



AGENDA

Inaugural Council Meeting Tuesday, 28 October 2025

Date Tuesday, 28 October 2025

Time 2:00 pm

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1801642

Timaru District Council

Notice is hereby given that a meeting of the Inaugural Council will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 28 October 2025, at 2:00 pm.

Council Members

Mayor Nigel Bowen (Chairperson), Cllrs Stacey Scott, Peter Burt, Stu Piddington, Scott Shannon, Michelle Pye, Owen Jackson, Graeme Wilson, Chris Thomas and Philip Harper

Quorum – no less than 5 members

Local Authorities (Members' Interests) Act 1968

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

Stephen Doran

Acting Chief Executive

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- 1 Declarations**
- 2 Apologies**
- 3 Public Forum**
- 4 Identification of Urgent Business**
- 5 Identification of Matters of a Minor Nature**
- 6 Declaration of Conflicts of Interest**

7 Reports

7.1 Declaration by the Mayor

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Declaration

Nigel William Bowen who as a result of the Elections held during the period commencing on Tuesday 09 September 2025, and ending on Saturday 11 October 2025, was duly elected to be MAYOR of the Timaru District, and will be requested to make and sign a declaration as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002

Declaration by Mayor

I, Nigel William Bowen, 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 Timaru District, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Timaru District Council 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 Declaration by Councillors

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Declaration

Those persons who as a result of the elections held during the period commencing on Tuesday 09 September 2025 and ending on Saturday 11 October 2025, were duly elected as Councillors of the Timaru District, will be requested to make and sign declarations as required by the provisions of Clause 14, Schedule 7 of the Local Government Act 2002.

Peter John BURT

Philip Francis HARPER

Owen Francis JACKSON

Stuart Bruce PIDINGTON

Michelle Louise PYE

Stacey Alice SCOTT

Robert Scott SHANNON

Christopher Robert THOMAS

Graeme Leslie WILSON

Declaration by Member

I, [full name of Member], 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 Timaru District, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Timaru District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Attachments

Nil

7.3 Election of Deputy Mayor

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council:

1. Resolves which voting system (System A or System B under clause 25(4) of Schedule 7 of the Local Government Act 2002) is to be used to elect or appoint the Deputy Mayor; and
2. Elects or appoints the Deputy Mayor by way of the selected voting system, pursuant to clause 17(1) of Schedule 7 of the Local Government Act 2002.

Purpose of Report

- 1 The purpose of the report is for Council to elect or appoint the Deputy Mayor.

Assessment of Significance

- 2 The election or appointment of a Deputy Mayor to Council will be a matter of public interest to the Timaru District. However, when assessed against Council's Significance and Engagement Policy it is a matter of low significance. The Deputy Mayor's elect/appointment and accompanying process for election is a statutory requirement under the Local Government Act 2002 (LGA) and has no direct impact on strategic assets, rates or levels of service.

Background

- 3 The Timaru District Council is a territorial authority under the Local Government Act 2002 (LGA).
- 4 Pursuant to clause 17, of Schedule 7 of the LGA, a territorial authority must elect one of its members to be its Deputy Mayor.
- 5 The role of the Deputy Mayor:
 - 5.1 The Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor.
 - 5.1.1 with the consent of the Mayor or Chairperson, at any time during the temporary absence of the Mayor:
 - 5.1.2 without that consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office:
 - 5.1.3 while there is a vacancy in the office of the Mayor.
 - 5.2 In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.

- 5.3 A Deputy Mayor continues to hold his or her office as Deputy Mayor, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.
- 6 A Mayor has the power to appoint the Deputy Mayor (s41A(3) LGA), for the purposes of fulfilling his or her own role as Mayor (s41A(1)&(2)). A territorial authority does have the power to remove a Deputy Mayor appointed by a Mayor (s41A(4)(a) LGA).

Discussion

- 7 Councillors will need to vote to appoint a Deputy Mayor, with nominations put forward at the meeting.
- 8 Council needs to determine which voting system will be used to elect or appoint the Deputy Mayor, System A or System B, under clause 25 of Schedule 7 of the LGA, and as explained below.
- 9 If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

25 Voting systems for certain appointments

- (1) This clause applies to—
- (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
 - (b) the election or appointment of the deputy mayor; and
 - (c) the election or appointment of the chairperson and deputy chairperson of a committee; and
 - (d) the election or appointment of a representative of a local authority.
- (2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:
- (a) the voting system in subclause (3) (**system A**);
 - (b) the voting system in subclause (4) (**system B**).
- (3) System A—
- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
 - (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- (4) 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.
- 10 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 Preferred Option

- 11 There is only one practicable option available to the Council as there is a statutory obligation to elect a Deputy Mayor and the process for doing so is specified in the LGA.

Consultation

- 12 There is no wider community consultation required.

Relevant Legislation, Council Policy and Plans

- 13 Local Government Act 2002
14 Timaru District Council Standing Orders

Financial and Funding Implications

- 15 There are no funding or financial implications with the election/appointment of a Deputy Mayor.

Other Considerations

- 16 There are no other considerations.

Attachments

Nil

7.4 General Explanation by the Chief Executive

Author: Elliot Higbee, Legal Services Manager
Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council receives and notes the advice of the Chief Executive regarding key legislation that applies to members of the Council, its Committees and Community Boards.

Purpose of Report

- 1 This report contains a general explanation of the Local Government Official Information and Meetings Act 1987 and other statutes. The Local Government Act 2002 requires this to be provided to the first meeting of the Council following a triennial general election of members.

Assessment of Significance

- 2 This matter has been assessed as having a low significance under the Council's Significance and Engagement Policy. It is a procedural requirement ensuring that elected members are provided with a general explanation of key legislative requirements.

Background

- 3 Clause 21 Schedule 7 of the Local Government Act 2002 requires the Council to include in the business to be conducted at the first meeting of the Council, a general explanation of the Local Government Official Information Act 1987 and other statutes affecting members.
- 4 These are:
 - 4.1 The appropriate provisions of the Local Authorities (Members' Interests) Act 1968;
 - 4.2 Sections 99, 105, and 105A of the Crimes Act 1961;
 - 4.3 The Secret Commissions Act 1910; and
 - 4.4 The Financial Markets Conduct Act 2013.
- 5 The 2025 induction programme includes, on 28 October 2025, a more focused two-hour session on key governance legislation and procedural requirements.

Discussion

Local Government Official Information and Meetings Act 1987

- 6 The stated purposes of this Act are to:
 - 6.1 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
- 6.2 Provide for the proper access by each person to official information relating to that person;
- 6.3 Protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- 6.4 To provide for the issue of land information memorandum.
- 7 'Official information' is any information held by a local authority (the Council), including officers, employees, contractors within their scope of work, and members in their official capacity. This can include hard copies of documents, electronic/digital data and audio and audio visual recordings. Information known but not yet written down is covered.
- 8 'Local authority' includes any committee or subcommittee or standing committee or special committee or joint standing committee or joint special committee which the local authority is empowered to appoint under its standing orders or rules of procedure or under any enactment or Order in Council constituting the local authority or regulating its proceedings; and a committee of the whole local authority.
- 9 The fundamental principle of availability is that information must be released unless there is good reason under the Act to withhold it and, where good reason exists, the withholding of the information is not outweighed by the public interest in making it available.
- 10 Reasons for refusing a request are set out in section 7 of the Act. These include it being necessary to withhold information in order to:
- 10.1 Protect an individual's privacy;
 - 10.2 Prevent unreasonable prejudice to the commercial position of a person;
 - 10.3 Protect information which is subject to an obligation of confidence;
 - 10.4 Maintain the effective conduct of public affairs through the free and frank expression of opinions between elected members and between elected members and staff;
 - 10.5 Maintain legal professional privilege;
 - 10.6 Enable the Council to carry out commercial activities or conduct negotiations without prejudice or disadvantage.
- 11 The Council may also refuse a request on a number of administrative grounds, including that the information requested cannot be made available without substantial collation or research, or it will soon be publicly available.
- 12 Anyone may make a request for information. Where the information is held by the Council, a decision on the request must be made within 20 working days of it being received. If the Council doesn't hold the information, but believes it knows who does, it has 10 working days in which to transfer the request to another organisation.
- 13 The Ombudsman may be asked to investigate and review a decision to refuse a request. The outcome of the investigation may be a recommendation that the Council releases the information requested in which case if the Council refuses, the recommendation will be published in the Gazette along with the Council's reasons for its decision.
- 14 The Act requires meetings of the Council, its committees, subcommittees and community boards, to be publicly notified and for agendas and reports to be available to the public at least two working days before every meeting. Anyone may attend meetings, but the Council

has the right to exclude the public for the whole or any part of the proceedings. The reasons for doing so are set out in the Act, and are similar to the reasons for withholding information, with the notable exception that the fee and frank advice ground cannot apply to a meeting.

- 15 Matters not on the agenda may be dealt with as supplementary items if the meeting resolves to do so, and the chairperson explains why the matter was not on the agenda and why it cannot be left for another meeting.
- 16 The Act also contains provisions that apply when a meeting is open to the public, including the maintenance of order. If the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting, the chairperson has the right to require that person to leave.
- 17 Finally, the Act provides that written statements contained in agenda items, or made orally at meetings, are protected by privilege unless the statements are proven to be motivated by ill will. This is known as qualified privilege and applies in situations where a person acting in good faith and without any improper motive makes a statement that is defamatory.
- 18 The rationale for this is that people who represent local government electors should be able to speak freely on any matter they believe affects the interests of their constituents. However, for privilege to apply there must be a positive belief in the truth of what is said or written and no suggestion of personal spite or ill-will.

Local Authorities (Members Interest) Act 1968

- 19 The purpose of the Act is to ensure elected members are not affected by personal motives when they participate in Council decisions, and to prevent members with an interest in any contract with the Council from using their position to obtain preferential treatment.
- 20 There are two specific rules - members may not enter into contracts with the Council worth more than \$25,000 (GST inclusive) in a financial year (the limit is based on the value of all payments made under all contracts in which the member has an interest during the financial year), or participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public. A member is required to declare any pecuniary interest at relevant meetings and for the minutes to record that declaration of interest.
- 21 The Act does not define the term 'pecuniary interest'. The courts have considered its meaning from time to time. The test used is ... 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 a loss of money for the member concerned.
- 22 The Act also refers to indirect pecuniary interests which means that if a member's spouse or partner has a pecuniary interest in a matter before the Council, then the member is deemed to have the same interest. This applies if:
 - the pecuniary interest is through a company in which the member, and/or his or her spouse or partner owns 10% or more of the shares, or is general manager or managing director;
 - the member, and/or his or her spouse or partner is a member of a company controlling the company having a pecuniary interest, or is general manager or managing director of the company having a pecuniary interest.
- 23 The disqualification does not apply if the member's interest arises as an administrator or trustee of an estate or trust (as long as the member is not a beneficiary), and a manager appointed under the Protection of Personal and Property Rights Act 1988.

- 24 It is important for members to recognise that when a matter reaches the stage where it can reasonably be expected to affect the member's interests, he or she should no longer take part in the decision-making process. Failure to do is an offence and the member is liable on conviction to a fine not exceeding \$100.
- 25 An exemption to this requirement may be granted, on application in writing, if, in the opinion of the Auditor-General, application of the rule would impede the transaction of business by the Council, or it would be in the interests of electors for the rule not to apply.
- 26 No person can become, or continue to be, an elected member if he or she is "concerned or interested" in contracts with the Council and the total payments made, or to be made, by the Council exceed the financial limit imposed by the Act. As previously noted, the limit relates to the value of payments made for all contracts, it does not apply separately to each contract
- 27 Even if the contract is between the Council and another person, an elected member will still have an interest in it if he or she has a personal connection with that person, or could benefit from the contract (an indirect pecuniary interest as referred to earlier).
- 28 The Auditor-General may grant an exemption to the Act's requirements and approve contracts that would otherwise exceed the \$25,000 limit. Criteria to be considered will include whether the reasons for the Council awarding the contract are justifiable and the process followed is fair and transparent.
- 29 The Auditor-General's role also includes providing guidance for elected members and Council staff to assist with any compliance issues in particular situations, and investigating and prosecuting alleged offences against the Act.
- 30 It should be noted that the Local Government (Pecuniary Interests Register) Amendment Act 2021 requires elected members to make an annual declarations (with the prescribed content) of their pecuniary interests within 120 days after the elected member comes into office, being the day after the day on which the official result of the election is declared by public notice; or the last day of February in each subsequent year.

Sections 99, 105, and 105A Crimes Act 1961

- 31 Part 6 of the Act refers to crimes affecting the administration of law and justice, specifically bribery and corruption. For the purposes of this Part the definition of "official" in Section 99 includes any member or employee of a local authority.
- 32 Section 105(1) provides that every official who corruptly accepts, obtains, agrees, or offers to accept, or attempts to obtain any bribe for himself or herself or any other person in respect of any act done or omitted, or to be done or omitted, in his or her official capacity is liable to imprisonment for a term not exceeding 7 years.
- 33 Section 105(2) provides that everyone who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by that official in his or her official capacity is also liable to imprisonment for a term not exceeding 7 years.
- 34 Section 105A provides that every official who corruptly uses or discloses any information, acquired by that official in his or her official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself or any other person is liable to a term of imprisonment not exceeding 7 years.

