

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 9:30am
Date: Wednesday, 25 March 2020
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

MEMBERSHIP

Mayor Foster
Councillor Calvert
Councillor Condie
Councillor Day
Councillor Fitzsimons
Councillor Foon
Councillor Free (Deputy Mayor)
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Rush
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.

TABLE OF CONTENTS

25 MARCH 2020

| Business | Page No. |
|---|-----------------|
| 1. Meeting Conduct | 5 |
| 1.1 Karakia | 5 |
| 1.2 Apologies | 5 |
| 1.3 Announcements by the Mayor | 5 |
| 1.4 Conflict of Interest Declarations | 5 |
| 1.5 Confirmation of Minutes | 6 |
| 1.6 Items not on the Agenda | 6 |
| 1.7 Public Participation | 6 |
| 2. General Business | 7 |
| 2.1 Submission on Residential Tenancies Amendment Bill Presented by Mayor Foster | 7 |
| 3. Committee Reports | 17 |
| 3.1 Report of the Regulatory Processes Committee Meeting of 4 March 2020 | 17 |
| 3.2 Report of the Strategy and Policy Committee Meeting of 12 March 2020 | 18 |
| 4. Public Excluded | 105 |
| 4.1 Public Excluded Report of the Regulatory Processes Committee Meeting of 4 March 2020 | 107 |

1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting with a karakia.

| | |
|--------------------------------------|--|
| Whakataka te hau ki te uru, | Cease oh winds of the west |
| Whakataka te hau ki te tonga. | and of the south |
| Kia mākinakina ki uta, | Let the bracing breezes flow, |
| Kia mātaratara ki tai. | over the land and the sea. |
| E hī ake ana te atākura. | Let the red-tipped dawn come |
| He tio, he huka, he hauhū. | with a sharpened edge, a touch of frost, |
| Tihei Mauri Ora! | a promise of a glorious day |

At the appropriate time, the following karakia will be read to close the meeting.

| | |
|---|---------------------------------------|
| Unuhia, unuhia, unuhia ki te uru tapu nui | Draw on, draw on |
| Kia wātea, kia māmā, te ngākau, te tinana, | Draw on the supreme sacredness |
| te wairua | To clear, to free the heart, the body |
| I te ara takatū | and the spirit of mankind |
| Koia rā e Rongo, whakairia ake ki runga | Oh Rongo, above (symbol of peace) |
| Kia wātea, kia wātea | Let this all be done in unity |
| Āe rā, kua wātea! | |

1.2 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.3 Announcements by the Mayor

1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1. 5 Confirmation of Minutes

The minutes of the meeting held on 26 February 2020 will be put to the Council for confirmation.

1. 6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council

The Chairperson shall state to the meeting.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Wellington City Council.

Minor Matters relating to the General Business of the Wellington City Council

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

1. 7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

2. General Business

SUBMISSION ON RESIDENTIAL TENANCIES AMENDMENT BILL

Purpose

1. This report asks the Council to approve the draft submission on the Residential Tenancies Amendment Bill (Attachment 1).

Summary

2. Parliament's Social Services and Community Committee is calling for submissions on the Residential Tenancies Amendment Bill. Submissions close 25 March 2020.
3. The purpose of the Bill is to make the Residential Tenancies Act 1986 (the Act) 'fit for modern renting situations in New Zealand'. It seeks to 'modernise the Act while appropriately balancing the rights and obligations of tenants and landlords'.

Recommendations

That the Council:

1. Receive the information.
2. Approve the submission on the Residential Tenancies Amendment Bill, as set out in Attachment 1.
3. Agree to delegate authority to the Housing Portfolio Leader and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.

Background

4. City Housing is Council's social housing service. It manages approximately 2,000 tenancies and houses approximately 3,500 tenants. Many of our tenants are some of Wellington City's most vulnerable and the service they receive far exceeds that of a typical landlord.
5. The Council remains ineligible for the Income Related Rent Subsidy.

Discussion

6. The purpose of the Act is to make the Act 'fit for modern renting situations in New Zealand'.

-
7. The Bill will apply in most cases to all tenancies whether they commence before, on or after the commencement of the amendments.
 8. The key overarching narrative in the draft submission is that the proposed changes do not adequately reflect City Housing and our position as a 'public housing' provider. It does not allow us to operate in a manner that reflects our operational requirements and eligibility model.
 9. Key changes in the Bill include:
 - Removing the ability for landlords to end a periodic tenancy with 90 days' notice for *any reason* and without a requirement to tell the tenant why.
 - The proposed reasons for giving 90 days' notice are:
 - o Property to be available for sale shortly
 - o Extensive alterations or repairs to be carried out or property's use to be changed from residential to commercial
 - o Premises are to be demolished
 - o Landlord's interest in the property ends
 - o The tenant is in social housing and no longer eligible for or are required to leave for operational reasons
 - Introducing additional requirements for landlords wanting to end tenancies where tenants are repeatedly late with rent payments and for antisocial behaviour.
 - Landlords will be required to have issued 3 notices within a 90 day period where;
 - o There has been repeated events that are deemed anti-social behaviour
 - o The rent has been more than 5 days in arrears on more than 3 occasions.
 - The landlord must then apply to the Tribunal within 28 days of the last notice being issued seeking the termination of the tenancy.
 - Rent increases will be limited to once every 12 months.
 - Assignment: Clauses in tenancy agreements prohibiting assignment (passing the tenancy to another person) by a tenant is of no effect *unless* it is for a social housing tenancy. Landlords cannot withhold their consent unreasonably, and may attach "reasonable conditions".
 - Allowing tenants to make minor changes to the premises, such as fitting brackets to secure furniture and appliances against earthquake risk, baby-proofing the property, installing visual fire alarms and doorbells and hanging pictures.
 - The tenant must restore the premises at the end of a tenancy to a condition that is substantially the same to the condition they were in before the minor change.
 10. The Council's comment and position is set out in Attachment One.


Options

11. Option One: Approve the draft submission with any amendments agreed by this Committee.
 - (a) This is the preferred option. Given the Council's provision of social housing services and impact the Bill will have for the Council and our tenants. This enables the Council to participate in the discussion as the legislation progresses.
12. Options Two: Not make a submission.
 - (b) This option is not preferred. It removes the opportunity to contribute to the legislation and present the Council's views and impacts on the Council and tenants in this process.

Next Actions

13. If the Committee approves the draft submission with any amendments agreed by this Committee, officers will work with the Housing Portfolio Leader and Chief Executive to finalise the submission and send it to Parliament's Social Services and Community Committee.

Attachments

Attachment 1. Draft submission - Residential Tenancies Amendment Bill [↓](#)  Page 11

| | |
|------------|--|
| Authors | Carolyn Dick, Team Leader Strategy Paul Davies, Principal Advisor |
| Authoriser | Angela Hewitt, Service Development Manager Paul Andrews, Chief Operating Officer (Acting) |

SUPPORTING INFORMATION

Engagement and Consultation

External consultation was not required for drafting this submission.

Treaty of Waitangi considerations

None in drafting this submission.

Financial implications

None in drafting this submission. Any financial implications of the legislation are included in the submission.

Policy and legislative implications

Included in the text of the submission.

Risks / legal

Included in the text of the submission.

Climate Change impact and considerations

None from making this submission.

Communications Plan

Not required.

Health and Safety Impact considered

Not required.

DRAFT Residential Tenancies Amendment Bill Submission

TO: Social Services and Community Committee

FROM: Wellington City Council

Date: 25 March 2020

Wellington City Council (the Council) thanks the Social Services and Community Committee (the Committee) for the opportunity to comment on the Residential Tenancies Amendment Bill (the Bill).

The purpose of the Bill is to make the Residential Tenancies Act 1986 (the Act) 'fit for modern renting situations in New Zealand'. The Bill states this is being done by 'modernising the Act while appropriately balancing the rights and obligations of tenants and landlords.

The Bill will apply in most cases to all tenancies whether they commence before, on or after the commencement of the amendments.

Background

- City Housing is Council's social housing service. It manages approximately 2,000 tenancies and houses approximately 3,500 tenants. Many of our tenants are some of Wellington City's most vulnerable and the service they receive far exceeds that of a typical landlord.

Deed of Grant

- In 2007, the Council signed a Deed of Grant (the Deed) with the Crown. The Deed involves a \$400m (\$220m committed by the Crown) upgrade of the City Housing portfolio and requires that Council remain in social housing at approximately the same levels until 2037.
- The Deed specifically requires that the Council:
 - complies with a list of agreed property condition specifications with the aim being a warm, dry and modern housing standard
 - maintains a similar number of units/bed spaces
 - ensures that funds generated by City Housing are ring fenced for social housing purposes only, and that
 - the service is financially sustainable.

Position

- The Council welcomes the opportunity to comment.
- The Council supports ensuring there is an appropriate balance of rights and obligations between tenants and landlords. This applies to the wider rental market as well as to our City Housing.
- However, overall this Bill and the modernisation it makes, do not address fundamental issues that this Council has raised on many occasion with different Governments, that

- The proposed changes do not adequately reflect City Housing and the Council's position as a 'public housing' provider. It does not allow us to operate in a manner that reflects our operational requirements and eligibility model. We return to this point after addressing key issues in the Bill.

