



AGENDA

Inaugural Temuka Community Board Meeting Monday, 7 November 2022

Date Monday, 7 November 2022

Time 5pm

Location Temuka Library/Service Centre
King Street
Temuka

File Reference 1537434

Temuka Community Board

Notice is hereby given that a meeting of the Temuka Community Board will be held in the Temuka Library/Service Centre, King Street, Temuka, on Monday 7 November 2022, at 5pm.

Temuka Community Board Members

Alison Talbot, Charles Scarsbrook, Gaye Broker, Aimee Baird, Nicola Nimo, Clr Michelle Pye and Clr Scott Shannon

Local Authorities (Members' Interests) Act 1968

Community Board members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table

Bede Carran
Chief Executive

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- 1 Apologies**
- 2 Public Forum**
- 3 Identification of Items of Urgent Business**
- 4 Identification of Matters of a Minor Nature**
- 5 Declaration of Conflicts of Interest**
- 6 Chairperson's Report**

7 Reports

7.1 Declaration by Temuka Community Board Members

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Declaration

Members of the Temuka Community Board are required to make and sign a declaration, pursuant to section 54(1) and clause 14 of Schedule 7 of the Local Government Act 2002.

Charles William SCARSBROOK

Alison Elizabeth TALBOT

Aimee Norma BAIRD

Nicola Elizabeth NIMO

Doreen Gaye BROKER

The wording of the declaration is below.

Declaration by Community Board Member

I, *[full name of member]*, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Temuka community, the powers, authorities, and duties vested in, or imposed upon me as a member of the Temuka Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Attachments

Nil

7.2 Election of Chairperson

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That the Temuka Community Board uses either:
 - (i) System A, or
 - (ii) System Bpursuant to clause 25(4) schedule 7 of the Local Government Act 2002 to elect one of its members as its Chairperson.
2. That the Temuka Community Board elects one of its members as the Chairperson.

Purpose of Report

- 1 To select a voting system for the election of one of its members as chairperson of the Temuka Community Board. The Chief Executive will call for nominations for the position of chairperson.

Assessment of Significance

- 2 The election of a chairperson to a Community Board will be a matter of public interest to the Temuka Community. However, when assessed against Council's Significance and Engagement Policy it is a matter of low significance. The chairperson's election and accompanying process is a statutory requirement under the Local Government Act 2002 (LGA) refer section 54(10) and clause 17 schedule 7 of the LGA. They do not touch on strategic assets, rates or levels of service.

Discussion

- 3 The Local Government Act 2002 (LGA) requires the Temuka Community Board to have a chairperson (clause 37 schedule 7 of the LGA). The Community Board when electing a chairperson must decide by resolution to use one of the following two voting systems as set out below (refer clause 25 schedule 7 of the LGA):
- 4 **System A—**
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the Community Board present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

- (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
- (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B—

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.
- 5 Broadly, System A requires the successful candidate to have more than 50% of the votes of those present and voting. To attain that may require more than one round of voting. In contrast System B will only require one round of votes and the successful candidate is the one with the most votes. In the event of an equality of votes between 2 candidates the successful candidate is resolved by lot.

Options and Consultation

- 6 There is only one practicable option available to the Community Board as there is a statutory obligation to elect a chairperson and the process for doing so is specified in the LGA.
- 7 Consultation is not required as it is the members who elect and appoint the chairperson.

Relevant Legislation, Council Policy and Plans

Local Government Act 2002

Attachments

Nil

7.3 Election of Deputy Chairperson

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That the Temuka Community Board uses either:
 - (i) System A, or
 - (ii) System B

pursuant to clause 25(4) schedule 7 of the Local Government Act 2002 to elect one of its members as its Deputy Chairperson.
2. That the Temuka Community Board elects one of its members as the Deputy Chairperson.

Purpose of Report

- 1 To appoint a deputy chairperson to the Temuka Community Board. The Chairperson will call for nominations for the position.

Assessment of Significance

- 2 The election of a deputy chairperson to a Community Board will be a matter of public interest to the Temuka Community. However, when assessed against Council's Significance and Engagement Policy it is a matter of low significance. The deputy chairperson's election and accompanying process for election is a statutory requirement under the Local Government Act 2002 (LGA), refer section 54 (1) and clause 17 schedule 7 of the LGA. They do not touch on strategic assets, rates or levels of service.

Discussion

- 3 The Temuka Community Board is required to elect one of its members as its deputy chairperson. The deputy chairperson performs the functions of the chairperson when they are unavailable or unable to perform their usual role as chair. In keeping with the process for election of the chairperson the Community Board is required to use either System A or System B (refer clause 25 schedule 7 of the LGA) to elect its deputy chairperson.
- 4 **System A**—
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the Community Board present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

- (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
- (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B—

- (c) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
 - (d) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.
- 5 Broadly, System A requires the successful candidate to have more than 50% of the votes of those present and voting. To attain that may require more than one round of voting. In contrast System B will only require one round of votes and the successful candidate is the one with the most votes. In the event of an equality of votes between 2 candidates the successful candidate is resolved by lot.

Options and consultation

- 6 There is only one practicable option available to the Community Board as there is a statutory obligation to elect a deputy chairperson and the process for doing so is specified in the LGA.
- 7 Consultation is not required as it is the members who elect and appoint the deputy chairperson.

Relevant Legislation, Council Policy and Plans

Local Government Act 2002

Attachments

Nil

7.4 General Explanation by the Chief Executive

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

That the Temuka Community Board receives and notes the advice of the Chief Executive regarding key legislation that applies to members of the Community Boards.

Purpose of Report

- 1 To give the overview of key legislation and its application to members of the Temuka Community Board.

Assessment of Significance

- 2 This matter is important and the report is a statutory requirement. However, in respect of Council's Significance and Engagement Policy it does not require direct community engagement and consultation as it does not affect strategic assets, levels of service or rates.

Background

- 3 Clause 21(5)(c) to Schedule 7 of the Local Government Act 2002 (**LGA**) requires the Chief Executive to give a general explanation of the following Acts of Parliament at the first meeting:
 - The Local Government Official Information and Meetings Act 1987 (**LGOIMA**); and
 - 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
 - Financial Markets Conduct Act 2013 (FMC Act)
- 4 A broad principle of these Acts of Parliament and their provisions is to ensure that elected members are informed of their fiduciary obligations to remain free and untainted from pecuniary gain or advantage arising from holding public office.

Discussion

Local Government Official Information and Meetings Act 1987

- 5 The LGOIMA has the following purposes under section 4:
 - To increase progressively the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order –
 - to enable more effective participation by the public in the actions and decisions of local authorities; and
 - to promote the accountability of local authority members and officials,-

and thereby to enhance respect for the law and to promote good local government in New Zealand.

- To provide for proper access by each person to official information relating to that person.
- To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

6 Most requests for information held by Council (and Elected Members in their official capacity) that are made to Council come within the ambit of the LGOIMA. Any person can ask for official information. Broadly, official information is any information held by a local authority. There are exclusions for (in summary):

- information held in libraries and museums and held for reference or exhibition purposes;
- information held as an agent or for safe custody and held on behalf of another person or local authority;
- information contained in correspondence and communication that has taken place between the office of the Ombudsmen and the local authority;
- information contained in correspondence and communication that has taken place between the office of the Privacy Commissioner and the local authority and which relates to an investigation by the Privacy Commissioner.

7 Section 5 of the LGOIMA stipulates that the principle to be applied when dealing with requests for information is that the information will be provided unless good reason exists for withholding it.

8 The 'good reasons' for withholding information are specified in sections 6 and 7 of the LGOIMA, and include (but are not limited to) the following:

- The making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial (section 6(a)).
- The making available of that information would be likely to endanger the safety of any person (section 6(b)).
- To protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a)).
- To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (section 7(2)(b)(ii)).
- To enable the local authority to carry out without prejudice or disadvantage commercial activities (section 7(2)(h)).
- To maintain legal professional privilege (section 7(2)(g)).
- To enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial or industrial negotiations) (section 7(i)).

9 These grounds are always subject to considering whether the public interest justifies releasing the information.

10 The LGOIMA also contains 'rules' for the conduct of meetings of Council under Part 7. These 'rules', that must be observed, are additional to those contained in Schedule 7 of the LGA or in the Council's Standing Orders. The 'rules' imposed on meetings by LGOIMA are intended to ensure that:

- Meetings of the Community Boards are publicly notified (section 46).
 - Members of the public can obtain copies of agendas of all meetings, including the reports and other information to be provided to members for consideration and discussion at the meetings (section 46A).
 - All the business dealt with at the meeting will be listed in the agenda for the meeting. However, an item that is not on the agenda can be considered at a meeting if special circumstances exist and procedures and restrictions imposed by the LGOIMA are observed (section 46A).
 - The public may only be excluded from a meeting or part of a meeting on one of the grounds specified in the LGOIMA (section 48). In general terms, the LGOIMA permits an item to be discussed in private if to do so in public would be likely to result in the disclosure of information which the Community Board has good reason to withhold for one of the reasons set out in sections 6 or 7. The LGOIMA also stipulates the procedure to be followed at a meeting where it is intended to conduct some business in the absence of the public.
- 11 The LGOIMA also contains a number of provisions to ensure the information requests are met on a timely basis (broadly within 20 working days) and to support effective meetings.
- 12 Compliance with LGOIMA by Elected Members and Council officers is supervised by the Office of the Ombudsman, which has wide powers to investigate and make recommendations. In August of this year the Ombudsman announced that he was conducting an investigation of 8 councils including Timaru District Council. In his announcement the Ombudsman noted that he would be looking into the practices of these councils regarding the use of the public excluded provisions of the LGOIMA and workshops where members of the public were not invited to attend. At the time of preparing this report the Ombudsman has conducted surveys which were open to the employees and elected members of the councils he is investigating and also the public regarding aspects of his investigation. He will at a later date also meet with and interview various officers of Council. The Ombudsman's investigation is expected to be completed by mid-2023.

Local Authorities (Members Interest) Act 1968

- 13 Generally, the purpose of the Local Authorities (Members' Interest) Act 1968 (**Members' Interest Act**) is to ensure elected members, or their close relatives, who have influence on awarding contracts or other arrangements with pecuniary advantage do not benefit personally from their fiduciary position of influence and responsibility.
- 14 The Members' Interest Act stipulates that any member who has "...directly or indirectly, any pecuniary interest, other than an interest in common with the public" in any matter before the Council shall not vote on the matter or take part in its discussion (section 6(1)).
- 15 Instances where a member is deemed to have a pecuniary interest are set out in section 6 of the Members' Interest Act. In particular, the interest of a spouse and certain involvement in a company is deemed to be the interest of the member for the purposes of the Members' Interest Act.
- 16 Section 6 also identifies situations that are deemed not to create a pecuniary interest.
- 17 Section 3 of the Members' Interest Act limits the extent to which a member may act as a contractor [or subcontractor] to the Council. Any member who earns more than \$25,000 (incl. GST) in any financial year from contracts with the Council is automatically disqualified from office unless prior Audit Office approval to the excess is obtained. It is important to note that

the Members' Interest Act extends to and applies to community boards and their elected members.

Crimes Act 1961

- 18 Under section 105(1) of the Crimes Act 1961, every "official" who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe is liable to imprisonment for a term not exceeding seven years.
- 19 Under section 105(2) of the Crimes Act 1961, every "official" who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any "official" is liable to imprisonment for a term not exceeding seven years.
- 20 Under section 105A of the Crimes Act 1961, every "official" who corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly an advantage or a pecuniary gain for himself or any other person is liable to imprisonment for a term not exceeding seven years.
- 21 Section 99 is an interpretation clause and contains the definition of "official". The term includes "... any member or employee of any local authority..." and that also include members of community boards.

Secret Commissions Act 1910

- 22 As its title suggests, the Secret Commissions Act 1910 (**SCA**) has the purpose of prohibiting secret commissions which term includes gifts and all other forms of valuable consideration.
- 23 Under the SCA, a member of the Community Board could commit an offence by, for example:
 - Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council's business; or
 - Securing a Council contract for a third person in exchange for a reward; or
 - By falsifying receipts.

Financial Markets Conduct Act 2013

- 24 If the Council seeks to borrow money from members of the public, it must ensure that any offer of debt securities is made in compliance with the Financial Markets Conduct Act 2013 (**FMCA**) which includes issuing a product disclosure statement for a regulated offer. Broadly, it is to ensure a person subscribing to the offer is fully informed of its terms and the risks attaching to products being offered. This is not something Council currently does nor proposes to do at this time. Council currently raises its finance through the Local Government Funding Agency.
- 25 The penalties for breach of the FMCA are severe, with liability potentially applying to both the Council and members individually.

Health and Safety at Work Act

- 26 The purpose of the Health and Safety at Work Act 2015 (Health and Safety at Work Act) is to provide a framework that secures the health and safety of all workers (which includes employees and volunteers) and workplaces. The Health and Safety at Work Act imposes the primary obligations for achieving this on the person conducting the business or undertaking

and its officers. Broadly, the person conducting the business or undertaking (**PCBU**) is the Council and the Mayor, Councillors and the Chief Executive are its Officers.

- 27 The mechanism for ensuring the health and safety of workers cascades down via a range of more specific obligations imposed on both the PCBU and its officers. In respect of the PCBU these obligations include:
- (a) the provision and maintenance of a work environment that is without risks to health and safety; and
 - (b) the provision and maintenance of safe plant and structures; and
 - (c) the provision and maintenance of safe systems of work; and
 - (d) the safe use, handling, and storage of plant, substances, and structures; and
 - (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and
 - (f) the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
 - (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing injury or illness of workers arising from the conduct of the business or undertaking.
- 28 In respect of the PCBU's officers, the obligations include exercising due diligence to ensure the PCBU complies with its duty and obligations. The notion of due diligence is important as it includes taking reasonable steps:
- (a) to acquire, and keep up to date, knowledge of work health and safety matters; and
 - (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and
 - (c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
 - (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
 - (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
 - (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).
- 29 Elected members are exempted from most offences and prosecution. However, they still have the due diligence duties imposed on them (section 52). A failure to comply with the obligations and duties under the Health and Safety at Work Act can give rise to prosecution and serious penalties including imprisonment for individuals and/or substantial fines for both the PCBU and its officers (noting that elected members cannot be prosecuted for failure as officers of Council to perform its duties and obligations).

Local Government (Pecuniary Interests Register) Amendment Act 2022

- 30 The Local Government (Pecuniary Interests Register) Amendment Act 2022, which takes effect from 20 November 2022, inserts new provisions sections 54A-54I in the LGA which require:
- i. A Register of elected members' pecuniary interests to be compiled and maintained.
 - ii. Annual returns to be completed by all elected members which provide information on certain pecuniary interests.
 - iii. Appointment of a Registrar to:
 - Compile and maintain a Register of those pecuniary interests.
 - Maintenance of the Register can include making corrections to a return where an error or omission has been made in a return.
 - Provide advice and assistance to elected members about the register of pecuniary interests.
 - Make a summary of the information contained in the Register publicly available.
- 31 ***The purpose of the register of members' pecuniary interests is stated in section 54B as being, to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.***
- 32 Section 54G of the LGA requires the Council to appoint a Registrar to compile and maintain the pecuniary interests' register, where the Registrar will also be available to provide advice and guidance to members in connection with their obligations to provide information on pecuniary interests.
- 33 The requirement to appoint a Registrar takes effect from 20 November 2022, which is the date that the new sections 54A-54I of the LGA come into force. Council has appointed its Chief Executive as its Registrar.
- 34 Section 54A(3) of the LGA requires Council to:
- i. Make a summary of the information contained in the register publicly available; and
 - ii. Ensure that the information contained in the register:
 - Is only used or disclosed in accordance with the register; and
 - Is retained for 7 years after the date on which a member provides the information, and is then removed from the register.

Financial and Funding Implications

- 35 There are no financial and funding implications arising from this report.

Attachments

Nil

7.5 Appointment of Community Board Representatives to Organisations

Author: Bede Carran, Chief Executive

Authoriser: Bede Carran, Chief Executive

Recommendation

- 1 That the Temuka Community Board makes a recommendation to Council in relation to the appointment of a Temuka Community Board member to the Temuka and Districts Historical Society (one voting appointment required).
- 2 That the Temuka Community Board resolves to appoint a Temuka Community Board member as a non-voting liaison person to the Temuka Promotions Association

Purpose of Report

- 1 To:
 - i. recommend to Council an appointment to the Temuka and Districts Historical Society; and
 - ii. appoint a member to the Temuka Promotions Association.

Background

- 2 Council has traditionally appointed, on the recommendation of the Temuka Community Board, a member (with voting rights) to the Temuka and Districts Historical Society.
- 3 In respect of the Temuka Promotions Association, the Temuka Community Board has traditionally appointed one of its members to be a non—voting liaison member.
- 4 For voting positions, a recommendation to Council is required. For liaison (non-voting) positions, appointments are made by the Temuka Community Board.

Consultation and financial implications

- 5 No wider consultation is required. The purpose of the appointments is to ensure a Community Board representative and perspective is available to be presented at meetings of the respective organisations, and in turn to keep the Community Board informed of the respective organisations' plans and activities.
- 6 There are no financial implications arising from the appointments.

Attachments

Nil

7.6 Temuka Community Board Meeting Dates

Author: Jessica Hurst, Governance and Executive Support Coordinator

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That the proposed Temuka Community Board 2023 meeting dates:
 - i. be noted and confirmed and
 - ii. the meeting start time be confirmed.

Purpose of Report

To receive and confirm the Temuka Community Board meeting dates and meeting start times for the 2023 calendar year.

Discussion

- 1 This is the last meeting for the 2022 calendar year. The proposed dates for the 2023 Temuka Community Board meetings are as follows:
 - Monday 30 January 2023
 - Monday 6 March 2023
 - Monday 17 April 2023
 - Monday 22 May 2023
 - Monday 3 July 2023
 - Monday 21 August 2023
 - Monday 2 October 2023
 - Monday 7 November 2023.
- 2 It is expected that the full Council 2023 meeting calendar will be confirmed at the Council meeting on Tuesday 8 November 2022 and the above dates will be included in the full Council meetings dates' calendar.
- 3 The Board has in the past commenced its meetings at 5pm. With the commencement of the new triennium, it presents, if there is a wish, to consider changing the meeting start time.

Attachments

Nil

7.7 Adoption of Standing Orders

Author: Jacky Clarke, Governance and Executive Support Manager

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That the Temuka Community Board confirms as its preference either:
 - i. Option A, or
 - ii. Option B, or
 - iii. Option Cas the default option for speaking and moving motions.
2. That the Temuka Community Board adopts the proposed Standing Orders 2022, and
3. Adopts clause 4.7 (relating to Workshops) and the reference to Council and Committee Chairperson shall be read as a reference to Temuka Community Board and Chairperson of the Board accordingly, and
4. The Mayor with the Chief Executive may make minor amendments to the Standing Orders to correct grammatical or formatting irregularities.

Purpose of Report

- 1 The purpose of this report is to propose adoption of a new set of Standing Orders for use by the Temuka Community Board.

Assessment of Significance

- 2 This matter has low significance under Council's Significance and Engagement Policy. Standing Orders provides a framework and set of rules for good governance and transparent decision making by, amongst other matters, regulating the process for meetings of the Community Board. It is a legislative requirement to have a set of Standing Orders in place, and much of what is included in them is based on legislative requirements under the Local Government Act 2002 (LGA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Background

- 3 Community Boards are required to operate under a set of Standing Orders which provide a framework and set of rules for good governance. This supports local democracy and decision making to be open, transparent and fair. The Standing Orders are an important mechanism for achieving these objectives.
- 4 The Timaru District Council's Community Boards have traditionally operated under the same Standing Orders as the Council itself. Nonetheless, it is open to the Community Board to adopt and operate under its own Standing Orders, so long as they are compliant with the requirements of the LGA, LGOIMA and any other applicable legislation.

- 5 The current Standing Orders are based on the Model Standing Orders produced by the Standards New Zealand, and in use since 2004. Council reconfirmed them in 2013 and they were updated to allow audio and audio-visual attendance by members following LGA amendments in 2014, with further minor amendments made in 2016. These were largely based on the Standards New Zealand model but did include some discretionary clauses specific to Timaru District Council.
- 6 The proposed Standing Orders are based on the model Local Government New Zealand (LGNZ) developed which has been revised and kept up to date regularly since 2016. This offers an improved, updated, more user-friendly and plain English document.
- 7 A number of changes have been made in the latest iteration of these Standing Orders to reflect current legislation and good meeting practice. Standing Orders cannot contravene the LGA, the LGOIMA nor any other relevant Act.
- 8 It is important to note that the approval of at least 75% of members present at a meeting is required to adopt and/or amend Standing Orders.
- 9 The proposed Standing Orders were adopted by Council at the inaugural meeting on 27 October 2022 and it was noted they should be presented to the Community Boards for their consideration and adoption. It is proposed that the draft Standing Orders presented with this paper be adopted by the Temuka Community Board.