Secret Commissions Act 1910

- 35 As the name suggests, this Act prohibits secret commissions and is based on the principle that a person in a position of trust should not profit from that office. Every Council officer or member is deemed to be an agent of the Council for the purposes of the Act, which provides that:
- 35.1 An agent who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain or solicits any gift or other consideration as an inducement or reward for doing, or not doing, something or showing favour or disfavour to any person in relation to the Council's affairs or business, is guilty of an offence.
- 35.2 An agent is guilty of an offence if he or she enters into a contract on behalf of the Council and fails to disclose the existence of any pecuniary interest the agent has in the contract.
- 35.3 An offence is committed if an agent provides the Council with a receipt, invoice, or account (or similar document) in relation to the business or affairs of the Council which the agent knows to be materially false or defective, or likely to mislead the Council, and which omits to state the fact of any commission, or other consideration having been received by or promised to the agent.
- 35.4 "Consideration" means valuable consideration of any kind, and particularly includes discounts, commissions, rebates, bonuses, deductions, percentages, employment, payment of money (whether by way of loan, gift, or otherwise), and forbearance to demand any money or valuable thing.
- 36 Any person who commits an offence against the Act is liable to imprisonment for a term not exceeding 7 years.

Financial Markets Conduct Act 2013

- 37 The purpose of the Act is to promote:
- the confident and informed participation of businesses, investors, and consumers in those markets; and
 - the development of fair, efficient, and transparent financial markets in New Zealand.
- 38 Financial markets include markets for the provision of financial services, and capital markets.
- 39 If the Council at some point should wish to raise capital through the issue of debt or equity securities the Act imposes obligations on elected members in such matters as the proposed governance arrangements for any securities issued and the information to be disclosed to prospective investors. In this regard, elected members will be treated the same as company directors being persons occupying a position that is comparable with that of a director in a company.
- 40 In those instances where Council would look to raise capital through the issue of debt or equity securities professional advice, both internally and externally, would be sourced and provided before the Council considers and makes any decisions. However, elected members should be aware that a breach of the Act can give rise to civil and criminal liability.

Options and Preferred Option

- 41 There are no options or preferred options for this report as it is a statutory requirement to be provided to the first meeting of the Council following a triennial general election of members

Consultation

- 42 There is no consultation required.

Relevant Legislation, Council Policy and Plans

- 43 Local Government Act 2002
44 Local Government Official Information Act 1987
45 Local Authorities (Members' Interests) Act 1968
46 Sections 99, 105, and 105A of the Crimes Act 1961
47 The Secret Commissions Act 1910
48 The Financial Markets Conduct Act 2013

Financial and Funding Implications

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

Other Considerations

- 50 There are no other considerations.

Attachments

Nil

7.5 Council Appointments and Delegations to Community Boards

Author: Jessica Kavanaugh, Democracy Services Lead
Elliot Higbee, Legal Services Manager

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

1. That pursuant to Section 19F of the Local Electoral Act 2001, the following appointments be made:

Geraldine Community Board	Clr Philip Harper
Pleasant Point Community Board	Clrs Michelle Pye and Scott Shannon
Temuka Community Board	Clrs Michelle Pye and Scott Shannon

2. That pursuant to clause 32(6) of Schedule 7 of the Local Government Act 2002, the following powers are delegated to each Community Board:
 - a. A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Plan (in its entirety), Revenue and Policies relevant to the Board's area of responsibility, including review of representation arrangements required under the Local Electoral Act 2001.
 - b. Where a Community Rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board.
 - c. Where a Community Board has access to strategic funding, to determine how the monies provided will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board.
 - d. In the case of the Temuka and Geraldine Community Boards, to make recommendations to the Public Trustee on Thomas Hobson Trust grant applications.
 - e. If the Community Board considers it appropriate to make a submission to an external body / organisation on a matter this must be consulted on with the Chief Executive and raised for determination by the Board, within an agenda.

Purpose of Report

- 1 The purpose of this report is to appoint Council members to the Council's three Community Boards, and approve delegations to those Community Boards.

Assessment of Significance

- 2 This matter has been assessed as having a low significance under the Council's Significance and Engagement Policy. However, the appointment of Council members to the Community Boards will be a matter of public interest. It is a statutory requirement to make the appointments.

Background

Appointments

- 3 Council may include appointed members on Community Boards, as set out in section 19F of the Local Electoral Act 2001. The appointed members must be members of the Council representing the ward in which the community is situated. The number of appointed members must be less than half of the total number of members on the Community Board. Council has previously appointed the Geraldine ward representative to the Geraldine Community Board and the Pleasant Point-Temuka ward representatives to both the Pleasant Point and Temuka Community Boards.

Delegations

- 4 In accordance with Clause 32 (6), Schedule 7 of the Local Government Act 2002, Council must consider whether to delegate other matters to a Community Board for it to best achieve its roles.
- 5 Financial and decision-making delegations from Council are limited to those specifically delegated by Council.

Discussion

- 6 In order to achieve their roles in their communities the following delegations are recommended, for approval by Council.

Type of Committee	Temuka Community Board
Membership	Alison Talbot Charles Scarsbrook John Jackson Kathy Campbell Nicola Nimo Clr Michelle Pye Clr Scott Shannon
Quorum	4
Functions	A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Plan (in its entirety), Revenue and Policies relevant to the Board's area of responsibility, including review of representation arrangements required under the Local Electoral Act 2001.
Delegations	Where a Community Rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation and pursuant to formal

	written advice from officers presented to a meeting of the community board. • Where a Community Board has access to strategic funding, to determine how the monies provided will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the community board. • In the case of the Temuka and Geraldine Community Boards, to make recommendations to the Public Trustee on Thomas Hobson Trust grant applications. • If the Community Board considers it appropriate to make a submission to an external body / organisation on a matter this must be consulted on with the Chief Executive and raised for determination by the Community Board, within an agenda.
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Type of Committee	Pleasant Point Community Board
Membership	Amy-Lee Trainor Anna Lyon Cale Toomey Kathy Wilkins Leanne Fifield Clr Michelle Pye Clr Scott Shannon
Quorum	4
Functions	A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Plan (in its entirety), Revenue and Policies relevant to the Board's area of responsibility, including review of representation arrangements required under the Local Electoral Act 2001.
Delegations	• Where a Community Rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board. • Where a Community Board has access to strategic funding, to determine how the monies provided will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board. • If the Community Board considers it appropriate to make a submission to an external body / organisation on a matter this must be consulted on with the Chief Executive and raised for determination by the Community Board, within an agenda.

Type of Committee	Geraldine Community Board
Membership	Andy McKay Jan Finlayson Clr Philip Harper Rachel Wilson Rosie Woods Sarah Foley-Smith Shane Minnear
Quorum	4
Functions	A Community Board may make recommendations on any matters relating to Council's Annual Plan, Long Term Plan (in it's entirety), Revenue and Policies relevant to the Board's area of responsibility, including review of representation arrangements required under the Local Electoral Act 2001.
Delegations	• Where a Community Rate has been established, to determine how the monies so collected and provided for in the annual budget will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board. • Where a Community Board has access to strategic funding, to determine how the monies provided will be spent, in accordance with legislation and pursuant to formal written advice from officers presented to a meeting of the Community Board. • In the case of the Temuka and Geraldine Community Boards, to make recommendations to the Public Trustee on Thomas Hobson Trust grant applications. • If the Community Board considers it appropriate to make a submission to an external body / organisation on a matter this must be consulted on with the Chief Executive and raised for determination by the Community Board, within an agenda.

Options and Preferred Option

- 7 Officers have reviewed various other Councils approaches to delegations to Community Boards, and consider the proposed delegations are broad and simple enough to enable the Community Boards to advocate and operate for their community of interest without undue complexity.
- 8 Additional clarifying delegations are always possible, and these could be granted should the need arise through a later Council decision.

Consultation

- 9 No consultation is required.

Relevant Legislation, Council Policy and Plans

10 Local Government Act 2002

11 Local Electoral Act 2001

Financial and Funding Implications

12 There are no direct financial and funding implications in terms of making the appointments to the Community Board or approving the associated delegations.

Other Considerations

13 There are no other considerations.

Attachments

Nil

7.6 Delegations to the Chief Executive

Author: Jessica Kavanaugh, Democracy Services Lead
Elliot Higbee, Legal Services Manager

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council endorses the delegations to the Chief Executive as set out in the attached first 21 pages of the delegation manual.

Purpose of Report

- 1 For the Council to reaffirm its existing delegation of powers, functions and duties to the Chief Executive.

Assessment of Significance

- 2 While this decision is important, in terms of Council's Significance and Engagement Policy it is considered of low significance as it reaffirms the existing delegation structure and does not alter service levels, or rates settings.

Background

- 3 Council has a single employee, being the Chief Executive. The Chief Executive's responsibilities are set out at section 42 of the Local Government Act 2002 (LGA):

42 Chief executive

- (1) A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a chief executive.
- (2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—
 - (a) implementing the decisions of the local authority; and
 - (b) providing advice to members of the local authority and to its community boards, if any; and
 - (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
 - (d) ensuring the effective and efficient management of the activities of the local authority; and
 - (da) facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001; and
 - (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
 - (f) providing leadership for the staff of the local authority; and
 - (g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and
 - (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).
- ...
- (3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—
 - (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and

- (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- (4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

4 Traditionally Councils make a broad delegation of all non-reserved powers to the Chief Executive. The reserved powers are in clause 32 of Schedule 7 of the LGA, which are:

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

5 Council has also previously reserved the following powers:

- 5.1 The power to make a final decision following an Ombudsman's recommendation that rejects or modifies that recommendation.
- 5.2 The power to appoint and discharge the Deputy Mayor.
- 5.3 The power to approve or amend the Council's Standing Orders.
- 5.4 The power to approve or amend the Code of Conduct for Elected Members.
- 5.5 The power to establish and determine the structure, terms of reference, and delegated authorities of committees.
- 5.6 The power to establish a joint committee with another local authority or public body.
- 5.7 Any other matter which from time to time may not legally be delegated by the Council.
- 5.8 The powers and duties conferred or imposed on the local authority by the Public Works Act 1981 to acquire land compulsorily.
- 5.9 Approval of a Long Term Plan or Annual Plan consultation document prior to community consultation.
- 5.10 Approval of a draft bylaw prior to community consultation.
- 5.11 Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of Electoral Officer.
- 5.12 The power to appoint elected member Council representation on any body.
- 5.13 The power to authorise or otherwise commit the Council to any expenditure exceeding that in the current Annual Plan / Long Term Plan.
- 5.14 The power to cease any existing function or commence any new significant activity.
- 5.15 The making of submissions in consultation with Council Officers where appropriate to any external body where the subject of the submission is not the responsibility of a standing committee.

- 5.16 Adoption of the Local Governance Statement.
- 5.17 Adoption of the Triennial Agreement.
- 5.18 Power to sell or dispose of parks, reserves and endowment properties.
- 5.19 Adoption of the Assessment of Water and Sanitary Services (note this function has now been repealed and has been removed from the delegation manual).
- 6 The Chief Executive then implements Council decisions, in accordance with policy settings, as well as exercising or sub-delegating all the Council's non-reserved statutory powers, functions and duties.
- 7 In respect of Council's financial delegations, these have historically been set at a \$750,000 limit, with expenditure over this limit being referred to the Tenders and Procurement Committee for approval. The delegation manual sets out additional exceptions and expectations on this general delegation.
- 8 With the beginning of a new triennium, it is appropriate to restate these settings, although Council can amend this delegation framework from time to time.

Discussion

- 9 Council needs to operate efficiently and effectively. This requires clear authorisations and reporting.
- 10 The Chief Executive is tasked with implementing the Council's decisions. This requires Long-Term Plans (for year one) and Annual Plans to be clear about what has been decided, and what if any further approvals the Chief Executive requires to implement the decision. It is important to note that both long-term plans and annual plans are "intentions", and just because the plan has been adopted by resolution "does not constitute a decision to act on any specific matter included within the plan" (s 96 of the LGA 2002).
- 11 Clear regular reporting lines to the elected members of the implementation of these decisions completes the governance framework. This enables elected members to ask questions, and through the notice of motion process (see Standing Orders at cl 24.1) bring matters back for debate and possible re-direction.

Options and Preferred Option

- 12 Officers preferred option is to endorse the same suite of delegations to the Chief Executive as previously provided. These are captured in the first 21 pages of the delegation manual, which is annexed.
- 13 It is possible for Council to alter these delegations. Officers recommend that if the current settings are intended to be altered, that this is the subject of a subsequent paper providing advantages and disadvantages of any suggested alterations.

Consultation

- 14 There is no consultation required.

Relevant Legislation, Council Policy and Plans

- 15 Local Government Act 2002.

Financial and Funding Implications

- 16 There are no direct funding or financial implications in allocating the delegations to the Chief Executive.