Key Issues

1. *Limiting use of 90 day notices*

- Removing the ability for landlords to end a periodic tenancy with 90 days' notice for *any reason* and without a requirement to tell the tenant why.
 - The proposed reasons for giving 90 days' notice are:
 - Property to be available for sale shortly
 - Extensive alterations or repairs to be carried out or property's use to be changed from residential to commercial
 - Premises are to be demolished
 - Landlord's interest in the property ends
 - The tenant is in social housing and no longer eligible for or are required to leave for operational reasons
- The Council uses termination of tenancy as a last resort. We support these changes to give tenants in the wider market greater security of tenure and to provide greater fairness for the Council's tenants. The Council's housing is limited and provided in specific circumstances so we can support and ensure the city's most vulnerable tenants are housed. We are not yet at a point where there is no longer a waiting list for housing, so ensuring that those most in need are housed is important. This change supports that.

2. *Additional requirements for late rent payment or repeated anti-social behaviour*

- Introducing additional requirements for landlords where tenants are repeatedly late with rent payments and for antisocial behaviour.
- Landlords will be required to have issued 3 notices within a 90 day period where;
 - There has been repeated events that are deemed anti-social behaviour
 - The rent has been more than 5 days in arrears on more than 3 occasions.
- The landlord must then apply to the Tribunal within 28 days of the last notice being issued seeking the termination of the tenancy.
- The Council supports this but questions the practicality of a 90-day period. It would be relatively easy to circumvent. The proposal is that 3 notices be issued within the 90-day period and then the Council/landlord can then apply to the Tenancy Tribunal within 28 days of the last notice being issued. However, for example a tenant could behave for 29 of the 90 days and then exhibit anti-social behaviour again. Alternatively what if there was significant anti-social behaviour but only twice in a 90 day period? A landlord keeps a bad tenant and would have unhappy neighbours. Neighbouring tenants could take the landlord to the Tribunal for failing to take action against something that impacts on their quiet enjoyment, etc.
- The Council recommends this be amended to a 180 day period to be effective.

3. Allowing tenant to make minor changes to premises

- The Bill will allowing tenants to make minor changes to the premises, such as fitting brackets to secure furniture and appliances against earthquake risk, baby-proofing the property, installing visual fire alarms and doorbells and hanging pictures.
 - The tenant must restore the premises at the end of a tenancy to a condition that is substantially the same to the condition they were in before the minor change.
- The Council already allows this, and has a process in place to manage it.
- The Council has managed this differently and not required a written response to tenants' requests within, however we support this change: the timeframe is reasonable and it is good customer service.

4. Assignment

- The Bill states that clauses in tenancy agreements prohibiting assignment by a tenant is of will be of no effect *unless* it is for a social housing tenancy. Landlords cannot withhold their consent unreasonably, and may attach "reasonable conditions".
- Council's City Housing tenancy agreements currently include a provision that an assignment is of no effect. However, the proposal in the Bill is a significant issue for the Council because while such a clause stands for a social housing tenancy, under the Act the Council is not considered to be a 'social housing provider'.
- This is an anomaly that needs to be addressed, additional implications are discussed further below with regard to the Income Related Rent Subsidy.
- Regarding assignment, the Council needs to be able to manage who we offer tenancies to. The Council has a limited number of properties that are available to people who meet our criteria and have the highest priority. The ability to assign a tenancy to another person who could be outside the Council's criteria directly conflicts with this.
- To resolve this, the Council recommends that local authorities providing housing are included within the definition of social housing.

5. Rent Increases

- Our tenants rent is set depending on the income they receive. We currently review rents annually. We also ask Tenants to advise us if their circumstances change, and we can adjust their rent accordingly. Under the proposals we are unlikely to be able to do this. Issue around fair ness and equity.
- City Housing rents are currently subsidised by 30%, meaning that most tenants pay 70% of the market rent. Market rents for City Housing properties are reviewed annually by an external agency and are less that than market rents in the private market. Some tenants receive additional discounts based on their individual circumstances.

- We would like to retain the ability to increase rents if tenant circumstances change.

Recognising the modern rental environment

- The Council and Government have worked together for many years in the provision of social housing. As already mentioned, the Council is a significant provider of social housing, managing a portfolio of approximately 2000 properties in Wellington city. The majority of these properties are managed by the Council and in some cases through partnership with Kāinga Ora and Community Housing Providers, enabling the city's most vulnerable tenants to live in our housing while maintaining their eligibility to access the Income Related Rent Subsidy.
- This connection is beneficial for tenants as tenants of Kāinga Ora and Community Housing Providers (CHPs) are able to access the Income Related Rent Subsidy (which Council cannot), which subsidises rents to 25% of the tenants income, making the accommodation affordable for both the tenant and the provider.

Consistency with the Bill's intent and current rental environment

- A key tenet of this Bill is reducing the imbalance that exists between tenants and landlords. However the imbalance and unfairness that exists between tenants of Kāinga Ora and CHP properties and tenants of local authority social housing, remains.
- Extension of the IRRS to local authorities is consistent with this Bill's aims to provide security to tenants, lessening cost increases, and to reflect the modern renting environment.
- The Bill seeks to reduce costs to tenants by limiting rent increases to once a year. The IRRS reduces costs to tenants as they pay lower rent.
- The IRRS contributes to security and stability not only by making accommodation more affordable to those with the greatest level of need, but also by ensuring the sustainability of social housing delivery models – so helping ensure that the Council can provide housing to our approximately 2000 tenants.
- Granting Councils access to the IRRS would reflect the modern renting environment. The Council is a large provider of social housing and works in partnership with Kāinga Ora and CHPs. The Government is deepening partnerships with local government through development of urban development structures, the infrastructure pipeline, co-operation for Infrastructure Funding and Financing tools. Some of these are or have recently been considered by your colleagues in other Committees.
- The Council and the Government have an existing relationship, through Kāinga Ora and the Deed of Grant as well as the many other programmes and projects we work on together. Extension of the IRRS now would be consistent with the deepening partnership approach and be a consistent and accurate reflection of the modern renting environment.

- As above, to resolve this, the Council recommends that local authorities providing housing are included within the definition of social housing.

DRAFT

3. Committee Reports

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 4 MARCH 2020

Members: Mayor Foster (present at the meeting, but absent at the time of voting),
Councillor Condie, Councillor Free, Councillor Matthews, Councillor O'Neill,
Councillor Sparrow (Chair), Councillor Woolf.

The Regulatory and Processes Committee recommends:

PROPOSED ROAD STOPPING AND LAND EXCHANGE - 5 TAWA TERRACE, TAWA

Recommendation/s

That the Council:

1. Declare that approximately 12.5m² (subject to survey) of unformed legal road land in Tawa Terrace, Tawa, shown outlined red in Attachment 2 (the Land), and adjoining 5 Tawa Terrace (being Lot 2 DP 31661 ROT WN8C/1000) is not required for a public work and is surplus to Council requirements.
2. Agree to dispose of the Land.
3. Agree to acquire, in exchange, approximately 15m² of land, shown coloured green on Attachment 3, and vest it as road pursuant to Section 114 of the Public Works Act.
4. Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land and the vesting of the new road, including all legislative matters, declaring the road stopped, negotiating the terms of sale or exchange, imposing and reasonable covenants, and anything else necessary.

Attachments 2 & 3

Reference to be made to Attachments 2 and 3 of item 2.7 on the Regulatory Process Committee meeting agenda of 4 March 2020.

Website link to the Regulatory Process Committee meeting agenda and minutes:
<https://wellington.govt.nz/your-council/meetings/committees/regulatory-processes/2020/03/04>

Attachments

Nil

REPORT OF THE STRATEGY AND POLICY COMMITTEE

MEETING OF 12 MARCH 2020

Members: Mayor Foster (not present – apologies accepted), Councillor Calvert (Deputy Chair), Councillor Condie, Councillor Day (Chair), Councillor Fitzsimons, Councillor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young.

The Strategy and Policy Committee recommends:

WELLINGTON CITY COUNCIL STANDING ORDERS REVIEW

Recommendation/s

That the Council:

1. Adopt the amended set of standing orders (Attachment 1).

Attachments

Attachment 1. Amended set of Wellington City Council standing orders [↓](#) 