Discussion

- 10 There are a number of alternative and/or discretionary clauses in the Standing Orders and discussed below where the Community Board is either required, as in the case of moving a motion, or may decide on a preferred option, such as use of a casting vote by the chairperson of the meeting.

Alternative and/or Discretionary Clauses

- 11 While the Standing Orders largely replicate the LGNZ model standing orders there are number of discretionary clauses or part clauses included for the Community Board environment. These include:
 - Clause 4.7 Workshops – propose to open to the public where practicable in the same manner as Community Board meetings
 - Clause 4.8 Reporting of Meetings – to permit recording of meetings by attendees
 - Clause 9.12 Items of business not on the agenda which cannot be delayed
 - Clause 9.13 Discussion of minor matters not on the agenda
 - Clause 13.2 Community Board member attendance at Council and Committee meetings – to formally provide speaking rights

Casting Vote

- 12 The proposed Standing Orders provide for the Chairperson or any other person presiding at a meeting to have a deliberative vote and a casting vote in the case of an equality of votes (clause 19.3). Should the Community Board prefer this option can be removed or the use of a casting vote can be prescribed for a particular situation, eg recommendations on Community Board matters to be included in a Long Term Plan. It is noted that the purpose of a casting vote is to avoid a deadlock and the risk of no clear decision being made.

Speaking and moving options

- 13 The LGNZ standing orders' model offers a choice of three frameworks (Option A, Option B or Option C) for speaking to and moving motions and amendments, to give greater flexibility when dealing with different situations.
- 14 Option A is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion, and only members who have not spoken to a motion or substituted motion, may move or second an amendment.
- 15 Option B is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments, it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- 16 Option C (the most flexible) provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.
- 17 The proposed Standing Orders currently includes Option C as the default option for the Community Boards. The Community Board can choose to agree which is its default option to apply to its meetings. It is relevant to note that a chairperson, or meeting can agree to apply one of the other options at a specific meeting, or for any specified items on the agenda.

Workshops

- 18 Clause 4.7 is a discretionary clause covering the proposed approach to workshops. Broadly, it proposes that workshops are open to the public on the same basis as meetings of the Community Board are open to the public. The requirement that where a decision is required it must be made in a meeting of the Community Board remains. Some guidance around workshops is included in the Guide to LGNZ Standing Orders (Attachment 2).

Attendance by audio or audio-visual link

- 19 Under the LGA this must be specifically provided for in the Standing Orders. The proposed Standing Orders still gives the ability for Elected Members to attend by audio or audio electronic link (Clause 13.8, 13.12, 13.13), subject to certain conditions, including approval to be sought from the Chairperson two working days before the meeting where possible.
- 20 During the Covid-19 pandemic, the government temporarily changed the law to enable members attending by audio or audiovisual means to be part of the quorum for a meeting. This was accomplished by way of the Epidemic Preparedness notice which was rolled over every three months. This notice expired on 20 October 2022, which means that while members may still attend via audiovisual or audio link and can vote, they are not included as part of the quorum for a meeting.

Urgent Business

- 21 Clause 9.12 deals with items of business not on the agenda which cannot be delayed or urgent business. These may be brought to a meeting but should be raised with the Chairperson and discussed with the Chief Executive (CE), and appropriate Group Manager (GM) or Director prior to the meeting.

Minor Matters

- 22 Clause 9.13 deals with discussion of minor matters not on the agenda. These may be brought to a meeting but should be raised with the Chairperson and discussed with the CE, and appropriate GM or Director prior to the meeting. As specified in the LGOIMA, the meeting

may not make a resolution, decision or recommendation about an item, except to refer it to a subsequent meeting.

Options and Preferred Option

- 23 The following options are available to the Community Board:
- i. Adopt the proposed Standing Orders as presented (recommended option)
 - ii. Adopt the proposed Standing Orders with amendments.
- 24 The advantage of the Community Board adopting the proposed Standing Orders is that they are modernised to reflect a range of changed and changing circumstances including public expectations on access for observing Community Board business. The proposed Standing Orders will also be more responsive to the conduct of meetings and business when there are sudden and abrupt interruptions to the usual modes such as in a pandemic.
- 25 Adopting Standing Orders that mirror those of Council will mean that training, advice and guidance provided to Council on its Standing Orders is applicable to and can be readily replicated for the Community Board without the fragmentation and interruption caused by having a separate and different set of Standing Orders.
- 26 Officers note that there are significant disadvantages in retaining the existing Standing Orders and so they do not recommend this option. Significant amendments would be required to ensure compliance with statutory obligations and current practice. For example the Standing Orders for the previous triennium provided that workshops would be closed to the public and this is not in keeping with the principles of enabling open and participatory democracy.
- 27 The Community Board is required to have a set of Standing Orders for the conduct of its meetings. Where it is proposed to adopt a new set of Standing Orders or to amend existing Standing Orders agreement of at least 75% of the members present is required. In the event the 75% threshold is not met the current Standing Orders are retained.

Consultation

- 28 It is a statutory requirement to have a set of compliant Standing Orders that regulate the decision making and meetings of the Temuka Community Board. Standing Orders are a technical document and are directly applicable to the elected members but with much less direct application to the wider community. As such it is unlikely to be a prudent use of community funds to consult widely on the Standing Orders and so wider consultation is not considered necessary or appropriate.

Relevant Legislation, Council Policy and Plans

- 29 Local Government Act 2002
- 30 Local Government Official Information and Meetings Act 1987
- 31 Local Government Regulatory Matters Act 2019
- 32 Contract and Commercial Law Act 2017 (applicable to keeping of public records in electronic form)

Financial and Funding Implications

- 33 There are no funding or financial implications from this report.

Other Considerations

34 No other considerations have been identified.

Attachments

1. **Timaru District Council Standing Orders 2022** [↓](#) 
2. **Guide to LGNZ Standing Orders 2022** [↓](#) 



Territorial Authority

Mana ā-rohe

Standing Orders

Ngā Tikanga Whakahaere Hui

LGNZ Template 2022

Date of adoption:

Kupu whakapuaki/Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees, subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive, and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees, subordinate decision-making bodies, and local and community boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

For clarity's sake whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

The content in this document includes and/or has been derived from the LGNZ Model Standing Orders and NZS 9202:2003 Model Standing Orders for Meetings of Local Authorities and Community Boards with the permission of Standards New Zealand. Timaru District Council has made every reasonable effort to provide accurate information in this document, however, it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction/Kupu Whakataki

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendices, which follows Part 3, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendices are an attachment to the Standing Orders and not part of the Standing Orders themselves, consequently amendments to the Appendices do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders; the Guide is not part of the Standing Orders.

1.1 Principles/Ngā Mātāpono

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

1.2 Statutory references/Ngā tohutoro ā-ture

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms/Ngākupu rāpoto

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

1.4 Application/Te hāngaitanga

For the removal of any doubt these Standing Orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions/Ngā whakamārama

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These Standing Orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

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

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

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

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

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under s 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these Standing Orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under cl 30A of sch 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s 49 of the LGA 2002.

Conflict of Interest means 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, such as pre-determination or bias.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these Standing Orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved/seconded

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

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

Extraordinary meeting has the same meaning as defined in cl 22 of sch 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

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

Item means a substantive matter for discussion at a meeting.

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

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with cl 30A of sch 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

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

Local authority means in the context of these Standing Orders a regional council or territorial authority, as defined in s 5 of the LGA 2002, which is named in these Standing Orders, and any subordinate decision-making bodies established by the local authority.

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

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Member of the Police means a Constable of the New Zealand Police within the definition of s 4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and

this includes every publication that at any time accompanies and is distributed along with any newspaper.

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

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

Pecuniary Interest includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968 and in section 5 of the Local Government Act 2002

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

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

Presiding member means the chairperson.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in Standing Orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

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

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s 52 and s 53 of LGOIMA.

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

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as chairperson of that regional council under cl 25 of sch 7 of the LGA 2002.

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

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Seconder means the member who seconds a motion or amendment.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

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

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

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

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

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.

General matters/Ngā take whānui

3. Standing orders/Ngā tikanga whakahaere hui

3.1 Obligation to adopt standing orders/Te kawenga ki te whakatū tikanga whakahaere hui

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

LGA 2002, sch 7, cl 27(1) & (2).

3.2 Process for adoption and alteration of standing orders Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

LGA 2002, sch 7, cl 27(3).

3.3 Members must obey standing orders/Me whai ngā mema i ngā tikanga whakahaere hui

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders. Local boards and community boards which have adopted these Standing Orders must also comply with them.

LGA 2002, sch 7, cl 16(1).

3.4 Application of standing orders/Te whakahāngai i ngā tikanga whakahaere hui

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

3.5 Temporary suspension of standing orders/Te tārewa taupua i ngā tikanga whakahaere hui

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded,

the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

LGA 2002, sch 7, cl 27(4).

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please Note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings/Ngā whakawā a te Kaunihera

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members/Ngā wāhi noho o ngā mema

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Member giving permission under the Privacy Act 2020.

4. Meetings/Ngā hui

4.1 Legal requirement to hold meetings/Te tikanga ā-ture ki te whakahaere hui

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These Standing Orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration/Te roa o ngā hui

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution, then 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 two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language/Te reo

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

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori, when the normal business of the meeting is conducted in English, they must give prior notice to the chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings/Te pāho mataora i ngā hui

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First meeting (inaugural)/Te hui tuatahi

The first meeting of a local authority, following a local authority triennial general election, must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

LGA 2002, sch, cl 21(1) - (4).

4.6 Requirements for the first meeting/Ngā tikanga mō te hui tuatahi

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the chairperson has made an oral declaration and attested the declaration (see LGA 2002, sch 7, cl 21(4)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.

- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch7, cl 17.

LGA 2002, sch 7, cl 21(5).

It is common for councils to adopt standing orders at the first meeting; however, this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note, that the election of a deputy mayor is not required if the Mayor has already made the appointment under s 41A(3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

4.7 Workshops

Workshops can be called at the request of the Mayor, Committee Chairperson or Chief Executive, normally to inform and discuss a subject of major Council policy or interest. A workshop is not classified as a meeting because there are to be no decisions made at workshops. If a decision is needed a formal meeting is required.

Workshops will be open to the public where practicable. Where reasons for public exclusion apply (under LGOIMA) or for other reasons, workshops will be closed to the public.

Part 7 of the LGOIMA does not apply to workshops. However, where practicable notice of workshops and known topics will be given within 14 days of the workshop date.

Presentations/Notes from workshops are to be kept and will be made publicly available where reasons for public exclusion do not apply

4.8 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 bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.
[s. 49(a) LGOIMA]
- (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to or intimidate or harass members or other persons attending the meeting.
- (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.

5. Appointments and elections/Ngā kopounga me ngā pōtitanga

5.1 Mayoral appointment of deputy Mayor, committee chairs and members/Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema

A Mayor may appoint the deputy Mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint themselves.

LGA 2002, s 41A(3).

5.2 Council discharge of a mayoral appointment/Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua

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 Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee chairpersons in accordance with LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Establishment of committees by the Mayor/Te whakatū a te koromatua i ngā komiti

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right, a list of the committees and their terms of reference must be tabled at the next following meeting of the council. Should the Mayor decline to establish committees under s 41A, then any decision to establish committees must follow the processes set out in these Standing Orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl 30 of sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

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

LGA 2002, s 41A (3) and (4).

5.4 Elections of regional chairpersons, deputy Mayors and deputy chairpersons/Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

- The chairperson and deputy chairperson of a regional council;
- The deputy Mayor;
- The chairperson and deputy chairperson of a committee; and
- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

LGA 2002, sch 7, cl 25.

5.5 Removal of a deputy Mayor/Te whakakore i te tūranga a tētahi Koromatua tuarua

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 9.

LGA 2002, sch 7, cl 18.

5.6 Voting system for chairs, deputy Mayors and committee chairs/Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

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

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

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

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

LGA 2002, sch 7, cl 25.

6. Delegations/Te tuku mana

6.1 Duty to consider delegations to community boards/Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori

The council of a territorial authority must consider whether to delegate to a community board if the delegation will enable the community board to best achieve its role.

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

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Officer's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

6.2 Limits on delegations/Ngā tepenga o te tuku mana

Unless clearly stated in the LGA 2002 or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed;* and

- (h) The power to adopt a remuneration and employment policy.

LGA 2002, sch 7, cl 32 (1).

6.3 Committees may delegate/Ka taea e ngā komiti te tuku mana

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

LGA 2002, sch 7, cl (2) & (3).

6.4 Use of delegated powers/Te whakamahi i ngā mana tuku

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

LGA 2002, sch 7, cl 32(2),(3), and (4).

6.5 Decisions made under delegated authority cannot be rescinded or amended/E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

Nothing in these Standing Orders allows a council, committee, and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

LGA 2002, sch 7, cl 30 (6).

6.6 Committees and sub committees subject to the direction of the local authority/Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority and must carry out all general and special directions of the local authority given to them.

LGA 2002, sch 7, cl 30(3) & (4).

7. Committees/Ngā komiti

7.1 Appointment of committees and subcommittees/Te kopounga o ngā komiti me ngā komiti āpiti

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the council.

LGA 2002, sch 7, cl 30(1) & (2).

7.2 Discharge or reconstitution of committees and subcommittees/Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

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

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

LGA 2002, sch 7, cl 30 (5) & (7).

Please note: Section 12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

7.3 Appointment or discharge of committee members and subcommittee members/Te kōupounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

LGA 2002, sch 7, cl 31(1) & (2).

7.4 Elected members on committees and subcommittees/Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

LGA 2002, sch 7, cl 31(4).

7.5 Local authority may replace members if committee not discharged/Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl 30 (7), sch 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

LGA 2002, sch 7, cl 31(5).

7.6 Membership of Mayor/Te memātanga a te Koromatua

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A(5).

7.7 Decision not invalid despite irregularity in membership/Kāore e noho manakore tētahi whakatau ahakoa i rangirua te memātanga

For the purpose of these Standing Orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. There is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

LGA 2002, sch 7, cl 29.

7.8 Appointment of joint committees/Te kopounga o ngā komiti hono

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the chairperson and deputy chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and

- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

LGA 2002, sch 7, cl 30A(1) & (2).

7.9 Status of joint committees/Te tūnga o ngā komiti hono

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

LGA 2002, sch 7, cl 30A(5).

7.10 Power to appoint or discharge individual members of a joint committee/Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

LGA 2002, sch 7, cl 30A(6)(a).

Pre-meeting/I mua i te hui

8. Giving notice/Te tuku pānui

Please note; the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings/Te pānui tūmatanui – ngā hui noa

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See the LGNZ Guide to Standing Orders for more information).

LGOIMA, s 46.

8.2 Notice to members - ordinary meetings/Te pānui ki ngā mema – ngā hui noa

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the

council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

LGA 2002, sch 7, cl 19(5).

8.3 Extraordinary meeting may be called/Ka āhei ki te karanga hui Motuhake

An extraordinary council meeting may be called by:

- (a) Resolution of the council, or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

LGA 2002, sch 7, cl 22(1).

8.4 Notice to members - extraordinary meetings/Te pānui ki ngā mema – ngā hui Motuhake

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the Standing Order 8.3, as well as the general nature of business to be considered, to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

LGA 2002, sch 7, cl 22(3).

8.5 Emergency meetings may be called/Ka āhei ki te karanga hui ohotata

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

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

LGA 2002, sch 7, cl 22A(1).

8.6 Process for calling an emergency meeting/Te pūnaha mō te karanga hui ohotata

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

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

LGA 2002, sch 7, cl 22A(2).

8.7 Public notice – emergency and extraordinary meeting/Te pānui tūmatanui – ngā hui ohotata me te Motuhake

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

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

LGOIMA, s 46(3).

8.8 Meetings not invalid/Kāore e manakore ngā hui

The failure to notify a public meeting under these Standing Orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

LGOIMA, s 46(6).

8.9 Resolutions passed at an extraordinary meeting/Ngā tatūnga i whakamanahia i te hui Motuhake

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.

LGOIMA, s 51A.

8.10 Meeting schedules/Ngā hōtaka hui

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to publicly notify each meeting.

LGA 2002, sch 7, cl 19(6).

8.11 Non-receipt of notice to members/Te kore e whiwhi pānui a ngā mema

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

LGA 2002, sch 7, cl 20(1) & (2).

8.12 Meeting cancellations/Te whakakore hui

The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda/Te rārangi take o ngā hui

9.1 Preparation of the agenda/Te whakarite i te rārangi take

It is the chief executive's responsibility, on behalf of the chairperson, to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for raising matters for a decision/Te pūnaha mō te whakatakoto take hei whakatau

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations.

9.3 Chief executive may delay or refuse request/Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono

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

Where a Chief executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

9.4 Order of business/Te raupapatanga o ngā mahi

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation/Te marohi a te ūpoko

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson may prepare report/Te pūrongo a te ūpoko

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public availability of the agenda/Te wātea o te rārangi take ki te marea

All information provided to members at a local authority, or local or community board, meeting must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

LGOIMA, ss 5 & 46A.

9.8 Public inspection of agenda/Te tiroiro a te marea i te rārangi take

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

LGOIMA, s 46A(1).

9.9 Withdrawal of agenda items/Te tango take i te rārangi take

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the chairperson.

9.10 Distribution of the agenda/Te tuari i te rārangi take

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

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

9.11 Status of agenda/Te tūnga o te rārangi take

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

9.12 Items of business not on the agenda which cannot be delayed/Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

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

The item should be discussed with the Chief Executive, appropriate Group Manager or Director, prior to the meeting, if the item is a officer responsibility to help aid the discussion.

LGOIMA, s 46A(7).

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the chairperson.

Please note, that nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda/Te kōrerorero i ngā take iti kāore i runga i te rārangi take

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.

The item should be discussed with the Chief Executive, appropriate Group Manager or Director, prior to the meeting, if the item is a officer responsibility to help aid the discussion.

LGOIMA, s 46A(7A).

9.14 Public excluded business on the agenda/Ngā take o te rārangi take kāore e whārikihia ki te marea

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including 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.

LGOIMA, s 46A(9).

9.15 Qualified privilege relating to agenda and minutes/Te maru whāiti e pā ana ki te rārangi take me ngā meneti

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will, or improper advantage has been taken of the publication.

LGOIMA, s 52.

Meeting Procedures/Ngā Tikanga Hui/

10. Opening and closing/Te whakatuwhera me te whakakapi

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum/Kōrama

11.1 Council meetings/Ngā hui Kaunihera

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

LGA 2002, sch 7, cl 23(3)(a).

11.2 Committees and subcommittee meetings/Ngā hui komiti me te komiti āpiti

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution, provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

LGA 2002, sch 7, cl 23(3)(b).

11.3 Joint Committees/Ngā komiti hono

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

LGA 2002, sch 7, cl 30A(6)(c).

11.4 Requirement for a quorum/Te herenga mō te kōrama

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

LGA 2002, sch 7, cl 23(1) & (2).

11.5 Meeting lapses where no quorum/Ka tārewa te hui mēnā karekau he kōrama

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

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

11.6 Business from lapsed meetings/Ngā take mai i ngā hui tārewa

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting, and this is notified by the chief executive.

12. Public access and recording/Te urunga a te marea me te hopunga

12.1 Meetings open to the public/E tuwhera ana ngā hui ki te marea

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

LGOIMA, s 47 & 49(a).

12.2 Grounds for removing the public/Ngā take e panaia ai te marea

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Local authority may record meetings/Ka āhei te mana ā-rohe ki te hopu i ngā hui

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the chairperson.

12.4 Public may record meetings/Ka āhei te marea ki te hopu i ngā hui

Members of the public may make electronic or digital recordings of meetings which are open to the public.

Any recording of meetings should be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business. Recording cannot be used to distract, intimidate or harass members or people presenting to the meeting.

Where circumstances require, the chairperson may direct the recording to stop for a period of time.

13. Attendance/Te taenga

13.1 Members right to attend meetings/Te mōtika a ngā mema ki te tae ki ngā hui

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.

LGA 2002, sch 7, cl 19(2).

If a member of the local authority is not an appointed member of the meeting which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Community Board Member attendance at Council and Committee meetings

One representative from each Community Board may attend the public part of Council and Standing Committee meetings, with speaking, but not voting rights.

13.3 Attendance when a committee is performing judicial or quasi-judicial functions/Te tae ki ngā hui ina whakahaere whakawā te komiti

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

13.4 Leave of absence/Te tuku tamōtanga

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.5 Apologies/Ngā whakapāh

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.6 Recording apologies/Te hopu whakapāha

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

13.7 Absent without leave/Te tamōtanga kāore i whakaaetia

Where a member is absent from four consecutive meetings of the council, local board or community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

LGA 2002, sch 7, cl 5(d).

