairpersons and deputy chairperson of local authorities and committee, and representatives of the local authority** **“[This Standing Order applies to] –**
- (a) ...**
 - (b) the election or appointment of the deputy mayor; and**
 - (c) the election or appointment of the chairperson and deputy chairperson of a committee; and**
 - (d) the election or appointment of a representative of a local authority.”**
- A person is elected or appointed to a role if he or she receives the votes of a majority of the members of the local authority or committee present and voting. For the purposes of Standing Order 2.6.1, a majority of the members of the local authority or committee will be determined through the following voting process

- (a) “there is a first round of voting for all candidates; and
- (b) 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
- (c) 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
- (d) 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.”

[cl. 25, Schedule 7, LGA]

2.6.2 Exclusions to requirements for voting system

Standing Order 2.6.1 does not apply to

- (a) the appointment by the mayor of a deputy mayor; or
- (b) ratification of a nominee by the mayor for deputy mayor; or
- (c) the appointment by the mayor of the chair of a committee established by the mayor;

2.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

2.7.1 Mayor may appoint committees

“The mayor may appoint the committees they consider appropriate.”

[s. 41A (3)(b), LGA]

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

“The local authority may appoint committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate.

A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.”

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

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

“Unless expressly provided otherwise in an Act, –

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

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

appointment of the committee, subcommittee, or other subordinate decision-making body.”

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

- 2.7.4 Committees and subordinate decision-making bodies subject to direction of local authority** **“A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body.**

A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.

Nothing in this [Standing Order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body.”

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

- 2.7.5 Committees and subordinate decision-making bodies must have Terms of Reference** **A committee must have, and operate within, a prescribed Terms of Reference.**

2.8 JOINT COMMITTEES

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

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

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

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

- 2.8.3 Powers and responsibilities of joint committees** **“[Part 1 of Schedule 7 of the Local Government Act 2002] 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 quorum at a meeting [is as set out in Standing Order 2.4.3]; and

(c) the committee may appoint and remove its own chairperson or deputy chairperson.”

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

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

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

2.9 APPOINTMENT OF CHAIRS OF COMMITTEES

2.9.1 Appointment of chair by Mayor The mayor may appoint the chair of any committee established under Standing Order 2.7.1.

The mayor may make the appointment of chair before the other members of the committee are determined, and may appoint themselves.

[S41A (3)(c), LGA]

2.9.2 Appointment of Chair of committees by Council The local authority may appoint the chair (or chairs) and (if desired) deputy chair of any committee

- it appoints under Standing Order 2.7.2, or
- any committee established under Standing Order 2.7.1 where the mayor declines to appoint a chair.

2.9.3 Appointment of Chair by committee Any committee may appoint its own chair (or chairs) and deputy chair if one has not already been appointed under Standing Order 2.9.1 or 2.9.2.

2.10 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

2.10.1 Appointment or discharge of committee members and subcommittee members **“A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”**
cl. 31(1) & (2), Schedule 7, LGA]

2.10.2 Elected members on committees and subcommittees **“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee”**

... At least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”

[cl. 31(3) & (4), Schedule 7, LGA]

2.10.3 Local authority **“If a local authority resolves that a committee, subcommittee, or**

may replace members if committee not discharged

other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act 2002], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members.”

[cl. 31(5), Schedule 7, LGA]

2.10.4 Minimum numbers on committees and subcommittees

“The minimum number of members is 3 for a committee, and is 2 for a subcommittee.”

[cl. 31(6), Schedule 7, LGA]

2.10.5 Mayor or chairperson to local authority an ex-officio member

The mayor is appointed an ex-officio member of every committee and subcommittee appointed by the Council other than a quasi-judicial committee (for example a hearings committee constituted under the Resource Management Act).

2.11 POWERS OF DELEGATION

2.11.1 Delegations to committees, subcommittees, subordinate decision-making bodies, community boards, members and officers

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

(a) the power to make a rate; or

(b) the power to make a bylaw; or

(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or

(d) the power to adopt a long-term council community plan, annual plan, or annual report; or

(e) the power to appoint a chief executive; or

(f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term council community plan or developed for the purpose of the local governance statement.

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (f) above].

(3) A committee or other subordinate decision-making body,

community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.”

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

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

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

2.12 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

- 2.12.1 Proceedings not invalidated by vacancies or irregularities** “An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by
- (a) a vacancy in the membership of the local authority or committee at the time of that act or proceeding, or
 - (b) the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or committee, or that that person was or is incapable of being a member.”

[cl. 29, Schedule 7, LGA]

2.13 GENERAL PROVISIONS AS TO MEETINGS

- 2.13.1 Meetings to be held** “A local authority must hold the meetings that are necessary for the good government of its region or district.”

[cl. 19(1), Schedule 7, LGA]

- 2.13.2 Right to attend meetings** “A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.”

[cl. 19(2), Schedule 7, LGA]

- 2.13.3 Member attendance at committee** If a member is not a member of a committee and attends a meeting of that committee, they may take part in any discussions but may not:
- vote on any matter;
 - move or second a motion or amendment;

- move or second a procedural motion;
- challenge under Standing Orders a chair's ruling.

2.13.4 Calling, public notification and conduct of meetings **“A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act 2002]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority.”**

[cl. 19(3), Schedule 7, LGA]

2.13.5 Agenda to be sent to members In the case of each meeting to which Standing Order 2.13.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings Standing Order 2.15.2 applies).

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

(a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and

(b) the member concerned did not attend the meeting.

A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member.”

[cl. 20(1), (2), Schedule 7, LGA]

2.13.7 Minutes of proceedings **“A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings.”**

[cl. 28(1), (2), Schedule 7, LGA]

2.14 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS

2.14.1 Period for notice in writing **“... The chief executive must give notice in writing to each member of the time and place of [a] meeting –**

(a) not less than 14 days before the meeting; or

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

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

2.14.2 Schedule of meetings **“If a local authority adopts a schedule of meetings, –**

(a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and

(b) notification of the schedule or any amendment to that

schedule constitutes a notification of every meeting on the schedule or amendment.”