Page 19

Wellington City Council

Standing Orders

For Meetings of Council, Committees and Subcommittees

CONTENTS

| | Page |
|--|-----------|
| <u>PART 1 PRELIMINARY PROVISIONS</u> | 1 |
| <u>1. General matters</u> | 1 |
| <u>1.1 Introduction</u> | 1 |
| <u>1.2 Interpretation</u> | 1 |
| <u>1.3 Definitions</u> | 2 |
| <u>PART 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS</u> | 6 |
| <u>2. Standing orders</u> | 6 |
| <u>3. Mayoral appointment of deputy mayor and committee chairpersons</u> | 7 |
| <u>4. First meeting of the local authority following election</u> | 8 |
| <u>5. Chairperson of meetings</u> | 9 |
| <u>6. Quorum at meetings</u> | 10 |
| <u>7. Voting systems for certain appointments</u> | 11 |
| <u>8. Committees and other subordinate decision-making bodies</u> | 12 |
| <u>9. Joint committees</u> | 14 |
| <u>10. Powers of delegation</u> | 15 |
| <u>11. General provisions as to meetings</u> | 16 |
| <u>12. Notification of meetings</u> | 18 |
| <u>13. Public access to meetings, agendas and minutes</u> | 21 |
| <u>14. Exclusion of the public</u> | 23 |
| <u>15. Attendance at meetings by audio or audiovisual link</u> | 25 |
| <u>PART 3 MEETING PROCEDURES</u> | 29 |
| <u>16. Conduct of meetings</u> | 29 |
| <u>17. Maintenance of order at meetings</u> | 31 |
| <u>18. Leave of absence and apologies</u> | 32 |
| <u>19. Meeting agenda</u> | 33 |
| <u>20. Rules of debate</u> | 35 |
| <u>21. Motions and amendments</u> | 37 |
| <u>22. General Procedures for Motions and Amendments</u> | 41 |
| <u>23. Notice of motion</u> | 42 |
| <u>24. Revocation or alteration of resolutions</u> | 44 |
| <u>25. Procedural motions</u> | 46 |
| <u>26. Points of order</u> | 48 |

| | |
|--|----|
| 27. Voting | 49 |
| 28. Conflicts of interest | 50 |
| 29. Qualified privilege | 51 |
| 30. Minutes of proceedings | 52 |
| 31. Public participation | 53 |
| 32. Petitions | 56 |
| 33. Questions | 57 |
| 34. Information to members | 58 |

APPENDICES

1. Grounds to exclude the public from meetings
2. Sample resolution to exclude the public
3. Powers of a chairperson
4. Chairperson's rulings
5. Motions and amendments
6. Table of procedural motions
7. Process for removing a member
8. Mayor's powers to appoint under s.41A LGA 2002
9. Process for removing a chairperson or deputy mayor from office
10. Workshops
11. Process for raising matters for a decision
12. Guidelines for broadcasting meetings

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 1987)
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 until 2019 .

Wellington City Council adopted these standing orders at a meeting held on 25 March 2020. Applying to all meetings of the Wellington City Council, its committees and subcommittees, these standing orders came into effect on 1 April 2020.

PART 1 PRELIMINARY PROVISIONS

1. GENERAL MATTERS

1.1 INTRODUCTION

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

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

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA 2002; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

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

These standing orders are presented in three parts. Part 1 covers the preliminary provisions. Part 2 covers legislative and constitutional matters, and Part 3 relates to meeting procedures.

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, quotation marks have been used and the reference to legislation is shown in **bold type**. Where the legislation has been paraphrased, quotation marks have not been used and the reference to legislation is shown in normal type.

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.

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

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

Chairperson means the mayor at a meeting of the Wellington City Council (or the deputy mayor in the absence of the mayor) or the person appointed to preside at a meeting of a committee or subcommittee and also includes any person properly appointed in the absence of the appointed chairperson.

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.

Community board means a community board established under s.49 of the Local Government Act 2002.

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 *for* or *against*. 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 but excludes members' briefings and workshops.

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 formal proposal for resolution at a meeting.

Mover means the member who initiates a motion.

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

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

Not less than 75% means 75% of the members, or where a whole number is not obtained the next highest whole number above 75% as follows:

| | |
|-----------------------------|------------------------------|
| Not less than 75% of 3 = 3 | Not less than 75% of 12 = 9 |
| Not less than 75% of 4 = 3 | Not less than 75% of 13 = 10 |
| Not less than 75% of 5 = 4 | Not less than 75% of 14 = 11 |
| Not less than 75% of 6 = 5 | Not less than 75% of 15 = 12 |
| Not less than 75% of 7 = 6 | Not less than 75% of 16 = 12 |
| Not less than 75% of 8 = 6 | Not less than 75% of 17 = 13 |
| Not less than 75% of 9 = 7 | Not less than 75% of 18 = 14 |
| Not less than 75% of 10 = 8 | Not less than 75% of 19 = 15 |
| Not less than 75% of 11 = 9 | Not less than 75% of 20 = 15 |

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

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

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

Petition means a request to a local authority by the public, which can be in paper or electronic form.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed

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 participation means a request from any person, organisation, interest group or group of people with a specific purpose or common view in the community to address the Council or any committee. This includes public participation and presentations *but excludes petitions*. Public participation is designed to enable members of the public to bring matters

to the attention of the local authority. Public participation is in addition to participation in hearings as part of any 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.

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

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

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

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

Secunder means the member who seconds a motion.

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

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

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

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

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day, and
- (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. STANDING ORDERS

- 2.1 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 2002]

- 2.2 Application of standing orders**

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

For 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 1991]

- 2.3 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 2002]

- 2.4 Temporary suspension of standing orders**

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

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

The motion to temporarily suspend standing orders must be moved before the following item of business is moved, and if seconded, the chairperson must put the motion without debate.

- 2.5 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 2002]

2.6 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.

(See appendix 10 for workshops)

3. MAYORAL APPOINTMENT OF DEPUTY MAYOR AND COMMITTEE CHAIRPERSONS

3.1 Mayor may appoint a deputy mayor

The mayor has the power to appoint the deputy mayor. The mayor may decline to exercise this power, in which case the local authority may elect the deputy mayor at its inaugural meeting (*see standing order 7*).

[s. 41A (3)(a) LGA 2002]

3.2 Mayor must give notice of intention

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.

3.3 Mayor may establish committees and appoint chairpersons

The mayor has the power to establish committees of the territorial authority and appoint the chairperson of each committee, and for that purpose, the mayor may make the appointment before the members of the committee are determined and may appoint himself or herself.

[s. 41A (3)(a) & (3)(b), LGA 2002]

- 3.4 Council discharge of a mayoral appointment** Nothing, however, limits or prevents a territorial authority from discharging the deputy mayor, a chairperson or a member of a committee appointed by the mayor. Any decision by the territorial authority to discharge a deputy mayor shall follow the procedure in appendix 9.

If the mayor declines to appoint a deputy mayor or committee chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 7.1.

[cl. 18 & 31, Schedule 7, LGA 2002]

(See appendices 8 and 9)

4. FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

- 4.1 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 seven 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 2002]

- 4.2 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) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14 [of Schedule 7 of the Local Government Act 2002]; and
 - (c) a general explanation, given or arranged by the chief executive, of –
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) other laws affecting members, including the appropriate

provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and

- (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) the election of the deputy mayor [...] in accordance with clause 17 [of Schedule 7 of the Local Government Act 2002],“ unless notice has been given under standing order 3.2 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 2002]

5. CHAIRPERSON OF MEETINGS

5.1 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 2002]

5.2 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 2002]

6. QUORUM AT MEETINGS

- 6.1 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 2002]*
- 6.2 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 2002]*
- 6.3 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 2002]*
- 6.4 Definition of quorum for committees of the whole** The quorum at a meeting of a committee of the whole is the same as that of the Council (*see standing order 6.3*).
- 6.5 Definition of quorum for committees** "The quorum at a meeting of a committee is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and in the case of a committee other than a subcommittee, must include at least 1 member of the local authority."
- [cl. 23(3), Schedule 7, LGA 2002]*
- The quorum at a meeting of any committee or subcommittee will be included in its terms of reference.
- 6.6 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.
- 6.7 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.
- 6.8 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.

7. VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

7.1 Provisions for election of deputy mayor, chairpersons and deputy chairpersons of committees, and representatives of the local authority

When electing a deputy mayor, a committee chairperson, a deputy chairperson or acting chairperson, the local authority or a committee must resolve to use one of the following two voting systems:

System A

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

- (a) "there is a first round of voting for all candidates; 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."

System B

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

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

[cl. 25, Schedule 7, LGA 2002]

7.2 Exclusions to requirements for voting system

Standing order 7.1 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 chairperson of a committee established by the mayor;

8. COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

8.1 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 2002]

8.2 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 2002]

8.3 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 clause 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 2002]

8.4 Requirement to have terms of reference

Committee, subcommittees or other decision-making bodies must have, and operate within, a prescribed terms of reference.

-
- 8.5 Appointment of chairperson of committees by local authority** The local authority may appoint the chairperson and (if desired) deputy chairperson of any committee:
- it appoints under standing order 8.1; or
 - established under standing order 3.4 where the mayor declines to appoint a chairperson.
- 8.6 Appointment of chairperson by committee** Any committee may appoint its own chairperson (or chairpersons) and deputy chairperson if one has not already been appointed under standing orders 3.3 or 8.5.
- 8.7 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 2002]*
- 8.8 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 2002]*
- 8.9 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 2002]*

8.10 Local authority may replace members if committee not discharged

"If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7) [of Schedule 7 of the Local Government Act 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 2002]

8.11 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 2002]

8.12 Mayor 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 1991).

9. JOINT COMMITTEES

9.1 Appointment of joint committees

"A local authority may appoint ... a joint committee with another local authority or other public body."

"A local authority may not appoint a joint committee unless it has first reached agreement with every other local authority or public body that is to appoint members to that committee."

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

9.2 Status of joint committees

"A joint committee ... is deemed to be both a committee of the appointing local authority and a committee of the other local authority or public body that has appointed members to the committee."

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

9.3 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 standing order of the committee consists of
 - (i) half of the members of the number of members (including vacancies) is an even number; or
 - (ii) a majority of members if the number of members (including vacancies) is an odd number; and

- (c) the following matters may be varied by an agreement:
- (i) the procedure by which the chairperson and deputy chairperson are to be appointed:
 - (ii) the procedure by which the chairperson or deputy chairperson may be removed from that office:
 - (iii) whether a quorum must include 1 or more members appointed by each party, or any party:
 - (iv) the extent to which the standing orders of any local authority or public body apply to meetings of the joint committee."