13.8 Right to attend by audio or audiovisual link/Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei

Provided the conditions in Standing Orders 13.12 and 13.13 are met, members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

A person other than a member of a local authority, or committee, may participate in a meeting of the local authority or committee by means of audio link or audiovisual link.

13.9 Member's status: quorum/Te tūnga a te mema: kōrama

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

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

13.10 Member's status: voting/Te tūnga a te mema: te pōti

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

LGA 2002, sch 7, cl 25A(2).

13.11 Chairperson's duties/Ngā mahi a te ūpoko

Where the technology is available and a member is attending a meeting by audio or audiovisual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

LGA 2002, sch 7, cl 25A(3).

If the chairperson is attending by audio, or audio-visual link, then chairing duties may be undertaken by the deputy chair, or a member who is physically present.

13.12 Conditions for attending by audio or audiovisual link/Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei

Noting Standing Order 13.8, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.13 Request to attend by audio or audiovisual link/Te tono kia tae mā te hononga ā-oro, ataata-rongo rānei/

Where possible, a member will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.14 Chairperson may terminate link/Ka āhei te ūpoko ki te whakakore i te hononga

The chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.15 Giving or showing a document/Te tuku, te whakaatu rānei i tētahi tuhinga

A person attending a meeting by audio or audio visual link may give or show a document by:

- (f) Transmitting it electronically;
- (g) Using the audio visual link; or
- (h) Any other manner that the chairperson thinks fit.

LGA 2002, sch 7, cl 25(A)(6).

13.16 Link failure/Ina mūhore te hononga

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.

13.17 Confidentiality/Te matatapu

A member who is attending a meeting by audio or audio-visual link must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's role in meetings/Te mahi a te ūpoko i roto i ngā hui

14.1 Council meetings/Ngā hui kaunihera

The Mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy Mayor is also absent the local authority members who are present must elect a member to be the chairperson at that meeting. This person may exercise the meeting responsibilities, duties, and powers of the Mayor for that meeting.

LGA 2002, sch 7, cl 26(1), (5) & (6).

14.2 Other meetings/Ētahi atu hui

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the chairperson is absent from a meeting or vacates the chair, the deputy chairperson (if any) will act as chairperson. If the deputy chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as chairperson. This person may exercise the meeting responsibilities, duties and powers of the chairperson.

LGA 2002, sch 7, cl 26(2), (5) & (6).

14.3 Addressing the chairperson/Me pēhea te whakaingoa i te ūpoko

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

14.4 Chairperson's rulings/Ngā whakataunga a te ūpoko

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appoint of order questions the chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Chairperson standing/Ina tū te ūpoko

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

14.6 Member's right to speak/Te mōtika a te mema ki te korero

Members are entitled to speak in accordance with these Standing Orders. Members should address the chairperson when speaking. They may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers/Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero

When two or more members want to speak the chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums/Ngā Matapakinga a te Marea

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters of their choice, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body.

15.1 Time limits/Ngā tepenga wā

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. Where the number of speakers presenting in the public forum exceeds 6 in total, the chairperson has discretion to restrict or extend the speaking time permitted for all presenters.

15.2 Restrictions/Ngā Herenga

The chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums/Ngā pātai i ngā matapakinga a te marea

At the conclusion of the presentation, with the permission of the chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions/Kāore he tatūnga

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the LGNZ Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations/Ngā Teputeihana

The purpose of a deputation is to enable a person, group, or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the chairperson, or an official with delegated authority, five working days before the meeting; however, this requirement may be waived by the chairperson. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

A deputation or presentation to a local authority or any of its committees may be made in English, te reo Māori or NZ sign language. Prior arrangement with the chairperson or chief executive should be sought at least 2 working days before the meeting if the address is not in English. The chairperson may order that any speech or document presented be translated and/or printed in another language.

16.1 Time limits/Ngā tepenga wā

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

16.2 Restrictions/Ngā Herenga

The chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation/Te pātai i ngā teputeihana

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

16.4 Resolutions/Ngā tatūnga

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions/Ngā Petihana

17.1 Form of petitions/Te āhua o ngā petihana

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

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the

meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Māori.

A petition presented to a local authority or any of its committees may be in English, te reo Māori or NZ sign language. Prior arrangement with the chairperson or chief executive should be sought at least 2 working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.

Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner/Te petihana ka whakatakotohia e te kaipetihana

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member/Te petihana ka whakatakotohia e tētahi mema

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public/Te aukati i te marea

18.1 Motions and resolutions to exclude the public/Ngā mōtini me ngā tatūnga ki te aukati i te marea

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in s 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

LGOIMA, s 48.

18.2 Specified people may remain/Ka āhei ngā tāngata ka tohua ki te noho mai

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

LGOIMA, s 48(6).

18.3 Public excluded items/Ngā take e aukatihia ana ki te marea

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

LGOIMA, s 46A(8).

18.4 Non-disclosure of information/Te kore e whāki i ngā mōhiotio

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

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

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

18.5 Release of information from public excluded session/Te tuku i ngā mōhiohio nō te nohoanga aukati ki te marea

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

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

19. Voting/Te pōti

19.1 Decisions by majority vote/Mā te nuinga e whakatau

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, a local authority (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

LGA 2002, sch 7, cl 24(1).

19.2 Open voting/Te pōti tuwhera

An act or question coming before the local authority must be done or decided by open voting.

LGA 2002, sch 7, cl 24(3).

19.3 Chairperson has a casting vote/Kei te ūpoko te pōti whakatau

The Mayor, Chairperson, or any other person presiding at a meeting, has a deliberative vote and, in the case of an equality of votes, has a casting vote.

LGA 2002, sch 7, cl 24(2).

19.4 Method of voting/Te tikanga pōti

The method of voting must be as follows:

- (a) The chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson will call a division;
- (b) The chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the chairperson who must declare the result.

19.5 Calling for a division/Te tono i te wehenga

When a division is called, the chief executive must record the names of the members voting for and against the motion, and abstentions, and provide the names to the chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded/Te tono kia tuhi i ngā pōti

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members may abstain/Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

20. Conduct/Ngā whanonga

20.1 Calling to order/Te tono kia tau ngā mema

When the chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the chairperson may direct that they should immediately leave the meeting for a specified time.

20.2 Behaviour consistent with Code of Conduct/Ngā whanonga e hāngai ana ki te Tikanga Whakahaere

At a meeting no member may act inconsistently with their Code of Conduct, or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies/Te tango kōrero me te whakapāha

In the event of a member, or speaker, who has been disrespectful of another member or contravened the council's Code of Conduct, the chairperson may call upon that member, or speaker, to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct/Ngā whanonga kino

Where the conduct of a member is disorderly or is creating a disturbance the chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt/Te whakahāwea

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

A member who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal from meeting/Te pana i te tangata i te hui

A member of the police or authorised security personnel may, at the chairperson's request, remove or exclude a member from a meeting.

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of interests/Ngā take taharua ahumoni

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s 6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s 6.

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

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

LAMIA, ss 6 & 7.

20.8 Non-financial conflicts of interests/Ngā take taharua ahumoni-kore

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-

financial conflict of interest in a matter they must not take part in the discussions about that matter, or any subsequent vote.

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

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

20.9 Qualified privilege for meeting proceedings/Te maru whāiti mō ngā whakaritenga hui

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

LGOIMA, s 53.

20.10 Qualified privilege additional to any other provisions/He āpitihanga te maru whāiti ki ētahi atu whakaritenga

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

LGOIMA, s 53.

20.11 Electronic devices at meetings/Ngā pūrere hiko i ngā hui

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the chair. A chairperson may require that an electronic device is switched off if:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

21. General rules of debate/Ngā tikanga whānui mō te tautohetohe

21.1 Chairperson may exercise discretion/Kei te ūpoko te tikanga

The application of any procedural matters in this section of the Standing Orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the chairperson.

21.2 Time limits on speakers/Te tepenga wā mā ngā kaikōrero

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff/Ngā pātai ki ngā kaimahi

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson, and how the question is to be dealt with is at the chairperson's discretion.

21.4 Questions of clarification/Ngā pātai whakamārama

At any point in a debate a member may ask the chairperson for clarification about the nature and content of the motion which is the subject of the debate and/or the particular stage the debate has reached.

21.5 Members may speak only once/Kotahi noa iho te wā e āhei ai te mema ki te korero

A member, depending on the choice of options for speaking and moving set out in SO 22.2 -22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers/Ngā tepenga mō te maha o ngā kaikōrero

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Secunder may reserve speech/Ka āhei te kaitautoko ki te whakatārewa i tana korero

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

21.8 Speaking only to relevant matters/Me hāngai ngā kōrero ki ngā take whai panga

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

Members must confine their remarks strictly to the motion or amendment they are speaking to. The chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

21.9 Restating motions/Te whakahua anō i te mōtini

At any time during a debate a member may ask, for their information, that the chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions/Te whakahē i ngā tatūnga

A member speaking in a debate may not unduly criticise the validity of any resolution, except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words/Te whakahē kupu

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The chairperson must order the minutes to record the objection.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 Right of reply/Te mōtika ki te whakautu

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

The original mover may 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 may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right or reply until the closure motion.

21.13 No other member may speak/E kore e āhei tētahi atu mema ki te korero

In exercising a right of reply, no other member may speak:

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions/Ngā mōtini hei hiki i te hui

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions/Te whakaae a te ūpoko ki ngā mōtini whakakapi

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the chairperson considers it reasonable to do so.

However, the chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions/Ngā tikanga whānui mō te kōrero me te mōtini

22.1 Options for speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [*by simple majority*] to adopt either of the other two options for the meeting generally, or for any specified items on the agenda.

22.2 Option A/Kōwhiringa 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 (in which case it becomes the substantive motion) 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/Kōwhiringa B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Kōwhiringa C/Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.

- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

23. Motions and amendments/Ngā mōtini me ngā whakahoutanga

23.1 Proposing and seconding motions/Te whakatakoto me te tautoko mōtini

All motions, and amendments moved during a debate, must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in writing/Te tuhi i ngā mōtini

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

23.3 Motions expressed in parts/Ngā mōtini i whakawehea

The chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion/Te whakakapi mōtini

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives/Me hāngai ngā whakahoutanga me kaua e whakahē i te mōtini

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- a) Not directly relevant

- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

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

23.6 Foreshadowed amendments/Ngā whakahoutanga kua kōrerotia kētia

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.7 Carried amendments/Ngā whakahoutanga i whakaaetia

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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.8 Lost amendments/Ngā whakahoutanga i whakahēngia

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.9 Where a motion is lost/Ina whakahēngia tētahi mōtini

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

23.10 Withdrawal of motions and amendments/Te tango i ngā mōtini me ngā whakahoutanga

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

**23.11 No speakers after reply or motion has been put/Kāore e āhei he
kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti**

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 chair has started putting the motion.

**24. Revocation or alteration of resolutions/Te whakakore, te
whakahou rānei i ngā tatūnga**

**24.1 Member may move revocation of a decision/Ka āhei tētahi mema ki
te mōtini ki te whakakore i tētahi whakataunga**

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 Part 6, of the LGA 2002.

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

**24.2 Revocation must be made by the body responsible for the
decision/Mā te rōpū nāna te whakatau e whakakore**

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.

LGA 2002, sch 7, cl 30(6).

24.3 Requirement to give notice/Te herenga ki te tuku pānui

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the

scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next six months.

24.4 Restrictions on actions under the affected resolution/Ngā herenga mō ngā mahi i raro i te tatūnga whai pānga

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting/Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu

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

24.6 Revocation or alteration by recommendation in report/Te whakakore, te whakahou rānei mā te marohi ki rō Pūrongo

The local authority, on a recommendation in a report by the chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

LGA 2002, sch 7, cl 30(6).

25. Procedural motions/Ngā mōtini whakahaere

25.1 Procedural motions must be taken immediately/Me pōti ngā mōtini whakahaere i taua wā tonu

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate/Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions/Te pōti mō ngā mōtini whakahaere

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items/Te tautohetohe i ngā take i whakatārewatia

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings/Ngā take e toe ana i ngā hui i whakatārewatia

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

25.6 Business referred to the council, committee or local or community board/Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions/Etahi atu momo mōtini whakahaere

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

26. Points of order/Te tono ki te whakatika hapa

26.1 Members may raise points of order/Ka āhei ngā mema ki te tono ki te whakatika hapa

Any member may raise a point of order when they believe these Standing Orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order/Ngā kaupapa mō te whakatika hapa

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions/Ngā whakahē

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

26.4 Point of order during division/Te tono whakatika hapa i te wā o te wehenga

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

26.5 Chairperson's decision on points of order/Te whakatau a te ūpoko mō ngā tono whakatika hapa

The chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

27. Notices of motion/Te pānui i ngā mōtini

27.1 Notice of intended motion to be in writing/Me tuhi te pānui mō te mōtini e takune ana

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion/Te whakahē i te pānui mōtini

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. 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; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

27.3 Mover of notice of motion/Te kaimōtini o te pānui mōtini

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion/Te whakarerekē i te pānui mōtini

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse/Ka tārewa te pānui mōtini

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

27.6 Referral of notices of motion/Te tuku i ngā pānui mōtini

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion/Ngā pānui mōtini tārua

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

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

28. Minutes/Ngā meneti**28.1 Minutes to be evidence of proceedings/Ka noho ngā meneti hei taunakitanga mō te hui**

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.

LGA 2002, sch 7, cl 28.

28.2 Matters recorded in minutes/Ngā take ka tuhi ki ngā meneti

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

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The chairperson;
- (d) Any apologies or leaves of absences;
- (e) Member absent without apology or leave of absence;
- (f) Member absent on council business;
- (g) The arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) the names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes/Kāore e āhei te whakawhiti kōrero mō ngā meneti

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

28.4 Minutes of last meeting before election/Ngā meneti o te hui whakamutunga i mua i te pōtitanga

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

29. Keeping a record/Te whakarite mauhanga

29.1 Maintaining accurate records/Te whakarite i ngā mauhanga tika

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

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

Public Records Act 2002, s 17.

29.2 Method for maintaining records/Te tikanga mō te tiaki i ngā mauhanga

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

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

Contract and Commercial Law Act 2017, s 229(1).

29.3 Inspection/Te tiroiro

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

LGOIMA, s 51.

29.4 Inspection of public excluded matters/Te tiroiro i ngā take aukati marea

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

Referenced documents/Ngā tohutoro tuhinga

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

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Appendix 1: Grounds to exclude the public/Āpitiḡanga 1: Ngā take e aukatihia ai te marea

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public not be excluded.

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

LGOIMA, s 48.

**Appendix 2: Sample resolution to exclude the public/Āpitihanga 2:
He tauira mō te tatūnga ki te aukati i te marea/**

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

- 1 that the public is excluded from:
- The whole of the proceedings of this meeting; *(deleted if not applicable)*
 - The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ol style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ol style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

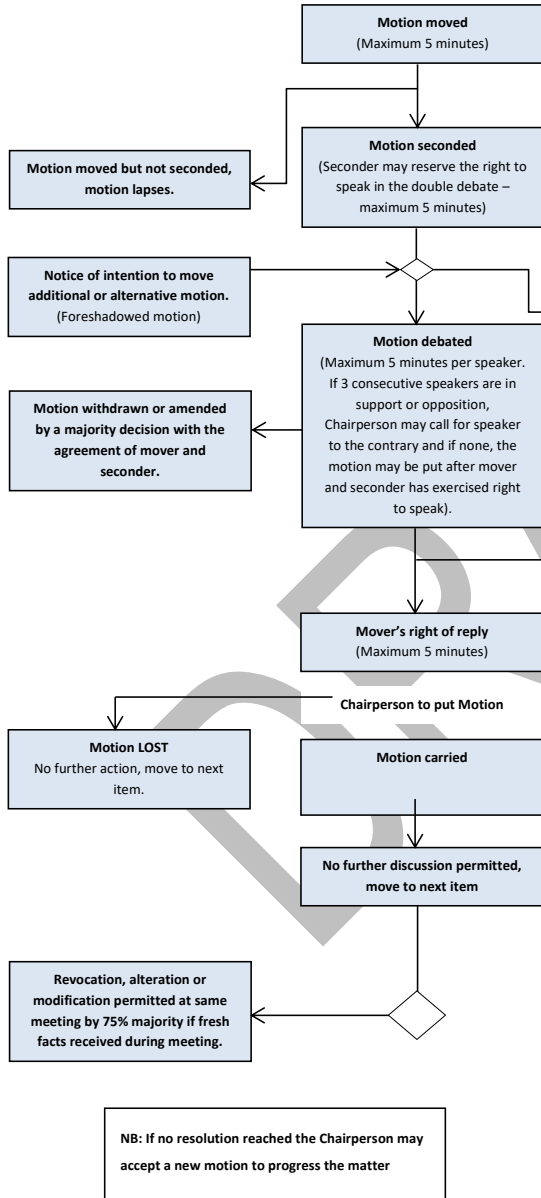
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council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

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

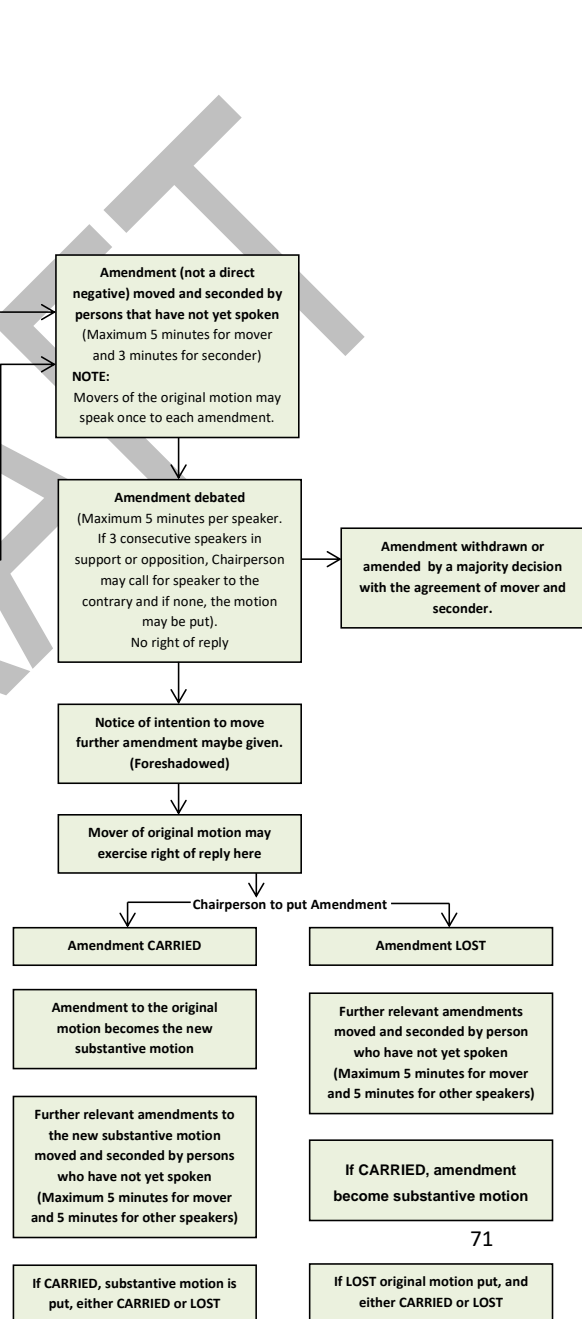
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Appendix 3: Motions and amendments (Option A)/Āpitianga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa A)