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

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

2.15 NOTIFICATION OF EXTRAORDINARY MEETINGS TO MEMBERS

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

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

- 2.15.2 Notification of extraordinary meetings to members** “Notice in writing of the time and place of the meeting called under [Standing Order 2.15.1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours.”

[cl. 22(3), Schedule 7, LGA]

- 2.15.3 Calling of extraordinary meetings at earlier time** “If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.15.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive.”

[cl. 22(2), Schedule 7, LGA]

- 2.15.4 Notification of extraordinary meetings held at earlier time** “Notice of the time and place of a meeting called under [Standing Order 2.15.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person’s behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting.”

[cl. 22(4)Schedule 7, LGA]

- 2.15.5 Public notice of resolutions of extraordinary** “A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless –

meetings

(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]

2.16 PUBLIC MEETINGS, ACCESS TO AGENDAS ETC

2.16.1 Meetings normally to be open to the public

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

[s. 47 & 49(a), LGOIMA]

2.16.2 Information to be available to the public

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

[s. 5 & 49, LGOIMA]

2.16.3 Public notification about meetings

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

[s. 46, LGOIMA]

2.16.4 Public notification about extraordinary meetings

“Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.16.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances”.

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

2.16.5 Public notification additional requirements

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

2.16.6 Meetings not invalid because not publicly notified **“No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3, 2.15.4 and 2.15.5].”**

[s. 46(5), LGOIMA]

2.16.7 Public notice of meetings not notified **“Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.16.3, 2.16.4 and 2.16.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified.”**

[s. 46(6), LGOIMA]

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

(a) shall be available for inspection at the public offices of the local authority (including service delivery centres) and the public libraries under the authority’s control; and

(b) shall be accompanied by either –

(i) the associated reports; or

(ii) a notice specifying the places at which the associated reports may be inspected.

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

[s. 46A(1) – (6), LGOIMA]

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

2.16.10 Agenda to be made available to public who are at meetings **Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).**

[s. 49, LGOIMA]

- 2.16.11 List of committee members publicly available** The members of each committee are to be named on the relevant agenda.
- 2.16.12 Public entitled to inspect minutes** The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.
[s. 51, LGOIMA]
- 2.16.13 Requests for minutes of meetings in closed session** The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.
[s. 51, LGOIMA]
- 2.17 REASONS TO EXCLUDE PUBLIC**
- 2.17.1 Lawful reasons to exclude public** A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act.
[s. 48, LGOIMA]
(see Appendix A)
- 2.17.2 Form of resolutions to exclude public** Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based.
(For an example resolution refer to Appendix B).
- 2.17.3 Motion to exclude public to be put with the public present** Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority.
[s. 48(4), LGOIMA]
- 2.17.4 Provision for persons to remain after public excluded** A resolution in accordance with Standing Order 2.17.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.
[s. 48(5) & (6), LGOIMA]
- 2.17.5 Release of public** A local authority may provide for the release to the public of information,

**excluded
information**

which has been considered during the public excluded part of a meeting.

2.18 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION

2.18.1 Standing orders to apply

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

2.19 USE OF PUBLIC EXCLUDED INFORMATION

2.19.1 Public excluded business not to be disclosed

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer:

- any information, evidence, documents or reports which have been or are to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.
- any discussions, deliberations or recommendations of any committee or subcommittee which are to be dealt with subsequently by the Council in public excluded session.

PART 3 MEETING PROCEDURES

3.1 APPLICATION OF STANDING ORDERS

- 3.1.1 All members to abide by standing orders** “A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act 2002].”

[cl. 16(1), Schedule 7, LGA]

(See Standing Order 2.1.4)

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

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

[s.41, RMA]

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

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

3.2 SUSPENSION OF STANDING ORDERS

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

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

(See Standing Order 2.1.3).

3.3 CONDUCT OF MEETINGS

- 3.3.1 Mode of address** The Mayor shall be referred to in debate as either: ‘Mayor [Name]’ or ‘Your Worship’, and the chair of a committee or subcommittee as

‘Chair’; or such other title as the Mayor or chair may decide.

An elected member shall be referred to in debate as ‘Councillor [Name]’.

3.3.2 Chairperson to decide

The chairperson is to decide all questions:

- under these standing orders,
- where these standing orders make no provision or insufficient provision,
- all points of order,
- questions as to matters of meeting procedure

Any ruling of the chair that a Standing Order deems to be ‘final’ may not be challenged.

3.3.3 Challenge of chairperson’s ruling

Rulings not deemed ‘final’ in a standing order may be challenged by a member but such a challenge must be validated immediately by a motion passed by a 75% majority of the meeting unless specified otherwise in these standing orders.

(See Standing Orders 3.1.1, 3.14.7 and Appendices C and D)

3.3.4 Chairperson rising

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

3.3.5 Members to speak in places and address the chair

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

3.3.6 Priority of speakers

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

- (a) Raise a point of order *(See Standing Order 3.17.1)*;
- (b) Move a motion to terminate or adjourn the debate *(See Standing Order 3.16.4)*;
- (c) Make a point of explanation or request an indulgence of the chairperson *(See Standing Order 3.10.12)*; or
- (d) Request a time extension for the previous speaker *(see Standing Order 3.10.6)*.

3.3.7 Tabling papers

Any member, or the chief executive or a person participating in Public Input or making an oral submission may table papers about any matter on the agenda at any meeting.

All tabled papers at public meetings shall be considered public documents. Where a meeting is in public excluded session, any table papers may not be disclosed.

(See Standing Order 2.19.1)

- 3.3.8 Reporting of meetings** When a meeting of a local authority is open to the public the following provisions shall apply:
- (a) Members of the public including members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.
[s. 49(a) LGOIMA]
 - (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.
 - (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.

3.4 MAINTENANCE OF ORDER AT MEETINGS

- 3.4.1 Order** The Chair will establish order by calling “Order” to draw attention to the call for order.