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

10. POWERS OF DELEGATION

10.1 Limits on delegations "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 plan; or
- (d) the power to adopt a long-term 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 plan or developed for the purpose of the local governance statement.

"Nothing [in clause 32, schedule 7 of Local Government Act 2002] 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].

"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 2002]

10.2 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 2002]

10.3 Duty to consider delegations to community boards "A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role."

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

11. GENERAL PROVISIONS AS TO MEETINGS

11.1 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 2002]

11.2 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 2002]

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

11.4 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 chairperson's ruling.

11.5 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 2002]

11.6 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 2002]

11.7 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10:30 pm, unless the meeting resolves to continue. If there is no such resolution, any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

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

11.8 Temporary adjournment of meeting

The chairperson may, at any time, temporarily adjourn a meeting for either:

- up to one hour; or
- until a conflicting meeting has ended or adjourned.

11.9 Language

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

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

11.10 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 2002]

12. NOTIFICATION OF MEETINGS

12.1 Notification of ordinary meetings to members

"... 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 2002]

12.2 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 2002]

12.3 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.

12.4 Public notification of ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. 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 1987]

12.5 Extraordinary meetings may be called

"An extraordinary 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 [in relation to Council] or chairperson in relation to a committee or subcommittee]; or
 - (ii) not less than one-third of the total membership of the local authority (including vacancies)."

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

12.6 Notification of extraordinary meetings to members

"Notice in writing of the time and place of the meeting called under [standing order 12.5] 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(2), Schedule 7, LGA]

12.7 Public notification of extraordinary meetings

"If an extraordinary or emergency meeting of a local authority is called and cannot be publicly notified in the manner required [by section 46 of the Local Government Official Information and Meetings Act 1987], the local authority must cause that meeting and the general nature of business to be transacted at that meeting—

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

[s. 46(3), LGOIMA 1987]

12.8 Public notification of resolution at extraordinary meeting

"A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless –

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

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]

12.9 Emergency meetings

"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements of clause 22(2)(a) and it is not practicable to call the meeting by resolution, an emergency meeting may be called by—

- (a) the mayor or chairperson; or
- (b) if the mayor and chairperson are unavailable, the chief executive."

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

12.10 Notification of emergency meetings

"Notice of the time and place of an emergency meeting and of the matters in respect of which the emergency meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting."

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

12.11 Other requirements for notification of meetings

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.

12.12 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 [these standing orders], 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 1987]

-
- 12.13 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 [these standing orders].”

[s. 46(5), LGOIMA 1987]

13. PUBLIC ACCESS TO MEETINGS, AGENDAS AND MINUTES

- 13.1 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 1987]

- 13.2 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 1987]

**13.3 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 1987]

**13.4 Public-excluded
business on the
agenda**

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

[s. 46A (9), LGOIMA]

**13.5 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 1987]

**13.6 List of committee
members publicly
available**

The members of each committee are to be named on the relevant agenda.

-
- 13.7 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 1987]*
- 13.8 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 1987]*
- 14. EXCLUSION OF THE PUBLIC**
- 14.1 Lawful reasons to exclude the public** A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act 1987.
- [s. 48, LGOIMA 1987]*
- (See appendix 1)*
- 14.2 Form of resolutions to exclude the 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 2)*
- 14.3 Motion to exclude the 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 1987]*
- 14.4 Provision for persons to remain after the public excluded** A resolution in accordance with standing order 14.3 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 1987]*

14.5 Non-disclosure of information

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.

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

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

14.6 Release of public-excluded information

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

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

15. ATTENDANCE AT MEETINGS BY AUDIO OR AUDIOVISUAL LINK

15.1 Attendance by a member of local authority or of a committee via audio or audiovisual link

"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 by means of audio link or audiovisual link if ... the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders in relation to attendance at that meeting by means of audio link or audiovisual link are met."

[cl. 25A(1) and 27(5)(a), Schedule 7, LGA 2002]

Standing orders 15 does not apply to meetings in the nature of hearings (for instance, hearings under the Local Government Act 2002 or the Resource Management Act 1991)

15.2 Prior arrangements to enable a member of the local authority or of a committee to attend a meeting via audio or audiovisual link

- (a) Where it is possible to do so, a member of the local authority or of any committee shall give the chairperson and the chief executive not less than two clear working days' written notice of the member's desire to attend a meeting of the local authority or of the committee by means of audio or audiovisual link for specified meetings.
- (b) Where, because of the member's illness or infirmity or some emergency, it is not possible for a member to give the chairperson and chief executive not less than two working days' written notice of the member's desire to attend a meeting of the local authority or of the committee by means of audio or audiovisual link the member may give less than two working days' written notice.
- (c) The chief executive shall take reasonable steps to seek to facilitate a member's desire to attend a meeting of the local authority or of the committee by means of audio or audiovisual link.
- (d) An act or proceeding of the local authority or committee is not invalidated if a member's request for attendance via audio or audiovisual link standing order is not accommodated or if there is any technological failure or defect in any audio or audiovisual link for a meeting.

[cl. 25A(1) and 27(5), Schedule 7, LGA 2002]

-
- 15.3 Prior arrangements to enable a member of the public to attend a meeting via audio or audiovisual link**
- (a) A person other than a member of a local authority or committee shall give the chairperson and the chief executive not less than two clear working days' written notice of that person's desire to participate in a specified meeting of the local authority or of the committee by means of audio or audiovisual link.
 - (b) The local authority shall take reasonable steps to seek to facilitate that person's desire to participate in a specified meeting of the local authority or of the committee by means of audio or audiovisual link.
 - (c) When considering whether or not to grant such permission the presiding member may take into account factors such as:
 - (i) The likely length of the meeting and the possibility that having people participating by audio or audiovisual link may unreasonably increase the length of the meeting;
 - (ii) The potential behaviour of people participating by audio or audiovisual link;
 - (iii) The likely style, degree and extent of interaction between the different people participating by audio or audiovisual link; and
 - (iv) The potential that having people participating by audio or audiovisual link may have to distract those physically present at the meeting
 - (d) An act or proceeding of the local authority or committee is not invalidated if that person's request for attendance via audio or audiovisual link is not accommodated or if there is any technological failure or defect in any audio or audiovisual link for a meeting.

[cl. 25A(2), Schedule 7, LGA 2002]

15.4 Duties of the person presiding with regards to meeting attendance via audio or audiovisual link standing order

“Person presiding must ... ensure that—

- (a) technology for the audio link or audiovisual link is available and is of suitable quality; and
- (b) the procedure for the use of that technology in all the circumstances of the particular meeting will ensure that—

[i] all those participating in the meeting can hear and be heard by each other; and

[ii] ...the attendance of a member by means of audio link or audiovisual link does not reduce the accountability or accessibility of that person in relation to the meeting; and

[iii] the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met.”

[iv] the requirements in these standing orders are met

The person presiding may direct that the audio or audiovisual link be terminated after taking into account relevant factors including:

- (a) That having people participating by audio or audiovisual link has unreasonably increased or may unreasonably increase the length of the meeting,
- (b) The behaviour of the people participating by audio or audiovisual link,
- (c) The style, degree and extent of inter-action between the different people participating by audio or audiovisual link, and
- (d) Any distraction to those physically present at the meeting caused as a result of having people participating by audio or audiovisual link.

[cl. 25A(1) and (3), Schedule 7, LGA 2002]

15.5 Quorum when attending via audio or audiovisual link

“A member of the local authority who is not physically present at the meeting is not to be counted as present for the purposes of clause 23 [of Schedule 7 of the Local Government Act 2002].”

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

Nevertheless, where a meeting has a quorum (determined by the number physically present), the members attending by audio or audiovisual link can vote on any matters raised at the meeting.

-
- 15.6 Local authority not required to make technology for an audio or audiovisual link available** “Nothing in this [standing order] requires [the] local authority to make technology for an audio or audiovisual link available.”
[cl. 25A(5), Schedule 7, LGA 2002]
- 15.7 Giving or showing documents to a person appearing at a meeting by way of audio or audiovisual link** “A document may be given or shown to, or by, a person appearing at a meeting by way of audio or audiovisual link—
(a) by transmitting it electronically; or
(b) by use of audiovisual link (if the person is appearing by audiovisual link); or
(c) by any other manner that the person presiding thinks fit.”
[cl. 25A(6), Schedule 7, LGA 2002]
- 15.8 Link failure** Where an audio or audiovisual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.
- 15.9 Confidentiality** A member who is attending a meeting by audio or audio visual link must ensure that the meeting’s proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.
- 15.10 Local authority not responsible for the failure of any audio or audiovisual link** The local authority is not responsible for the consequences of any inadequacies or any failure of an audio or audiovisual link, but if any member ceases to be able to participate in a meeting by reason of any technological failure or defect in any audio or audiovisual link for the meeting that member shall be deemed to have ceased to be in attendance at the meeting.

PART 3 MEETING PROCEDURES

16. CONDUCT OF MEETINGS

16.1 Mode of address The mayor shall be referred to in debate as either: 'Mayor [Name]' or 'Your Worship', and the chairperson of a committee or subcommittee as 'Chair'; or such other title as the mayor or chairperson may decide.