Other Considerations

- 17 If any subordinate decision-making bodies (Committees, Sub-Committees or the like) are created by Council with reserved functions, the Chief Executive's delegation will need to be amended for clarity.

Attachments

1. **Delegations Manual (to page 21)**



Timaru District Council Delegations Manual

August 2025

Name:	Chief Executive, Nigel Trainor
Signature:	
Date:	

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1. Introduction

1.1 Purpose and Principles of Delegations

1.1.1 The Council is a local authority under the Local Government Act (LGA). Elected members and the Mayor make up the Council's governing body, which is responsible and democratically accountable for decision-making.

1.1.2 The purpose of the delegations in this Manual are to assist the Council in:

- a. achieving the goals and objectives recorded in any Long Term Plan, annual plan, strategic plan or other approved documents;
- b. implementing Council's decisions; and
- c. carrying out Council's statutory roles and functions as provided in but not limited to legislation, regulations, policies, bylaws, standards.

1.1.3 The delegations recorded in this Manual will ensure the Council meets the needs of its customers and suppliers in a timely, appropriate, efficient and effective manner.

1.2 Legal Authority and Reserved Powers to Council

1.2.1 The Council cannot delegate any of the following responsibilities (including under clause [32\(1\) schedule 7](#) of the LGA).

- a. The power to make a rate; or



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- b. The power to make a bylaw; or
- c. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan; or
- d. The power to adopt a Long Term Plan, Annual Plan, or Annual Report; or
- e. The power to appoint a Chief Executive; or
- f. The power to adopt policies required to be adopted and consulted on under the LGA in association with the Long Term Plan or developed for the purpose of the Local Governance Statement; or
- g. [Repealed]
- h. The power to adopt a remuneration and employment policy.

1.2.2 Additional Powers and Responsibilities Retained by the Council

The Council also retains the following additional powers and responsibilities:

- a. The power to make a final decision following an Ombudsman's recommendation that rejects or modifies that recommendation.
- b. The power to appoint and discharge the Deputy Mayor.
- c. The power to approve or amend the Council's Standing Orders.
- d. The power to approve or amend the Code of Conduct for elected members.
- e. The power to establish and determine the structure, terms of reference, and delegated authorities of committees.
- f. The power to establish a joint committee with another local authority or public body.
- g. Any other matter which from time to time may not legally be delegated by the Council.
- h. The powers and duties conferred or imposed on the local authority by the Public Works Act 1981 to acquire land compulsorily.
- i. Approval of a Long Term Plan or Annual Plan consultation document prior to community consultation.
- j. Approval of a draft bylaw prior to community consultation.
- k. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of Electoral Officer.
- l. The power to appoint elected member Council representation on any body.
- m. The power to authorise or otherwise commit the Council to any expenditure exceeding that in the current Annual Plan / Long Term Plan.
- n. The power to cease any existing function or commence any new significant activity.

- o. The making of submissions in consultation with Council Officers where appropriate to any external body where the subject of the submission is not the responsibility of a standing committee.
- p. Adoption of the Local Governance Statement.
- q. Adoption of the Triennial Agreement.
- r. Power to sell or dispose of parks, reserves and endowment properties.
- s. Adoption of the Assessment of Water and Sanitary Services.

1.3 Terms and Conditions of Delegations

- 1.3.1 A committee, or other subordinate decision-making body, community board, member of the local authority or the Chief Executive may delegate any of their responsibilities, duties or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by whichever body made the original delegation.
- 1.3.2 A committee, or other subordinate decision-making body, community board, member of the local authority or the Chief Executive may delegate to any other local authority, organisation or person the enforcement, inspection, licensing and administration related to the Council's bylaws and other regulatory matters.
- 1.3.3 Some powers are delegated to multiple positions and a committee. This is intentional and where this is the case any of those positions, or the committee, can exercise those powers and functions.
- 1.3.4 A responsibility, duty or power delegated to an officer holding a named position or level of authority is also delegated to all officers in a direct line of authority above that officer.
- 1.3.5 Responsibilities, duties or powers delegated to officers by the Chief Executive may not be sub-delegated.
- 1.3.6 Where the description of a delegation is ambiguous or appears to conflict with the wording of the legislation, the wording of the legislation will prevail.
- 1.3.7 Where the delegation refers to repealed legislation, or legislation that is amended, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed or amended legislation.
- 1.3.8 For the avoidance of doubt, no delegation relieves the body or person making the delegation of the responsibility to perform or ensure performance of the function or duty being delegated.
- 1.3.9 An officer who is delegated a responsibility, duty or power is also delegated such ancillary responsibilities, duties or powers necessary to give effect to that delegation.
- 1.3.10 Unless specifically time-limited, a delegation will continue in force until specifically revoked, or varied by the delegator or the Council where Council is the delegator.

- 1.3.11 The responsibilities are delegated to particular positions or roles, and are not delegated to an individual. Each person retains the delegated responsibilities assigned to their position whilst they are in that position, but ceases to have those delegated responsibilities when they vacate that position.
- 1.3.12 Any officer exercising a delegation in an acting capacity carries the full delegation of that role for the period of time that they are appointed to act in this role.
- 1.3.13 An officer must comply with any conditions (such as financial limits, reporting and/or any other procedural requirements) relevant to the exercise of a delegated authority, and must comply where required with all applicable Council policies.
- 1.3.14 The Council or a committee is not entitled to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a sub-committee, or another subordinate decision-making body.

1.4 Reporting and Consultation

- 1.4.1 Decisions taken by officers under delegated authority will be reported to Council when:
 - a. a regular report is a condition of the delegation; or
 - b. a report is required under [s4 Public Bodies Contracts Act 1959](#); or
 - c. where any other Act requires reporting in a particular way; or
 - d. where the decision is one of a class which the Council has directed should be reported; or
 - e. where there are reasons that the Council Officers perceive that the Council should be informed of the decision and it is practicable to do so.
- 1.4.2 All decisions taken under delegated authority will be reported in accordance with, and will be the subject of prior consultation, where that is required by the LGA, under this Manual or as directed by the Chief Executive.

1.5 Operative Date

- 1.5.1 This Manual and all delegations will be operative and applied from the date that it is approved by Council, and replace any previous delegations manual and delegations to staff which were in place prior.
- 1.5.2 Any action commenced under any previous delegations manual and delegations to staff, which were in place prior to this Manual becoming operative, may continue and be completed.

1.6 Amendments to this Delegation Manual

- 1.6.1 This Manual shall be maintained by the General Manager Corporate who shall amend it in accordance with:

- a. any instruction given by the Council, the Chief Executive and any delegate authorised to amend this Manual; or
 - b. any need for typographical, grammatical or other minor amendment where the intention of the Council in the matter of a delegation is not altered.
- 1.6.2 **The Manual will be reviewed after each triennial local body election.**



2. Definitions and Organisational Structure

2.1 Definitions

- 2.1.1 Council means the Timaru District Council
- 2.1.2 LGA means the [Local Government Act 2002](#)
- 2.1.3 LGA 1974 means the [Local Government Act 1974](#)
- 2.1.4 Manual means this Delegations Manual of the Timaru District Council
- 2.1.5 RMA means the [Resource Management Act 1991](#)
- 2.1.6 Chief Executive means the Chief Executive of the Timaru District Council

2.2 Organisational Structure

- 2.2.1 The names of the committees, sub-committees, groups and Council officers referred to in this manual are drawn from the Council's Organisation Structure. The Organisation Structure is a separately maintained document which can be located on the Council's intranet and/or a copy requested from Council.

3. Delegations to Chief Executive

3.1 Role of the Chief Executive

3.1.1 The Chief Executive is responsible for:

- a. Implementing the decisions of the local authority.*
- b. Providing advice to members of the local authority and to its community boards.*
- c. Ensuring that all responsibilities, duties, and powers delegated to them, or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised.*
- d. Ensuring the effective and efficient management of the activities of the local authority.*
- e. Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority.*
- f. Providing leadership for the staff of the local authority.*
- g. Employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy).*
- h. Negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).*

3.1.2 The Chief Executive is responsible for ensuring, as far as practicable, that the management structure of the local authority:

- a. Reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision making processes.*
- b. Is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*

3.2 Delegations by Chief Executive

3.2.1 The Chief Executive may delegate to any other officer of the Council any of their powers except any power that the law requires the Chief Executive to exercise.

3.2.2 For the purpose of performing their duties, the Council delegates to the Chief Executive all of its responsibilities, duties and powers to act on any matter, subject to the restrictions (if any) set out in this Manual.

3.2.3 Delegations to the Chief Executive exclude any power, responsibility or duty that has been expressly retained by Council, or expressly delegated to a Community Board, Committee, Subcommittee (including an Officer Subcommittee) or Hearing Panel.

3.2.4 The Chief Executive may sub-delegate any of their responsibilities, duties, or powers except any power that the law requires the Chief Executive is to exercise.

3.2.5 Any delegations, or changes to delegations, by the Chief Executive made following the approval of this manual, are operative from the date of approval by the Chief Executive, and will be recorded in updates to this manual.

3.2.6 Where any changes to delegations are made by the Chief Executive, the Chief Executive will make a direction to the Group Manager Commercial and Strategy to amend the manual accordingly, who shall also maintain the register of updates to the manual in **Appendix 1**.

3.2.7 The Chief Executive will report to Council on any new or changed delegations on an annual basis.

3.3 Temporary Delegations

3.3.1 The Chief Executive may appoint Council officers in an acting role, so that that officer will then be charged with the duties associated with that acting role, and in accordance with clause 1.3.12 receive the delegated powers, duties and responsibilities relevant to the position in which they are acting

3.4 Power of Chief Executive to appoint enforcement officers and issue warrants

3.4.1 The Chief Executive has the power to appoint enforcement officers, authorised officer, authorising officers, and/or any other type of officers specified or defined in local government legislation that the Council must administer and/or enforce.

3.4.2 The Chief Executive has the power to issue warrants to staff and contractors/consultants carrying out Council business.

3.4.3 The form of the warrants issued to Council officers will be determined by decision of the Chief Executive from time to time.

3.4.4 A list of current warrants must be maintained for the Chief Executive by the Commercial and Strategy Group.

3.4.5 The Chief Executive will report to Council on any new or changed warrants on an annual basis.

4 Financial Delegations

4.1 General Delegations from the Council to the Chief Executive

- 4.1.1 The Council delegates to the Chief Executive the power to make all arrangements and contracts for the supply of goods, services, plant and labour to enable the implementation of decisions made by the Council and its committees, and the management of operations and maintenance, and capital expenditure within budgets approved by Council in the Annual Plan/Long Term Plan.
- 4.1.2 In the time between the last Council meeting of the term, and the inaugural Council meeting, the Chief Executive may enter into any contract on behalf of Council, subject to the budgeted limits approved in the Long Term Plan/Annual Plan. This is subject to the financial limit in 4.1.3 below.
- 4.1.3 The Council acknowledges the Chief Executive's goal is to meet overall budget and variations within budgets is permissible so long as the overall budget is met.
- 4.1.4 The Chief Executive can commit expenditure of up to \$50,000 for unbudgeted items which must be subsequently reported to the Commercial and Strategy Committee.

4.2 Expenditure and Revenue Delegations

- 4.2.1 Spending limits within budgeted levels in the Long Term Plan or Annual Plan are noted as exclusive of Goods and Services Tax (GST).
- 4.2.2 All expenditure commitments over \$750,000 are to be referred to the Tenders and Procurement Committee for approval.
- 4.2.3 Unless otherwise expressly stated, all financial values stated in this document are GST exclusive.

4.3 Financial Delegations:

- 4.3.1 Officers have the power to incur expenditure and enter into contracts up to the limits in table 4.3 below, subject to:
 - a. *Council's Procurement Policy.*
 - b. *Council's Sensitive Expenditure Policy.*
 - c. *Budget limitations in the Long Term Plan/Annual Plan.*
 - d. *These financial limits do not apply to staff making payroll and tax payments.*

Table 5.3: Expenditure/contract limits

Position:	Delegation Limit
Chief Executive	\$750,000
General Manager Assets and Infrastructure General Manager Drainage and Water General Manager Land Transport	\$100,000
Other Staff – with approval of Chief Executive (a schedule of approved financial delegations will be maintained by the [finance team]).	\$50,000

4.4 Financial Delegations: Credit Cards

The following positions are delegated authority to use Council Credit Cards to the specified monthly limit:

Position:	Credit Card Limit:
Mayor*	\$5,000
Deputy Mayor*	\$5,000
Chief Executive	\$10,000
Executive Support Manager	\$5,000
Chief Information Officer	\$10,000
Group Manager Environmental Services	\$5,000
Group Manager Infrastructure	\$5,000
Group Manager People and Capability	\$5,000
Mayors Taskforce for Jobs Coordinator	\$5,000
Art Gallery Manager	\$3,000
Libraries Manager	\$3,000
Museum Director	\$3,000
Recreation Facilities Manager	\$3,000
Other Staff with approval from the Chief Executive	\$3,000

*The Chair of the Audit and Risk Committee can authorise an increase in the limit to the Mayor up to \$10,000 when overseas travel is being undertaken on Council business.