The members will respond to a call for order by ceasing to speak and, if standing, resuming their seats immediately.
- 3.4.2 Speakers to be heard in silence** Where the chair is of the view that a debate may lead to disorder, the chair may direct that a speaker or speakers be heard in silence by members.
- 3.4.3 Disorderly members to withdraw** Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine.

(see Appendices C and G).
- 3.4.4 Members not to be disrespectful** No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.
- 3.4.5 Retraction of, or apology for, offensive or malicious language** The chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.
- 3.4.6 Withdrawal from meetings** Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.
- 3.4.7 Disorder in meetings** The chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the chairperson.

- 3.4.8 Adjournment of meeting following disorder** Should the disorder continue, the chairperson has the right to adjourn the meeting for a time specified by the chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The chairperson may also take such action in relation to disorder from other sources or in the event of an emergency. The chair’s ruling is final.
- 3.4.9 Nature of disorder may be recorded** If the chair makes a ruling on disorderly behaviour, the records of the meeting will state the name of the member, the directions of the chair and the reasons for the ruling made by the chair.
- 3.4.10 Contempt to be recorded in minutes** Any member who refuses to obey any final or validated order or ruling of the chairperson shall be held guilty of contempt.
- Where a member is found in contempt that ruling or resolution of the meeting must be recorded in the minutes.
- 3.4.11 Removal of members from meetings** **“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]

3.5 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

- 3.5.1 Chairperson may require members of the public to leave meeting** The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

[s. 50, LGOIMA]

- 3.5.2 Removal of members of the public** If any member of the public who is required in accordance with Standing Order 3.5.1 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.

3.6 QUORUM AT MEETINGS

- 3.6.1 Requirement for a quorum** **“A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.”**

[cl. 23(1), Schedule 7, LGA]

- 3.6.2 Quorum to be present** **“Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at**

	throughout meeting	which the business is transacted.” <i>[cl. 23(2), Schedule 7, LGA]</i>
3.6.3	Definition of quorum for local authority	<p>“The quorum at a meeting for local authority [or joint committee] consists of –</p> <p>(a) half of the members if the number of members (including vacancies) is even; or</p> <p>(b) a majority of members if the number of members (including vacancies) is odd.”</p> <p><i>[cl. 23(3), Schedule 7, LGA]</i></p>
3.6.4	Definition of quorum for committees of the whole	<p>The quorum at a meeting of a committee of the whole is –</p> <p>(a) half of the members if the number of members (including vacancies) is even; or</p> <p>(b) a majority of members if the number of members (including vacancies) is odd.</p>
3.6.5	Definition of quorum to be included in Terms of Reference	<p>The quorum at a meeting of other committees will be established by the Council and included in the Terms of Reference of that committee.</p> <p><i>(See Standing Order 2.4.5)</i></p>
3.7	FAILURE OF QUORUM	
3.7.1	Meeting lapses if no quorum	If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 15 minutes, the chairperson is to vacate the chair and the meeting shall lapse.
3.7.2	Lapsed business	The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next meeting unless an earlier meeting is fixed by the chairperson and notified by the chief executive.
3.7.3	Minutes to record failure of quorum	If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes
3.8	LEAVE OF ABSENCE AND APOLOGIES	
3.8.1	Granting leave of absence	<p>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.</p> <p>The member must apply to the Mayor or the Chief Executive for the ‘Leave of Absence’ at least five working days prior to the first ordinary meeting of the Council they will miss. The first ordinary meeting of the Council following the application will grant or decline the ‘Leave of Absence’ request.</p>

- 3.8.2 Apologies at meetings** If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority.
- 3.8.3 Recording of apologies** The chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.
- 3.8.4 Absence without leave** An extraordinary vacancy is created where any member is absent without leave of the Council from 4 consecutive meetings other than extraordinary meetings of the Council.
- [cl. 5, Schedule 7, LGA]
- 3.8.5 Members shall not leave the meeting** No member shall leave any meeting of the Council for any length of time without first advising the chair of their intention to do so. The period of the member's absence shall be recorded.
- 3.8.6 Temporary adjournment of meeting** The chair may, at any time, temporarily adjourn a meeting for either:
- up to one hour; or
 - until a conflicting meeting has ended or adjourned.

3.9 ORDER OF BUSINESS

- 3.9.1 Adoption of order of business** The order of business is to be determined by the local authority.
- 3.9.2 Agenda** The chief executive is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known.
- At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the chairperson accord precedence to any business set down on the agenda.
- If a member, or members, object to the re-ordering the matter shall be put to a vote and decided by a majority of members present at the meeting.
- 3.9.3 Agenda listing for meetings of the Council** The agenda listing for a meeting of the Council should allow for the following:
- Apologies;
 - Confirmation of minutes;
 - Public Input;
 - Announcements by the Mayor without discussion
 - Petitions
 - Conflict of Interest Declarations
 - General Business
 - Reports from Committees – Committee decisions requiring Council approval
 - Reports from Committees – Committee decisions for Council to

- note
- Questions
- Public Excluded Reports – General Business
- Public Excluded Reports from Committees - Committee decisions requiring Council approval.