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

16.2 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 chairperson that a standing order deems to be final may not be challenged.

16.3 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 vote of not less than 75% of the members present and voting unless specified otherwise in these standing orders.

(See appendices 3 and 4)

16.4 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.

16.5 Members to speak in place 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.

-
- 16.6 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 26.1*);
 - (b) move a procedural motion to terminate or adjourn the debate (*see standing order 25.4*);
 - (c) make a point of explanation or request an indulgence of the chairperson (*see standing order 20.12*); or
 - (d) request a time extension for the previous speaker (*see standing order 20.6*).
- 16.7 Tabling papers** Any member, or the chief executive or a person participating in public participation 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.
- 16.8 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 1987]
 - (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, whether by the local authority or the public, must be notified to the chairperson at the commencement of the meeting.
 - (d) Where circumstances require the chairperson may stop the recording for a period of time.

17. MAINTENANCE OF ORDER AT MEETINGS

- 17.1 Order** The chairperson 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.
- 17.2 Speakers to be heard in silence** Where the chairperson is of the view that a debate may lead to disorder, the chairperson may direct that a speaker or speakers be heard in silence by members.
- 17.3 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 3 and 7)*
- 17.4 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.
- 17.5 Retraction and apologies** 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.
- 17.6 Withdrawal from meeting** 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.
- 17.7 Disorderly conduct** 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.
- 17.8 Adjournment of meeting following disorder** Should the disorder continue, the chairperson has the right to adjourn the meeting for a time specified by him/her. 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 chairperson’s ruling is final.
- 17.9 Nature of disorder may be recorded** If the chairperson makes a ruling on disorderly behaviour, the records of the meeting will state the name of the member, the directions of the chairperson and the reasons for the ruling made by the chairperson.

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

17.11 Removal of members from meetings "A constable, 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 2002]

18. LEAVE OF ABSENCE AND APOLOGIES

18.1 Granting leave of absence 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.

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.

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

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

18.4 Absence without leave An extraordinary vacancy is created where any member "is absent without leave of the local authority from 4 consecutive meetings (other than extraordinary meetings) of the local authority."

[cl. 5, Schedule 7, LGA 2002]

18.5 Members shall not leave the meeting No member shall leave any meeting for any length of time without first advising the chairperson of their intention to do so. The period of the member's absence shall be recorded.

19. MEETING AGENDA

19.1 Preparation of the 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 chairperson accords 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 and voting at the meeting.

19.2 Process for raising matters for decision

In addition to items of business brought by the chief executive, the council, committee, subcommittee, subordinate decision-making body, or community board may resolve that a report be added to the agenda of a future meeting of that body. Such reports must fall within the scope of the delegations of that body. A process for raising matters for decision is described in appendix 11.

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

The chief executive may refuse a member's direct request for a report to be prepared. In such cases, an explanation should be provided to the member.

19.3 Distribution of agenda

In the case of each meeting to which standing order 11.1 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 13.3 applies).

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

19.4 Status of agenda

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

19.5 Agenda listing for meetings of the Council

The agenda listing for a meeting of the Council should allow for the following:

- Karakia
- Apologies;
- Confirmation of minutes;
- Public participation;
- Announcements by the mayor
- Petitions
- Conflict of interest declarations
- General business
- Reports from committees – decisions requiring Council approval
- Reports from committees – decisions for Council to note
- Questions
- Public-excluded reports – general business
- Public-excluded reports from committees - decisions requiring Council approval.

19.6 Public-excluded business

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

[s. 46A (8) & (9), LGOIMA 1987]

19.7 Major items not on the agenda

"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 1987]

19.8 Minor items not on the agenda

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

[s. 46A(7A), LGOIMA 1987]

20. RULES OF DEBATE

- 20.1 Reserving speech** A member may second a motion or amendment and may speak to it immediately after the mover or may reserve the right to speak later in the debate.
- A seconder of a motion has priority over any members (other than the mover of the motion) on the speaking list for the motion or amendment they have seconded.
- 20.2 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.
- 20.3 Limitation on speakers** If three speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary or for any amendment. 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.
- 20.4 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.
- 20.5 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.
- 20.6 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 a maximum of ten minutes at the chairperson'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 a maximum ten minutes at the chairperson'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. However, members are expected to be concise and to the point.

-
- 20.7 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.
- 20.8 Right of reply** The mover of an original motion or an 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.
- However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.
- The mover of a foreshadowed amendment may reply at the conclusion of the debate on the amendment if the foreshadowed amendment has been debated.
- Movers in reply are not to introduce any new matter nor summarise the debate. Movers in reply must confine themselves strictly to addressing questions or issues raised by previous speakers.
- 20.9 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.
- 20.10 No speaking after reply or putting the motion** A member may not speak to any motion once:
- (a) the mover has started their right of reply in relation to the motion; and
 - (b) the chairperson has started putting the motion.
- 20.11 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.
- The name of the member and matter on which they have addressed the meeting are to be recorded in the minutes.
- 20.12 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.
- 20.13 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.
- 20.14 Community Board to speak at debate** When a motion under debate relates to a matter that a community board considers being of particular interest to the residents within its community, the chairperson of the community board may speak in the debate but not vote on or move amendments to the motion. Such participation is subject to these standing orders.

21. MOTIONS AND AMENDMENTS

- 21.1 Proposing motions** Any member present may move a motion or amendment (subject to standing order 22. General procedures for speaking and moving motions). If a member wishes to move a motion that differs from the officers' recommendations, then they must state that they are moving the motion "pro-forma", and must specify the changes they wish to make to the officers' recommendations. The seconder of the motion may also support the changes introduced by the mover.
- 21.2 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.
- 21.3 Clarification of motions or amendments** Notwithstanding standing order 21.2, if the mover of a motion or amendment agrees, the chairperson may move an amendment to clarify the intent of a motion or amendment without the requirement of a seconder.
- The chairperson may move such a motion whether or not the chairperson has already spoken to the motion or amendment.
- 21.4 Withdrawal of motions and amendments** 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.
- 21.5 Substituted motion** Where a motion is subject to an amendment, the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
- 21.6 Motions and amendments in writing** The chairperson may require movers of motions or amendments to provide them in writing and provide their name.
- 21.7 Motions expressed in parts** The chairperson or any member may require a motion expressed in parts to be decided part by part.

21.8 Proposing amendments

Subject to the option selected under standing order 22, and except for reports from statutory hearing committees, any member present may move an amendment to a motion that has been moved and seconded. Only one amendment may be discussed a time.

The mover or seconder of a motion for the adoption of the report of a committee or subcommittee may, with the leave of the meeting, only propose a minor amendment for the purpose of clarifying the intent of the report to ensure appropriate process is followed.

21.9 Amendment to statutory hearing reports

When the Council is considering a recommendation resulting from a statutory hearing process, no amendment may be moved other than:

- (a) by the chairperson of the committee making the report, or the commissioner, or a member authorised by the chairperson or commissioner to clarify or correct an error or omission in the report; or
- (b) by the chairperson of the committee making the report or a member authorised by the chairperson on behalf of the committee unanimously.

21.10 Amendments not accepted

A proposed amendment in any meeting will not be accepted if it:

- (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 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 21.15 and 21.16; or
- (f) amounts to a direct negative of the substantive motion.

The chairperson's ruling may be challenged and requires a vote of not less than 75% of the members present and voting to be overturned.

21.11 Foreshadowing amendments

A member may indicate, while an amendment is under debate, that they intend to move a subsequent amendment once the amendment under debate has been resolved.

Members foreshadowing subsequent amendments for later in the debate should notify the chairperson of their intention and the nature of those amendments.

Members foreshadowing an amendment may indicate whether or not they have a seconder. Members speaking in debate following the foreshadowed amendment may indicate their support for or opposition to the foreshadowed amendment where it relates to the amendment currently under debate.

Once the initial amendment under discussion has been resolved, the chairperson may invite a member with a foreshadowed amendment to move the amendment

21.12 Lost amendments

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

21.13 Carried amendments

Where an amendment is carried, the motion as amended becomes the substantive motion, and members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

21.14 Lost motion

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

21.15 Referral of motion

A committee need not refer to the Council any motion that is within its delegated authority as per its terms of reference.

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

(See standing order 25.2)

**21.16 Referral of motion
lost**

Notwithstanding standing order 21.15, 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 chairperson, 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 chairperson, 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 chairperson of the relevant committee shall move the lost motion (with or without changes) and explain the nature of the matter. The chairperson of the relevant committee has the discretion to vote for or against the motion.

**21.17 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 or amendment.

If the mover or seconder is not present, the chairperson must either temporarily adjourn the meeting until the member's return or call for another member to replace the absent member. If no member replaces the absent member, the motion or amendment will lapse. Lapsing of an amendment will not cause the debate on the original motion to cease. The reason for the motion lapsing will be recorded in the minutes.

**21.18 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.

**21.19 Flow chart of motions
and amendments**

A flow chart illustrating the process regarding motions and amendments is attached as appendix 5.

22. GENERAL PROCEDURES FOR MOTIONS AND AMENDMENTS

22.1 Options for speaking, moving or seconding motions and amendments

The standing orders provide three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for:

- (a) all its meetings in the triennium;
- (b) the meeting of the day; or
- (c) any specified items on the agenda.