Motions without amendments

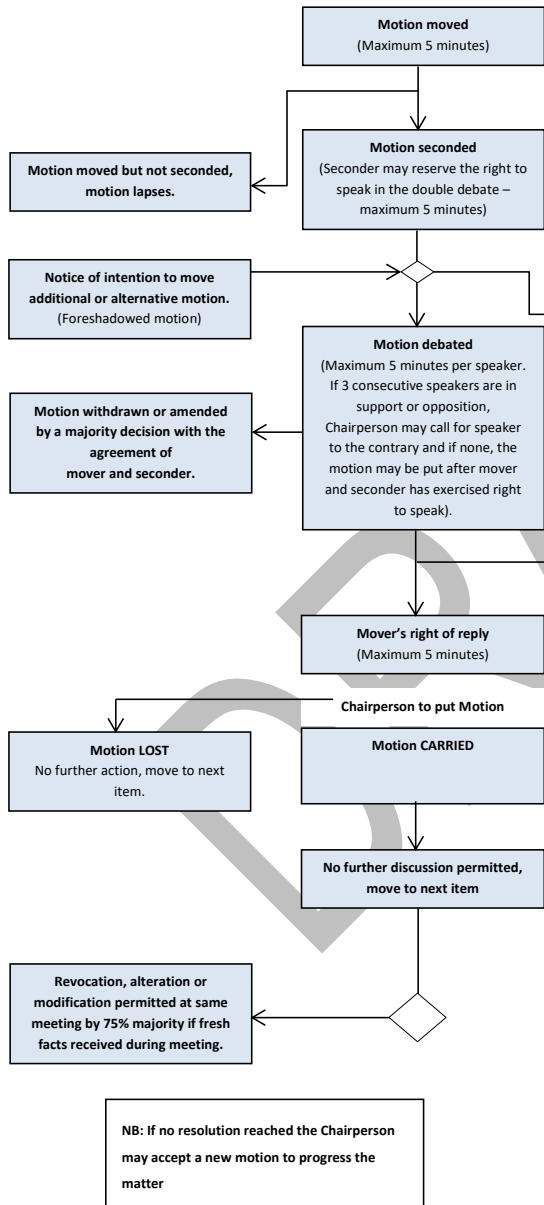


Motions with amendments

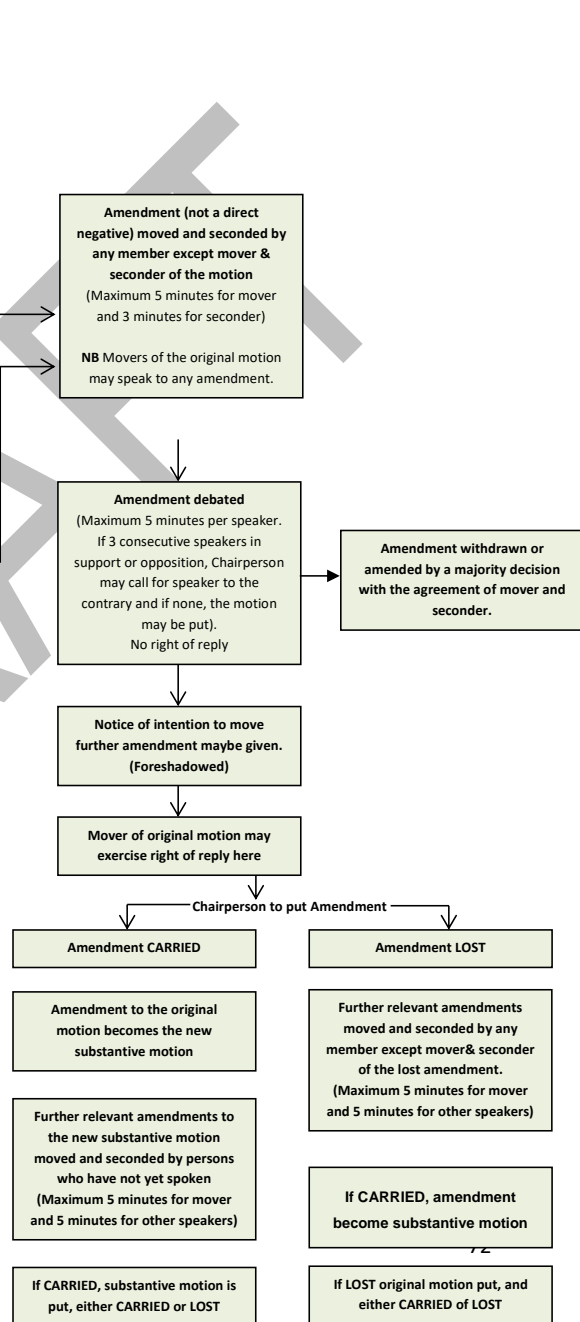


Appendix 4: Motions and amendments (Option B)/ĀpitiHanga 4: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)

Motions without amendments

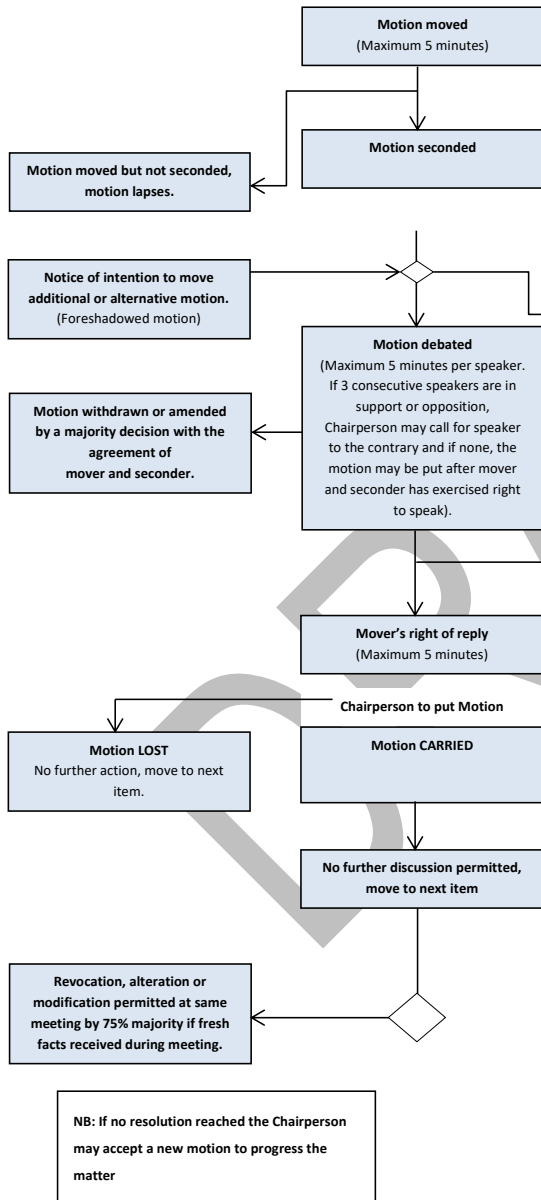


Motions with amendments

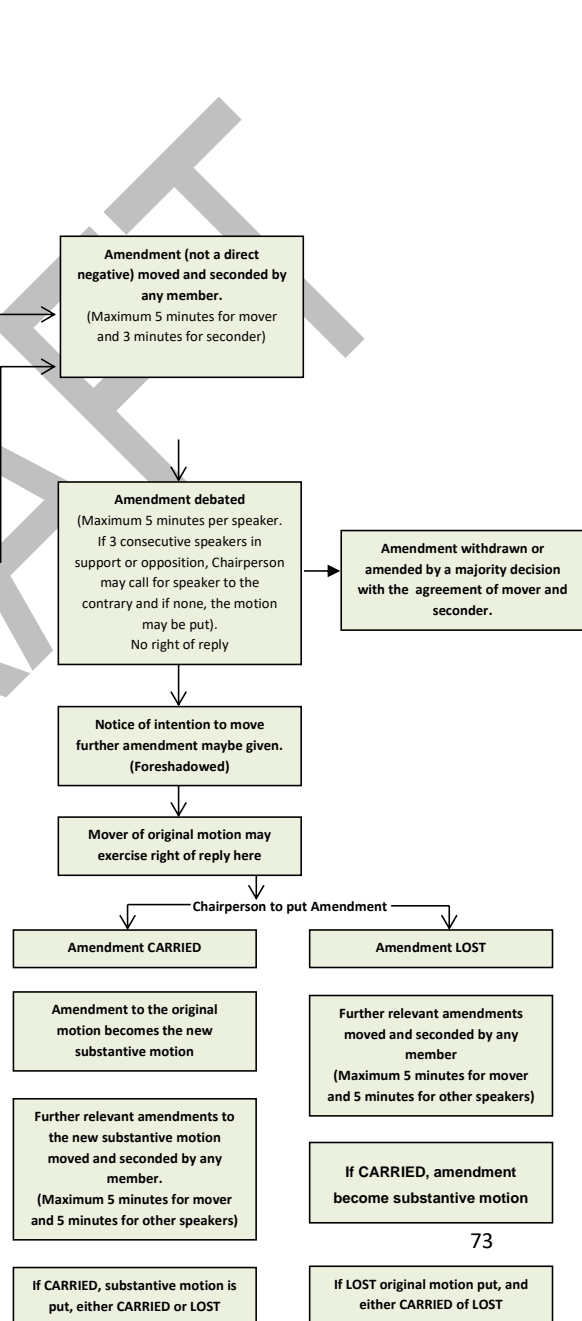


Appendix 5: Motions and amendments (Option C)/Āpitianga 5: Ngā mōtini me ngā whakahoutanga (Kōwhiringa C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions/Āpitianga 6: Tūtohi mō ngā mōtini whakahaere

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 spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols/Āpitianga 7: Ngā tikanga mō te pāhotanga mataora

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

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

Appendix 8: Powers of a Chairperson/Āpitianga 8: Ngā Mana Whakahaere a te Ūpoko

This Appendix sets out the specific powers given to the chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

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

Chairperson to decide points of order (SO. 26.5)

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

Items not on the agenda (SO.9.12)

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

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

Chairperson's report (SO.9.6)

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

Chairperson's recommendation (SO.9.5)

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

Chairperson's voting (SO.19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Motion in writing (SO.23.2)

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

Motion in parts (SO.23.3)

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

Notice of motion (SO.27.2)

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

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

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

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

Action on previous resolutions (SO.

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

Repeat notice of motion (SO.27.7)

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

Revocation or alteration of previous resolution

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

Chairperson may call a meeting

The chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next scheduled meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO.21.8)

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

Taking down words (SO.21.11)

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

Explanations

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

Chairperson rising (SO.14.5)

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

Members may leave places (SO.14.6)

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

Priority of speakers (SO.14.7)

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

Minutes (SO.28.1)

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

Questions of speakers (SO.16.3)

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

Withdrawal of offensive or malicious expressions (SO.20.3)

The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

Chairperson's rulings (SO.14.4)

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

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

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

Audio or audio visual attendance (SO.13.10)

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

If the chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

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Appendix 9: Process for removing a chairperson or deputy Mayor from office/Āpitianga 9: Te pūnaha mō te whakakore i te tūranga a te ūpoko, te Koromatua tuarua rānei

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

LGA 2002, sch 7, cl 18.

Appendix 10: Sample order of business/Āpitianga 10: He taurira mō te whakaraupapatanga o ngā take

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision/Āpitianga 11: Te pūnaha mō te whakatakoto take hei whakatau

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community or local board; or
- Notice of motion from a member.

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

- Report of the chief executive; or
- Report of the chairperson.

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

DRAFT

The guide to LGNZ standing orders:

He aratohu i te anga
tikanga whakahaere
hui a LGNZ:

Ākuhata 2022
// August



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Introduction

// Kupu whakataki

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

Your kaunihera (council) standing orders (SO) aims to achieve just this. They are a critical element of good governance and great local democracy, as well-run meetings and hui should increase community understanding of kaunihera decision-making processes and trust in our local political institutions.

Standing orders also have an important role to play in assisting kaunihera to meet their obligations and responsibilities under Te Tiriti o Waitangi, whether those responsibilities are set in legislation or reflect respectful practice.

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. In the world of local government, the word 'meeting' has a specific meaning that refers to gatherings that conform to rules and regulations laid down in the Local Government Act (LGA) 2002.

The LGNZ standing orders template¹ draws heavily on those published by Te Mana Tautikanga o Aotearoa Standards New Zealand in 2001 and the Department of Internal Affairs's Guidance for Local Authority Meetings published in 1993.

The template is updated every three years to ensure it reflects new legislation and incorporates evolving standards of good practice.

It contains a range of options to enable a kaunihera to adapt the template to meet their own styles and preferences. It is essential that kaunihera consider these options before adopting the standing orders.

We recommend that kaunihera delay adopting new standing orders until after the new governing body, local and community boards have had a period operating under the incumbent ones. That way, the discussion about options will be informed by experience, especially from new members who may not be familiar with how standing orders work.

We also recommend that kaimahi should encourage members to set time aside, at least once a year, to review how they are working and whether their decision-making structures are effective. For suggestions on building inclusive cultures and self-assessment see LGNZ's Guide to the Code of Conduct.

The team at LGNZ are continually looking at ways to make the standing orders more accessible to members and flexible enough to enable adjustment to local circumstances. We are always keen to hear your feedback.



¹ All standing order references refer to the territorial authority standing orders template. Numbers may vary slightly in the regional council and community boards templates.

Local government obligations under Te Tiriti o Waitangi

// Ngā kawenga a te kāwanatanga ā-rohe i raro i te Tiriti o Waitangi

Local governments are part of the governing framework of Aotearoa New Zealand with obligations that flow from the Crown's duties under Te Tiriti o Waitangi. In addition, as mechanisms through which communities make decisions about what matters to them, kaunihera can only be successful by building and operating through a wide network of community relationships. Chief amongst these are those iwi and hapū, who hold traditional and indigenous authority in their hapori (community).

Local government's empowering statute, the Local Government Act (LGA) 2002, along with other acts of parliament, sets out the expectations and requirements of local governments, that relate directly to the Crown's obligations to Māori.

Standing orders provide a mechanism for achieving the following:

// 1 Acknowledging the mandate of mana whenua as the traditional governors of Aotearoa New Zealand and the area of your kaunihera.

// 2 Enabling the participation of Māori as citizens in kaunihera decision-making processes.

Acknowledging the mandate of mana whenua as the traditional governors // Te tūtohu i te mana o te mana whenua hei kāwana tuku iho

Iwi and hapū have a mandate based on their role as the indigenous governors of the land. This is quite different from the 'stakeholder' status given to many local organisations kaunihera works with. It is a status that would exist even if it wasn't enshrined in Te Tiriti o Waitangi.

It is incumbent on local authorities to work with relevant iwi and hapū to determine how best to recognise their status. A common approach involves developing a joint memorandum or charter of understanding which can provide clarity around expectations, including how current and future engagement should occur.

The scope of an agreement could include:

- >> Processes for ensuring relevant mana whenua concerns can be incorporated in governing body and committee hui agendas.
- >> Mechanisms for ensuring that papers and advice going to meetings incorporates the views and aspirations of mana whenua. Such mechanisms might include the co-design and co-production of policy papers and allowing mana whenua themselves to submit papers.
- >> A role for kaumatua in formal kaunihera processes, such as:
 - // the inaugural hui, having a local kaumatua or mana whenua representative chair the hui and swearing in of members, or
 - // enabling kaumatua or other mana whenua representatives to sit at the governing body table as advisors.

Other initiatives that can be included in standing orders and recognise the mandate of mana whenua, are:

- >> placing information about significant aspects of your area's history as a regular item on the governing body's agenda,
- >> holding hui on marae and other places of significance to Māori,
- >> providing presentations at governing body meetings highlighting the history of the local area; and
- >> inviting mana whenua organisations to appoint representatives on kaunihera committees and working parties.

Enabling the participation of Māori as citizens // Te whakarite i te āheinga a Māori ki te whai wāhi hei kirirarau

Standing orders are a mechanism for enabling members to work collectively to advance the public interests of their hapori: they are a tool for promoting active citizenship. Enabling the participation of Māori citizens is one of the duties that the Crown has placed on local governments to give effect to Te Tiriti o Waitangi obligations, as set out in Article 3.

In the words of the Waitangi Tribunal:

In article 3, the Crown promised to Māori the benefits of royal protection and full citizenship. This text emphasises equality.²

To recognise and respect these responsibilities and to maintain and improve opportunities for Māori to contribute, parts 2 and 6 of the LGA provide principles and requirements for local authorities that aim to achieve these objectives (LGA 2002, section 4, Treaty of Waitangi).

The emphasis in this section is on facilitating the participation of Māori in decision-making processes. Local government decisions are made in meetings which are governed by standing orders. Kaunihera must consider how their standing orders facilitate such participation and proactively take steps to make it easy and encourage Māori citizens to become involved in decision-making processes.

The legislation itself provides some help, namely that local authorities must:

- >> establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, (LGA 2002 section 14(1)(d)),

² The Waitangi Tribunal considers both the English Treaty of Waitangi and the Māori Te Tiriti o Waitangi in coming to an interpretation.

>> consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority, and

>> provide relevant information to Māori for the purposes of contributing to, and building ‘capacity’ to contribute to, the local authority’s decision-making processes.

In relation to the LGA 2002 ‘capacity’ is the ability of a person (or group) to participate knowledgeably, given their resources and their understanding of the requisite skills, tools, and systems. Ways to build capacity include:

>> providing training and guidance on how kaunihera meeting and decision-making processes work,
 >> holding meetings and workshops on marae and other community settings to help demystify local government processes, and

>> providing information about meetings in te reo Māori, including agendas and papers.

Kaunihera also need to look at the degree to which their facilities are culturally welcoming and incorporate Māori tikanga values and customs.

This is about incorporating practices, protocols and values from mātauranga Māori or Māori knowledge.

Examples to achieve this include:

>> appropriate use of local protocol at the beginning and end of formal occasions, including pōwhiri and mihi whakatau,

>> using karakia timatanga for starting meetings and hui,

>> closing meetings and hui with karakia whakamutunga,

>> re-designing order papers and report formats to include te reo Māori, including headings,

>> reviewing kaunihera processes and cultural responses through a Te Tiriti o Waitangi lens, and

>> offering members the option of making the declaration in te reo Māori.

**// MEMBERS
DECLARATION**

I, [.....], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [name of region or district], the powers, authorities, and duties vested in or imposed upon me as a member of the [name of local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Ko ahau, ko _____, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Wairoa hei kaikaunihera o te Kaunihera-a-rohe o Te Wairoa, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

He mea whakaū tēnei i Te Wairoa i tēnei rā rua tekau mā rua o Whiringa-ā-nuku i te tau rua mano tekau mā toru.

Waitohu: _____

Waitohu mai ki mua i a: _____

Before adopting the standing orders template:

// I mua i te whakamana i te anga whakahaere hui:

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. In the world of local government, the word 'meeting' has a specific meaning that refers to gatherings that conform to rules and regulations laid down in the Local Government Act (LGA) 2002.

To ensure that standing orders assist the governing body to meet its objectives in an open and transparent manner while also enabling the full participation of members, any governing body or local or community board intending to adopt the LGNZ template, must decide from the following options and ensure the standing orders template is updated to reflect these decisions.

// 1

Should members have a right to attend by audio or audio-visual link? // Me whai mōtika ngā mema kia tae mā te hononga ā-oro, ataata-rongo rānei?

The LGA 2002 allows members to participate in meetings, if they are not physically present, via audio or audio-visual means.

However, members attending by audio or audio-visual means are not counted as part of a quorum of a meeting.

Should a governing body, local or community board decide they do not wish to allow members to do this, then this section of the standing orders SO 13.7 Right to attend by audio or audio-visual link must be deleted from the template before it is adopted. (see Part 3: Meeting Procedures for more information).

// 2

Should mayors/chairs have a casting vote? // Me riro mā te koromatua/ūpoko rānei te pōti whakatau?

The LGA 2002 allows a chairperson (chair) to use a casting vote if this is specified in standing orders. The vote can be used when there is a 50/50 split in voting. The LGNZ standing orders template includes the casting vote option. Should a governing body, local or community board decide that it does not wish for its chairs to have a casting vote, then SO 19.3 Chairperson has a casting vote, will need to be deleted before the template is adopted.

Some kaunihera have opted for an intermediate position, in which a casting vote can only be used for prescribed types of decisions, such as when there is an equality of votes for the adoption of statutory plans (see Part 3: Meeting Procedures for more information).

// 3

Speaking and moving options // Ngā kōwhiringa kōrero me te mōtini

The LGNZ template offers kaunihera a choice of three frameworks for speaking to and moving motions and amendments, see the discussion on SO 22.1 for more information.

Option A (SO 22.2) is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. This is the framework used in the 2003 Standards New Zealand Model Standing Orders.



Option B (SO 22.3) is less formal. While limiting the ability of movers and seconders of motions to move amendments, this option allows any other member, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.

Option C (SO 22.4) is the least formal. It gives members more flexibility by removing the limitations on movers and seconders speaking which exist in the other two options.

The kaunihera might also consider which of the three should apply to committees. Given that committees are designed to encourage more informal debate, and promote dialogue with communities, the informal option, Option C is recommended.

// 4

Time needed for kaimahi (staff) to prepare advice // Te roa o te wā mā ngā kaimahi ki te whakarite tohutohu

Standing orders provide for members of the community to engage with kaunihera, their various committees and local or community boards. It is common for officials (kaimahi) to be asked to prepare advice on the items to be discussed.

Two examples are SO.16 Deputations and SO.17 Petitions. In both cases the default standing orders give officials five days in which to prepare the advice; whether this is practical will depend upon the size of a kaunihera and the way it works.

Before adopting the LGNZ template, the kaunihera should ensure that the five-day default is appropriate and practicable.