(See Standing Order 3.9.2)

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

3.9.5 Major items not on the agenda may be dealt with **“An item that is not on the agenda for a meeting may be dealt with at the meeting if –**

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

[s. 46A(7), LGOIMA]

3.9.6 Minor items not on the agenda may be discussed **“Where an item is not on the agenda for a meeting, –**

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

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

3.10 RULES OF DEBATE

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

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

- 3.10.3 Limitation on speakers** If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.
- 3.10.4 Taking down words** When any member objects to words used and desires his/her objection to be recorded in the minutes, the chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken.
- (See Standing Order 3.20.2).*
- 3.10.5 Reading of speeches** Members shall not read their speeches, except with the permission of the chairperson, but may refresh their memory by reference to notes.
- 3.10.6 Time limits on speakers** The following time limits will apply during debate in a Council meeting:
- members may speak for up to three minutes during debate (this includes the mover of a motion when introducing that motion). This time may be extended by another minute if there is no dissent from the meeting.
 - the mover of a motion when exercising their right of reply, may speak for up to three minutes. This time may be extended by up to another ten minutes at the chair's discretion.
 - the member presenting a report of a committee may speak for no more than three minutes when introducing that report. This time may be extended by up to another ten minutes at the chair's discretion.
 - the mayor may speak at any time for up to ten minutes.
- There is no time limit on speaking during debate in committee and subcommittee meetings.
- 3.10.7 Member speaking more than once** At a meeting of the Council, a member may not speak more than once to a motion or amendment, except when exercising right of reply. This order does not apply to meetings of committees or subcommittees.
- 3.10.8 Right of reply** The mover of an original motion or amendment has a right of reply. After the mover has completed such reply, or has intimated the wish to forego this right, the chairperson will put the motion to the meeting.
- Movers in reply are not to introduce any new matter nor summarise the debate. Movers in reply must confine themselves strictly to answering questions or issues raised by previous speakers.
- 3.10.9 When right of reply may be exercised** The right of reply is governed as follows:
- (a) The right of reply may only be used once for any motion or amendment,
 - (b) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;

- (c) If there is an amendment,
 - (i) the mover of the amendment may reply at the conclusion of the discussion on the amendment
 - (ii) the mover of a foreshadowed amendment may reply at the conclusion of the discussion on the amendment if the foreshadowed amendment has been debated
 - (iii) the mover of the original motion may make such reply after the conclusion of the debate on such amendment (or amendments), and after all members who indicate they wish to speak to the original motion have spoken. The mover of the original motion may take part in the discussion upon subsequent amendments.

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

3.10.11 Personal explanation With the permission of the chairperson, members may make a personal explanation concerning any matters involving that member, but such matters may not be debated.

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

3.10.13 Subsequent comments on resolutions Any reference by a member to a previous debate or resolution of the Council shall be brief and relevant to the motion under discussion.

3.11 COMMUNITY BOARD TO SPEAK AT DEBATE

3.11.1 Community Board to speak at debate When a motion under debate relates to a matter that a Community Board considers to be of particular interest to the residents within its community, the representative of the Community Board, nominated by resolution of the Board, may speak, as of right, at Council, committee or subcommittee meetings when the motion is under debate.

Such participation shall be subject to these Standing Orders.

3.12 MOTIONS AND AMENDMENTS

3.12.1 Any member present may move a motion or amendment At a Council meeting any member present may move a motion provided it is submitted as an amendment to a motion on the agenda.
At a committee meeting any member may move a motion provided it is relevant to the business under discussion.

3.12.2 Requirement for a seconder All motions and amendments moved (including procedural motions and notices of motion but excluding points of order) must be seconded. Any motion proposed but not seconded will lapse, will not be debated and will not be entered in the record.

3.12.3 Clarification of motions or amendments	<p>Notwithstanding Standing Order 3.12.2, if the mover of a motion or amendment agrees, the chair may move an amendment to clarify the intent of a motion or amendment without the requirement of a seconder.</p> <p>The chair may move such a motion whether or not the chair has already spoken to the motion or amendment.</p>
3.12.4 Withdrawal of motions and amendments	<p>Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the leave of the meeting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.</p>
3.12.5 Substituted motion by amendment	<p>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.</p>
3.12.6 Motions in writing	<p>The chairperson may require movers of motions or amendments to provide them in writing and provide their name.</p>
3.12.7 Motions expressed in parts	<p>The chairperson or any member may require a motion expressed in parts to be decided part by part.</p>
3.12.8 Amendment once moved	<p>Except for reports from statutory hearing committees, 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.</p> <p>At a meeting of the Council, the mover or seconder of a motion for the adoption of the report of a committee may only propose or second an amendment for the purpose of clarifying the intent of the report or to ensure appropriate process is followed.</p>
3.12.9 Amendment to statutory hearing reports	<p>When the Council is considering a recommendation resulting from a statutory hearing process, no amendment may be moved other than:</p> <ul style="list-style-type: none"> (a) by the chair of the committee making the report, or the commissioner, or a member authorised by the chair or commissioner to clarify or correct an error or omission in the report; or (b) by the chair of the committee making the report or a member authorised by the chair on behalf of the committee unanimously.
3.12.10 Amendments not accepted	<p>A proposed amendment in any meeting will not be accepted if it:</p> <ul style="list-style-type: none"> (a) is not directly relevant to the original motion; or (b) is in conflict with any amendment that has been carried; or (c) is in similar terms to an amendment that has been lost; or (d) would, if carried, negate a motion carried at a committee meeting under its delegated authority; or

(e) is in conflict with a substantive motion referred at that meeting to the Council under Standing Order 3.12.15 or 3.12.16; or

(f) amounts to a direct negative of the substantive motion.

The chair's ruling may be challenged and requires a 75% majority to be overturned.

3.12.11 Foreshadowing amendments

No further amendment may be allowed until the first amendment is disposed of. Members may notify the chairperson of their intention to move further amendments and the tenor of their content. The chair may ask if any member wishes to second the foreshadowed amendment or motion. On disposal of the amendment under discussion, foreshadowed amendments may, at the discretion of the chair or by a decision of a majority of the meeting, be voted on without further debate. The mover has a right of reply if the foreshadowed amendment is debated.

3.12.12 Where amendment lost

Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion.

Movers and seconders 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.

Standing Order 3.10.12 does not apply where the chair moves an amendment to clarify the intent of a motion under Standing Order 3.10.3.

3.12.13 Where amendment carried

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

3.12.14 Procedure until resolution

The procedures in Standing Orders 3.12.8 and 3.12.11 must be repeated until a resolution is adopted.

3.12.15 Referral of motion

A committee need not refer to the Council any motion that is covered in its Terms of Reference, Delegated Authorities or which has been budgeted for in an Annual Plan or Business Plan approved by the Council.