22.2 Option A

The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).

Only members who have not spoken to the original or substituted motion may move or second an amendment to it.

The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.

Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.

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

22.3 Option B

The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).

Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.

The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.

Members can speak to any amendment.

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

22.4 Option C

The mover and seconder of a motion can move or second an amendment.

Any member, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.

The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.

Members can speak to any amendment.

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

23. NOTICE OF MOTION

23.1 Notice 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 not less than four weeks prior to the specified meeting and be signed by at least one third of the members of the local authority.

Notice of motion can be sent via email and include the scanned electronic signature of the mover.

The chief executive shall arrange for a report on the item as appropriate.

-
- 23.2 Item to be placed on agenda** Items submitted by members will be placed on the agenda of the specified meeting, unless:
- (a) the chairperson refuses to accept the item raised for the reasons set out in standing order 23.3; or
 - (b) the chairperson of the relevant committee or subcommittee decides to place the item on the agenda of the next meeting (the chairperson will only be able to defer the item once); or
 - (c) the chief executive, in consultation with the relevant chairperson, 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.
- 23.3 Grounds for refusing notice of motion** 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 chairperson, to the same effect as a previous resolution of the Council, committee or subcommittee.
- Reasons for refusing the notice of motion should be provided to the proposer, and the ruling of the chairperson is final.
- 23.4 Mover of notice of motion** Notices of motion may not proceed in the absence of the mover, unless moved by another member authorised to do so, in writing, by the mover.
- 23.5 Alteration of notice of motion** A notice of motion may be altered only by the mover with the agreement of a majority of those present at the meeting. Once moved and seconded, no amendments may be made to a notice of motion.
- 23.6 When notices of motion lapse** Notices of motion that are not moved on being called for by the chairperson shall lapse.

23.7 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, if not a member of that committee, must have the right to move that motion and have a right of reply, as if a committee member.

23.8 Repeat notices of motion When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion, in the opinion of the chairperson, may be accepted within the next six months, unless signed by a majority of all members, including vacancies. The chairperson's ruling is final.

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

24. REVOCATION OR ALTERATION OF RESOLUTIONS

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

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the Local Government Act 2002.

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

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.

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.

24.2 Restrictions on actions on the affected resolution

Where a notice of motion has been given in terms of standing order 24.1, 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:

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

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

24.3 Revocation or alternation to be made by the body responsible for the resolution

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

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

24.4 Revocation or alteration of resolution at same meeting

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

24.5 Revocation or alternation of resolution via report by chief executive

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 two 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.

25. PROCEDURAL MOTIONS

- 25.1 Procedural motions during debate** Procedural motions may only be moved once an item has been moved and seconded and debate on an item on the agenda has commenced.
- 25.2 Procedural motions to close 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 ordinary meeting (unless the member states an alternative time and place); or
 - (b) that the item of business being discussed be adjourned to a specified time and place and not be further discussed at the meeting; 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 ordinary meeting of the Council.
- 25.3 Voting on procedural motions** All procedural motions will be determined by a majority of those members present and voting, except the procedural motion to put the motion (closure motion) which will be carried only by a vote of not less than 75% of the members present and voting.
- If the motion is lost no member may move a further procedural motion to close or adjourn the debate until three members have spoken.
- 25.4 Procedural motions to be taken immediately** Procedural motions to terminate or adjourn debate take precedence over other business, except points of order and right of reply. If the procedural motion is seconded, the chairperson must put it to the vote immediately without discussion or debate.
- 25.5 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.
- 25.6 Chairperson’s acceptance of closure motions** The chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so. However, the chairperson must put a closure motion if there are no further speakers in the debate.

- 25.7 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.
- 25.8 Debate on items previously adjourned** 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.
- 25.9 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.
- 25.10 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.
- 25.11 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 the meeting resolves otherwise.
- 25.12 Table of procedural motions** A table of procedural motions is included in these standing orders as appendix 6.

26. POINTS OF ORDER

26.1 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. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

For clarification, no seconder is required for points of order.

26.2 Specificity of 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.

26.3 Points of order during division

No point of order may be raised during a vote except by the permission of the chairperson.

26.4 Multiple points of order

A second point of order may not be raised until the first has been resolved.

26.5 Types of points of order

Points of order can only be used only in the following circumstances:

- (a) **disorder** – bringing disorder to the attention of the chairperson;
- (b) **language** – use of disrespectful, offensive or malicious language;
- (c) **irrelevance** – the topic being discussed is not the matter currently before the meeting;
- (d) **misrepresentation** – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) **breach of standing order** – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) **to request the recording of words**, such as a request that the minutes record words that have been the subject of an objection;
- (g) **to prevent a motion or amendment** relating to substantially the same issue considered by Council or committee within the previous six months – unless the motion is raised through standing orders 23 or 24.

26.6 Contradictions

Rising to express a difference of opinion or to contradict a statement of a previous speaker does not constitute a point of order.

26.7 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.

27.VOTING

27.1 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 2002]

27.2 Casting voting

"For the purposes of [standing order 27.1], the mayor or chairperson or other person presiding at the meeting:

- (a) has a deliberative vote; and"
- (b) in the case of an equality of votes, has a casting vote.

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

27.3 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 2002]

27.4 Members must vote

Every member present when a motion is put must vote (i.e. no abstention allowed) unless they are prevented from doing so by a conflict of interest (either pecuniary or non-pecuniary).

27.5 Members may have their votes recorded

Any member's vote must be recorded in the minutes if so requested by that member.

27.6 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.
- (d) At a meeting of the Council, all voting shall be by division.

27.7 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.

27.8 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.

28. CONFLICTS OF INTEREST

28.1 Financial conflicts of interest

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in section 6 of Local Authorities (Members' Interests) Act 1968 applies to them, or the Auditor-General has granted them an exemption or declaration under that section.

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

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

[s. 6 & 7, Local Authorities (Members' Interests) Act 1968]

**28.2 Non-financial
conflicts of interest**

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

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

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

29. QUALIFIED PRIVILEGE

**29.1 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 1987]

**29.2 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 1987]

**29.3 Qualified privilege
additional to any
other provisions**

The privilege conferred by standing order 29.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

30. MINUTES OF PROCEEDINGS

30.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised, the minutes are the prima facie evidence of the proceedings they relate to.

[cl. 28, Schedule 7, LGA 2002]

30.2 Matters recorded in minutes

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

- The date, time and venue of the meeting;
- The names of those members present;
- The names of those members attending the meeting by means of an audio or audiovisual link;
- 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 participation 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;
- The names of all movers and seconders
- Any objections to words used;
- All divisions taken and, if taken, a record of each member's vote;
- The names of any members requesting the recording of their abstentions or votes;
- Any personal explanation made by a member;
- Declarations of conflicts of interest and their nature;
- Contempt, censure and removal of any members;
- Resolutions to exclude members of the public;
- The names of people permitted to stay in the public-excluded part of the meeting; and
- The time that the meeting concludes or adjourns.

-
- 30.3 Minutes of business in public excluded** The record of the business taken in the public-excluded session shall be kept separately.
- 30.4 Authentication of minutes** Minutes of a meeting shall be entered and authenticated at a succeeding meeting of the local authority or committee. The relevant chair shall sign the record, including any agreed amendments, when approved by the meeting.
- 30.5 No discussion on minutes** No discussion may arise on the substance of minutes except as to their correctness.
- 30.6 Minutes of last meeting before election** The chairperson of the relevant meeting of a committee or the Council and the chief executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.
- 30.7 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.

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

[s. 51, LGOIMA 1987]

31. PUBLIC PARTICIPATION

- 31.1 No public participation at certain meetings** There shall be no public participation at the first meeting of the Council following its election.
- 31.2 Public participation requirements and limits** A maximum of 60 minutes will be set aside for public participation at the commencement of any public meeting of the Council or committee, provided a written notice has been given to the chief executive by 12:00 noon of the working day prior to the meeting concerned. The chairperson has the discretion to increase the 60 minutes time limit.
- The public participation procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or subcommittee sits in a quasi-judicial capacity.

31.3 Grounds for refusing requests for Public participation or for termination of address

The chairperson has the discretion to refuse requests for public participation or to terminate a presentation at any time where:

- (a) The speaker is repeating views presented by an earlier speaker at the same meeting;
- (b) The speaker is being repetitious, disrespectful or offensive;
- (c) where the person or group of people with a specific purpose or common view an interest group or organisation has been heard on the same item at a subcommittee or committee prior to it being referred to a committee or the Council for consideration or decision;
- (d) the public participation relates to a matter that is subject to legal proceedings or a statutory hearing process, including the hearings of submissions where the local authority or committee sits in as a quasi-judicial capacity;
- (e) the item does not fall within the scope of the agenda for a Council meeting;
- (f) the meetings are scheduled for the purpose of oral hearings only.

If public participation is declined under (e), the chairperson must refer the public participant to the relevant committee.

If the chairperson is on a leave of absence or has tendered an apology in advance of the meeting, or has declared a conflict of interest on the item of business, the authority under this standing order may be exercised by:

- (a) the deputy chairperson or acting chairperson (if such an appointment has been made); or
- (b) the chief executive.