*Deputy Mayor for overseas travel purposes being undertaken on Council business.

**The Chief Financial Officer will maintain a register of all Credit Card holders

4.5 Tenders

- 4.5.1 Each officer may accept a tender or quotation that is in accordance with their delegated responsibilities and any expenditure limits as set out in section 4.3 of this Manual

4.6 Civil Defence Emergency

- 4.6.1 In the event of a Civil Defence Emergency, the Chief Executive, in consultation with the Mayor (or their representative) can approve unbudgeted expenditure up to \$2,000,000.

- 4.6.2 Civil Defence Controller(s) can approve unbudgeted expenditure up to \$100,000 in a declared state of emergency.
- 4.6.3 The Civil Defence Logistics Team Leader can approve up to \$1,000 per individual transaction to purchase items for the delivery of Timaru District Council welfare functions and running of the Emergency Operations Centre. This excludes the hire or purchase of items of plant or air transport which require specific Civil Defence Controller approval.

4.7 Schedule of Financial Delegations

The following additional delegations of financial powers are made noting that these are effective within stated financial delegations, unless otherwise specified:

As noted in 1.3.4 "A responsibility, duty or power delegated to an officer holding a named position or level of authority is also delegated to all officers in a direct line of authority above that officer".

4.7.1 Agency Payments

Description:	Delegation:
Collection and transfer of funds, not subject to limits in 4.2.	Chief Financial Officer
Submit Waste Levy returns	Waste Minimisation Business Analyst
ETS Returns – Carbon credit calculating and surrendering	Waste Minimisation Business Analyst Projects Accountant Senior Management Accountant Finance Manager/Financial Accountant

4.7.2 Approve Expenditure and issue of Purchase Orders

Description:	Delegation:
All Purchase Orders and all invoices that do not relate to a purchase order must be signed by approving officers who have authority to approve the level of expenditure as per 4.2 to 4.4.	All staff with delegations as per 4.2 to 4.4

4.7.3 Bad Debts

Description:	Delegation:
The writing off of debts considered to be bad or uncollectible up to the value of \$5,000	Chief Financial Officer
The writing off of debts considered to be bad or uncollectible up to the value of \$50,000	Chief Executive

4.7.4 Bank Accounts

Description:	Delegation:
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Authorised to operate Timaru District Council accounts.	Any two of the following officers: General Managers Finance Manager/Financial Accountant
Authorised to operate Timaru District Council imprest account.	Finance Manager/Financial Accountant
Authorised to open or close Timaru District Council bank accounts.	Chief Executive
Authorised to operate Timaru District Council Mayor's Welfare accounts.	Any two of the following: Mayor Deputy Mayor Chief Financial Officer Executive Support Manager
Authorised to initiate Direct Debits.	Revenue Team Leader Team Leader Customer Services (Corporate)

4.7.5 Bonds

Description:	Delegation:
Acquire, purchase or forfeiture of bonds (partial or total).	General Manager Assets and Infrastructure General Manager Drainage and Water General Manager Land Transport General Manager Regulatory Chief Financial Officer
Hold, administer and discharge bonds paid to Council	General Manager Assets and Infrastructure General Manager Drainage and Water General Manager Land Transport General Manager Regulatory

4.7.6 Borrowing

Description:	Delegation:
Authority to appoint independent advisor.	Chief Financial Officer
Authority to approve interest rate risk management instruments.	Chief Financial Officer
Management of borrowings in accordance with the Liability Management Policy.	Chief Financial Officer
Authority to negotiate terms and conditions of borrowings.	Chief Financial Officer



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Authority to negotiate, agree and execute all documents and taking all actions as they consider necessary or desirable for the purpose of giving effect to any borrowing or incidental arrangement and any security which may be given in respect thereof.	Chief Financial Officer
--	-------------------------

4.7.7 Budget reallocation

Description:	Delegation:
Authority to reallocate budget across and within group and their activities and directorates respectively provided that the "net cost of services" for the group or directorate does not increase. To be reported to Council as part of the Projected Actual Budget revision.	General Managers
Authority to reallocate budget across groups, directorates and activities. To be reported to Council as part of the budget forecast process.	Chief Executive

4.7.8 Contract Payments

Description:	Delegation:
Authority to approve contract payments within the tendered acceptance sum plus any authorised variations to contract.	Council's nominated Representative to Contract Supervisor

4.7.9 Cost recovery

Description:	Delegation:
Authority to recover costs in respect of damage to Council assets.	General Managers Property Team Leader

4.7.10 Cost sharing

Description:	Delegation:
Authority to enter into agreements with other local authorities to share costs for asset maintenance and/or operations.	General Manager Land Transport General Manager Drainage and Water General Manager Assets and Infrastructure Waste Operations Team Leader Chief Executive Airport

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Authority to approve income and expenditure in the Mains Drains Fund as a result of private development and cost sharing arrangements.	General Manager Drainage and Water
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4.7.11 Credit Cards

Description:	Delegation:
Issue and cancellation of credit cards subject to 4.4	Chief Executive

4.7.12 Debts

Description:	Delegation:
Enter into any arrangement for payment of a debt (excluding rates) owed to Council over a period.	General Managers Chief Financial Officer
Enter into any arrangement for payment of a rates debt owed to Council within the current rating year	Rates Officer Rates Officer – Debt Recovery
Enter into any arrangement for payment of a rates debt owed to Council beyond the current rating year.	Rates Officer Rates Officer – Debt Recovery
Authority to amend Sport and Recreation Loan and Community Development Loan payment dates by up to 6 months.	Chief Financial Officer
Authority to close customer accounts due to non-payment.	Chief Financial Officer Revenue Team Leader
Authority to institute legal proceedings for recovery of debts owed to Council.	Chief Financial Officer General Managers

4.7.13 Deposit of Funds

Description:	Delegation:
Authorise the deposit and withdrawal of funds as allowed for in the Council's Treasury policy.	Finance Manager/Financial Accountant

4.7.14 Discontinue and Restriction of Service

Description:	Delegation:
Authority to discontinue or restrict any service for non-payment and authorise resumption of service where appropriate.	Chief Financial Officer in consultation with General Managers

4.7.15 Donations

Description:	Delegation:
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Authority to approve NZ Representative Donations and minimal grants donations as per Donations and Loans Policy.	Chairperson or Deputy Chairperson Community Services Committee together with General Manager Corporate
Authority to review applications submitted under the Donations and Loans Policy that are not NZ Representative donations or Minimal Donations and make recommendations to the Community Development Committee.	Community Funding Subcommittee
Authority to determine applicants to be interviewed in support of grant applications.	Chairperson Community Funding Subcommittee together with / Community Partnership Team Leader
Authority to establish and discharge security agreements associated with loans advanced by the Council.	Chief Financial Officer
Authority to allocate the Russell Hervey Library Fund for the purposes of the Timaru District Library.	General Manager Gallery, Libraries, Archives and Museum together with Chief Financial Officer and Chairman of Community Services Committee
Authority to make donations/koha. Donations must be within Annual Plan/Long Term budgets and not exceeding \$1,000 per donation.	General Managers

4.7.16 External Funding and sponsorship

Description:	Delegation:
Authority to make application to external organisations to support Council owned community facilities and services where naming rights are not provided.	General Managers

4.7.17 Fees and charges

Description:	Delegation:
Authority to waive fees and charges, in extenuating circumstances, not specified elsewhere.	General Managers Chief Executive Airport
Authority to waive Animal Control and Parking infringement fees up to \$200.	General Manager Regulatory
Authority to waive Waste fees for community organisations up to \$2,000.	Waste Operations Team Leader
Authority to set commercial fees associated with the Caroline Bay Aquatic Centre.	Chief Executive

4.7.18 Foreign Exchange



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Description:	Delegation:
Authority to enter into Foreign Exchange contracts to minimise the effects of foreign exchange fluctuations.	Chief Financial Officer

4.7.19 Interest

Description:	Delegation:
Authority to negotiate loan interest rates and terms with brokers and/or lending institutions for loans raised by Council.	Chief Financial Officer

4.7.20 Investments

Description:	Delegation:
Authority in accordance with Council Policy is granted to invest Council monies. A quarterly report is to be prepared for Commercial and Strategy Committee stating current investments, counterparty, term and interest rate.	Finance Manager/Financial Accountant
Authority to appoint independent advisor(s).	Chief Financial Officer
Authority to approve interest rate risk management instruments.	Chief Financial Officer

4.7.21 Oath/Declaration

Description:	Delegation:
Make any oath or declaration in regard to Council's financial affairs.	Chief Financial Officer

4.7.22 Overdraft

Description:	Delegation:
Authority to arrange overdraft facilities up to statutory limit.	Chief Financial Officer

4.7.23 Rates Penalties

Description:	Delegation:
Remission of penalties in accordance with the Council's Rates Policy.	Rates Officer Rates Officer – Debt Recovery

4.7.24 Revenue



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Description:	Delegation:
Authority to enter into revenue contracts within financial delegations	All staff within specified financial delegation as per 4.3
Authority to submit Waka Kotahi (NZTA) claims for financial assistance.	Land Transport Administrator/Fleet Roading Network Team Leader
Authority to submit NZTA Waka Kotahi Funding Bids	General Manager Land Transport

4.7.25 Rates Remission and Postponement

Description:	Delegation:
Authority to postpone rates or remit rates in accordance with the Council's rates remission and postponement policy.	Chief Financial Officer Rates Remission Subcommittee

4.7.26 Small Claims

Description:	Delegation:
Authority to meet without prejudice small claims for by way of ex gratia payments not exceeding \$5,000.	General Managers
Authority to meet without prejudice small claims by way of ex gratia payments not exceeding \$10,000.	Chief Executive

4.7.27 Tenders and Contracts

Description:	Delegation:
Authority to open public tenders received.	Procurement Lead Executive Assistant Assets Infrastructure and Water Services

4.7.28 Valuations

Description:	Delegation:
Amend any entries in the valuation roll or the Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances.	Chief Financial Officer
Authority to apply to the Valuer General for valuation equalisation certificates for ratings purposes.	Chief Financial Officer



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7.7 Fixing of the date and time of the first Ordinary Meetings of Council for the 2025-28 Triennium

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council fix the first two ordinary meetings of Council to be held on 31 October 2025 and 04 November 2025 at 2.00pm.

Purpose of Report

- 1 The purpose of the report is for Council to agree to the date and time of its first two meetings for the 2025-28 triennium.

Assessment of Significance

- 2 This matter has been assessed as having a low significance in terms of Council's Significance and Engagement Policy.

Background

- 3 Schedule 7, section 21 (5) (d) of the Local Government Act 2002 requires that Council, at its Inaugural meeting following a triennial general election fix the date and time of the first meeting of the local authority, or adopt a schedule of meetings.

Discussion

- 4 A report recommending a schedule of the remaining Council and Committee meeting dates for the 2025 year will be presented at the 04 November 2025 ordinary Council Meeting.
- 5 The 2026 meeting schedule will be presented at the 04 November 2025 ordinary Council Meeting for adoption.

Options and Preferred Option

- 6 The Local Government Act 2002 requires that Council set the dates of its first ordinary meeting.

Consultation

- 7 There is no wider consultation required.

Relevant Legislation, Council Policy and Plans

- 8 Local Government Act 2002.

Financial and Funding Implications

- 9 There are no financial or funding implications with fixing the first two ordinary Council Meeting dates.

Other Considerations

- 10 There are no other considerations.

Attachments

Nil

7.8 Adoption of Code of Conduct

Author: Jessica Kavanaugh, Democracy Services Lead
Elliot Higbee, Legal Services Manager

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council adopts the Code of Conduct for Timaru District Council Elected Members.

Purpose of Report

- 1 To present for approval the draft Code of Conduct for all elected members that will set the expected behaviours towards each other, the Chief Executive, officers, the media and general public during the current term of Council.

Assessment of Significance

- 2 This matter has been assessed as having a low significance under the Council's Significance and Engagement Policy. The Code of Conduct sets understandings 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 an interest in and expectations on the standard of conduct of its elected members.

Background

- 3 A local authority must adopt and maintain a code of conduct (schedule 7, clause 15 Local Government Act 2002 (LGA)). Councils current Code of Conduct was approved and adopted by Council on the 27 October 2022.
- 4 Council may amend or replace its Code of Conduct, but may not revoke it without a replacement, (schedule 7, clause 15(3) LGA).
- 5 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 per cent of the members present.

Shifting Legislative Context

- 6 The Local Government (System Improvements) Amendment Bill is currently before the New Zealand Select Committee with a report due back to the House of Representatives by 18 November 2025, after the select committee reports back, the bill will be scheduled for its second reading. One of the key areas the Local Government (System Improvements) Amendment Bill focuses on is enhancing Council transparency and governance which included a standardised Code of Conduct and Standing Orders.
- 7 If passed into law, the Secretary for Local Government will be given the authority to issue a standardised code of conduct and a set of Standing Orders which will be binding on all councils. The aim is to establish clearer and more consistent expectations for elected members and council officers across the country.