Adopting and reviewing your standing orders

// Te whakamana me te arotake i ō tikanga whakahaere hui

There is a tendency for new kaunihera, to adopt the standing orders, the code of conduct and the governance arrangements, of the former kaunihera, soon after they are formed. This is not recommended.

These matters should be discussed in detail at the initial members' induction hui or at a specially designed workshop held a few months after the elections, allowing time for new members to fully understand how local government works and whether the existing standing orders and governance structures are working or not.

It is important that elected members fully understand the policies and frameworks that will influence and guide their decision-making over the three years of their term, and the implications they bring. This applies to standing orders, your code of conduct, and your governance structures, such as whether to have committees or not and what powers those committees will have to make decisions.

Please note that the approval of at least 75 per cent of members present at a meeting is required to adopt (and amend) standing orders. In addition, it is good practice for members to reassess their governance arrangements, including standing orders, in the middle of the second year of their term to ensure they remain inclusive and effective against the shifts in community make-up, values and expectations.

Proposed resolution for adopting standing orders // Te tatūnga i tūtuhua hei whakamana i ngā tikanga whakahaere hui

Once a decision has been reached on which discretionary clauses to incorporate, then a resolution to adopt the original or amended standing orders can be tabled. Such a resolution could, for example, take the following shape:

That the kaunihera adopt the standing orders with the following amendments:

// 1

That the standing orders enable members to join hui by audio visual link - yes/no.

// 2

That the chair be given the option of a casting vote - yes/no.

// 3

That Option X be adopted as the default option for speaking and moving motions.

LGNZ recommends that local and community boards, and joint committees, undertake the same considerations before adopting their standing orders.



1

PART 1 – GENERAL MATTERS >>

Ngā take
whānui >>

Wāhanga ONE

THIS SECTION OF THE GUIDE DEALS WITH THOSE MATTERS THAT APPLY TO THE OVERALL CONTEXT IN WHICH STANDING ORDERS OPERATE INCLUDING THE ROLE OF MAYORS AND CHAIRS AND THE NATURE OF DECISION-MAKING BODIES.

IT COVERS THE FOLLOWING:

- // MAYORAL APPOINTMENTS
- // MEETING THE DECISION-MAKING REQUIREMENTS OF PART 6, LGA 2002
- // APPOINTMENT OF KAIMAHI TO SUB-COMMITTEES
- // APPROVING LEAVE FOR MEMBERS OF THE GOVERNING BODY
- // THE RELATIVE ROLES OF EXTRAORDINARY AND EMERGENCY HUI, AND
- // GOOD PRACTICE FOR SETTING AGENDAS

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // Wāhanga 4

SO 5:

Appointments and elections - can you appoint co-chairs?

// Ngā kopounga me ngā pōtitanga – ka taea te kopou i ngā ūpoko takirua?

The provisions of Schedule 7 Local authorities, local boards, community boards and their members, LGA 2002, do not support this option, referring explicitly to individual members.

It would be a challenge for co-chairs to fulfil those standing order provisions that require a chair to make specific rulings, such as a ruling on member conduct or a ruling on whether to accept a Notice of Motion. What is the provision, where co-chairs are sharing chairperson duties, by which the co-chairs make a joint decision? What if they cannot agree on a ruling?

If the objective is to give committee or board members experience of being a chair, then an agreement by which a chair stands down to enable a deputy to chair the hui on an occasional or semi-formal way, might be more practicable (see below).

SO 5.1:

Mayoral appointments

// Ngā kopounga koromatua

It is critical that the chief executive advises their mayor about their powers under section 41A Role and powers of mayors, LGA 2022 as soon as possible after election results have been confirmed. This is to ascertain whether the mayor wishes to make use of those powers.

Included in the standing orders are provisions regarding the ability of mayors to establish committees and appoint deputy mayors, committee chairs and committee members.

Where a mayor chooses to use these powers, a kaunihera must ensure the results are communicated as soon as practicable to members of the governing body. We recommend that the information is provided by the mayor or chief executive, in the mayor's report for the first meeting of the governing body that follow the mayor's appointments.

Appendix four sets out a recommended process for making appointments.

SO 5.5:

Removing a chair, deputy chair or deputy mayor

// Te whakakore i te tūranga a te ūpoko, te ūpoko tuarua, te koromatua, te koromatua tuarua rānei

Clause 18, Schedule 7 of the LGA 2002 sets out the process for removing a chair, deputy chair or deputy mayor. It is a detailed process that requires firstly, a resolution by the relevant meeting to replace the chair or deputy, and secondly, a follow up meeting, to be held not less than 21 days after the resolution, at which the change occurs.

A common question is whether the individual facing a challenge to their position, should be able to speak and vote. The answer is yes. Both natural justice and the nature of the question to be resolved, allows those directly involved to be able to speak and lobby on their own behalf.

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // Wāhanga 4

SO 7:

Committees - appointment of staff to sub-committees

// Ngā komiti – te kopounga o ngā kaimahi ki ngā komiti-āpiti

While non-elected members such as community experts, academics, or business representatives, etc., may be appointed to committees and sub-committees, council kaimahi (staff), can only be appointed to a sub-committee. When appointing a sub-committee, a kaunihera or committee should ensure the terms of reference provide clarity of the skills and competencies required. This may involve:

- >> requesting that the chief executive, or their nominee, determine which member of kaimahi is appropriate to be a member of the sub-committee, or
- >> identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

SO 7.10:

Power to appoint or discharge individual members of a joint committee - committees that are not discharged

// Te mana ki te kopou, ki te whakakore rānei i ngā mema kiritahi o tētahi komiti hono – ngā komiti kāore anō kia whakakorehia

A kaunihera, or a group of kaunihera in the case of a joint committee, can resolve that a committee continues beyond a triennial election, although for this to be the case all participating kaunihera would need to so resolve. In the case of joint committees, the appointment of new members and discharge of existing members sits with the Kaunihera that they are members of.

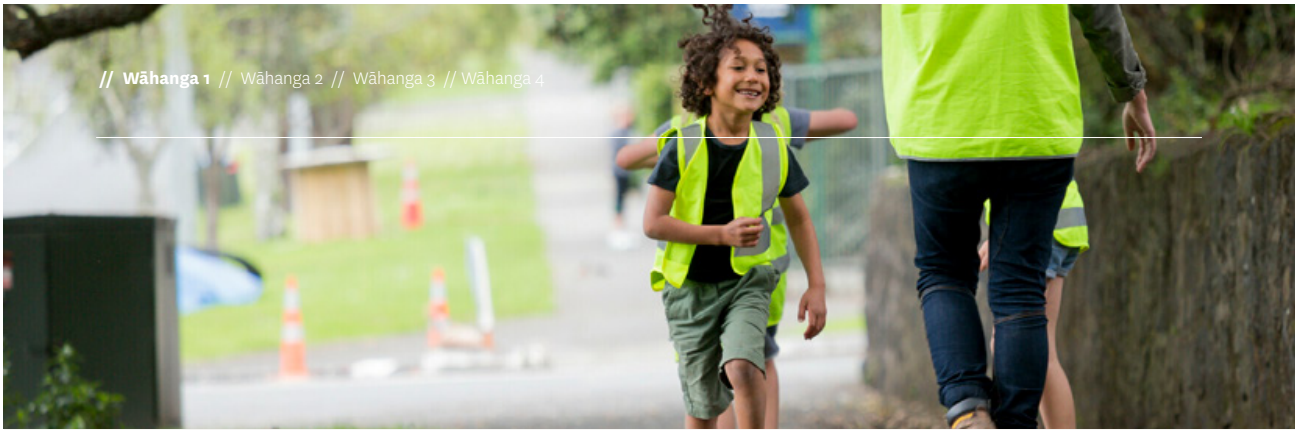
A related and often asked question is whether appointments to District Licensing Committees (DLCs), unlike other committees, can be made for longer than a term. This is possible as DLCs are statutory committees that are not automatically discharged at the end of a term.

SO 8:

Regarding extraordinary and emergency meetings

// Mō ngā hui motuhake, ohotata hoki

Extraordinary meetings are designed to consider specific matters that cannot, due to urgency, be considered at an ordinary meeting.



// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // Wāhanga 4

For this reason, extraordinary meetings can be held with less public notification than ordinary ones.

Standing orders recommend that extraordinary meetings should only deal with the business and grounds for which they are called and should not be concerned with additional matters that could be considered at an ordinary meeting. Public forums should not be held prior to an extraordinary hui.

If kaunihera need to hold meetings that are additional to those specified in their schedule, then they should amend their schedule to include additional ordinary meetings, rather than call them extraordinary meetings, to address what might be the general business of the kaunihera.

Enacted in 2019, the Local Government Regulatory Matters Act has provided for a new type of meeting referred to as ‘emergency’ meetings. The key differences between extraordinary and emergency meetings are outlined below.

Table 1 >>

Extraordinary and emergency meeting compared

	// EXTRAORDINARY MEETING	// EMERGENCY MEETING
Called by:	A resolution of the local authority or requisition in writing delivered to the chief executive and signed by: <ul style="list-style-type: none"> >> the mayor or chair, or >> not less than one-third of the total membership of the local authority (including vacancies). 	The mayor or chair; or if they are unavailable, the chief executive
Process:	Notice in writing of the time and place and general business given by the chief executive.	By whatever means is reasonable by the person calling the meeting or someone on their behalf.
Period:	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting.	Not less than 24 hours before the meeting.
Notifications of resolutions	With two exceptions a local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting. ³	No similar provision exists for emergency meetings however good practice would suggest adoption of the same process as applies to extraordinary meetings.

³ The exceptions apply to decisions made during public excluded session or if the meeting was advertised at least 5 working days before the day on which it was held.

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // Wāhanga 4

SO 9.5:

Chair's recommendation - ensuring the decision-making requirements of Part 6 are met

// Te tūtohunga a te ūpoko – te whakarite i tutuki ngā herenga o te Wāhanga 6

Part 6 is shorthand for sections 77-82 of the LGA 2002, which impose specific duties on kaunihera when they are making decisions. The duties apply to all decisions, but the nature of compliance depends on the materiality of the decision.

The most important provisions are found in s. 77 (bullets a-c) below) and s. 78 (bullet d) below), which require that local authorities must, while making decisions:

// a

seek to identify all reasonably practicable options for the achievement of the objective of a decision,

// b

assess the options in terms of their advantages and disadvantages,

// c

if any of the options identified under paragraph a) involves a significant decision in relation to land or a body of water, consider the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga, and

// d

consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

The level of compliance needs to be considered in light of the kaunihera's Significance and Engagement Policy. It is also important to be aware that these obligations apply to the following:

- >> recommendations made as part of a chair's report, and
- >> recommendations made by way of a Notice of Motion (NOM)

Chair's report // Te pūrongo a te ūpoko

It is common for a chair to use their report to raise a new matter for council deliberation. If that matter is more than minor it should be accompanied by an officer's report setting out options, their relative strengths and weaknesses and include evidence that any citizen affected by the recommendation has had a chance to have their views considered. The same applies to a notice of motion that seeks members' agreement.

What to do if a chair's recommendation or a notice of motion are inconsistent with Part 6? // Me aha mēnā kāore te tūtohunga a te ūpoko, te pānui mōtini rānei i hāngai ki te Wāhanga 6?

A chair should refuse to accept a NOM that addresses possibly significant matters, unless it is accompanied by an officials' report assessing the level of significance and the applicability of Part 6. The same also applies to a recommendation made in a chair's report.

Where a matter triggers the requirements of Part 6, the chair or mover of the NOM, should:

- >> ask the chair or mover of the NOM to amend their motion so that it asks for a kaimahi report on the matter, or
- >> require members submit a draft NOM to kaimahi in advance to determine whether it is likely to trigger the need to comply with Part 6.

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // Wāhanga 4

This guidance also applies to Standing Order 27.2 Refusal of notice of motion, and allows a chair to refuse to accept a NOM that fails to include sufficient information to satisfy the requirements of sections 77 – 82 of the LGA.

To reduce the risks of this happening, some councils:

- >> require the mover of a notice of motion to provide written evidence to show that their motion complies with Part 6, or
- >> ask members to submit a proposed NOM to staff before a meeting so that an accompanying report can be prepared.

SO 13.3:

Leave of absence

// Te tamōtanga

The standing orders provide for a kaunihera to delegate the authority to grant a leave of absence to a mayor or regional kaunihera chair. When deciding whether to grant a leave of absence, a consideration should be given to the impact of this on the capacity of the kaunihera to conduct its business.

Requests should be made in advance of a meeting and would generally apply to several meetings that the member knows they will be unable to attend.

Kaunihera will need to establish their own policy as to whether a person who has a leave of absence for a length of time will continue to receive remuneration as an elected member, for example, a policy may provide for remuneration to continue to be paid for the first three months of a leave of absence.

SO 13.4:

Apologies

// Ngā whakapāha

Apologies are usually given when a member cannot attend a forthcoming meeting or inadvertently missed one, in which cases the apologies are made retrospectively.

SO 13.6:

Absent without leave

// Te tamōtanga kāore i whakaaetia

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



2

PRE-MEETING ARRANGEMENTS >>

Ngā whakaritenga i
mua i te hui >>

Wāhanga TWO

THE PRE-MEETING SECTION OF THE STANDING ORDERS COVERS THE VARIOUS PROCESSES THAT NEED TO BE UNDERTAKEN FOR A MEETING TO BEGIN, INCLUDING THE PREPARATION OF AN AGENDA. THIS SECTION OF THE GUIDE INCLUDES:

- // SETTING AND ADVERTISING MEETING
- // RELOCATING MEETINGS AT THE LAST MINUTE
- // PUTTING MATTERS ON THE AGENDA

// Wāhanga 1 // **Wāhanga 2** // Wāhanga 3 // Wāhanga 4

Setting meeting times

// Te whakarite wā hui

Consideration should be given to choosing a meeting time that is convenient for members and will enable public participation. One approach could be to use the kaunihera induction workshop to seek agreement from members on the times that will best suit them, their kaunihera, and their hapori.

SO 8:

Giving notice

// Te pānui i ngā hui

Section 46(1) and (2) of the Local Government Official Information and Meetings Act 1986 (LGOIMA) prescribes timeframes for publicly advertising meetings. This is so the community has sufficient notice of when meetings will take place. However, the wording of these subsections can cause some confusion.

>> Section 46(1) suggests providing a monthly schedule, published 5-14 days before the end of the month.

>> Section 46(2) suggests that meetings in the latter half of the month may not be confirmed sufficiently in advance to form part of a monthly schedule published before the start of the month.

Therefore, Section 46(2) provides a separate option for advertising meetings held after the 21st of the month. These can be advertised 5-10 working days prior to the meeting taking place.

Basically, kaunihera must utilise the monthly schedule in Section 46(1) for hui held between the 1st and 21st of the month, however, both methods for advertising meetings can be used for meetings held after the 21st.

SO 8.1 : & SO 8.2:

Public notice and notice to members - definitions

// Te pānui tūmatanui me te pānui ki ngā mema – ngā whakamārama

Prior to the last election the Standing Orders were updated to include new definitions of what constitutes a 'public notice' and how 'working days' are defined. The full provisions are:

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

// **a**

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

// **b**

It is published in at least:

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

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

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

Pre-meeting arrangements // Ngā whakaritenga i mua i te hui

// 19

// Wāhanga 1 // **Wāhanga 2** // Wāhanga 3 // Wāhanga 4

WORKING DAY means a day of the week other than:

// **a**

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

// **b**

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

// **c**

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

// **d**

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

SO 8.10 :

Meeting schedules – relocating meetings at the last minute

// Ngā hōtaka hui – te panoni i te wāhi hui i te mineti whakamutunga

Local authorities must hold meetings at the times and places as advertised, so if an appointed meeting room becomes unavailable at the last minute (i.e. after the agenda has been published), and an alternative room in the same venue or complex cannot be used, the meeting can be re-located but will become an 'extraordinary' meeting and the requirements set out in Standing Orders 8.4 and 8.9 will need to be met.

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

- >> alerting customer services,
- >> changing meeting invitations to elected members,
- >> updating notices visible outside both old and new venues,
- >> a sign on the original meeting room door, and
- >> updates on the kaunihera website and social media pages.

SO 9.8 :

Managing confidential information

// Te whakahaere mōhiotio matatapu

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

// Wāhanga 1 // **Wāhanga 2** // Wāhanga 3 // Wāhanga 4

SO 9.1 :

Preparation of the agenda – good practice

// Te whakarite i te rārangi take
– ngā mahi tika

Deciding what to put on an agenda and the process used to make that decision is an important consideration. An agenda is ultimately the responsibility of the chair of the meeting and the chief executive, with the collation of the agenda and its contents sitting with the chief executive's control. The process varies between kaunihera, and is heavily influenced by its size. Some principles of good practice include:

- >> Start the process with a hui of the kaunihera committee chairs to identify upcoming issues and determine which committee will address them first.
- >> To strengthen relationships, mana whenua organisations could be invited on a regular basis to contribute items for an agenda or share their priorities, for consideration by a future meeting.
- >> Seek regular public input into forthcoming agendas by engaging with a representative panel of community members.
- >> Ensure elected members themselves can identify matters for upcoming hui agendas.

If a member wants a new matter discussed at a meeting, they should give the chair early notice, as the matter may require the chief executive to prepare an accompanying report.

Matters may be placed on the agenda by the following means:

// 1

By a direct request to the chair of the meeting, chief executive, or an officer with the relevant delegated responsibility.

// 2

By asking the chair to include the item in their report, noting that the matter might require a kaimahi report if it involves a decision.

// 3

By the report of a committee. Committees are a mechanism for citizens, or elected members, to raise issues for kaunihera consideration. A committee can make recommendations to the governing body.

// 4

Through a local or community board report. Community boards can raise matters relevant to their specific community for consideration by the governing body. A councillor could approach a community board to get their support on a local issue.

// 5

Through a Notice of Motion (NOM). See Standing Order 27.1 for more detail. A NOM must still comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. Generally, a NOM should seek a meeting's agreement that the chief executive prepare a report on the issue of concern to the mover.

// Wāhanga 1 // **Wāhanga 2** // Wāhanga 3 // Wāhanga 4

Where a matter is urgent but has not been placed on an agenda, it may be brought before a meeting as 'extraordinary business' via a report by the chief executive or the chair. This process gives effect to section 46A (7) and (7A) of the Local Government Official Information and Meetings Act (LGOIMA) 1987.

The topic of any request must fall within the terms of reference, or the scope of delegations, given to the meeting or relevant committee, board or subsidiary body. For example, business referred to a community board should concern a matter that falls within the decision-making authority of the board.

Making agendas available

// Te whakawātea i ngā rārangi take

Underpinning open and transparent government is the opportunity for members of your community to know in advance what matters will be debated in which meeting. Making kaunihera and committee agendas publicly available, whether in hard copy or digitally, is critical.

Different communities will have different challenges and preferences when it comes to how they access information. Not all communities have reliable access to the internet and you need to consider the abilities of young, old and visually or hearing impaired. Distributing information using a range of digital and traditional channels with consideration for accessibility needs will be a step toward strengthening trust in local democracy and narrowing the gap between kaunihera and their communities.

SO 9.14 :

Public excluded business - returning to an open session

// Ngā take e aukatihia ana ki te marea – te hoki ki te hui tuwhera

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

// 1

Meeting resolution, whereby the chair, or a member, moves that since the grounds for going into public excluded no longer exist the public excluded status is hereby lifted.

// 2

End of the public excluded item, whereby public excluded status is 'tagged' to only those items that meet the criteria in the sample resolution set out in Appendix Two of the Standing Orders. Status is automatically lifted once discussion on that item is concluded.

Generally, option two should be followed. However, option one might apply where, during a substantive item, it is necessary to go into public excluded for a section of that item. In this case the chair, or a member, should signal though a point of order that the grounds for excluding the public no longer apply. It is only a question of style as to whether a motion to return to open meeting is required.



3

MEETING PROCEDURES >>

Ngā tukanga
hui >>

Wāhanga THREE

PROCEDURES FOR MAKING DECISIONS ARE THE HEART OF KAUNIHERA STANDING ORDERS.
THIS SECTION OF THE GUIDE INCLUDES:

- // OPENING AND CLOSING YOUR MEETING WITH A KARAKIA TIMATANGA OR REFLECTION
- // VOTING SYSTEMS
- // CHAIR'S OBLIGATION TO PRESIDE AND CHAIR'S CASTING VOTE
- // JOINING BY AUDIO-VISUAL MEANS
- // MEMBER CONDUCT
- // QUORUMS
- // REVOKING DECISIONS
- // MEMBERS ATTENDING MEETINGS THAT THEY ARE NOT MEMBERS OF
- // MOVING AND DEBATING MOTIONS
- // DISCHARGING COMMITTEES

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

SO 10 :

Opening and closing your meeting

// Te whakatuwhera me te whakakapi i tō hui

There is no obligation on a local authority to start their meeting with any reflection or ceremony, however, it is an increasingly popular approach.