-
- 31.4 Grounds for removing the public** “The person presiding at any meeting of any local authority may, if that person believes, on reasonable grounds, that the behaviour of any member of the public attending that meeting is likely to prejudice or to continue to prejudice the orderly conduct of that meeting if that member of the public is permitted to remain in that meeting, require that member of the public to leave the meeting.
- If any member of the public who is required to leave a meeting of a local authority—
- (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 person presiding at the meeting,—
- any constable, or any officer or employee of the local authority, may, at the request of the person presiding at the meeting, remove or, as the case may require, exclude that member of the public from the meeting.”
- [s.50, LGOIMA 1987]**
- 31.5 Public participation not allowed for certain business** Public participation will not be 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.
- 31.6 Urgency or major public interest** Notwithstanding standing order 31.1 or 31.3, 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 participation be received.
- 31.7 Questions during public participation** After public participation 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.
- 31.8 Time limit on public participation** A limit of five minutes is placed on any individual speaker addressing a meeting. An interest group or organisation is allowed up to ten minutes in total for all speakers. The allocated time includes questions from the members.
- The chairperson has the discretion to:
- (a) extend the time limit for individual speakers; and
 - (b) Reduce the time limit for interest groups and organisations if doing so would allow a bigger number of public participants within the 60 minutes limit.
- 31.9 No resolutions on matters raised at public participation** Following the public participation no debate or decisions will be made at the meeting on issues raised during public participation unless directly related to items already on the agenda.

32. PETITIONS

32.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories).

Petitions must not be disrespectful, self-promotional, use offensive language or include malicious statements (*see standing order 29*). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

Any person may present a petition on behalf of the petitioners. The presenter is allowed five minutes (which includes questions from members) to speak as to the contents of their petition. The time limit may be extended at the discretion of the chairperson.

32.2 Presenting petitions

A petition must be received by the chief executive at least ten working days before the date of the meeting at which it is to be presented.

The chairperson of the meeting has the discretion to decline petitions if they fall outside the jurisdiction of Council.

The chief executive may arrange for a preliminary response to the matters set out in the petition, as appropriate. If such a response is given, then it will be included in the agenda.

Once the petition has been presented, the meeting shall decide what further action is to be taken on the issues set out in the petition, if any.

At any time during the presentation, if the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate the presentation.

33. QUESTIONS

33.1 Questions regarding items on an agenda

Officers may, at the request of the chairperson, 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 chairperson.

33.2 Questions 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.

Before putting a question the member shall, in the first instance, endeavour to obtain the relevant information from the appropriate officer or the chairperson of the relevant committee.

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; or
- be frivolous, vexatious, or offensive, or
- be a statement not requiring an answer.

(See standing order 19.5)

34. INFORMATION TO MEMBERS

34.1 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 chairperson 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.

APPENDIX 1: GROUNDS TO EXCLUDE THE PUBLIC FROM MEETINGS

(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:

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.

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- (a) protect the privacy of natural persons, including that of deceased natural persons; or
- (b) protect information where the making available of the information:
 - (i) would disclose a trade secret; or
 - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
- (c) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
- (d) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
 - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) would be likely otherwise to damage the public interest; or
- (e) avoid prejudice to measures protecting the health or safety of members of the public; or
- (f) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (g) maintain the effective conduct of public affairs through the protection of members, officers or employees of any local authority from improper pressure or harassment; or
- (h) maintain legal professional privilege; or
- (i) enable the local authority holding the information to carry out, without prejudice or

disadvantage, commercial activities; or

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

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

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.

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).

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 2: 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:

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

| | | |
|------------------------------------|--|---|
| <p>4 <i>Hearings Committee</i></p> | <p>To enable the Committee to consider the application and submissions.</p> <p style="text-align: center;">OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p style="text-align: center;">OR</p> <p>To enable the Committee to.</p> | <p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <ul style="list-style-type: none"> i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p> |
|------------------------------------|--|---|

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

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

| Item No | Interest |
|---------|--|
| | Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)) |
| | In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba)) |
| | Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c)) |
| | Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d)) |
| | Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e)) |
| | Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)). |
| | Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h)) |

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

NOTE –

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

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

APPENDIX 3: POWERS OF A 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 standing orders shall be authoritative. The relevant standing orders are referred to in brackets.

CHAIRPERSON TO DECIDE

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 16.2)

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 order 16.2)

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 vote of not less than 75% of the members present and voting unless specified otherwise.

(See standing order 16.3)

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 vote except by permission of the chairperson.

(See standing orders 26.3 and 26.7)

AGENDA

Order of items on agenda

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson accords 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 and voting at the meeting.

(See standing order 19.1)

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 19.7 and 19.8)

VOTING

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 27.2)

Clarification of motions and amendments

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 21.3)

DEBATE

Order

The chairperson will establish order by calling "order" to draw attention to the call for order.

(See standing order 17.1)

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 16.4)

Members may leave places

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

(See standing order 16.5)

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 16.6)

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 20.2)

Limitation on speakers

If three speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary. 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.

(See standing order 20.3)

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 20.4)

Reading of speeches

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

(See standing order 20.5)

Time limits on speakers

The chairperson may decide any extension of the time limits on speakers specified in standing orders

(See standing order 20.6)

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 20.11 and 20.12)

MOTIONS AND AMENDMENTS

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 21.6)

Motion in parts

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

(See standing order 21.7)

Amendments not accepted

The chairperson may not accept an amendment to a motion if it is not directly relevant to the original motion; or is in conflict with any amendment that has been carried; or is

in similar terms to an amendment that has been lost; or would, if carried, negate a motion carried at a committee meeting under its delegated authority; or is in conflict with a substantive motion referred at that meeting to the Council under standing order 21.15 or 21.16; or amounts to a direct negative of the substantive motion.

(See standing order 21.10)

Notice of motion

The chairperson may refuse to accept any notice of motion which is disrespectful, not related to the functions of the local authority or is concerned with matters where decision-making authority has been delegated to a subordinate body of the local authority. Reasons for refusing a notice of motion should be provided to the proposer.

(See standing orders 23.3)

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 24.2)

Repeat notice of motion

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by a majority of the members of the local authority, including vacancies.

(See standing order 24.8)

Acceptance of closure motion

The chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the chairperson considers it reasonable to do so. However, the chairperson must put a closure motion if there are no further speakers in the debate.

(See standing order 25.6)

CALLING OR ADJOURNING A MEETING

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 6.7 and 12.5)

Temporary adjournment

The chairperson may, at any time, temporarily adjourn a meeting for up to one hour or until a conflicting meeting has ended or adjourned.

(See standing order 11.8)

AUTHENTICATING MINUTES

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 30.1, 30.4 and 30.6)

PUBLIC PARTICIPATION AND PETITIONS

Public participation

The chairperson must approve requests to address a meeting. The chairperson may refuse requests for public participation that are considered repetitious or offensive or where the request is from a person or group that has addressed a committee or subcommittee on the same subject prior to it being referred to the Council for a decision or where the matter is subject to a statutory hearing process currently before the Council.

(See standing order 31.3)

Notice period

The chairperson may determine public participation is received where insufficient notice is given if the matter is sufficiently urgent or of major public interest.

(See standing order 31.5)

Extension of time for public participation

The chairperson may extend the total time for public participation at the commencement of any meeting and may extend the time limit for speaking for an individual or group of speakers.

(See standing orders 31.2 and 31.8)

Questions of speakers

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

(See standing order 31.7)

Termination of address

The chairperson may terminate an address in progress by a speaker as part of public participation or when presenting a petition which is disrespectful or offensive or where the chairperson has reason to believe that statements have been made with malice.

(See standing order 31.3 and 32.5)

DISORDERLY BEHAVIOUR

Speakers to be heard in silence

Where the chairperson is of the view that a debate may lead to disorder, the chairperson may direct that a speaker or speakers be heard in silence by members.

(See standing order 17.2.)

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 17.5)

(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 17.6)

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 17.3, 17.6 and 31.4)

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

(See standing orders 17.10)

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 17.11 and 31.4)

Adjournment of meeting following disorder

The chairperson may adjourn a meeting for a specified time following disorder.