- 8 While there has not been a date given for the standardised standing orders once the Local Government (System Improvements) Amendment Bill has been passed, it is anticipated that the Secretary for Local Government would issue the final version for use by all councils in quarter two 2026. The Code of Conduct adopted at this meeting would apply until superseded by any such standardised Code of Conduct.

Discussion

- 9 The Code of Conduct proposed for adoption has no changes from the adopted Code of Conduct in 2022.
- 10 The Code of Conduct is based on a model that has been developed nationally to assist local authorities in ensuring they have a robust code that sets the understandings and expected behaviours by its members. Currently individual councils then adapt this to suit distinctive attributes for their communities.
- 11 Once adopted by Council, the Code of Conduct will be provided to the Community Board for their consideration and adoption.

Options and Preferred Option***Option one***

- 12 That Council approves the Code of Conduct as proposed.

Option two

- 13 That Council approves the Code of Conduct as proposed with further amendments.
- 14 It is noted that it is not open to Council to revoke the existing Code of Conduct, without resolving on a replacement Code of Conduct.

Consultation

- 15 No wider community consultation is required for the adoption of the Standing Orders.

Relevant Legislation, Council Policy and Plans

- 16 Local Government Act 2002

Financial and Funding Implications

- 17 There are no financial or funding implications for Council with adopting the Code of Conduct.

Other Considerations

- 18 No other considerations have been identified.

Attachments

1. **DRAFT Code of Conduct**



Timaru District Council

Code of Conduct

(Adopted TBC)

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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.

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 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 misinformation:

- Misinformation 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.

Misinformation can be stopped by reporting fake accounts, pages and domains that post or share misinformation. Most misinformation 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.

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 seek guidance from the Chairperson or Mayor;
- that the respondent attend 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 that 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 that 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.

7.9 Adoption of Standing Orders

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council;

1. Receive and note the Adoption of Standing Orders report; and
2. Confirms its preference for speaking and moving motions
 - Option A; or
 - Option B; or
 - Option C
3. Adopts the Timaru District Council Standing Orders 2025.

Purpose of Report

- 1 The purpose of this report is to propose the adoption of a new set of Standing Orders for use by Council and its Committees and Subcommittees.

Assessment of Significance

- 2 This matter has been assessed as having a low significance under the Council's Significance and Engagement Policy. Council is required to have a set of Standing Orders in place. Much of what is included in the Standing Orders 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 Council must adopt a set of Standing Orders for the conduct of its meetings, and those of its committees. Standing Orders provide a rules framework for good governance and decision making. Members are required to abide by the Standing Orders. 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 Standing Orders cannot contravene the LGA, LGOIMA, or any other Act.
- 5 The approval of at least 75 per cent of members present at a meeting is required to adopt and/or amend the Standing Orders.
- 6 The Timaru District Council's current Standing Orders are based on the template developed by Local Government New Zealand (LGNZ) and were adopted at the start of the 2022-25 triennium.
- 7 The proposed Standing Orders are primarily based on the 2025 LGNZ model, which has been updated to reflect and incorporate changes to legislation since the 2022 local elections.

Additionally, it offers a more user friendly and plain English document. The LGNZ Standing Orders template draws heavily on the 2003 model standing orders published by Te Mana Tautikanga o Aotearoa Standards New Zealand, and the Department of Internal Affairs Guidance for Local Authority Meetings published in 1993.

- 8 Differences between the proposed Standing Orders and the LGNZ model template are outlined later in this report.
- 9 It is proposed these Standing Orders will apply to Council, its Committees and Subcommittees. The Community Boards are also required to adopt Standing Orders and will be presented with whichever Standing Orders are adopted at this meeting as a starting point.

Shifting Legislative Context

- 10 The Local Government (System Improvements) Amendment Bill is currently before the Governance and Administration Select Committee with a report due back to the House of Representatives by 18 November 2025. Once reported back, the bill will be scheduled for a second reading. One of the key areas the Amendment Bill focuses on is enhancing Council transparency and governance, which includes a standardised Code of Conduct and Standing Orders.
- 11 As currently drafted, and if passed into law, the Secretary for Local Government will be given the authority to issue a standardised code of conduct and a set of Standing Orders which will be binding on all councils. The aim is to establish clearer and more consistent expectations for elected members and council officers across the country.
- 12 If the Bill as currently drafted passes into law, it is anticipated that the Secretary for Local Government would issue a binding set of Standing Orders for use by all councils in the second quarter of 2026. Until this time the adopted standing orders will apply.

Discussion

Discretionary Clauses

- 13 While the Standing Orders largely replicate the LGNZ model standing orders, there are a number of discretionary clauses or part clauses included for the Council environment, where officers consider alternative wording may be appropriate. These are:
 - Clause 4.7 Workshops – Propose to open to the public where practicable in the same manner as Council and Committee 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

- 14 The proposed Standing Orders provide for the Mayor, 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 Council prefer, this option can be removed or the use of a casting vote can be prescribed for a particular situation (e.g. adoption of statutory plans). It is noted that the purpose of a casting vote is to avoid a deadlock and no clear decision being made.

Speaking and Moving Options

- 15 The LGNZ standing orders' model offers councils 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.
- 16 Option A (SO 22.2 page 67 of attachment one) 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.
- 17 Option B (SO 22.3 page 68 of attachment one) is less formal. While limiting the ability of movers and seconders of motions to move amendments, this option allows other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- 18 Option C (SO 22.4 page 68 of attachment one) is the least formal of the three options. It gives members more flexibility by removing the limitations in options one and two that prevent movers and seconders speaking.
- 19 The proposed Standing Orders currently includes Option A as the default option for all Committees of Council. Council can choose to agree on a default option which will apply to all meetings or consider a default option that applies to some meetings (e.g. Option A – Council, Option C – Committees). 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 (SO 22.).
- 20 Option A is the default framework adopted in the 2022-25 Standing Orders.

Workshops

- 21 Clause 4.7 is a discretionary clause covering Council's proposed approach to workshops. Broadly, it proposes that workshops are open to the public on the same basis as meetings of Council and Committees are open to the public. The requirement that any decision must be made at a meeting of the Council, or one of its Committees or subcommittees still applies. Some guidance around workshops is included in the Guide to LGNZ Standing Orders (attachment 2).
- 22 Council's current "Public Excluded Meetings and Workshops Policy" states that Council's default position is that all meetings and workshops will be open to the public, unless LGOIMA provides grounds for the public to be excluded. Any such exclusion must be done in a manner compliant with the LGOIMA.
- 23 The review and adoption of an updated "Public Excluded Meetings and Workshops Policy" is also on the agenda for this meeting.

Attendance by audio or audio visual link

- 24 Under the LGA this must be specifically provided for in the Standing Orders. The proposed Standing Orders gives the ability for Elected Members to attend by audio or audio visual link (Clause 13.8, 13.12, 13.13). This is subject to certain conditions, including approval to be sought from the Chairperson two working days before the meeting where possible.

- 25 Since October 2024 the LGA has allowed for members who join meetings by audio/audio-visual link to be counted as part of the quorum for the meeting. In the previously adopted Standing Orders members who attend meetings by electronic link were not be counted as present for the purposes of a quorum but where able to vote on matters raised at that meeting. The proposed Standing Orders is in line with the LGA and allows for members who attend via audio or audio visual link to be counted as both part of the quorum and able to vote on matters raised at that meeting (Clause 13.9, 13.10).

Urgent Business

- 26 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 and appropriate Senior Leadership Team prior to the meeting.

Minor Nature

- 27 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 Chief Executive and appropriate Senior Leadership Team 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 the matter to a subsequent meeting.

Options and Preferred Option

- 28 The following options are available to Council:

Option one

- 29 Adopt the proposed Standing Orders as presented (preferred option).

Option two

- 30 Adopt the proposed Standing Orders with amendments.

Option three

- 31 Does not adopt the proposed Standing Orders and that Council maintains the existing Standing Orders adopted in 2022.

Consultation

- 32 No wider community consultation is required for the adoption of the Standing Orders.

Relevant Legislation, Council Policy and Plans

- 33 Local Government Act 2002
34 Local Government Official Information and Meetings Act 1987

Financial and Funding Implications

- 35 There are no financial or funding implications for Council with adopting the Standing Orders.

Other Considerations

- 36 No other considerations have been identified.

Attachments

- 1. DRAFT Standing Orders 2025**
- 2. Guide to LGNZ Standing Orders - 2025**



Standing Orders

Date of adoption: TBC

Introduction¹

Kupu whakataki

These standing orders contain rules for the conduct of meetings of councils, committees, subcommittees, and subordinate decision-making bodies. They meet the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) in relation to the conduct of meetings.

The application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general. Different standing order versions are available for regional councils, community boards and local boards. These standing orders can also be adapted for use by other local authorities that are subject to the requirements in Part 7 of LGOIMA.

Although it is mandatory that councils adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, we recommend that standing orders are reviewed within the first six months after an election. This is to ensure that they meet the needs of relevant bodies for running effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

Whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter is not 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.

Principles

Ngā mātāpono

Standing Orders provide rules for local authorities to use when making decisions. Underpinning the standing orders are several principles, the most important being that councils and their members:

- Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
- Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
- Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.

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.

- Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
- Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, that decision-makers are seen to have open minds.
- Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
- Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.

In addition, application of these standing orders must comply, as appropriate, with the decision-making provisions of Part 6, LGA 2002, and be consistent with section 39, LGA 2002, that "governance structures and processes are effective, open, and transparent" (LGA 2002, s 39).

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1. Introduction

Kupu whakataki

These standing orders have been prepared to enable the orderly conduct of council meetings. They incorporate both legislative provisions relating to meetings, decision making, and transparency. The standing orders also provide practical guidance on the operation of meetings to ensure compliance with statutory provisions and meet the spirit of the legislation.

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

- Part 1 general items.
- Part 2 pre-meeting procedures.
- Part 3 meeting procedures.

The Appendices, which follow Part 3, provide templates and additional guidance for implementing provisions within the Standing Orders. The Appendices are an attachment to the Standing Orders and not part of the Standing Orders themselves. Amendments to the Appendices do not require the agreement of 75 per cent of those present.

The 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders and is not part of the Standing Orders.

1.1 Statutory references

Ngā tohutoro ā-ture

These Standing Orders include statutory and non-statutory meeting provisions and provide guidance on how those provisions should be applied in practice.

These standing orders have been rewritten in plain English. Where a statutory provision applies a statutory reference is provided in the standing order.

Statutory references apply throughout the period of the meeting whether or not Standing Orders have been suspended.

Use of the word 'must' in a standing order implies a mandatory legislative requirement.

1.2 Acronyms

Ngā kupu rāpoto

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.3 Application

Te whakamahinga

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

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

Advisory group

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

Agenda

A document listing the items for consideration at a meeting, together with associated 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

Any change or proposed change to an original or substantive motion.

Appointed member

A member of a committee, subcommittee, or subordinate decision-making body of a council who is not elected.

Audio link

Technology that enables audio communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Audiovisual link

Technology that enables audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Casting vote

A second vote exercised by a chairperson to break a tied vote.

Chairperson

The person with authority to lead a meeting or other gathering.

Chief executive

The chief executive of a city or district council appointed under s 42 of the LGA 2002. For the purposes of these Standing Orders, references to chief executive includes any other officer authorised to act as the chief executive.

Clear working days

The number of working days (business hours) prescribed in these Standing Orders for giving notice. A calculation of clear working day excludes the date of the meeting and date on which the notice is given.

Committee

Includes, in relation to a council:

- 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

A community board established under s 49 of the LGA 2002.

Conflict of Interest

Includes:

- a) Any pecuniary (financial) interest;
- b) Any interest arising because of a person's position as a trustee, director, officer, employee, or member of another body; and
- c) Any personal non-pecuniary interest, such as pre-determination or bias.

Contempt

Being disobedient to, or disrespectful of, the meeting chairperson, members, officers, or the public, or otherwise not complying with these standing orders

Council

In the context of these Standing Orders, the governing body of a city or district council.

Debate

Discussion by members that occurs once a motion has been moved and seconded.

Deliberative vote

The ordinary vote of a member (as compared to the casting vote of a chairperson).

Deputation

A request from any person or group to make a presentation to the council which is approved by the chairperson. A deputation may be made in English, te reo Māori or New Zealand Sign Language.

Division

A formal vote at a meeting where the names of those members present, including the chairperson, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link

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

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

Internet site

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

Joint committee

A committee in which the members are appointed by more than one council in accordance with cl 30A of sch 7 of the LGA 2002.

Karakia timatanga

An opening prayer or blessing.

Karakia whakamutunga

A closing prayer or blessing.

Lawfully excluded

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

A pre-approved absence for a specified period of time consistent with any council policy.

Local authority

The territorial authority named in these Standing Orders, and, if the context requires, any community boards, local boards, committees or subordinate decision-making bodies established by the territorial authority.

Mayor

The Mayor of a city or district council elected under the Local Electoral Act 2001.

Meeting

Any first, inaugural, ordinary, extraordinary, emergency or urgent meeting of a local authority convened under the provisions of LGOIMA.