A committee may however, by majority decision, refer any motion to the Council.

(See Standing Order 3.16.2)

3.12.16 Referral of motion lost

Notwithstanding Standing Order 3.12.15, where a substantive motion has been lost at a committee the motion may be referred to the Council if at least three members make a formal request to the chair, immediately after the motion is lost and prior to the commencement of discussion on the next item on the agenda. Where a committee consists of all the members of Council the motion may be referred to Council if at least six members make a formal request to the chair, immediately after the motion is lost and prior to the commencement of discussion on the next item on the agenda.

At a Council meeting the chair of the relevant committee shall move the

lost motion 'pro-forma' and explain the nature of the matter. The chair has the discretion to vote for or against the motion.

3.12.17 Movers and seconders to be present

Movers and seconders of motions and amendments must be present for the duration of the discussion, and the vote, on that motion.

If the mover or seconder is not present, the chair must call for another member to replace the absent member. If no member will replace the absent member, the motion or amendment will lapse and will not be discussed.

Lapsing of an amendment under Standing Order 3.12.17 will not cease discussion of the original motion.

The reason for the motion lapsing will be recorded in the minutes.

3.12.18 No speakers after reply or question has been put

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

3.12.19 Flow chart of motions and amendments

A flow chart illustrating the process regarding motions and amendments is attached as Appendix E.

3.13 REVOCATION OR ALTERATION OF PREVIOUS RESOLUTION

3.13.1 Revocation or alteration of resolutions

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

(a) Such notice is to set out:

- (i) The resolution or part thereof which it is proposed to revoke or alter;
- (ii) The meeting date when it was passed; and
- (iii) The motion, if any, that is intended to be moved in substitution thereof.

(b) Such notice is to be given to the chief executive at least seven 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 five clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.

3.13.2 Restrictions on action to be taken on previous resolution

Where a notice of motion has been given in terms of Standing Order 3.13.1, 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 the practical effect of the delay would be equivalent to a revocation of the resolution.

- 3.13.3 Revocation or alteration of resolution at same meeting** If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of a majority of the members then present and voting.
- 3.13.4 Local authority may revoke or alter any previous resolution** A local authority meeting may, on a recommendation contained in a report by the chief executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

3.14 NOTICES OF MOTION

- 3.14.1 Notices of motion to be in writing** A member wishing to have a matter considered should submit a notice of motion to the Council, relevant committee or subcommittee. The item should be submitted in writing to the Chief Executive four weeks prior to the specified meeting and be signed by at least one third of the members of the local authority.

The Chief Executive shall arrange for a report on the item as appropriate. .

- 3.14.2 Item to be placed on agenda** Items submitted by members will be placed on the agenda of the specified meeting, unless:
- The chair refuses to accept the item raised for the reasons set out in Standing Order 3.14.3; or
 - the chair of the relevant committee or subcommittee decides to place the item on the agenda of the next meeting (the chair will only be able to defer the item once); or
 - the Chief Executive, in consultation with the relevant chair, decides to place the item on the agenda of a different committee or subcommittee, if in the Chief Executive's opinion the item would be more appropriately dealt with by another committee or subcommittee.

- 3.14.3 Refusal of matters raised** The chairperson may refuse to accept any item raised 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; or
 - (e) Is, in the opinion of the chair, to the same effect as a previous resolution of the Council, committee or subcommittee..

Reasons for refusing a matter raised should be provided to the proposer and the ruling of the chair is final.

- 3.14.4 Mover of notice of motion** Notices of motion may not proceed in the absence of the mover, unless moved by another member
- 3.14.5 Alteration of notice of motion** A notice of motion may be altered only by the mover with the consent of the meeting.
- 3.14.6 When notices of motion lapse** Notices of motion not moved on being called for by the chairperson, shall lapse.
- 3.14.7 Referral of notices of motion to committees** Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

3.15 REPEAT NOTICES OF MOTION

- 3.15.1 First repeat where notice of motion rejected** When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, a similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may only be accepted within the next six months if signed by a majority of all members, including vacancies.
- 3.15.2 Second repeat where notice of motion rejected** If such a repeat notice of motion as provided for in Standing Order 3.15.1 is also rejected by the local authority, any further notice prior to the expiration of the original period of six months must be signed by a majority of all members, including vacancies
- 3.15.3 No repeats where notice of motion adopted** Where a notice of motion has been considered and adopted by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

3.16 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

- 3.16.1 Procedural motions during debate** Procedural motions may only be moved during debate on an item on the agenda.
- 3.16.2 Members may move procedural motions to terminate or adjourn debate** Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:
- (a) That the meeting be adjourned to the next meeting, unless an alternative time and place is stated; or
 - (b) That the item of business being discussed be adjourned to a time and place to be stated; or
 - (c) That the motion under debate be now put (a "closure motion");

or

- (d) That the item of business being discussed be laid on the table, and not be further discussed at that meeting; or
- (e) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority; or
- (f) That a motion under debate at committee be referred to the next meeting of the local authority.

3.16.3 Procedural motions to be determined	All procedural motions will be determined by a majority of those members present and voting, except the procedural motion to put the motion (a closure motion) which will be carried only with at least 75% majority of members present and voting.
3.16.4 Procedural motions to terminate or adjourn debate to take precedence	Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately without discussion or debate.
3.16.5 Voting on procedural motions to terminate or adjourn debate	All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member until another three members have spoken.
3.16.6 Closure motion on amendments	When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.
3.16.7 Right of replay following closure	If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.
3.16.8 Debate on items previously adjourned	<p>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.</p> <p>At a Council meeting, members who have already spoken in the debate may not speak again.</p>
3.16.9 Adjourned items taken first	Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
3.16.10 Other business not superseded	The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.
3.16.11 Referral or referred back to committee	Business referred, or referred back, to a specified committee is to be considered at the next meeting of that committee, unless otherwise specified.
3.16.12 Table of procedural motions	A table of procedural motions is included in this Standard as Appendix F.