An example of a reflection used at the start of a meeting is the following karakia. This approach allows for tangata whenua processes to be embraced.⁴

Opening formalities

// Karakia timatanga

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

⁴ Examples of karakia, and general advice on the use of tikanga Māori, can be found via an APP, Titled Kōra, developed by MBIE and available from most APP stores.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

SO 11.4:

Requirement for a quorum - what happens when a member is 'not at the table'?

// Te herenga kia whai kōrama – ka aha mēnā kāore te mema 'i te tēpu'?

Whether or not members must be 'at the table' to constitute a quorum is a question that usually arises in response to a member standing aside due to a conflict of interest.

Standing order 10.4 states "a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote". 'Present' is to be in the room, not necessarily around the table. If a member is excluded from the room due to a financial conflict of interest they are no longer considered 'present' for the purposes of the quorum.

SO 13.1:

Do members have to be present to vote?

// Te mōtika o ngā mema ki te haere ki ngā hui katoa

The legislation (cl. 19(2) Schedule 7, LGA 2002) and these standing orders are clear that members can attend any meeting unless they are 'lawfully excluded' (the definition of lawfully excluded is in the Standing Orders). If attending, elected members have the same rights as the public. They may be granted additional speaking rights if permitted by the chair.

Many kaunihera require non-members to sit away from the meeting table or in the public gallery to make it clear they are not a committee member.

Whether a member can claim allowances for attending the meeting of a committee they are not a member of is a question that should be addressed in a kaunihera allowances and expenses policy.

Do members have to be present at hearings to vote? // Me tae ā-tinana ngā mema ki ngā whakawā e taea ai te pōti?

The rules vary according to the legislation under which the hearing or submission process is occurring.

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

It is good practice to make it clear in the minutes that the members who were absent had been provided with records of all submissions oral and written submissions, prior to deliberations.

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

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

SO 14.1:

Council meetings - must the mayor or chair preside?

// Ngā hui Kaunihera – me koromatua, ūpoko rānei te kaiwhakahaere?

Schedule 7, Clause 26(1) of the LGA 2002 provides that the mayor (or chair of a regional kaunihera) must preside over each kaunihera meeting they are present at. This reflects the mayor's leadership role set out in section 41A. However, the requirement is subject to the exception "*unless the mayor or chair vacates the chair for a particular meeting*". This exception would usually be invoked if there is a situation in which they should not lead for some legal reason such as where they have a conflict of interest or are prohibited from voting and discussing by virtue of section 6 of the Local authorities (Members' Interests) Act 1968.

It is implicit in clause 26(1), that the mayor or chair will still be present in the meeting, and except in situations where the law prevents them from discussing and voting on a particular matter, they can continue to take part as a member. The clause only relates to vacating the chair, not leaving the meeting.

SO 13.7:

Right to attend by audio or audio visual link

// Te mōtika kia tae mā te hononga ā-oro, ataata-rongo rānei

Local authorities can allow members to participate in meetings online or via phone. This can reduce travel requirements for councillors in large jurisdictions and facilitates participation for councillors when travelling. If a kaunihera wishes to allow members to join remotely, then provision must be made in the standing orders. The LGNZ template contains the relevant provisions. If not, then standing orders 13.7 – 13.16 should be removed before the template is adopted.

While a member can take part in discussions and vote when joining a hui electronically, they are not part of the quorum. Please note, the requirement to have a physical quorum is suspended while the Epidemic Preparedness Notices are in force.

SO 13.16:

Protecting confidentiality at virtual meetings

// Te tiaki i te matatapu i ngā hui mariko

Some members have raised concerns about the risk to confidentiality at virtual hui. Concerns relate to the difficulty of ensuring that a member is alone or that confidentiality is not compromised where that member joins by audio means alone.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

Kaunihera should avoid, if possible, dealing with public excluded items in a meeting that allows people to join virtually. While this may not be possible in extraordinary circumstances, we have strengthened the ability of a chair to terminate a link if they believe a matter, which should be confidential, may be at risk of being publicly released, see SO 13.13.

SO 15 :

Public forums

// Ngā matapaki tūmatanui

The standing orders provide for a period of up-to 30 minutes, or longer if agreed by the chair, for members of the public to address the meeting.

The template allows this to be for up-to five minutes each on items that fall within the delegations of the meeting, unless it is the governing body and provided matters raised are not subject to legal proceedings or related to the hearing of submissions. Speakers may be questioned by members through the chair, but questions must be confined to obtaining information or clarification on matters the speaker raised. The chair has discretion to extend a speaker's time.

While the forum is not part of the formal business of the meeting, it is recommended that a brief record is kept. The record should be an attachment to the minutes and include matters that have been referred to another person, as requested by the meeting.

SO 16 :

Deputations

// Ngā teputeihana

In contrast to public forums, deputations allow individuals or groups to make a formal presentation to a meeting, as an item on the agenda. Given the additional notice required for a deputation, kaimahi may be asked to prepared advice on the topic, and members may move and adopt motions in response to a deputation.

SO 18.5 :

Release of information from public excluded session

// Te tuku i ngā mōhiohio nō te wāhanga aukati ki te marea

Kaunihera have different processes for releasing the reports, minutes and decisions from public- excluded meetings which is material considered confidential under Section 6 or Section 7 of LGOIMA. Documents may be released in part, with only parts withheld.

The reasons for withholding information from the public does not necessarily endure, for example, information that was confidential due to negotiations may not need to remain confidential when negotiations have concluded.

Information may only be publicly released by a decision of the meeting or the chief executive. Each kaunihera will have systems and policy for controlling the release of information.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

When a report is deemed to be 'in confidence', information can be provided on whether it will be publicly released and when. Regarding any items under negotiation, there is often an end point when confidentiality is no longer necessary.

If no release clause is provided, a further report may be needed to release the information creating more work. The following clause can be included in report templates (if in confidence) to address this issue:

"That the report/recommendation be transferred into the open section of the meeting on [state when the report and/or recommendation can be released as an item of open business and include this clause in the recommendation]."

SO 19.3 :

Chair's casting vote

// Te pōti whakatau a te ūpoko

Standing Order 19.3 allows the chair to exercise a casting vote where there is a 50-50 split. Including this in standing orders is optional under Schedule 7, cl. 24 (2), LGA 2002. The casting vote option has been included in the template to avoid the risk that a vote might be tied and lead to a significant statutory timeframe being exceeded.

There are three options:

// **1**

The casting vote provisions are left as they are in the default standing orders.

// **2**

The casting vote provision, Standing Order 19.3, is removed from the draft standing orders before the standing orders are adopted.

// **3**

The standing orders are amended to provide for a 'limited casting vote' that would be limited to a prescribed set of decisions only such as statutory decisions, for example: *where the meeting is required to make a statutory decision e.g., adopt a Long-Term Plan, the chair has a casting vote where there is an equality of votes.*

SO 19.4:

Method of voting

// Te tikanga pōti

One of the issues that arose during preparation of the new standing orders concerned the performance of some electronic voting systems and whether the way in which they operate is consistent with what we understand as 'open voting'.

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

It is also important to note, when using electronic voting systems, that the LGNZ standing orders template supports the right of members to abstain from voting, see standing order 19.7.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

SO 19.5:

Calling for a division

// Te tono i te wehenga

Under standing order 19.5, a member can call for a 'division' for any reason. If one is called, the standing orders require the chief executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the chair to declare the result. This must also be recorded in the minutes.

There are options for gathering this information. For example:

>> When asking each individual member how they voted vary the order in which elected members are asked e.g., alternate between clockwise and anti-clockwise.

>> To get a clear picture ask members who voted for or against a motion or amendment to stand to reflect how they voted i.e., *"all those in favour please stand"* with votes and names, recorded, followed by *"all those against please stand"* etc.

SO 20 :

Members' Conduct

// Ngā Whanonga a ngā Mema

Section 20 of the standing orders deals with elected member's conduct at meetings. One feature of the LGNZ Standing Orders is the cross reference made to a council's Code of Conduct, which sets standards by which members agree to abide in relation to each other. The Code of Conduct template, and the draft policy for dealing with breaches, can be found at www.lgnz.co.nz.

At the start of a triennium, kaunihera, committees and local and community boards, should agree on protocols for how meetings will work, including whether members are expected to stand when speaking and if there are specific dress requirements.

SO 20.7 & 20.8:

Conflicts of interest

// Ngā take taharua

While the rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have with a financial or non-financial conflict of interest, determining whether one exists can be more challenging.

Financial conflicts of interest: (SO 20.7)

// Ngā take taharua ahumoni: (SO 20.7)

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

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

The rule makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

The Auditor General can grant exemptions from this rule, allowing a member to participate. Members should be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG’s guide on Conflicts of Interest published in 2004).

Non-financial conflicts of interest: (SO 20.8)

// Ngā take taharua ahumoni-kore: (SO 20.8)

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

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

The Auditor General cannot provide an exemption or declaration for non-financial conflicts of interest. Bias, both actual and perceived, is a form of non-financial conflict of interest. A claim of bias can be made on the grounds of predetermination. A member who believes they may have a non-financial conflict of interest, or be perceived as having a bias, should:

- >> declare they have a conflict of interest when the matter comes up at a meeting,
- >> ensure that their declaration is recorded in the minutes, and
- >> refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter.

In determining the level of conflict, members should discuss the matter with the meeting chair, chief executive, or their nominee, however, the decision whether to participate or not must be made by the members themselves.

SO 22.1:

Options for speaking and moving motions

// Ngā kōwhiringa ki te kōrero me te mōtini

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

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

When a kaunihera, committee, or community board, comes to adopt their standing orders, it needs to decide which of the three options will be the default option; this does not prevent a meeting from choosing one of the other two options, but it would need to be agreed by a majority of members at the start of that specific meeting.

The formal option A tends to be used when a body is dealing with a complex or controversial issue and the chair needs to be able to limit the numbers of speakers and the time taken to come to a decision.

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

In contrast, options B and C enable more inclusive discussion about issues, however some chairs may find it more difficult to bring conversations to a conclusion.

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

SO 23.10:

Where a motion is lost

// Ina whakakorea tētahi mōtini

This standing order was added in 2019 to make it clear that when a motion is lost, it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion *“that the council’s social housing stock be sold”* was defeated, the organisation might be left without direction regarding the question of how the stock should be managed in the future.

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

SO 24.2:

Revoking a decision

// Te whakakore i te whakataunga

A kaunihera cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, provided its decision-making powers were exercised in a lawful manner.

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

SO 25.2:

Procedural motions to close or adjourn a debate - what happens to items left on the table

// Ngā mōtini tikanga whakahaere hei whakakapi i tētahi tautohetohe – ka ahatia ngā take e tārewa tonu ana

Standing Order 25.2 provides five procedural motions to close or adjourn a debate.

When an item is left to lie on the table, it is good practice wherever possible to state what action is required to finalise it and when it will be reconsidered. Item (d) states: *“That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired)”*.

We recommend that at the end of the triennium, any such matters should cease to lie on the table and are withdrawn.

When to schedule the last ordinary meeting

// Āhea whakaritea ai te hui noa whakamutunga

When putting together the schedule of meetings for the last year of a triennium how close to polling day should the last meeting occur?

// Wāhanga 1 // Wāhanga 2 // **Wāhanga 3** // Wāhanga 4

Kaunihera take different approaches and practice may be affected by the nature of business that a kaunihera is facing prior to the coming elections.

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

This allows retiring members to make valedictory speeches away from the political atmosphere of the election.

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

What about issues emerging in the interim?

// Pēhea ngā take ka puta i te wā tārewa?

From the moment that the final results are released and the first meeting of the new kaunihera, issues can arise that require an urgent decision. Given that councillors are yet to be sworn in, it is the chief executive who should make these decisions. To enable this a kaunihera, before the elections (preferably at the first or second ordinary council meeting when delegations are approved) should agree a time-limited delegation to the chief executive, giving them a broad discretion to act on behalf of the local authority.

A standard delegation for the chief executive might read, for example: *“That from the day following the Electoral Officer’s declaration, until the new council is sworn in, the chief executive is authorised to make decisions in respect of urgent matters, in consultation with the mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new council.”*



Meeting procedures // Ngā tukanga hui

// 32



4

**KEEPING
RECORDS >>**

Te whakarite
mauhanga >>

Wāhanga **FOUR**

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // **Wāhanga 4**

Recording reasons for decisions

// Te hopu i ngā take mō ngā whakataunga

Recent legal judgements have highlighted the importance of recording decisions in a manner that clearly and adequately explains what was decided and why.

In the decisions, the Courts acknowledged that giving of reasons is one of the fundamentals of good administration by acting as a check on arbitrary or erroneous decision-making. Doing so assures affected parties that their evidence and arguments have been assessed in accordance with the law, and it provides a basis for scrutiny by an appellate court. Where this is not done, there is a danger that a person adversely affected might conclude that they have been treated unfairly by the decision-maker and there may be a basis for a successful challenge in the courts, (Catey Boyce, Simpson Grierson 2017).

While each situation is different the Court considered that the extent and depth of the reasoning recorded should consider:

- >> the function and role of the decision maker,
- >> the significance of the decision made upon those affected by the decision,
- >> the rights of appeal available; and
- >> the context and time available to make a decision.

In short, the level of detail should be sufficient so that any 'reasonably informed' reader of the minutes would have no difficulty identifying and understanding the reasons for the recommendations. A useful guide to the appropriate level of detail would be the Significance and Engagement Policy of a kaunihera.

Hard copy or digital // Tānga pepa, tānga matihiko rānei

Te Rua Mahara o te Kāwanatanga Archives New Zealand has released guidance on the storage of records by digital means. **You can read it here.** General approval has been given to public offices to retain electronic records in electronic form only, after these have been digitised, subject to the exclusions listed below.

The following categories of public records are excluded from the general approval given:

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

For more detail on each of these categories, refer to the guide 'Destruction of source information after digitisation 17/G133'. Te Rua Mahara o te Kāwanatanga Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

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

Compliance with Section 229(1) of the CCLA // Te ū ki te Wāhanga 229 (1) o te CCLA

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

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // **Wāhanga 4**

The two conditions of Section 229(1) are:

// **1**

The electronic form provides a reliable means of assuring that the integrity of the information is maintained, and

// **2**

The information is readily accessible to be usable for subsequent reference

NOTE: Public offices should be aware that Section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (Enactments and provisions excluded from subpart 3 of Part 4). For further clarification, the Authority should be read in conjunction with the guide Destruction of source information after digitisation 17/ G13.⁵

Information tabled at meetings

// Ngā mōhiohio ka tāpaetia i te hui

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

Chair's signature // Te waitohu a te Ūpoko

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

SO 28. :

Keeping minutes

// Te tuhi i ngā meneti

What to record? // Me tuhi i te aha?

The purpose of taking minutes is to meet legal requirements set out in LGOIMA 1987, that is to "create an audit trail of public decision-making and to provide an impartial record of what has been agreed". This also strengthens accountability and helps build confidence in our local democracy.

The level of proceedings recorded will vary according to the preferences however the style adopted should be discussed with, and agreed to, by those groups whose discussions and decisions are being minuted.

One way of doing this is to include, as part of the resolution adopting the minutes, either a stand-alone motion stating the level of detail that will be recorded or including this within the Standing Orders themselves.

GOOD PRACTICE

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

⁵ See [Authority to retain public records in electronic form only – Archives New Zealand](#)

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // **Wāhanga 4**

SO 28.2:

Matters recorded in minutes

// Ngā take ka tuhia ki ngā meneti

SO 28.2 sets out what the minutes must record. In addition, it is recommended a record is made of the reasons given for a meeting not having accepted an officer's recommendations in a report; this might be important for future audit purposes.

When recording Māori place names, or discussion in Te Reo Māori, please make sure to use correct and local spelling.

Regarding non-LGA 2002 hearings

// Mō ngā hui whakawā kāore i te hāngai ki te LGA 2002

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

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

- >> record of any oral evidence,
- >> questions put by panel members and the speaker's response,
- >> reference to tabled written evidence, and
- >> right of reply.

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

- >> records of oral submission,
- >> questions put by elected members and the
- >> speaker's response to them, and
- >> reference to tabled written submission.

In cases where a kaunihera chooses a course of action in response to submissions which is contrary to advice provided by officials, the reasons why it chose not to follow official advice should be recorded.

In summary:

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

Affixing the Council seal

// Te tāpiri i te hīra a te Kaunihera

The requirement to have a common seal was removed by the LGA 2002. However, there is an implied requirement for a kaunihera to continue to hold a common seal as there are some statutes that refer to it. A kaunihera may decide to require or authorise the use of its common seal in certain instances.

// Wāhanga 1 // Wāhanga 2 // Wāhanga 3 // **Wāhanga 4**

For example:

>> Section 174(1) of the LGA 2002, states that if an officer of a local authority or other person is authorised by the LGA 2002 or another enactment to enter private land on behalf of the local authority, the local authority must provide a written warrant under the seal of the local authority as evidence that the person is so authorised.

>> Section 345(1)(a) of the LGA 1974, which provides for the kaunihera conveying or transferring or leasing land, which is no longer required as a road, under common seal.

>> Section 80 of the Local Government (Rating) Act 2002, which provides that the kaunihera must, in the case of sale or lease of abandoned land, execute under seal a memorandum of transfer (or lease) on behalf of the ratepayer whose interest has been sold or leased.

>> Clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA), which provides that approvals of proposed policy statements or plans must be affected by affixing the seal of the local authority to the proposed policy statement or plan.

However, given that there are no requirements in these provisions as to how the common seal may be affixed, it is therefore up to each local authority itself to decide. Where such requirements continue to exist the legal advice we have seen (sourced from Simpson Grierson) recommends that local authorities have deeds signed by two elected members. While the common seal could be affixed in addition to this, it is not legally required.

If a kaunihera continues to hold a common seal, then it is up to the kaunihera to decide which types of documents it wishes to use it for, and which officers or elected members have authority to use it. The process for determining this should be laid out in a delegation's manual or separate policy.



Appendix

Apitihanga

1:

**Alternatives
to formal
meetings >>**

He momo hui
ōkawa rerekē >>

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // Apitihanga 4 // Apitihanga 5

Workshops

// Ngā awheawhe

Workshops are frequently a contentious issue in local government because they are often held in public-excluded sessions and lack minutes, undermining principles of transparency and accountability. They are, however, an effective way to have 'blue skies' discussions and to give feedback to officials on policy work before an issue is too far advanced, such as identifying a range of options that would be comfortable to elected members.

Workshops are best described as informal briefing sessions where elected members get the chance to discuss issues outside the formalities of a kaunihera meeting. Informal hui can provide for freer debate than meetings where formal standards of discussion and debate apply. There are no legislative rules for the conduct of workshops and no requirement to allow the public or media access, although it is unlawful to make decisions at a workshop.

It is also unlawful to take a 'de facto' decision, that is agree a course of action and then vote it into effect at a following kaunihera meeting without debate.

To build trust in kaunihera decision-making, kaunihera should, unless dealing with confidential matters, make all workshops open to the public.

Key attributes are:

- >> Workshops can give guidance to kaimahi (for example to prepare a report covering various options).
- >> There are no legal requirements relating to a quorum.
- >> Standing orders do not apply, unless voluntarily complied with.

Workshops can have multiple functions. In their guide to hui structures, Steve McDowell and Vern Walsh, from Meetings and Governance Solutions, describe workshops as a "forum held to provide detailed or complicated information to councillors which if undertaken at a kaunihera or committee hui could take a significant amount of time and therefore restrict other business from being transacted. Workshops provide an opportunity for councillors to give guidance to kaimahi on next steps (direction setting)."⁶

They note that workshops provide an opportunity to:

- >> receive detailed technical information,
- >> discuss an approach or issues around a topic without time restrictions or speaking restrictions,
- >> enable members to question and probe a wide range of options,
- >> enable kaimahi to provide more detailed answers to questions and explore options that might otherwise be considered not politically viable.

When not to use workshops // Āhea e kore ai e whakamahi awheawhe

Some kaunihera have taken to holding regular workshops that alternate with meetings of their governing bodies. The rationale is that the workshops enable members to be fully briefed on the governing body agenda and seek additional information that might complicate formal meetings.

Such practices are regarded with concern by both the Ombudsman and the Auditor General as they are seen as inconsistent with transparency and openness. If kaunihera find this a useful approach, then the pre-governing body workshop must be open to the public to avoid the suspicion that "de-facto" decisions are being made.

⁶ See <https://www.meetinggovernance.co.nz/copy-of-learning-and-development>

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // Apitihanga 4 // Apitihanga 5

// Briefings

Ngā hui tohutohu

One of the unique features of local government is that all councillors, sitting as the kaunihera, have 'equal carriage' of the issues to be considered. For example, when the budget is under consideration, there is no minister for finance or treasurer to assume executive authority or to guide the decision-making process. All councillors have an equal accountability.