Member

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

A brief welcome typically delivered by one person without any further formalities.

Minutes

The record of the proceedings of any meeting.

Motion

A formal proposal to a meeting.

Mover

The member who initiates a motion.

Newspaper

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.

Non-elected member

See Appointed Member.

Notice of motion

A motion given in writing by a member in advance of a meeting in accordance with these Standing Orders.

Officer

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

Open voting

Voting which is conducted openly and transparently (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted electronically. The result of the vote must be announced immediately after it has concluded. Secret ballots are specifically excluded.

Ordinary meeting

Any meeting, other than the first meeting, of a council publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

Original motion

The first motion moved in a debate, prior to amendment (if any).

Pecuniary Interest

In relation to a member, means a matter or activity of financial benefit to that member, including any interest described in s 3 or 6 of LAMIA.

Petition

A request to a council which contains at least 20 signatures.

Pōwhiri

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

Present at the meeting

Present at the meeting to constitute a quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link, if allowed by these standing orders.

Procedural motion

A motion 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 or proposed to be considered with the public excluded. It includes:

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

Public excluded session

Refers to those meetings or parts of meetings from which the public is excluded by the council as provided for in LGOIMA. Also referred to as confidential or in-committee session.

Public forum

A period set aside, usually at the start of a meeting, for the purpose of public input.

Public notice/publicly notified

A notice or notification to members of the public that is made publicly available until any opportunity for review or appeal in relation to the matter notified has lapsed, on the council's website. The notice/notification must be published in at least one daily newspaper circulating in the region or district of the council, 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.

Qualified privilege

The privilege conferred on member by s 52 and s 53 of LGOIMA.

Quasi-judicial

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

The minimum number of members required to be present to constitute a meeting.

Resolution

A motion or amendment that has been adopted by the meeting.

Right of reply

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

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

A decision-making body appointed by a local authority which is required by the local authority to follow these standing orders. For clarity local boards, community boards and joint committees are not subordinate decision-making bodies.

Substantive motion

An original motion which has been amended by the meeting.

Subcommittee

A body appointed by a council, or a committee of a council, local board or community board. See definition of “committee”.

Urgent meeting

has the same meaning as defined in cl 21A of sch 7 of the LGA 2002.

Working day

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 council 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

A group set up by a council to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop

In the context of these Standing Orders, a gathering of elected members for the purpose of considering items of importance to the council at which no decisions are made and to which these Standing Orders will not apply, unless required by the council. Workshops may include non-elected members and may be described as briefings.

General matters

Ngā take arowhānui

3. Standing orders

Ngā tikanga whakahaere hui

3.1 Obligation to adopt standing orders

Te takohanga ki te whai i ngā tikanga whakahaere hui

- Councils are required to adopt a set of standing orders.
- Standing orders set out how meetings are conducted.
- Standing orders must not contravene any Act.
- If a standing order is inconsistent with a legal requirement, that requirement prevails over the standing order.

This obligation applies to city and district Councils, regional councils, local boards and community boards.

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

3.2 Process for adoption and alteration of standing orders

Te tukanga mō te whai me te whakarerekē i ngā tikanga whakahaere hui

Adopting new standing orders requires a vote of not less than 75 per cent of the members present.

Amending the current standing orders also requires a vote of not less than 75 per cent of the members present.

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

3.3 Members must comply with standing orders

Me ū ngā mema ki ngā tikanga whakahaere hui

All members must comply with these standing orders.

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

All external meeting participants, including appointed members, must comply with these standing orders.

3.4 Application of standing orders

Te whakamahinga o ngā tikanga whakahaere hui

These Standing Orders apply to all meetings. This includes meetings of committees, subcommittees and any other subordinate decision-making body.

Standing Orders apply to any meeting (or part meeting) where the public have been excluded.

3.5 Temporary suspension of standing orders

Te whakatārewa taupua i ngā tikanga whakahaere hui

A meeting can temporarily suspend a standing order(s), provided the suspension does not contravene any legislative requirement.

The meeting must suspend standing order(s) by resolution.

The meeting's motion to suspend a standing order(s), must include:

- a) The reason for suspending the standing order(s).
- b) The standing order(s) being suspended.

A motion to suspend standing order(s) can be taken before or during a debate.

Once seconded, the meeting chairperson must put the motion without debate.

To be carried, at least 75 per cent of members present and voting must support the motion.

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

3.6 Quasi-judicial proceedings

Ngā whakawākanga ā-kaunihera

A meeting which is undertaking quasi-judicial proceedings may set their own meeting procedures.

Quasi-judicial proceedings are held for the purpose of conducting hearings and/or considering disputes.

Some committees may have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Te wāhi noho o ngā mema

Every member, whether elected or appointed, must provide the chief executive with an electronic address where meeting notices and information may be sent.

Where a member does not have an electronic address, they must provide the Chief executive with a physical address within the district or region, where material can be sent.

It is preferable for all members to provide both an electronic and physical address.

Members should inform the chief executive which contact information can be made publicly available.

Personal information provided by a member is subject to the Privacy Act 2020.

4. Meetings

Ngā hui

4.1 Legal requirement to hold meetings

Te herenga ā-ture kia whakatū hui

The council must hold the meetings necessary for the good government of its city or district.

The calling of meetings, and their conduct must be in accordance with:

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

Meetings must be held at the times and places set by the council.

LGA 2002, Sch. 7, cl 19(1) & (3) & (4)

4.2 Meeting duration

Te roa o ngā hui

Unless the meeting resolves to continue, meetings cannot:

- a) sit for more than two hours without a break of at least ten (10) minutes.
- b) continue more than six (6) hours (including adjournments) from when it convened, or
- c) continue after 10.30pm.

If there is no resolution to continue, any business remaining must be:

- a) Adjourned,
- b) Transferred to the next meeting, or
- c) Transferred to an extraordinary meeting.

4.3 Language

Reo

A member may address a meeting in English, te reo Māori, or New Zealand Sign Language.

The chairperson may require that a speech is translated and printed in English or te reo Māori.

A member intending to address the meeting in New Zealand Sign Language, or te reo Māori, when the normal business of the meeting is conducted in English, must advise the chairperson not less than two working days before the meeting.

A member intending to address the meeting in English when the normal business of the meeting is conducted in te reo Māori must advise the chairperson not less than two working days before the meeting.

Any written materials should be forwarded to the chief executive at least two days before the meeting for translation.

4.4 Webcasting meetings

Ngā hui kauhaurangi

Webcast meetings should be provided in accordance with the protocols contained in Appendix 8.

4.5 First meeting (inaugural)

Hui tuatahi (ōkawa)

The chief executive calls the first meeting following a triennial general election.

The meeting must be called as soon as practicable after election results are known.

Unless an emergency exists, the chief executive must give elected members not less than seven days' notice of the first meeting.

In the case of an emergency, the chief executive may give elected members notice of the meeting as soon as practicable.

LGA 2002, Sch. 7, cl 21(1) - (3).

4.6 Requirements for the first meeting

Ngā herenga mō te hui tuatahi

The chief executive or their nominee must chair the first meeting until the Mayor has made their oral and written declarations.

The Mayor will chair the meeting once they have made their oral and written declarations.

LGA 2002, Sch. 7, cl 21(4)

The business to be conducted at the first meeting must include:

- a) The oral and written declarations of both the Mayor and members (*LGA 2002, Sch. 7, cl14*);
- b) A general explanation of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the LAMIA; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- c) Determining the date and time of the next meeting, or the adoption of a schedule of meetings; and
- d) Where the Mayor has not appointed a Deputy Mayor (s41A(3)(a) of the LGA 2002) prior to the meeting, the election of the Deputy Mayor

The general explanation of Acts can also include the LGA provisions relating to the Register of members' pecuniary interests (ss 54A – 54I).

If an Urgent Meeting has been held (*LGA 2002, sch 7, cl21A*), the business that must be conducted at the first meeting will not include any business dealt with at that Urgent Meeting.

LGA 2002, Sch. 7, cl 21(5), LGA 2002, Sch.7, cl 20(6), LGA 2002, s 41A(3)

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

Ngā kopounga a te Kahika o te Kahika tuarua, ngā Upoko kōmiti, me ngā mema

A Mayor may appoint:

- a) the Deputy Mayor,
- b) the chairperson and the members of each committee.

LGA 2002, s 41A(3).

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

5.2 Council Discharge of a Mayoral Appointment

Te Whakakorenga o te Kopounga a te Kahika e te Kaunihera

Nothing limits or prevents a council from discharging either a chairperson or a member of a committee appointed by the Mayor.

LGA 2002, Sch. 7, cl 31.

5.3 Establishment of committees by the Mayor

Te Whakatūnga o ngā komiti e te Kahika

The Mayor may establish the council's committees and appoint their chairpersons.

Where a Mayor exercises this right, the council must adopt the committee's terms of reference by resolution at the next appropriate meeting of the council.

Should the Mayor decline to establish committees a council decision to establish committees must follow the processes set out in these Standing Orders.

Nothing limits or prevents a council 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.

The 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 Deputy Mayors and deputy chairpersons

Te pōti i te Kahika Tuarua me ngā Upoko tuarua

When electing the following positions, the council must resolve to use one of two voting systems (see Standing Order 5.6):

- a) The Deputy Mayor;
- b) The chairperson of a committee
- c) A deputy chairperson of a committee; and/or
- d) A representative of a council.

This provision does not apply where a mayor has appointed a Deputy Mayor or committee chairs under LGA 2002, s 41A.

LGA 2002, Sch. 7, cl 25.

See the LGNZ Guide to Standing Orders for more information.

5.5 Removal of a Deputy Mayor

Te whakakorenga o te Kahika Tuarua

A council can remove a Deputy Mayor.

It does not matter whether the Deputy Mayor has been appointed by the Mayor, or appointed by the council itself.

A council removing a Deputy Mayor must use the process set out in cl 18, sch 7, of the LGA 2002. (See Appendix 9)

LGA 2002, Sch. 7, cl 18.

5.6 Voting system for Deputy Mayors and committee chairs

Pūnaha pōti mā ngā Kahika Tuarua me ngā Upoko komiti

The council must use one of the following two voting systems for electing:

- a) A Deputy Mayor; and/or
- b) A committee chair.

System A

The successful candidate must receive a majority of the votes of members present and voting.

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.

Round One

- There is one round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

Round Two (if required)

- There is a second round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the second round is excluded and a further round of voting occurs.

Subsequent rounds (if required)

- There is a further round of voting.

- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes is excluded and a further round of voting occurs.

System B

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

LGA 2002, Sch. 7, cl 25.

6. Delegations²

Te tuku mana

6.1 Only the holder of a delegated authority can rescind or amend a previous decision

Ka taea anake e te kaupupuri o te mana tuku te whakakore, te whakarerekē rānei i tētahi whakatau o mua

Where a council or a committee has delegated authority to another body, member or officer, they cannot rescind or amend a decision made under that delegated authority.

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

However, the current holder of the delegated authority may rescind or amend a previous decision made under the same authority.

Refer to Standing Orders Guide for scenarios on delegation practice.

6.2 Duty to consider delegations to community boards

Te haepapa ki te whai whakaaro ki te tuku mana ki ngā poari hapori

A council which has community board(s) must consider whether or not 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).

6.3 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 council, 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) The power to adopt a remuneration and employment policy.

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

6.4 Committees may delegate

Ka āhei ngā komiti ki te tuku mana

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the council, may delegate any of its responsibilities, duties, or powers to a subcommittee or person.

A sub-delegation is subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

6.5 Use of delegated powers

Te whakamahi i te mana tuku

The body, member or officer of the council who has been delegated authority to act may exercise those responsibilities, powers or duties:

- a) without confirmation by the body that delegated the authority; and
- b) in a like manner and with the same effect as the council or committee could have exercised or performed them.

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

6.6 Bodies are subject to the direction of the council

E herea ana ngā rōpū e ngā tohutohu a te kaunihera

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, or committee that appointed the subcommittee.

A committee, subcommittee or other subordinate decision-making body must carry out all general and special directions given to them by the local authority or committee.

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

7. Committees

Ngā komiti

7.1 Appointment of committees and subcommittees

Te kopou i ngā komiti me ngā komiti iti

A council may appoint the decision-making bodies that it considers appropriate. This includes committees, subcommittees and any other subordinate decision-making body.

Unless the council prohibits it, a committee can appoint subcommittees.

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 iti

Unless legislation or regulation prevents it:

- a) a council can discharge or reconstitute a sub-ordinate decision-making body;
- b) a committee may discharge or reconstitute a subcommittee it has established;
- c) every subordinate decision-making body is discharged following a triennial general election.

LGA 2002, Sch. 7, cl 30(5) (7)

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 for more information).

7.3 Appointment or discharge of committee members and subcommittee members

Te kopou, te whakakore rānei i ngā mema komiti me ngā mema komiti iti

A council may appoint or discharge any member of a committee, or subcommittee.

Committees may appoint or discharge members of the subcommittees they have established unless the council directs otherwise.