3.17 POINTS OF ORDER

- 3.17.1 Members rising to points of order** Any member may rise to speak to a point of order upon any breach of these Standing Orders and that member shall have precedence to be heard.
- For clarification, no seconder is required for points of order.
- 3.17.2 Subject matter to be stated when raising point of order** The member shall refer to the specific Standing Order when raising a point of order. This does not require the quoting of the Standing Order number. The member raising the point of order shall simply and precisely state the subject matter of the point of order
- 3.17.3 Points of order during division** No point of order may be raised during a vote except by the permission of the chairperson
- 3.17.4 Points of order to be dealt with** A second point of order may not be raised until the first has been resolved.
- 3.17.5 Types of points of order** Points of order can only be used only in the following circumstances:
- (a) To draw to the attention of the chairperson disorder in the meeting; or
 - (b) To prevent the use of disrespectful, offensive or malicious language; or
 - (c) To prevent discussion of a question not before the meeting; or
 - (d) To point out misrepresentation of any statement made by a member or by an officer or employee of the local authority at the current meeting; or
 - (e) To alert the meeting to a breach of any standing order; or
 - (f) To request that words objected to be recorded in the minutes.
 - (g) To prevent a motion or amendment relating to substantially the same issue considered by Council or committee within the previous 6 months unless the motion is raised through Standing Orders 3.13 or 3.14.
- 3.17.6 Contradiction not point of order** Rising to express a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.
- 3.17.7 Decision of chairperson final** The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further comment before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final.

3.18 VOTING

- 3.18.1 Decisions to be decided by majority votes** “[Unless the Local Government Act 2002 provides otherwise], the acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by –

(a) vote; and

(b) the majority of members that are present and voting".

[cl. 24(1), Schedule 7, LGA]

(See Standing Order 2.5.1)

3.18.2 Casting voting **“For the purposes of [Standing Order 3.16.2], 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, has a casting vote.

[cl. 24(2), Schedule 7, LGA]

(See Standing Order 2.5.2)

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

[cl. 24(3), Schedule 7, LGA]

(See Standing Order 2.5.3)

3.18.4 Members must vote Every member present when a motion is put must vote unless they are prevented from doing so by a conflict of interest (either pecuniary or non-pecuniary).

3.18.5 Members may have their votes recorded Any member's vote must be recorded in the minutes if so requested by that member.

3.18.6 Method of voting The method of voting shall be as follows:

(a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson shall call a division.

(b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.

(c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the chairperson who shall declare the result.

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

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

- 3.18.9 Pecuniary interest** No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.
- [s. 6(1), Local Authorities (Members' Interests) Act]*
- 3.18.10 Declaration of pecuniary interest** Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.
- [s. 6(1), Local Authorities (Members' Interests) Act]*
- 3.18.11 Pecuniary interest a reason for leaving the room** Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.18.10, should consider leaving the meeting room for the full duration of discussion on such matters.
- 3.18.12 Declaration of conflict of interest** Every member present when any matter is raised in which they directly or indirectly have a conflict of interest (other than 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.
- 3.18.13 Conflict of interest** Where a member declares a conflict of interest under Standing Order 3.18.12 on any matter, that member may not take part in the discussion or vote on the matter and the declaration and subsequent abstention shall be recorded in the minutes, but they shall not be required to leave the room for that matter.
- 3.19 QUALIFIED PRIVILEGE**
- 3.19.1 Qualified privilege relating to agenda and minutes** Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.
- [s. 52, LGOIMA]*
- 3.19.2 Qualified privilege relating to oral statements** Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.
- [s. 53, LGOIMA]*
- 3.19.3 Qualified privilege additional to any** The privilege conferred by Standing Order 3.19.2 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

other provisions rule of law, to the proceedings of any local authority.

3.20 MINUTES OF PROCEEDINGS

3.20.1 Minutes to be evidence of proceedings “A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.”

[cl. 28, Schedule 7, LGA]

3.20.2 Keeping of minutes The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record

- the date, time and venue of the meeting;
- the names of those members present;
- identification of the chairperson;
- apologies tendered and accepted;
- arrival and departure times of members;
- any failure of a quorum;
- a list of speakers in the public input section of the meeting and the topics they cover;
- a list of items considered; resolutions and amendments pertaining to those items including clarity where the resolutions differ from the report recommendations;
- any objections to words used;
- all divisions taken;
- names of any members requesting the recording of their abstentions or votes ;
- declarations of conflicts of interest and their nature;
- 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 2.17.3, 3.4.10, 3.4.11, 3.7.3, 3.8.3, 3.8.5, 3.10.4, 3.18.5, 3.18.11 and 3.18.13).

3.20.3 Minutes of business taken in public excluded The record of the business taken in the public excluded session shall be kept separately.

3.20.4 No discussion on minutes Minutes of a meeting shall be entered and authenticated at a succeeding meeting of the local authority or committee. No discussion may arise on the substance of minutes except as to their correctness.

3.21 MINUTE BOOKS

3.21.1 Inspection of minute books The minute books of the local authority must be kept by the chief executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.

[s.51, LGOIMA]

(See Standing Order 2.16.12 and 2.16.13)

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

3.22 PUBLIC INPUT

3.22.1 No public input at certain meetings There shall be no public input at the first meeting of the Council following its election

3.22.2 Agenda to provide for public input A maximum of 60 minutes will be set aside for public input at the commencement of any meeting of the Council or committee that is open to the public. This may be extended at the discretion of the chair.

3.22.3 Public input where heard Public input may be received by the local authority or any of its committees provided an application to address the meeting 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 public input

- (a) that are repetitious or offensive
- (b) where the person has been heard on the same item at committee prior to it being referred to Council for decision
- (c) where the person has been heard on the same item at a subcommittee prior to it being referred to a committee for consideration or decision
- (d) where the public input relates to a matter that is subject to a statutory hearing process currently before the Council.

3.22.4 Public input not allowed for certain business Public input will not permitted in relation to the following agenda items for a meeting:

- (a) Minutes being presented to a meeting for authentication; or
- (b) Reports that set out recommendations arising from a statutory hearing process.