Accordingly, all councillors are required to satisfy themselves about the integrity, validity and accuracy of the issues before them.

Councillors have many complex issues about which to make decisions and rely on the advice they receive from the administration. Complex issues often require more extensive advice processes which culminate in the council report.

A key feature of these processes are briefings. These are closed-door sessions during which councillors are provided with detailed briefings, oral and written, and provide councillors with the opportunity to discuss the issues between themselves and with senior kaimahi. They often involve robust discussion and the frank airing of controversial or tentative views.

The content and form of these briefings mean that they are not held in the public arena. This gives councillors the opportunity to work through the issues in a way that would not be possible in an open kaunihera meeting. Councillors do not commit to formal decisions at these sessions.

Features of kaunihera briefings:

- >> They should be used when complex and controversial issues are under consideration.
- >> They should involve all councillors and relevant senior kaimahi.

>> Written briefing material should be prepared and distributed prior to the hui in order that the same information and opportunity to prepare is given to all councillors and officers.

>> They need to be chaired in such a way that open and honest communication takes place and all issues can be explored. Because time and availability are often limited, the Chair must ensure that discussions are kept on track and moving towards a conclusion.

>> For more complex strategic issues, multiple briefings are usually necessary.

When briefings are being planned it is important that issues of transparency and accountability are considered. If councillors use a briefing or workshop to determine a policy position, and only go through a brief or perfunctory endorsement at the meeting of kaunihera, they are making a de-facto-decision (without fulfilling the requirements of the LGA 2002, or natural justice).

Such practice can impact adversely on the public's ability to follow the decision-making process and expose the kaunihera to judicial review, as well as investigation by a parliamentary agency.

To ensure transparency and accountability, it is important that the administration is made accountable for the formal advice it provides to the kaunihera meeting which subsequently takes place. This advice may or may not be entirely consistent with the discussions which took place at the briefing.

Councillors who are well briefed are more likely to be able to debate the matter under discussion and ask relevant questions which will illuminate the issue more effectively. However, consideration should be given to opening kaunihera briefings to the public, unless confidential matters are to be considered. Public trust in institutions like local governments is highly correlated with openness.

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // Apitihanga 4 // Apitihanga 5

// Calling a workshop or briefing

Te karanga awheawhe, hui tohutohu rānei

Workshops, briefings and working parties may be called by:

- >> a resolution of the local authority or its committees,
- >> a committee chair, or
- >> the chief executive.

The chief executive must give at least 24 hours' notice of the time, place and 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 session is not a meeting but a workshop,

// b

advise the date, time and place, and

// c

confirm that the hui 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.

// Making a record

Te tuhi mauhanga

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

- >> time, date, location, and duration of workshop,
- >> people present, and
- >> general subject matter covered.

Please note, when deciding to hold a workshop or briefing the first question that should be considered is whether there is a convincing reason for excluding the public. The default position should be to allow public access.

Appendix

Apitihanga

2:

**Preparing for the
next triennial
election >>**

Te whakarite mō te
pōtitanga ā-toru tau
e whai ake ana >>

// Apitihanga 1 // **Apitihanga 2** // Apitihanga 3 // Apitihanga 4 // Apitihanga 5

// Governance handovers

Te tuku i te mana whakahaere

To assist new kaunihera to get up to speed, prior to an election, incumbent members may like to prepare a letter, or report, for their successor (noting that this may also involve many existing members).

This is to provide new members with an insight into what the outgoing kaunihera considered as the major challenges and what they learned during their term in office that they might have done differently.

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

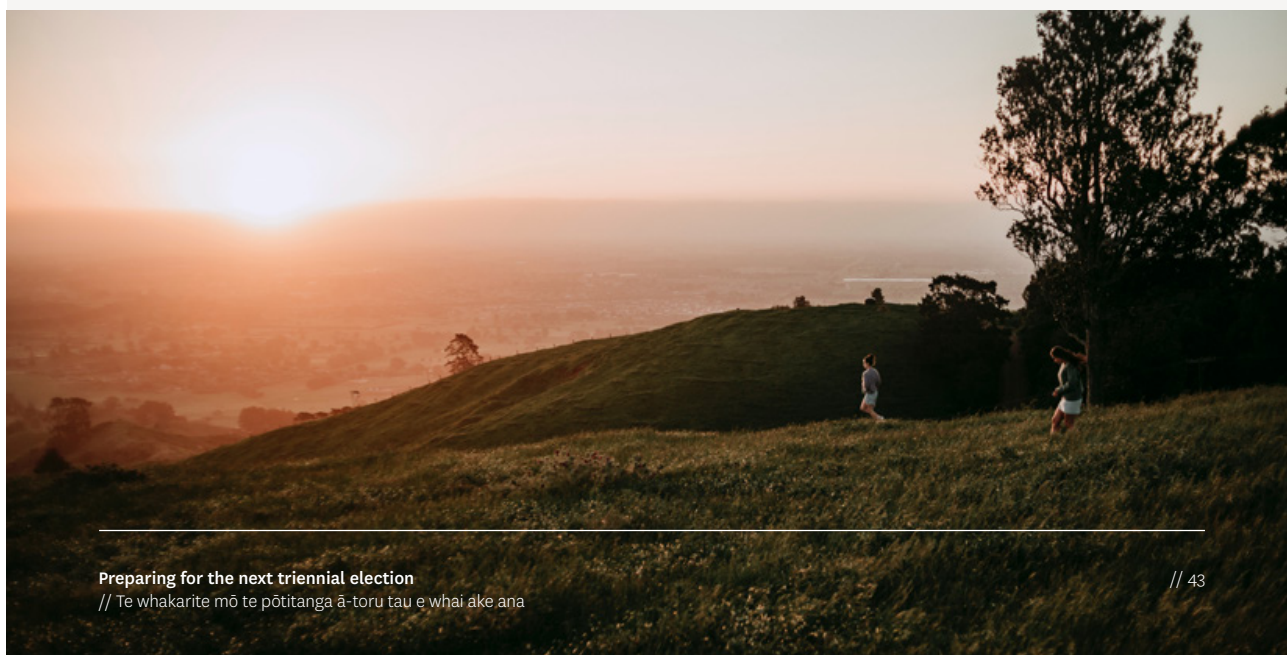
// Reviewing decision-making structures

Te arotake i ngā pūnaha whakatau take

One of the first matters that new kaunihera must address is to decide their governance and decision-making structures. Frequently, new kaunihera end up adopting the decision-making body of their predecessors without much discussion.

When it comes to your governance arrangements, however, there is a wide menu of options. Kaunihera need to fully consider these to determine which best fits the culture they wish to establish over their term, and which will be best given the characteristics their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved. Based on surveys and interviews the incoming kaunihera should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly, see www.lgnz.co.nz.



Preparing for the next triennial election

// Te whakarite mō te pōtītanga ā-toru tau e whai ake ana

// 43

Appendix

Apitihanga

3:

**Mayors' powers
to appoint under
s.41A >>**

Te mana o te
koromatua ki te
kopou i raro i te
wāhanga 41A >>

// Apitihanga 1 // Apitihanga 2 // **Apitihanga 3** // Apitihanga 4 // Apitihanga 5

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 chair of each of those committees and the members.
- // **c** Appoint themselves as the chair of a committee.
- // **d** Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The council retains the ability to:

- // **a** Remove a deputy mayor appointed by the mayor.
- // **b** Discharge of reconstitute a committee established by the mayor.
- // **c** Discharge a committee chair who has been appointed by the mayor.
- // **d** The mayor is a member of each committee of the council.

Mayors’ powers to appoint under S.41A

// Te mana o te koromatua ki te kopou i raro i te wāhanga 41A



// 45

Appendix

Apitihanga

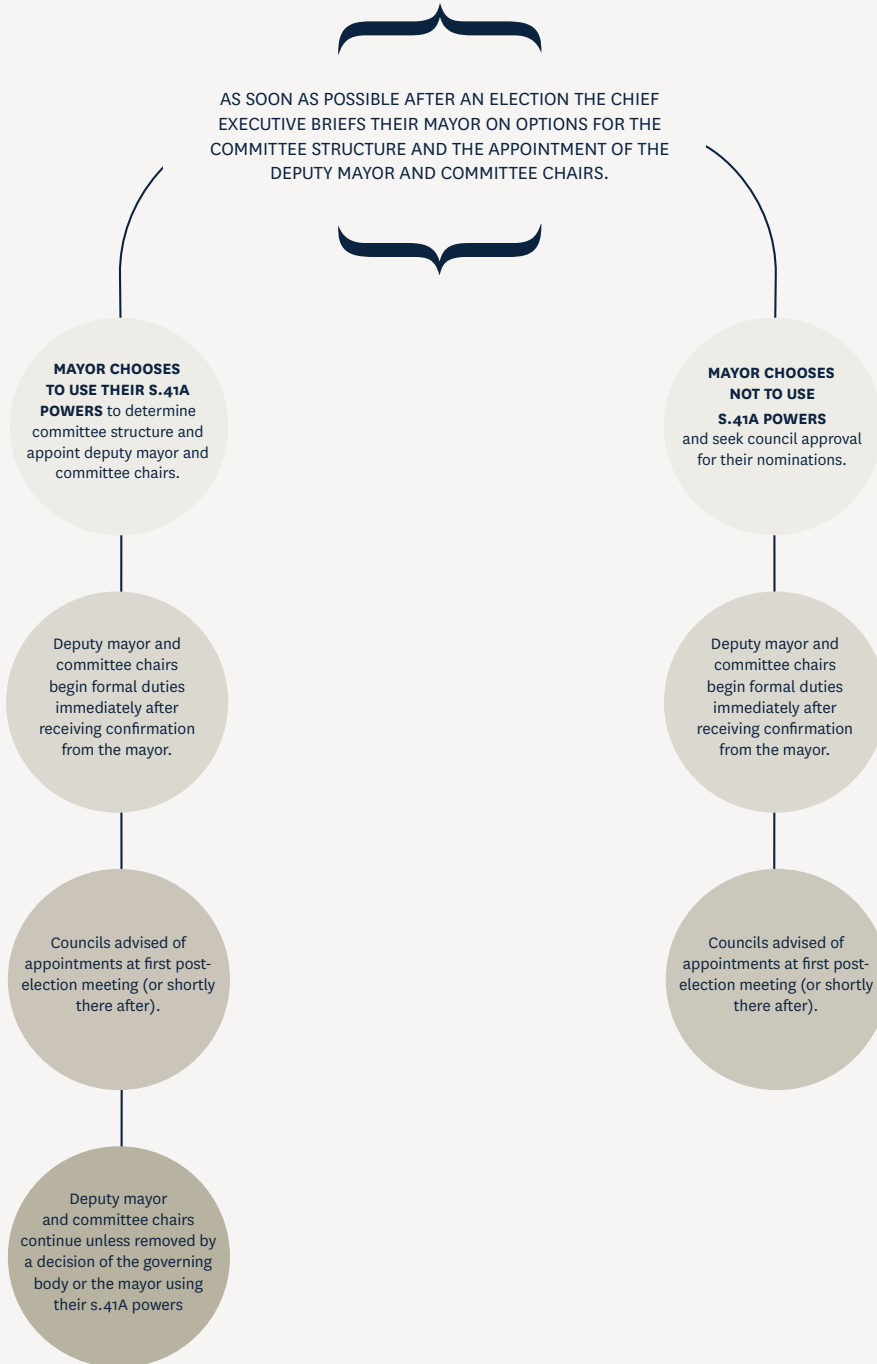
4:

**Process for
implementing
s. 41A>>**

Te tukanga mō te
whakatinana i te
wāhanga 41A >>

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // **Apitihanga 4** // Apitihanga 5

AS SOON AS POSSIBLE AFTER AN ELECTION THE CHIEF EXECUTIVE BRIEFS THEIR MAYOR ON OPTIONS FOR THE COMMITTEE STRUCTURE AND THE APPOINTMENT OF THE DEPUTY MAYOR AND COMMITTEE CHAIRS.



Process for implementing s. 41a
// Te tukanga mō te whakatinana i te wāhanga 41AV

// 47

Appendix

Apitihanga

5:

**Changes made
to the 2019 SO
template >>**

Ngā panonitanga
ki te anga SO
nō 2019>>

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // Apitihanga 4 // **Apitihanga 5**

// STANDING ORDER

// CHANGES MADE TO THE 2019 LGNZ STANDING ORDERS TEMPLATE (2022)

Definitions	New definitions and amendments:
	<ul style="list-style-type: none"> >> Matariki as a public holiday >> Member of the Police >> Appointed member >> Emergency under “meeting” >> debate >> conflict of interest, >> division, >> Item, >> leave of the hui, >> officer, >> open voting, and >> pecuniary interest >> definition of chair and presiding member tweaked >> definition of workshops tweaked with change to standing orders advice >> definition of seconder expanded by addition of ‘amendment’.
3.5	Motion to suspend standing orders – ‘may’ replaced with ‘must identify the specific standing orders to be suspended’.
7.2	Confirmed that District Licensing Committees do not need to be reconstituted.
9.1	Preparation of an agenda – amended to make it clear that a chief executive prepares an agenda on behalf of the chairperson and ‘must’ consult the chair, or person acting as chair, when preparing it.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
12.2	Statutory reference inserted - s. 50 LGOIMA.
12.4	Public may record hui - slight amendments to improve practicality.
13.3	Leave of absence – amended to remove ambiguity.
13.7 & 13.17	To confirm that if a chairperson is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link
18.5	Release of public excluded information - requirement that the CEO will inform the subsequent hui, has been deleted due to administrative impracticality.
19.1	Decisions by majority vote - tweaked to better align with statutory reference in Schedule 7, LGA 2002.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
23.1	Commas after ‘motion’ and ‘debate’.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.

// Apitihanga 1 // Apitihanga 2 // Apitihanga 3 // Apitihanga 4 // **Apitihanga 5**

// STANDING ORDER

// CHANGES MADE TO THE 2019 LGNZ STANDING ORDERS TEMPLATE (2022)

23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.
23.6 (previous)	'Chairperson may recommend an amendment' - deleted.
23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.
23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
27.7	Repeat notices of motion – the phrase, 'in the opinion of the chairperson', deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that "items tabled at the hui" should be included in the minutes.
Appendix 8	Specific standing order references have to the powers of a chair where relevant.
Appendices shifted to Standing Order Guide	>> Process for applying S.41A >> Workshops

Changes made to the 2019 SO template
// Ngā panonitanga ki te ānga SO nō 2019

// 50



7.8 Adoption of Code of Conduct

Author: Jacky Clarke, Governance and Executive Support Manager

Authoriser: Bede Carran, Chief Executive

Recommendation

That Temuka Community Board:

- i. adopts the proposed Code of Conduct for its Members, and
- ii. the Mayor together with the Chief Executive may make minor amendments to the code of conduct to correct typographical, grammatical or formatting irregularities.

Purpose of Report

- 1 To present for approval the proposed Code of Conduct (Code) for Temuka Community Board's elected members that will set the expected behaviours towards each other, the Chief Executive, officers of Council, the media, and general public during the current term of the Board.

Assessment of Significance

- 2 This matter has low significance in terms of Council's Significance and Engagement Policy. The Code sets an understanding and expectations on the conduct of elected members and does not affect levels of service, strategic assets or rates. It is acknowledged that the public will have a significant interest in and high expectations regarding the standard of conduct of its elected members.

Background

- 3 The Standing Orders presented to the Temuka Community Board presumes that it will adopt and maintain a Code similar to a local authority which is required to adopt and maintain one (clause 15 schedule 7 Local Government Act 2002 (LGA)). Council adopted a materially identical Code at its Inaugural Meeting on 27 October 2022. The only difference is an addition to note that the Code applies to Community Boards in the same way (explained further below at para 5).
- 4 The Council's previous Code was based on a pre-2015 Local Government New Zealand template and updated in 2020 with legislative changes as appropriate for the Timaru context. However, new legislation and model templates have been released to assist elected members with more relevant approaches and standards to address issues (such as use of social media) that have arisen within the local government sector.

Discussion

- 5 Codes support good governance and transparency by establishing standards and expectations of behaviour of the elected members of the Community Board. It is noted that the Code is written with reference to Council. Under clause 2 (Scope) of the Code presented to the Community Board it states 'The Code applies to the Community Boards of Timaru District Council, with all necessary modifications, as if they were Council or a local authority.' The

practice of novating an obligation of Council to a Community Board is consistent with section 54(2) of the LGA which obligates Community Boards to apply the requirements of Part 1 of Schedule 7 of the LGA to community boards (with some exclusions).

- 6 The Code presented to this meeting is based on the requirements of Council in respect of its Code. These are set out in clause 15 schedule 7 of the LGA which provides as follows:
- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
 - (2) The code of conduct must set out—
 - (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
 - (i) behaviour toward one another, staff, and the public; and
 - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
 - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
 - (b) a general explanation of—
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) any other enactment or rule of law applicable to members.
 - (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
 - (4) A member of a local authority must comply with the code of conduct of that local authority.
 - (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt¹.
 - (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
 - (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.
- 7 The proposed Code presented is based on a model that has been developed nationally to assist local authorities and community boards in ensuring they have a robust Code that sets the understandings and expected behaviours by its members. Individual councils and community

¹ See Clause 10 (v) of the proposed Code of Conduct

boards can then adapt the Code to suit distinctive attributes for their communities. The review process has considered the current Codes adopted by a number of councils including Auckland Council, Christchurch City Council, Ashburton District Council and Dunedin City Council. While all these use the content recommended by national governing bodies there are some variations as to the way they have structured the format.

- 8 In general, this review has retained the themes of the 2020 Code and added relevant content from new legislation and social media guidelines, adopting a revised Code based on selected councils referred to above.
- 9 The main changes to the current Code are:
 - Updated structure and format
 - Inclusion of requirement for the maintenance of an annually updated Elected Members' Register of Pecuniary Interests to align with the Local Government (Pecuniary Interests Register) Amendment Act 2022 (which amends the LGA) and which comes into effect in November 2022 and applies to members of a community board.
 - Inclusion of more detailed assessment criteria relating to the significance of Code breaches (e.g. how complaints are assessed for validity and the types of behaviours that would constitute a breach of the Code).

Options and Preferred Option

- 10 Broadly, there are two alternatives for the Community Board. It is to either:
 - i. adopt the proposed Code either with or without amendment or
 - ii. to retain the existing Code.
- 11 Officers recommend the first option. The proposed Code has been modernised to reflect the changing environment (such as social media) and more recent legislative amendments (such as the Local Government (Pecuniary Interests) Amendment Act 2022) which affect members in the exercise of their duties. The proposed Code is better able to provide guidance and direction than the previous Code which is silent on a number of these matters.
- 12 Officers also recommend adopting a Code that is in alignment with Council's Code. It will mean that training, advice and guidance provided to Council on the Code can be readily applied to the Community Board without the fragmentation and interruption caused by having a separate and different Code.
- 13 Alternatively, the Community Board may make changes to the proposed Code if it believes that it will better suit its requirements, noting that the changes cannot be contrary to the LGA, LGOIMA or other legislative provisions.
- 14 Should the Community Board resolve to retain its current Code any changes will require the agreement of at least 75% of members present at the meeting. Until a new Code is adopted the existing Code remains in place.

Consultation

- 15 No consultation is necessary for the Code as it is for the elected members to set and agree the standards and expectations of their conduct (in accordance with the law, Standing Orders and best practice). However, to align with good sector practice other councils' codes of conduct have been provided and reviewed to inform the development of Council's proposed Code.

Relevant Legislation, Council Policy and Plans

- 16 Local Government Act 2002, Schedule 7, Local Government Act (Pecuniary Interests Register) Amendment Act 2022, Health & Safety at Work Act 2015, Harmful Digital Communications Act 2015, and Human Rights Act 1993 are relevant to the Code of Conduct.

Financial and Funding Implications

- 17 There are no significant funding or financing requirements in respect of approving this Code.

Other Considerations

- 18 No other considerations have been identified.

Attachments

1. **Community Board Code of Conduct 2022 - Draft** [↓](#) 



Timaru District Council

Code of Conduct

Draft (October 2022)

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Code of Conduct

1. Introduction

This Code of Conduct (Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- (i) enhance the effectiveness of the local authority and the provision of good local government of the community, district or region;
- (ii) promote effective decision-making and community engagement;
- (iii) enhance the credibility and accountability of the local authority to its communities; and
- (iv) develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management and employees.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in this Code.

2. Scope

The Code is adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviours of members towards:

- (i) each other;
- (ii) the chief executive and employees;
- (iii) the media; and
- (iv) the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

The Code applies to the Community Boards of Timaru District Council, with all necessary modifications, as if they were Council or a local authority.