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

7.4 Membership of committees and subcommittees

Te mematanga o ngā komiti me ngā komiti iti

- A council or committee may appoint non-elected members (appointed members) to a committee or subcommittee.
- At least one member of a committee must be an elected member.
- An appointed member on a committee or subcommittee must, in the opinion of the council or the committee, have the skills, attributes or knowledge to assist the committee or subcommittee.
- A staff member of the council, in the course of their employment, can be a subcommittee member, but not a committee member.

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

7.5 Council may replace members if committee not discharged

Ka āhei te kaunihera ki te whakakapi mema mēnā kaore i whakakorehia te komiti

- A council may resolve that a committee or subcommittee is not to be discharged following a triennial general election.
- Where a committee has not been disestablished at a triennial general election, the council may replace the members after that election.

LGA 2002, Sch. 7, cl 31(5) & cl 30(7)

7.6 Membership of the Mayor

Te mematanga o te Kahika

The Mayor is a member of every committee of the council unless specific legislation provides otherwise (e.g. 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

Ka whai mana tonu te whakatau ahakoa te rangirua o te memataanga

A decision of a council or committee is not invalidated if:

- a) there is a vacancy in the membership of the council or committee at the time of the decision; or
- b) 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 kōupounga o ngā komiti taihono

A council may appoint a joint committee with another council or other public body if it has reached prior agreement with each council or public body.

The agreement must specify:

- a) the number of members each party may appoint;
- b) how the chairperson and deputy chairperson will be appointed;
- c) the committee's terms of reference ;
- 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) - (3).

NB A Mayor who is a member of a joint committee by virtue of s 41A(5), is not counted as part of the quorum of that joint committee.

LGA 2002, Sch.7, cl 30A(6A)

7.9 Status of joint committees

Te mana o ngā komiti taihono

A joint committee is deemed to be both a committee of a council and a committee of each participating council 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, ki te whakakore rānei i tētahi mema o te komiti taihono

Individual members of a joint committee may only be discharged or appointed by the council or public body that made the original appointment.

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

Pre-meeting

Hui tōmua

8. Giving notice

Te tuku pānui

8.1 Public notice – ordinary meetings

Pānui tūmatanui – ngā hui noa

The council must publicly notify all upcoming meetings:

- a) Every month:
 - i. by publishing a list of meetings scheduled for the following month;
 - ii. the list must be publicly notified not more than 14 and not less than 5 days before the end of the preceding month; and
 - iii. the public notice must include the dates, times and places of each meeting.
- b) Alternatively, where a meeting is scheduled to be held after the 21st day of any month:
 - i. the council can publicly notify the meeting(s) no more than 10 (and not less than 5) **working** days before the day on which the meeting is to be held.

LGA 2002 s.5, LGOIMA, s.2 & s 46

8.2 Public notice/publicly notified means:

Ko te tikanga o te pānui tūmatanui/te tuku pānui ki te hunga tūmatanui ko:

- a) publicly available on the council's internet site; and

b) published in at least:

- i. 1 daily newspaper which circulates in the region or district of the council; or
- ii. 1 or more other newspapers that have a combined circulation equivalent to the newspaper in i) above.

LGA 2002 s.5, LGOIMA, s.2 & s 46, (see LGNZ Guide to Standing Orders for more information).

8.3 Notice to members - ordinary meetings

Te tuku pānui ki ngā mema – ngā hui noa

- The chief executive must advise every member of the time and place of every meeting.
- That advice must be given in writing.
- If the council has adopted a schedule of meetings, the advice must be given not less than 14 days before the first meeting of the schedule.
- If the council has not adopted a schedule of meetings, the advice must be given not less than 14 days before the meeting.

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

8.4 Extraordinary meeting may be called

Ka āhei ki te karanga hui motuhake

An extraordinary council meeting may be called by:

- a) council resolution; or
- b) a written requisition delivered to the chief executive. The requisition must be signed by:
 - i. the Mayor or chairperson; or
 - ii. not less than one third of the total membership of the council (including vacancies).

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

8.5 Notice to members - extraordinary meetings

Te tuku pānui ki ngā mema – ngā hui motuhake

The chief executive must give written notice to members advising them of the time and place of an extraordinary meeting (called under Standing Order 8.3).

The notice must:

- a) include the general nature of the business to be considered; and
- b) be provided to each member of the council at least three working days before the meeting day.

If the meeting is called by resolution, the chief executive can provide the notice in a lesser period (as specified in the resolution) provided it is not less than 24 hours.

LGA 2002, Sch. 7, cl 22(2).

8.6 Emergency meetings may be called

Ka āhei te karanga hui ohore

In some instances, the council must deal with business urgently.

An Emergency Meeting may be called:

- a) when the notice requirements for an extraordinary meeting cannot be met; and
- b) it is not practicable to call the meeting by resolution.

An Emergency Meeting may be called by:

- a) the Mayor or chairperson; or
- b) the chief executive (if the Mayor or chairperson is unavailable).

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

8.7 Process for calling an emergency meeting

Te tukanga mō te karanga hui ohore

Given the need for an emergency meeting, the person calling the meeting (or another person on their behalf) must give notice of the time and place of the meeting by whatever means is reasonable in the circumstances, at least 24 hours before the meeting.

Notice must be given to each member of the council and the chief executive.

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

8.8 Public notice – emergency and extraordinary meetings

Pānui tūmatanui – ngā hui ohore me ngā hui motuhake

Where an emergency or extraordinary meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must also include the general nature of the items being discussed at the meeting.

The public notice must

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council's website; and
 - ii. in any other manner which is reasonable in the circumstances.

LGOIMA, s 46(3).

8.9 An urgent meeting may be called

Ka āhei ki te karanga hui wawe

The chief executive may call an urgent meeting of the council before candidates to be declared elected after a recount are known if:

- a) an application for a recount has been made following a triennial general election; and
- b) an event occurs that, in the chief executive's opinion, requires the council to deal with a matter urgently; and
- c) the first meeting of the council has not yet been called.

LGA 2002, Sch. 7, cl 21A (1 & 2)

8.10 Process for calling an urgent meeting

Te tukanga mō te karanga hui wawe

If the chief executive calls an urgent meeting, the chief executive must give notice of that meeting as soon as practicable to every person who:

- a) is not an affected candidate; and
- b) has been declared to be elected to the council.

Notice must be given to each of those persons:

- a) by whatever means is reasonable in the circumstances; and
- b) at least 24 hours before the meeting commences.

The notice must specify:

- a) the time and place of the urgent meeting; and
- b) the matter for determination at the urgent meeting.

LGA 2002, Sch.7, cl 21A (3(a) & 5), Sch.7, cl 21A (3)(b)

8.11 Public notice – urgent meetings**Pānui tūmatanui – ngā hui wawe**

Where an urgent meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

The public notice must include the general nature of the matter being discussed at the meeting and must:

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
 - i. as soon as practicable on the council's website; and
 - ii. in any other manner which is reasonable in accordance.

LGA 2002, Sch.7, cl 21A(4) & LGOIMA, s 46(3).

8.12 Conduct of urgent meetings**Ngā whakahaere o ngā hui wawe**

The council may only conduct the following business at an urgent meeting:

- a) in respect of the persons described in LGA 2002, sch7, cl21A(3)(a), the oral and written declarations of the mayor (if any) and members (under clause 14);
- b) a general explanation of LGOIMA and other laws affecting members, including the appropriate provisions of LAMIA; ss 99, 105, and 105A of the Crimes Act 1961; the Secret Commissions Act 1910; the Financial Markets Conduct Act 2013, and the LGA2002 provisions relating to the register of members' pecuniary interests (ss54A – 54I);
- c) The matter in respect of which the urgent meeting has been called.
- d) The election of a member to preside at the urgent meeting (if required).

Councils cannot consider any items other than those specified above.

If multiple urgent meetings are required, the items outlined in a) and b) (above) may be omitted from the business to be conducted if they have previously been dealt with.

The chief executive (or their nominee in the chief executive's absence) must chair the urgent meeting until:

- a) the mayor (if any) has made their oral and written declarations; or
- b) the members that are present have:

- i. made their oral and written declarations; and
- ii. elected one of their number to preside at the urgent meeting.

An affected candidate cannot participate in the meeting but may attend the meeting if it is open to the public.

LGA 2002, Sch. 7 Cl21B

8.13 Meetings not invalid

Ngā hui e whai mana tonu ana

Failing to publicly notify a meeting does not, of itself, invalidate a meeting.

Where a council becomes aware that a meeting has not been properly notified, it must, as soon as possible, give public notice that the meeting has been held.

The public notice must state:

- a) the meeting has occurred without proper notice;
- b) the general nature of the items discussed; and
- c) the reasons why the meeting was not notified.

LGOIMA, s 46(5) & (6).

8.14 Resolutions passed at an extraordinary meeting

Ngā tatunga i ngā hui motuhake

A council must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the council 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 five working days before the day on which the meeting was held.

LGOIMA, s 51A.

8.15 Meeting schedules

Ngā hōtaka hui

A council may adopt a schedule of meetings. The schedule may cover any period of time that the council considers appropriate.

The council can amend the schedule at any time.

- Notifying the schedule to members is considered to be notification of every meeting on the schedule.

- Notifying members of an amendment to the schedule is notification of the amended meeting.

Nothing in this clause replaces the council's obligations under the LGOIMA for public notification of meetings.

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

8.16 Non-receipt of notice to members

Te kore e whiwhi i te pānui ki ngā mema

A meeting of a council is not invalid if an elected member does not receive (or does not receive in time) notice of the meeting unless:

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

A member may waive the need to be given notice of meetings.

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

8.17 Meeting cancellations

Te whakakorenga o ngā hui

- The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary.
- Reasons for cancellation may 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

Rārangi take o te hui

9.1 Preparation of the agenda – for members

Te whakarite i te rārangi take – mā ngā mema

At least two working days prior to a meeting the chief executive must prepare an agenda for the meeting, to be circulated to all members attending the meeting.

Even though the agenda is the chief executive's responsibility, where practicable, the chief executive should consult the chairperson for the meeting about the agenda.

The agenda must:

- a) list the items to be brought before the meeting;

- b) include the reports and other attachments associated with the list of items in the agenda; and
- c) indicate which items are expected to be discussed with the public excluded. (see also standing order 9.14.).

LGOIMA, s 46A.

9.2 Process for raising items for a decision

Te tukanga hei whakaara take kia whakatauhia ai

Council, committees, local boards and/or community boards and subordinate decision-making bodies may, by resolution, request reports on matters they determine.

For all decision-making bodies other than the council, requests for reports must fall within the scope of their terms of reference.

9.3 Chief executive may delay or refuse request

Ka āhei te tumu whakarae ki te whakaroa, te whakakore rānei i tētahi tono

The chief executive may delay commissioning, or not produce, reports that involve significant cost, unless agreed by the council, or are beyond the scope of the body that made the request.

Where the chief executive refuses a request to prepare a report, they will:

- a) discuss options for meeting the request with the respective chairperson;
- b) report back to a subsequent meeting:
 - i. with an estimate of the resourcing and/or cost involved; and
 - ii. seek direction on whether the report should still be prepared.

A chief executive may refuse a direct report request from an individual member. In this instance, an explanation should be provided to the member.

9.4 Order of business

Te raupapatanga o ngā take

At the meeting, the items are to be dealt with in the order in which they are listed on the agenda unless the chairperson, or the meeting (by resolution), decides otherwise.

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 tūtohunga a te Upoko**

A chairperson may provide a recommendation on an agenda item.

- The chairperson's recommendation can be provided before or during the meeting.
- Where a chairperson's recommendation varies significantly from an officer's recommendation, the chairperson must provide the reasons for the recommendation.
- The recommendation, and reasons, must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson may prepare report**Ka āhei te Upoko ki te whakarite pūrongo**

The chairperson of a meeting may prepare a report to be included in the agenda provided the matter falls within the terms of reference for the meeting.

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

9.7 Public availability of the agenda**Te noho wātea o te rārangi take ki te hunga tūmatanui**

The meeting information provided to members must be publicly available unless the information relates to a matter reasonably expected to be discussed with the public excluded.

LGOIMA, s. 5 & 46A.

9.8 Public inspection of agenda**Te tirohanga a te hunga tūmatanui i te rārangi take**

A member of the public is entitled to inspect, during normal office hours, the agendas including associated reports provided to members.

The agendas must be available for viewing at the public offices of the council (including service delivery centres) and the public libraries under the council's control.

Agendas must be accompanied by

- a) the associated reports; or
- b) a notice advising where the reports can be inspected.

While the documents must be available for viewing at least two working days before a meeting, they should be made available with as much notice as possible before the meeting date.

It is sufficient for the documents to be available for electronic inspection.

No charge can be imposed for the inspection of the agendas (including reports).

LGOIMA, s 46A(1) - (3).

9.9 Withdrawal of agenda items

Te tango take i te rārangi take

The chief executive may withdraw an item from an agenda.

The chief executive should inform the chairperson of the reason(s) for the withdrawal.

9.10 Distribution of the agenda to members

Te tohatoha i te rārangi take ki ngā mema

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.