3.22.5 Urgency or major public interest Notwithstanding Standing Order 3.22.1 or 3.22.3, where in the opinion of the chairperson the matter which is the subject of application to address a meeting is one of urgency or major public interest, the chairperson may determine that the public input be received.

3.22.6 Procedures for public input After public input from a speaker is received, members may put to the speaker any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the speaker has completed making their address and answering questions.

(See Standing Order 3.19.2 regarding qualified privilege)

3.22.7 Termination of address if disrespectful The chairperson may terminate an address 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 3.19.2 regarding qualified privilege)

3.22.8 Time limit on public input A limit of five minutes is placed on any individual speaker addressing a meeting, or if there are two or more members of an interest group or organisation addressing the meeting, ten minutes in total for all speakers.

The time limit for a speaker may be extended at the discretion of the chair.

3.23 PETITIONS

3.23.1 Form of petitions Any person may present a petition on behalf of the petitioners, and when called by the chair, shall state only the purpose of the petition, the nature of the parties from whom it comes, and the number of signatures attached.

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

3.23.3 Petition where presented by petitioner Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of three minutes is placed on that person

(See Standing Orders 3.19.1 and 3.19.2 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.

3.23.4 Meeting to decide further action Once a petition has been presented the meeting shall decide what further action is to be taken on the issues set out in the petition

3.24 QUESTIONS TO OFFICERS

3.24.1 Questions to officers regarding items on an agenda Officers may, at the request of the chair, present an item on the agenda of any committee. Any member may ask any question of the relevant officer on any matter relating to the item being presented.

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.

3.24.2 Questions to officers on other matters Members may raise a question on any matter relevant to the functions of the Council that does not appear on the agenda or arise from any report submitted to the Council for that meeting.

All questions must be received by the Mayor and Chief Executive no later than 24 hours prior to the start of a meeting

Both questions and answers shall be concise. If possible, an answer to the question shall be given by the relevant officer orally at that meeting. Both the question and the answer will be noted in the records. There

shall be no discussion to follow the answer.

If an answer to the question cannot be given at that meeting, the question shall be noted in the records and both the question and the answer shall be circulated to all members and attached to the minutes.

The Mayor may rule a question out of order if it is considered to

- have no relation to Council affairs,
- be frivolous, vexatious, or offensive, or
- be a statement not requiring an answer.

3.24.3 Information to members

Information required by members for the conduct of Council (or closely related business) shall be supplied to them by the Chief Executive.

Copies of such information shall also be supplied by the Chief Executive to the chair of the committee or subcommittee concerned and to the Mayor.

No information so obtained by any member shall be used for any purpose other than for the proper discharge of that member's functions and responsibilities.

No such information shall be used in discussion at any meeting unless the source of such information is disclosed by the member using it.

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.

APPENDIX A

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

(Normative)

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,

APPENDIX A

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

(Informative)

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:

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Item No:		
1	Protection of privacy of natural persons	(Section 7(2)(a))
2, 3	Conduct of negotiations	(Section 7(2)(i))
4	Prevention of improper advantage	(Section 7(2)(j))

NOTE –

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

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

POWERS OF THE CHAIRPERSON

(Normative)

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

The chairperson is to decide all questions under these Standing Orders, including where these standing orders make no provision or insufficient provision. No ruling of the chairperson is open to debate.

(See Standing Order 3.3.2)

C2. Challenge of Chairpersons ruling

Any ruling of the chairperson that a Standing Order deems final may not be challenged. A member may challenge a ruling of the chairperson not deemed final, but such a challenge must be validated immediately by a motion passed by a 75% majority of the meeting unless specified otherwise

(See Standing Order 3.3.3)

C3. 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 3.17.3 and 3.17.7)

C4. 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 3.9.5 and 3.9.6)

C5. Chairperson's voting

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote.

(See Standing Order 2.5.2)

C6. Requirement for seconder

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With the agreement of the mover of a motion, the chairperson may move an amendment without requirement for a seconder to clarify the intent of the motion

(See Standing Order 3.12.3)

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 3.12.6)

C8. Motion in parts

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

(See Standing Order 3.12.7)

C9. Notice of motion

The chairperson may refuse to accept any notice of motion which:

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

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

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

(See Standing Orders 3.15.3 and 3.16.3)

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 3.14.2)

C11. Repeat notice of motion

If in the opinion of the chairperson, a notice of motion is substantially the same in purport

APPENDIX C

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 3.16.1)

C12. 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 3.7.2, 2.15.1 and 2.15.2)

C13. 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 3.10.2)

C14. 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 3.10.4)

C15. Reading of speeches

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

(See Standing Order 3.10.5)

C16. 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 3.10.11 and 3.10.12)

C17. 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 3.3.4)

C18. Members may leave places

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

(See Standing Order 3.3.5)

C19. 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 3.3.6)

C20. 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 3.20.1 and 3.21.2)

C21. Questions of speakers

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

(See Standing Order 3.22.6)

C22. 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 3.4.5)

- (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 3.4.6)

C23. 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)

C24. 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 3.4.6 and 3.5.2)

- (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.

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(See Standing Orders 3.4.10)

C25. 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 3.4.11 and 3.5.2)

APPENDIX D

CHAIRPERSON'S RULINGS

Standing Order 3.3.2 provides for the chair to make rulings. Any ruling of the chairperson is deemed final unless deemed otherwise in these Standing Orders. Standing Order 3.3.3 provides for challenge of the chair's ruling unless deemed final.

Challenge of the chairperson's ruling must be immediately validated by a vote of the meeting. Standing Orders prescribe whether the validation is by simple majority or by a 75% majority.