3. Values

The Code is designed to give effect to the following values:

- (i) **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
- (ii) **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
- (iii) **Ethical behaviour:** members will not place themselves in situations where their

honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.

- (iv) Objectivity: members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
- (v) Respect for others: will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
- (vi) Duty to uphold the law: members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
- (vii) Equitable contribution: members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
- (viii) Leadership: members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002 and the governance principles of section 39 of the LGA 2002.

4. Role and Responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1 Members (Councillors)

The role of the governing body includes:

- (i) representing the interests of the people of the district;
- (ii) developing and adopting plans, policies and budgets;
- (iii) monitoring the performance of the Council against stated goals and objectives set out in its Long Term Plan;
- (iv) providing prudent stewardship of the Council's resources;
- (v) employing and monitoring the performance of the Chief Executive; and
- (vi) ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- (i) implementing the decisions of the Council;
- (ii) ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- (iii) ensuring the effective and efficient management of the activities of the local authority;
- (iv) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;

- (v) providing leadership for the employees of the Council; and
- (vi) employing all officers on behalf of the Council (including negotiation of the terms of employment for those employees).

Under section 42 of the LGA 2002 the chief executive is the only person *directly* employed by the Council itself. All concerns about the performance of an individual employee must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and employees; and members and the public.

5.1 Relationship between Members

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

- (i) maintains public confidence;
- (ii) is open, honest and courteous;
- (iii) is focused on issues rather than personalities;
- (iv) avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- (v) avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the Council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with Employees

An important element of good governance involves the relationship between the Council and its Chief Executive. Members will respect arrangements put in place to facilitate this relationship, and:

- (i) raise any concerns about employees, officers or contracted officials with the Chief Executive;
- (ii) raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the Chairperson of the Chief Executive Performance Review Committee (however described);
- (iii) make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- (iv) treat all employees with courtesy and respect, including the avoidance of aggressive, offensive or abusive conduct towards employees;
- (v) avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee;
- (vi) observe any protocols put in place by the Chief Executive concerning contact between members and employees; and

- (vii) avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's audit.

5.3 Relationship with the Public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- (i) Interact with members of the public in a fair, respectful, equitable and honest manner;
- (ii) be available to listen and respond openly and honestly to citizens' concerns;
- (iii) represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised;
- (iv) consider all points of view or interests when participating in debate and making decisions;
- (v) treat members of the public in a courteous manner; and
- (vi) act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the Media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of Council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. When responding to the media, members must be mindful that operational questions should be referred to the Chief Executive and policy-related questions referred to the Mayor or the member with the appropriate delegated authority.

When speaking to the media more generally, members will abide by the following provisions:

6.1 Media contact on behalf of the Council

- (i) The Mayor or Chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the Mayor/Chair is absent requests for comment will be referred to the Deputy Mayor/Chair or relevant committee chairperson or portfolio holder;
- (ii) the Mayor/Chair may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment; and
- (iii) no other member may comment on behalf of the Council without having first obtained the approval of the Mayor/Chair.

6.2 Media comment on Member's own behalf

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

- (i) Media comments must not state or imply that they represent the views of the Council;
- (ii) media comments which are contrary to a Council decision or policy must clearly state that they do not represent the views of the majority of members;
- (iii) media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of employees; and
- (iv) Media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential Information

In the course of their duties, members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an Elected Member

Members will disclose to other members and, where appropriate the Chief Executive, any information received in their capacity as an elected member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Failure to observe these provisions may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA) and Local Government (Pecuniary Interests) Amendment Act 2022 (LGPIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the Council or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall make a declaration of interest annually under the provisions of the Acts listed above. These declarations are recorded in a public Register of Interests maintained by the Council, a summary of which is required to be publicly available. The declaration must include information on the nature and extent of any interest, including:

- (i) any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- (ii) any company, trust, partnership etc. for which the member or their spouse/partner is a director, partner or trustee;
- (iii) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority;
- (iv) the address of any land owned by the local authority which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee; and
- (v) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note: Where a member's circumstances change, are in error or has been omitted they must ensure that the Register of Interests is updated as soon as practicable through advising the Registrar.

10. Ethical Behaviour

Members will seek to promote exemplary standards of ethical conduct. Accordingly, members will:

- (i) claim only for legitimate expenses as determined by the Remuneration Authority and any remuneration or reimbursement policy of the Council developed in

- accordance with that determination;
- (ii) not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families' personal or business interests;
 - (iii) only use the Council resources (such as officers' advice, facilities, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests;
 - (iv) not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available Register of Interests; and
 - (v) in the event of being (as a newly elected member) or becoming an "undischarged bankrupt" and in accordance with clause 15(5) of Schedule 7 (LGA 2002), will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code of Conduct and potentially the Local Government (Pecuniary Interests) Amendment Act 2022 (LGPIA).

11. Creating a Supporting and Inclusive Environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- (i) Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- (ii) Taking part in any assessment of the Council's overall performance and operating style during the triennium.
- (iii) Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office (the Oath) and contribute to the good governance of the district or region.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, Schedule 7, section 15(4)). Any member of the public, elected member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- (i) that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- (ii) that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and

- (iii) that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
- have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have confidence that any hearing will be impartial;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2 Complaints

Before making a complaint, members are encouraged to resolve the matter by a discussion with the member alleged to have committed the breach.

All complaints under this Code must be made in a timely manner and in writing to the following recipients:

- (i) If made by a member against another member - to the mayor or, if the mayor is the subject of the complaint (or is the complainant) to the deputy mayor;
- (ii) If made by a member against an employee - to the chief executive;
- (iii) If made by the chief executive, and/or on behalf of an employee, against a member - to the mayor or, if the mayor is the subject of the complaint, to the deputy mayor.

A complaint made by a member of the public will be treated as if it were a complaint made by a member (the Mayor or Deputy Mayor) against another member.

On receipt of a complaint, the Chief Executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

12.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix C.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.

13. Penalties and Actions

Where a complaint is determined to be material and referred to the Council, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of this Code, the Council, or a committee with delegated authority, may require one of the following:

- (i) a letter of censure to the member;
- (ii) a request (made either privately or publicly) for an apology;
- (iii) a vote of no confidence in the member;
- (iv) removal of certain Council-funded privileges (such as attendance at conferences);
- (v) removal of responsibilities, such as committee chair, deputy committee chair or

- portfolio holder;
- (vi) restricted entry to Council offices, such as no access to employees areas (where restrictions may not previously have existed);
- (vii) limitation on any dealings with Council employees so that they are confined to the Chief Executive only;
- (viii) suspension from committees or other bodies to which the member has been appointed; or
- (ix) an invitation for the member to consider resigning from the Council.

A Council or committee with delegated authority may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- (i) attending a relevant training course; and/or
- (ii) working with a mentor for a period of time; and/or
- (iii) participating in voluntary mediation (if the complaint involves a conflict between two members); and/or
- (iv) tendering an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory Breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- (i) breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- (ii) breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s30 of the LGA 2002, which may result in the member having to make good the loss or damage); or
- (iii) breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

Appendix A

Legislation bearing on the role and conduct of elected members

1. The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

2. Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of

particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

3. Secret Commissions Act 1910

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

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

4. Crimes Act 1961

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

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

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

5. Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

6. The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- (i) money belonging to, or administered by, a local authority has been unlawfully expended; or
- (ii) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- (iii) a liability has been unlawfully incurred by the local authority; or

- (iv) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- (i) without the member's knowledge;
- (ii) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- (iii) contrary to the manner in which the member voted on the issue; and
- (iv) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely employees or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

7. Local Government (Pecuniary Interests Register) Amendment Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. This Act will come into force on 20 November 2022 and inserts a new set of requirements and obligations into the Local Government Act 2002, all of which relate to members' pecuniary interests.

The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies
- the name of every other company or business entity in which the member has a pecuniary interest (other than as an investor in a managed investment scheme) and a description of the main business activities of each of those companies or business entities
- if the member is employed, the name of each employer of the member and a description of the main business activities of those employers
- the name of each trust in which the member has a beneficial interest
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property

- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for 7 years.

Key obligations for Council are:

- (i) to maintain a register of pecuniary interests (the Register)
- (ii) appoint a Registrar, who will compile and maintain the Register for the council
- (iii) make a summary of the information contained in the Register publicly available; and
- (iv) ensure that information contained in the Register is:
 - (a) only used or disclosed in accordance with the purpose of the Register, and
 - (b) retained for 7 years after the date on which a member provides the information, and is then removed from the Register.

Key obligations for Members (Council and Community Board Members) are to:

- (i) make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;
- (ii) ensure that the information contained in their returns is accurate; and
- (iii) in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.

If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000.

8. Health and Safety at Work Act 2015

Elected members have a role to play in making sure the Council operates in a safe and healthy environment. The well-being of other members and Council employees must be a primary concern.

Appendix B

Guidelines on the personal use of social media¹

Social media are internet-based tools that help members engage with each other and citizens, and they are also increasingly used as a way for citizens to engage with elected members themselves. Common social media platforms include Facebook, Twitter, YouTube, Instagram, LinkedIn, Neighbourly, TikTok, Messenger and Snapchat.

While social media can be a powerful tool for engaging with and informing the communities elected members serve, providing constituents with greater access to local government decision-making, they can also be misused to spread misinformation and abuse, which threatens the ability of people to take part in the democratic process.

Abusive online interactions can also negatively affect the wellbeing of people who are targeted. Online abuse targeted at elected members or employees may undermine their ability to serve the community effectively. These guidelines are designed to protect members of the public, elected members and employees while interacting with others online in relation to council issues.

Dealing with online abuse and harm

The role of an elected member is public facing and criticism is highly likely. Interactions will inevitably be robust, but they must be respectful. Policy differences are acceptable, personal attacks and abuse are not. Intimidation, abuse, bullying, threats or violence against elected members or employees should not be tolerated in any space including digital spaces and platforms.

Online harm and bullying

Harmful online content includes cyberbullying and inappropriate material, such as violent and sexual material that can cause emotional and physiological distress. Online bullying or cyberbullying is when digital technology and/or social media is used to send, post or publish content intended to cause harm to another person. It can include:

- abusive and hurtful messages, images or videos
- repeated unwanted messages
- spreading gossip and lies
- fake accounts used to humiliate or harass someone
- excluding others online
- embarrassing pictures, videos, websites, or fake profiles
- sharing personal or identifying information about someone without their consent (doxxing)

Distressing content

Netsafe describes distressing content as content that is hateful content, sexual material or illegal material (like age-restricted material or extreme violence). Offensive or illegal content could include topics, images or other information that could be prohibited in New Zealand. It is illegal for anyone to send or publish threatening, offensive, or sensitive material and damaging rumours.

¹ Based on the Auckland Council Code of Conduct.

Action should be taken against online harm and harmful digital communications.

Abuse comes in different forms and levels of severity, so some judgment is required when determining an appropriate response.

Under the Harmful Digital Communications Act 2015 (HDCA), it is a criminal offence to cause serious emotional distress by posting a 'digital communication' intended to cause harm. The HDCA also sets out ten communication principles (couched in terms of what a communication should not do) and complaints about breaches of the principles can be referred to Netsafe.

Where possible, take a screenshot of the abuse and record the URL of the web page where it appears. Elected members may consider whether any of the following responses are appropriate when responding to abuse online:

- Call out inappropriate comments, making it clear that the language being used is unacceptable and inappropriate. Publicly challenging inappropriate behaviour can be a powerful tool in stopping it.
- Be firm, factual and polite to avoid escalation and retaliatory comments.
- De-escalate negative situations by acknowledging a person's frustrations, assuring them that they have been heard, and committing to follow up where appropriate.
- Report abusive comments using the social media platform's reporting functions, and mute or block repeat offenders.
- Let the social media team know of any false claims being spread online, so that they can counter misinformation with facts.
- Refuse to engage with aggressive comments by either not replying or by hiding the comments.
- An elected member who receives an immediate physical threat should contact Police first and the CEO or responsible officer at their council.
- Report threatening or offensive material to NetSafe.
- Record all instances of threatening or offensive communications to the appropriate official in your council.

Reporting misinformation

You can report to Netsafe any online harms including bullying and harassment, misinformation and hate speech/extremism: Report harmful content to netsafe.org.nz. There are 3 kinds of mis-information:

- Mis-information is information that is false, but not created with the intention of causing harm.
- Dis-information is information that is false and was created to harm a person, social group, organisation or country.
- Mal-information is information that is based on reality, used to inflict harm on a person, organisation or country.

Mis-information can be stopped by reporting fake accounts, pages and domains that post or share misinformation. Most mis-information is legal and people have the right to express their views or opinions. However, if you see content on social media that you believe to be false or misleading, you can report it to the hosting social media platform:

- How do I mark a Facebook post as false news? — <https://www.facebook.com/help>
- Report inappropriate content — [YouTube.com](https://www.youtube.com)

- Report a tweet, list or direct message — Twitter.com
- Reduce the spread of false information — Instagram.com
- Staying safe on Whatsapp — WhatsApp.com
- Report a problem — TikTok.com

Misinformation, including leaflets and scams, can also be reported to CERT NZ.

Elected member conduct on social media: distinguishing between private and official capacities.

Most members already have a separation between their official publicly available postal, email and telephone contact information and their personal addresses. **Members could consider using separate social media profiles for public and private roles.**

Using separate accounts will help to keep a clear distinction between a member's position as a private citizen and a public official.

Be conscious that information posted online in an elected member's official capacity is subject to the same rules as other public information, and that when an elected member is using social media in their capacity as an elected member they must comply with the Code of Conduct.

Any official information a member shares is subject to official information requests, regardless of whether that information is shared on social media or on other platforms (such as by email or text). Requests for official information must be responded to in the same way as if the request came via any other channel.

Online behaviour: lead by example.

The Code of Conduct applies to your online interactions when acting in your official capacity. Elected members can set the tone by modelling good online behaviour and calling out inappropriate behaviours. Members should moderate comments from the public on their posts.

A good rule of thumb for a member is to only post what the member would be prepared to say in person: making a comment in a social media post that can be viewed by anyone is similar to making a statement in a public gathering and the member should not say anything in the post that they would not say to a public gathering. If in doubt, do not post.

Good facts to remember are:

- Once content is posted online a member loses control of it: it can be copied or shared out of context.
- Focus on the issue rather than the person and encourage others to do the same.
- Counter misinformation with facts.

If a member finds interactions upsetting, they should consider logging off. Your council can provide advice on where to go for any emotional distress associated with online abuse and may also be able to facilitate dispute resolution services if required.

Be security conscious.

Social media profiles are actively targeted by cyber criminals, journalists, foreign intelligence services and others. Maintaining good online security practices can help mitigate the risks involved in using social media. Members should:

- Choose a strong password (preferably a passphrase) and never share it.

- Use two-factor authentication where it is offered.
- Keep operating systems and apps up to date as they will contain the latest security improvements.
- Be careful about locations for accessing social media: public wi-fi networks (such as in cafes, airports, hotels etc) put members at greater risk of being hacked.
- Only install trusted apps and avoid granting them access to contacts, camera, photos, files etc.
- Avoid posting information about their location by disabling location-sharing.

Netsafe has more information, advice and resources about how to stay safe online: [netsafe.org.nz](https://www.netsafe.org.nz).

Employees support

While council employees are unable to support, maintain or create content for personal social media profiles, they may be able to assist members with:

- setting up a public social media profile page for use as an elected member
- providing content where this relates to the role as an elected member
- providing advice on dealing with a request or complaint from a member of the public about a council service
- providing advice on responding to official information requests
- provide training on effective social media best practices
- managing abusive content on any social media pages managed by Timaru District Council by removing the post/comment.
- providing details for the Employee Assistance Programme (EAP), which offers professional counselling at no cost. EAP services are also available to members' immediate family members.

Please note that employees are unable to assist elected members with social media content related to election campaigning.

Appendix C

Investigation and Assessment of Complaints

Process for determination and investigation of complaints

Step 1: Selecting an Independent Investigator

The CE is responsible for identifying a suitable investigator to investigate complaints under this Code.

In selecting an Independent Investigator, a CE may consider:

- the council's legal advisers
- a national service specializing in public sector integrity
- a national service providing assessment and investigation services
- Individual with relevant skills and competencies.

Please note: Given the litigious nature of some Code of Conduct disputes Independent Investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The CEO also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

Step 2: Chief Executive receives complaint

On receipt of a complaint under this Code the Chief Executive will refer the complaint to an investigator. The Chief Executive will also:

- inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 3: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment, the Chief Executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 4: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the respondent seeks guidance from the Chairperson or Mayor;
- that the respondent attends appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 5: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent.

If the complaint is material the investigator will contact the parties to seek their agreement to mediation. If the parties agree and the issue is resolved by mediation, the matter will be closed, and no further action is required.

If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the investigator will then prepare a report for the Council on the seriousness of the breach.

In preparing that report, the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the Council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the full report prepared by the investigator.

Step 6: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach, the investigator's report may be considered by the full Council, excluding the complainant, respondent and any other 'interested' members or a committee established for that purpose.

The Council or committee will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the Council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may

include actions set out in section 13.1 of this Code.

Note: For any complaints from the Chief Executive, it must be reported to the Chair of Audit and Risk and/or the Mayor as appropriate and handled externally by an independent investigator.

Criteria for assessing the significance of a breach

Factors that might be considered when determining whether a breach has occurred, and the significance of any such breach, include the following.

Bullying, harassment, and discrimination

Bullying involves behaviour that is offensive, intimidating, malicious or insulting. It involves behaviours that are intended to undermine, humiliate, denigrate, injure or damage another member’s reputation. Bullying can be:

- a regular pattern of behaviour
- a one-off incident
- occur face-to-face, on social media, in emails or phone calls,
- happen in the workplace, the community or in social events, and may not always be obvious, or noticed by others.

Harassment involves conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. Unlawful discrimination is where someone is treated unfairly or less favourably than another person because of any of the following set out in Table 1 (see the Human Rights Commission more information).

Table 1: Discrimination Factors

age	colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

Disrepute

Disrepute involves actions have an adverse impact on:

- a member and/or their colleagues
- the reputation of the local authority

A possible impact of a behaviour that brings a local authority into disrepute is a loss of public confidence in the local authority. An example would be a member who fails to treat members of the public with respect while exercising their official duties. Other behaviours that can bring a local authority into disrepute include behaviours that are dishonest and/or deceitful.

Use of position for personal advantage

Members should not take advantage of opportunities while elected to further their own or others’ private interests or to disadvantage anyone unfairly. A member found to have

personally benefited by information gained as an elected member not only contravenes the Code of Conduct but may also be subject to the provisions of the Secret Commissions Act 2010. The Local Authorities' (Members' Interests) Act 1968 sets out rules with regard to financial conflicts of interest.

Other behaviours that may contribute to personal advantage include attempting to avoid disciplinary action being taken under this Code or preventing/disrupting the effective administration of the Code of Conduct.

Impartiality

Officials should not be coerced or persuaded to act in a way that might undermine their political neutrality or their professional integrity. Behaviours to be wary of include:

- Attempting to influence, outside the context of a meeting or workshop, officials to change their advice or alter the content of a report other than in a meeting or workshop
- Giving officials gifts in order to encourage them to support a particular policy or measure that a member might be seeking to promote
- Seeking exclusive information from an official about the matters to be included in a report, before that report has been approved by senior management.

Members should observe all protocols put in place by the chief executive that set rules for guiding contact between members and employees, and not publicly criticise individual employees.

Respect

Members are the public face of their local authorities and their behaviour directly influences the way in which communities perceive a local authority.

Respect means politeness and courtesy in behaviour, speech, and in the written word. While debate and the expression of different views constitute a healthy democracy and reflect the pluralism underpinning such a democracy, members should not subject individuals, groups of people, or organisations to personal attacks.

Behaviour towards the public should be polite and courteous.

Confidentiality and information

Members will not disclose information they believe is of a confidential nature unless:

- they have the consent of a person authorised to give it;
- they are required by law to do so;
- The disclosure is to a third party to obtain professional legal advice, and the third party agrees not to disclose the information to any other person; or
- The disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

Sharing information

If members come into the receipt of information that directly affects the performance of their local authority, they should disclose the information to the chairperson or CEO. If that information is received on the condition that it remains confidential then members should inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion.

Equitable contribution

Members will make all reasonable efforts to attend meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars. Factors that might be considered when assessing whether a member is fulfilling their role in an equitable way include:

- Number of meetings and workshops attended
- Amount of time spent at meetings and workshop attended
- Existence of complaints from constituents that the member is inaccessible or unavailable.

DRAFT

- 8 Consideration of Urgent Business Items**
- 9 Consideration of Minor Nature Matters**
- 10 Public Forum Issues Requiring Consideration**