(See standing order 17.8)

APPENDIX 4: CHAIRPERSON'S RULINGS

(Normative)

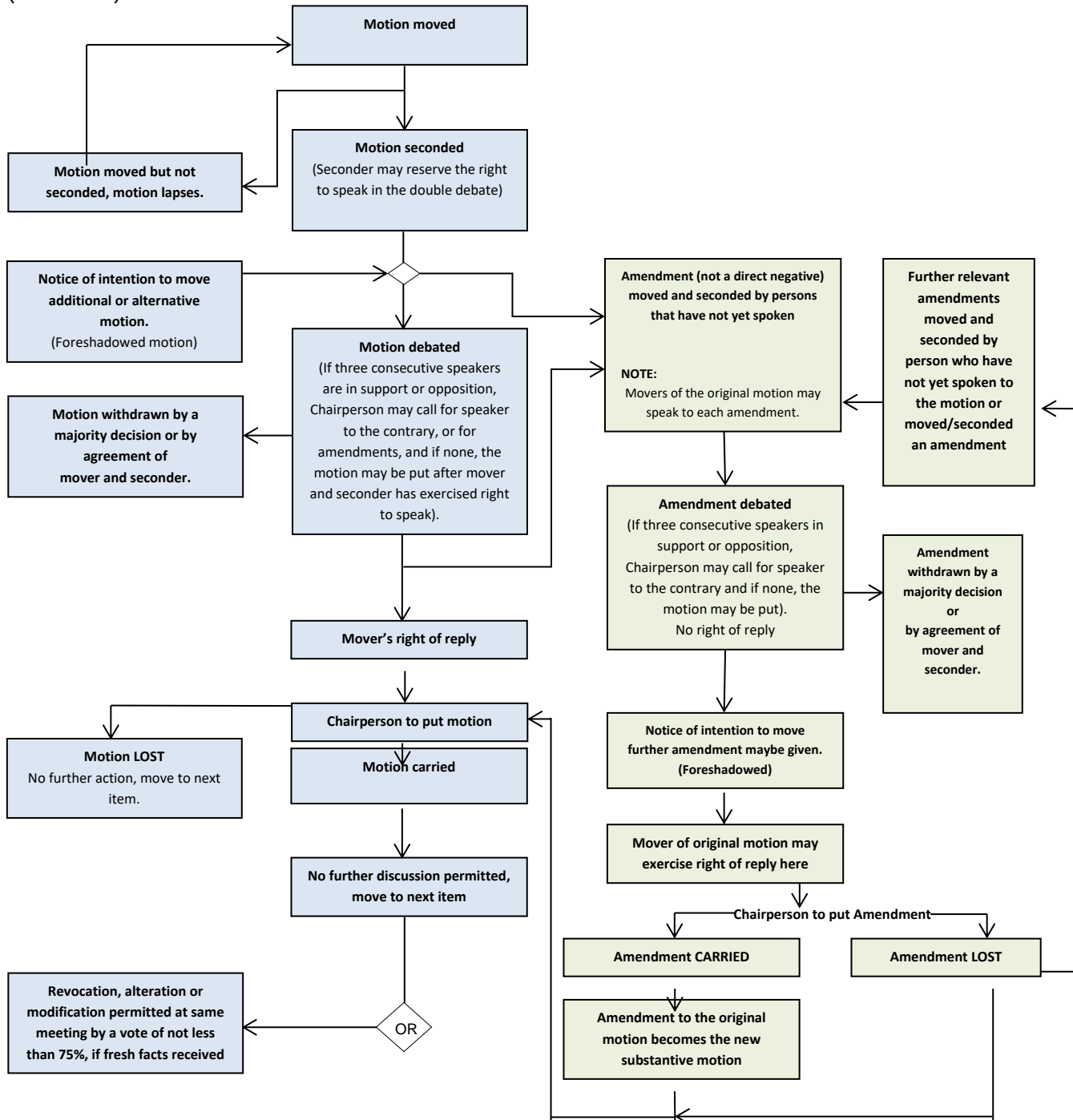
Standing Order 16.2 provides for the chairperson to make rulings. Any ruling of the chairperson is deemed final unless deemed otherwise in these standing orders. Standing order 16.3 provides for challenge of the chairperson's rulings that are not deemed final.

| Standing Order – Ruling provisions | Status of ruling |
|--|--|
| 17.3 Disorderly members to withdraw | Open to challenge by a vote of not less than 75% of the members present and voting |
| 17.5 Retraction and apologies | Open to challenge by a vote of not less than 75% of the members present and voting |
| 17.6 Withdrawal from meeting | Open to challenge by a vote of not less than 75% of the members present and voting |
| 17.8 Adjournment of meeting following disorder | Final |
| 11.8 Temporary adjournment of meeting | Open to challenge by a vote of not less than 75% of the members present and voting |
| 19.1 Re-ordering of agenda items | Open to challenge by a simple majority vote of the members present and voting |
| 20.2 Irrelevant matter and needless repetition | Final |
| 20.6 Time limits on speakers | Open to challenge by a vote of not less than 75% of the members present and voting |
| 20.11 Personal explanation | Open to challenge by a vote of not less than 75% of the members present and voting |
| 20.12 Explanation of previous speech | Open to challenge by a vote of not less than 75% of the members present and voting |
| 21.6 Motions and amendments in writing | Open to challenge by a vote of not less than 75% of the members present and voting |
| 21.7 Motions expressed in parts to be decided in parts | Open to challenge by a vote of not less than 75% of the members present and voting |
| 21.10 Amendments not accepted | Open to challenge by a vote of not less than 75% of the members present and voting |
| 23.3 Grounds for refusing notice of motion in notice of motion | Final |
| 24.8 No repeats where notice of motion adopted | Final |
| 25.3 Voting on procedural motions | Open to challenge by a vote of not less than 75% of the members present and voting |
| 26.7 Points of Order | Final |
| 13.2 Removal of member of public | Open to challenge by a vote of not less than |

| Standing Order – Ruling provisions | Status of ruling |
|--|--|
| | 75% of the members present and voting |
| 31.3 Termination of address if disrespectful | Open to challenge by a vote of not less than 75% of the members present and voting |

APPENDIX 5: MOTIONS AND AMENDMENTS

(Normative)



Item 3.2 Attachment 1

APPENDIX 6: TABLE OF PROCEDURAL MOTIONS

(Normative)

(See standing orders 25.1 to 25.12 and 26.1 to 26.7)

| 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. Votes required: majority |
| (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. | Votes required: majority |

| 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 |
|--|---|-----------------------|-------------------------|---|--|---|---|---|---|---|--|
| (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. Votes required: not less than 75% |
| (d) "That the item of business being discussed be laid on the table, and not be further discussed at that meeting." | No | Yes | No | No | No | No | No | Yes – 15 minutes. | If carried, the original motion and amendment are adjourned. | Motion not in order. | Votes required: majority |
| (e) "That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority." | 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. | Votes required: majority |

| 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 |
|--|---|-----------------------|------------------------------------|---|--|---|---|---|---|---|--|
| (f) "That a motion under debate at committee be referred to the next ordinary meeting of the Council." | 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. | Votes required: majority |
| 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 26.1 to 26.7. No voting required. |

APPENDIX 7: PROCESS FOR REMOVING A MEMBER FROM A MEETING

(Normative)

| | |
|--|---|
| <p>The chairperson will establish order by calling "order" to draw attention to the call for order.</p> <p>The members will respond to a call for order by ceasing to speak and, if standing, resuming their seats immediately. <i>(Standing order 17.1)</i></p> <p style="text-align: center;">↓</p> <p>Should any member refuse to obey a call to order, such member may be directed by the chairperson to withdraw from the meeting for a period determined by the chairperson. <i>(Standing order 17.3)</i></p> <p style="text-align: center;">↓</p> <p>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. <i>(Standing order 17.7)</i></p> <p style="text-align: center;">↓</p> | <p>No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language.</p> <p>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. <i>(Standing order 17.4)</i></p> <p style="text-align: center;">↓</p> <p>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. <i>(Standing order 17.5)</i></p> <p style="text-align: center;">↓</p> <p>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. <i>(Standing order 17.6)</i></p> <p style="text-align: center;">↓</p> |
| <p>The chairperson will say:</p> <p><i>"Councillor [name], you have been warned about your (describe behaviour). You are refusing to comply with my direction and therefore refusing to comply with standing orders. You are required by the Local Government Act 2002 to abide by standing orders. I now under standing order (specify SO 17.3, 17.5 or 17.7) require you to withdraw from the meeting until (specify time)."</i></p> <p style="text-align: center;">↓</p> <p>The chairperson's ruling may be challenged by a member and such a challenge must be immediately validated by a vote of not less than 75% of the members present and voting. Any member who refuses to obey any validated order or ruling of the chairperson shall be guilty of contempt (by resolution). <i>(Standing order 17.10)</i></p> <p style="text-align: center;">↓</p> <p>If the chairperson makes a ruling on disorderly behaviour, the records of the meeting will state the name of the member, the directions of the chairperson and the reasons for the ruling made by the chairperson. <i>(Standing order 17.9 and 17.10)</i></p> <p style="text-align: center;">↓</p> <p>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 chairperson's ruling is final. <i>(Standing order 17.8, 17.11)</i></p> | |

APPENDIX 8: MAYOR'S POWERS TO APPOINT UNDER S.41A LGA 2002

(Normative)

The role of a Mayor is:

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

The mayor has authority to:

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

The Council retains the ability to:

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

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

**APPENDIX 9: PROCESS FOR REMOVING A CHAIRPERSON OR DEPUTY
MAYOR FROM OFFICE**

(Normative)

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

cl. 18, Schedule 7, LGA 2002.

APPENDIX 10: WORKSHOPS

(Informative)

Definition of workshop

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

Application of standing orders to workshops

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

Calling a workshop

Workshops, briefings and working parties may be called by:

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

Process for calling workshops

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

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

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

APPENDIX 11: PROCESS FOR RAISING MATTERS FOR A DECISION

(Normative)

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

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

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

- report of chief executive

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

APPENDIX 12: GUIDELINES FOR BROADCASTING MEETINGS

(Informative)

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

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

4. Public Excluded

Recommendation

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

| General subject of the matter to be considered | Reasons for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution |
|--|--|--|
|--|--|--|

- | | | |
|--|--|--|
| 4.1 Public Excluded Report of the Regulatory Processes Committee Meeting of 4 March 2020 | | |
|--|--|--|
-