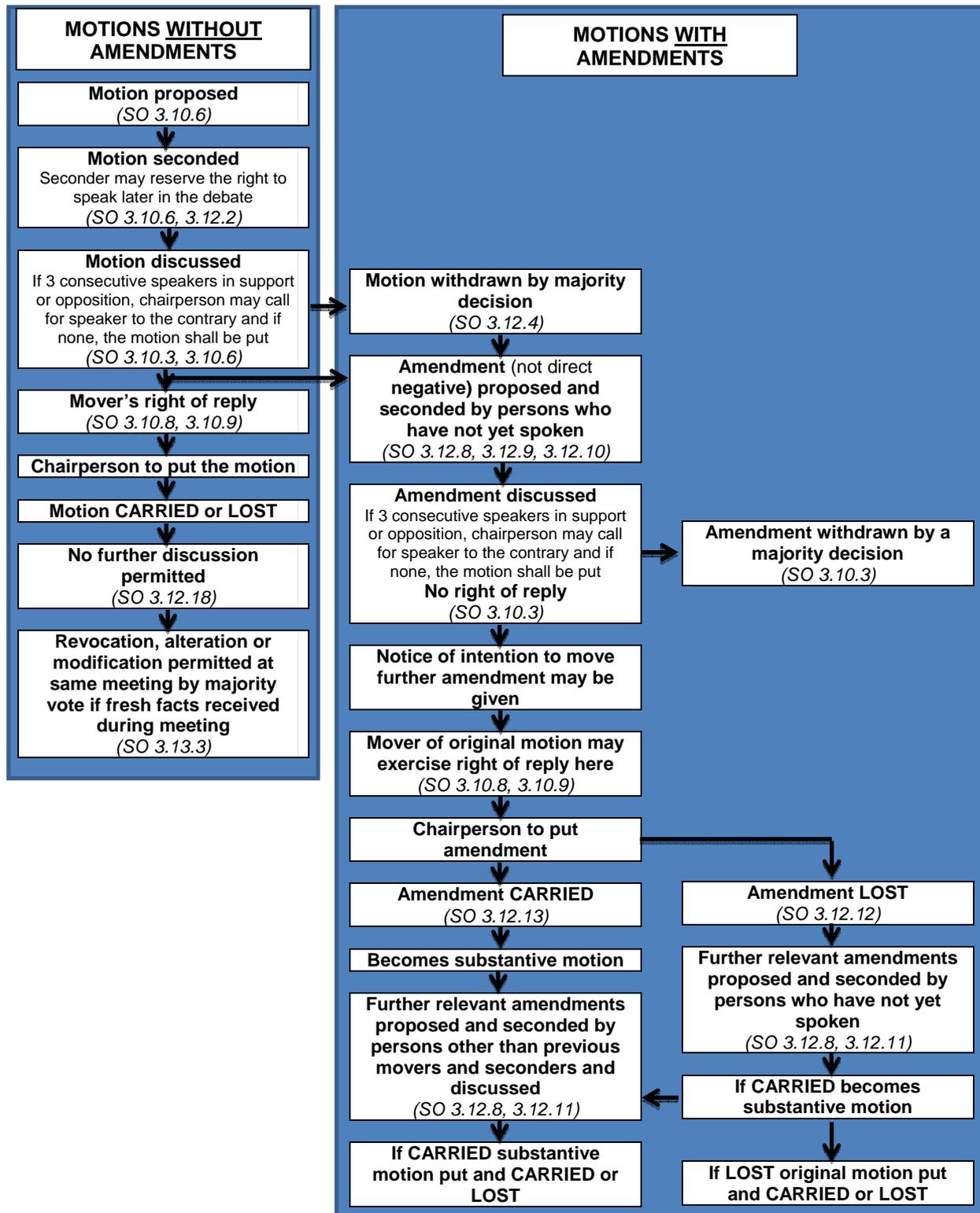
Standing Order – Ruling provisions	Status of ruling
3.4.3 Disorderly members to withdraw	Open to challenge by 75% majority vote of meeting
3.4.5 Retraction of, or apology for, offensive or malicious language	Open to challenge by 75% majority vote of meeting
3.4.6 Withdrawal from meetings	Open to challenge by 75% majority vote of meeting
3.4.8 Adjournment of meeting following disorder	Final
3.8.6 Temporary adjournment of meeting	Open to challenge by 75% majority vote of meeting
3.9.2 Agenda (re-ordering of)	Open to challenge by 75% majority vote of meeting
3.10.2 Irrelevant matter and needless repetition	Final
3.10.6 Time limits on speakers	Challenge by simple majority vote of meeting
3.10.11 Personal explanation	Open to challenge by 75% majority vote of meeting
3.10.12 Explanation of previous speech	Open to challenge by 75% majority vote of meeting
3.12.6 Motions in writing	Open to challenge by 75% majority vote of meeting
3.12.7 Motions expressed in parts to be decided in parts	Open to challenge by 75% majority vote of meeting
3.12.10 Amendments not accepted	Open to challenge by 75% majority vote of meeting
3.14.3 Refusal of matters raised in notice of motion	Final
3.15.2 Second repeat where notice of motion rejected	Final
3.16.3 Procedural motions to be determined	Open to challenge by 75% majority vote of meeting

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Standing Order – Ruling provisions	Status of ruling
3.17.7 Points of Order	Final
3.5.1 Chairperson may require members of the public to leave meeting	Open to challenge by 75% majority vote of meeting
3.22.7 Termination of address if disrespectful	Open to challenge by 75% majority vote of meeting

MOTIONS AND AMENDMENTS

(Normative)



APPENDIX F

TABLE OF PROCEDURAL MOTIONS

(Normative)

(See *Standing Orders 3.16.1 to 3.16.12 and 3.17.1 to 3.17.7*)

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

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Motion	Has the Chair discretion to refuse this motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the 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 farther discussed at this meeting."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, the original motion and amendment are adjourned.	Motion not in order.	
(f) "That the item of business being discussed be referred to the relevant committee."	No	Yes	No	As to committee, time for reporting back etc. only.	No	No	No	Yes – 15 minutes.	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Points of order."	No – but may rule against.	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.17.1 to 3.17.7

PROCESS FOR REMOVING A MEMBER