In the case of extraordinary, emergency, or urgent meeting, the agenda must be made available as soon as is reasonable in the circumstances.

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 included on a meeting agenda, including any recommendations in associated reports, has been decided as final until it has been the subject of a formal resolution of the meeting.

9.12 Items not on the agenda – decision cannot be delayed

Ngā mea kāore i runga i te rārangi take – kāore e taea te whakatōmuri i te whakatau

A meeting may deal with an item 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 discussion of the item cannot be delayed until a subsequent meeting.

The item should be discussed with the Chief Executive, appropriate Senior Leadership Team member, prior to the meeting, if the item is a officer responsibility to help aid the discussion.

LGOIMA, s 46A(7).

Items not included on an agenda may be considered at a meeting if included in a report from the chief executive or the chairperson.

Nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

9.13 Items not on the agenda – minor issues for discussion only

Ngā mea kāore i runga i te rārangi take – ko ngā take iti hei kaupapa kōrero anake

A meeting can discuss minor items which are not on an agenda if:

- a) the matter relates to council business; and
- b) at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

The meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting.

The meeting can, however, refer the matter to a subsequent meeting for further discussion.

The item should be discussed with the Chief Executive, appropriate Senior Leadership Team, 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 tūmataiti o te rārangi take

The chief executive may exclude a report, or part of a report, from an agenda where they expect it to be discussed once the public has been excluded (by resolution) from the meeting.

Where reports, or parts of reports, are withheld, the agenda and proposed recommendation must clearly indicate:

- a) the matter is expected to be discussed with the public excluded;
- b) the general subject of any items to be considered while the public is excluded;

- c) the reasons for passing a resolution (with reference to the particular provision relied on for each matter); and
- d) the actual ground in section 48(1) relied on to exclude the public.

LGOIMA, s. 46A(8)-(9) and 48(3)

Note: The Ombudsman advises that the reason for passing a resolution should contain specific details about the harm the Council is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Te whakaaetanga motuhake e pā ana ki te rārangi take me ngā meneti

Where a meeting is open to the public and:

- a) a member of the public is given a copy of the agenda or further statements; or
- b) a member of the public is given a copy of the minutes;

The publication of any defamatory matter included in the agenda or minutes is privileged, unless it is proved (through defamation proceedings) that the defendant:

- a) was motivated by ill will toward the plaintiff, or
- b) took improper advantage of the publication.

LGOIMA, s 52.

Meeting Procedures

Ngā tikanga o ngā hui

10. Opening and closing

Te whakatuwhera me te whakakapi

The chairperson, or any person authorised by the chairperson, may make a statement or prayer, or similar, to open/close a meeting.

Appropriate karakia timitanga and mihi whakatau, or pōwhiri, may also be considered to open, and karakia whakamutunga to close, a meeting where appropriate.

11. Quorum

Kōrama

Note: A meeting is constituted if a quorum is present, regardless of whether all of the members are voting or entitled to vote (*LGA 2002, Sch. 7, cl 23(1)*).

No business may be conducted if a quorum of members is not present for the whole time the business is being considered.

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

11.1 Council meetings

Ngā hui kaunihera

The quorum for a meeting of the council is:

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

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

11.2 Committee and subcommittee meetings

Ngā hui komiti me ngā hui komiti iti

- A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the body's terms of reference.
- A committee may set the quorum for any subcommittees it establishes.
- The minimum quorum for a committee or subcommittee is two members.
- The quorum of a committee (but not a subcommittee) must include at least one member of the council.

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

11.3 Joint Committees

Ngā Komiti Taihono

The quorum for a meeting of a Joint Committee is:

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

A Joint Committee Agreement may vary the quorum requirement above to provide that a quorum must include 1 or more members appointed by each party.

LGA 2002, Sch. 7, cl 30A(6)(b) &(c).

11.4 Mayor as member of a joint committee

Te kahika hei mema o tētahi komiti taihono

A Mayor is a member of all Joint Committees.

If the Mayor is a member solely due to s 41A(5), the Mayor is not counted as a member of the committee for determining:

- a) The number of members required to constitute a quorum; or
- b) Whether a quorum exists at a meeting.

LGA 2002, s 41A(5), Sch. 7, cl30A(6A)

11.5 Meeting lapses where no quorum

Te tārewatanga o ngā hui mēnā karekau he kōrama

A meeting lapses, and the chairperson must vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting.

- The chairperson has the discretion to wait for a longer period if members are known to be travelling to the meeting but have been delayed.
- If a quorum is lost during a meeting, the meeting lapses if the quorum is not present within 15 minutes.
- No business may be conducted while waiting for the quorum to be reached.

Minutes must record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended and left, causing the quorum to lapse.

11.6 Business from lapsed meetings

Ngā take o 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 or refers the matter to another body with appropriate decision-making authority, and this is notified by the chief executive.

12. Public access and recording

Te āheinga a te hunga tūmatanui me ngā hopunga

12.1 Meetings open to the public

E tuwhera ana ngā hui ki te hunga tūmatanui

Every meeting of the council (including its committees) must be open to the public unless the public has been excluded.

Members of the news media are considered to be members of the public.

LGOIMA, s 47, 48 & 49(a).

12.2 Grounds for removing the public

Ngā take e panaia ai te hunga tūmatanui

The chairperson may require a 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 Council may record meetings

Ka āhei te kaunihera ki te hopu i ngā hui

Where the council intends to record a meeting(s), the venue should contain clear signage indicating that proceedings may be recorded.

12.4 Public may record meetings

Ka āhei te hunga tūmatanui 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.
- The process of recording must not distract the meeting from conducting its business.
- Where circumstances require, the chairperson may direct the recording to stop for a specified period of time.

13. Attendance

Taetaenga

13.1 Members right to attend meetings

Te mōtika a ngā mema ki te tae ki ngā hui

A member of a council, or of a council committee, has the right to attend any meeting of the council or a committee unless they have been lawfully excluded.

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

If a member of a council is not an appointed member of the meeting which they are attending, they:

- a) may not vote on any matter at that meeting; but
- b) may, with the permission of the chair, take part in the meeting's discussions (subject to standing order 13.2).

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s 48 of LGOIMA. Consequently, if the meeting resolves to exclude the public, any members present may remain, unless they are lawfully excluded.

Note: this section does not confer any rights to appointed members on council committees.

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 atu i te wā e whakahaere whakawākanga ana tētahi komiti

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

13.4 Leave of absence Tamōtanga ōkawa

A council may grant a member leave of absence following an application from that member (including the Mayor).

To protect members' privacy the council may delegate authority to the Mayor to grant a leave of absence to a member. In the absence of the Mayor, the Deputy Mayor may exercise that authority.

The Mayor, or Deputy Mayor, will inform 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 a leave of absence as an apology for that meeting.

13.5 Apologies Ngā whakapāha

A member who does not have leave of absence may tender an apology if they intend being absent from all or part of a meeting.

The chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apology.

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 tuhi i ngā whakapāha

The minutes must record:

- a) any apologies tendered before or during the meeting, including whether they were accepted or declined; and
- b) the time of arrival and departure of all members.

13.7 Absent without leave

Tamōtanga ōpaki

Members who miss four consecutive meetings of the council (the governing body), without a leave of absence or apology having been accepted, will create an extraordinary vacancy.

This standing order doesn't apply to extraordinary meetings.

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 oro, ataata rongo rānei

Provided the conditions in Standing Orders 13.11 and 13.12 are met:

- a) Members of the council and its committees have the right to attend meetings by electronic link unless they have been lawfully excluded.
- b) Members of the public, for the purpose of a deputation or public forum, approved by the chairperson, have the right to attend meetings by electronic link, unless they have been lawfully excluded.

13.9 Member's status: quorum

Te tūnga a te mema: kōrama

Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the 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, the members attending by electronic link can vote on any items raised at the meeting.

13.11 Chairperson's duties

Ngā haepapa a te Upoko

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
 - iii. the requirements in these Standing Orders are met.

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

13.12 Conditions for attending by audio or audiovisual link

Ngā here o te tae atu mā te hononga oro, ataata-rongo rānei

Noting Standing Order 13.7, 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 atu mā te hononga oro, ataata-rongo rānei

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

Where 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 council or its committees.

13.14 Chairperson may terminate link

Ka āhei te Upoko ki te momotu i te hononga

The chairperson may direct that an electronic link 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; or
- e) information classified as confidential may be compromised (see also SO 13.16).

13.15 Giving or showing a document

Te hoatu, te whakaatu tuhinga rānei

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

- a) transmitting it electronically;
- b) using the audio visual link; or
- c) any other manner that the chairperson thinks fit.

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

13.16 Link failure

Mūhoretanga o 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.

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 Upoko i ngā hui****14.1 Council meetings****Ngā hui kaunihera**

- The Mayor must chair all council meetings unless they vacate the chair. The Mayor may vacate the chair for an entire meeting or part of a meeting.
- The Deputy Mayor must chair the council meeting if the Mayor is absent from a meeting or vacates the chair.
- The members present must elect an acting chairperson if the Mayor and Deputy Mayor are not present and/or have vacated the chair.
- The Deputy Mayor or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the duration of the meeting.

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

14.2 Other meetings**Ētahi atu hui**

The chairperson of a committee or subcommittee must chair each meeting unless they vacate the chair for all or part of a meeting.

The deputy chairperson (if any) must chair the meeting if the chairperson is absent or has vacated the chair.

The committee members present must elect an acting chairperson if the deputy chairperson is absent or has not been appointed.

The deputy chairperson or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the meeting.

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

14.3 Addressing the chairperson**Te kōrero ki te Upoko**

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

14.4 Chairperson's rulings

Ngā whakatau a te Upoko

The chairperson will decide all procedural questions, including those where insufficient provision is made by the Standing Orders.

Where a point of order questions the chairperson's ruling, the deputy chairperson will decide.

Refusal to obey a chairperson's ruling or direction constitutes contempt (see Standing Order 20.5).

14.5 Chairperson standing

Te mana o te Upoko

When 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 o te mema ki te kōrero

Members are entitled to speak in accordance with these Standing Orders.

Members should address the chairperson when speaking.

Members may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers

Ka āhei te Upoko ki te whakaraupapa i ngā kaikōrero

When two or more members want to speak the chairperson will determine the speaking order and name the member who may speak first.

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 chairperson to permit the member a special request.

15. Public Forums

Ngā Wānanga Tūmatanui

Public forums are a defined period of time, put aside for the purpose of public input.

Public forums enable members of the public to bring items of their choice, not on the meeting's agenda, to the attention of the council.

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

15.1 Time limits

Ngā tepenga wā

A period of up to 30 minutes will be available for the public forum at each scheduled council meeting.

Speakers can speak for up to five minutes (excluding questions).

Requests to speak at a public forum must be:

- a) made to the chief executive (or their delegate);
- b) made at least one clear day before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

The chairperson has discretion to:

- a) extend a speaker's allocated speaking time;
- b) where there are more than six speakers presenting in the public forum, restrict one or more speakers allocated speaking time, or
- c) waive the time requirement for requesting permission to speak in the public forum.

15.2 Restrictions

Ngā aukatinga

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

- a) a speaker is repeating views presented by an earlier speaker at the same public forum;
- b) more than two speakers have requested to speak on the same matter at the same meeting;
- c) the speaker is criticising elected members and/or staff;
- d) the speaker is being repetitious, disrespectful or offensive;
- e) the speaker has previously spoken on the same issue;

- f) the speaker has caused disruption at multiple previous committee and/or council meetings;
- g) the matter is subject to legal proceedings;
- h) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity; and/or
- i) decision-making authority on the matter rests with another body or individual.

15.3 Questions at public forums

Ngā pātai i ngā wānanga tūmatanui

With the chairperson's permission, members may ask questions of speakers at the conclusion of their presentation.

Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

The speaker may not ask questions of either members or staff.

15.4 No resolutions

Kāore he tatūnga

No debate or decisions can be made at the meeting on issues raised during the public forum.

16. Deputations

Ngā whakaaturanga ōkawa

The purpose of a deputation is to enable a person, group, or organisation, to make a presentation about an item(s) on a meeting agenda.

Deputations may be heard at the commencement of the meeting, or at the time that the relevant agenda item is being considered.

Requests to make a deputation must be:

- a) made to the chief executive (or their delegate);
- b) made at least five clear days before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

Any documents to be included in the deputation must be received at least two days in advance to allow time for translation

The chairperson has the discretion to waive the time requirement for requesting permission to make a deputation.

Members of the public may not question either members or staff.

16.1 Time limits**Ngā tepenga wā**

Unless the chairperson has restricted the speaking time under Standing Order 16.2:

- a) speakers can speak for up to five minutes (excluding questions); and
- b) no more than two speakers can speak on behalf of a deputation.

The chairperson has discretion to extend a speaker's speaking time.

16.2 Restrictions**Ngā aukatinga**

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

- a) a speaker is repeating views presented by an earlier speaker at the meeting;
- b) the speaker is criticising elected members and/or staff;
- c) the speaker is being repetitious, disrespectful or offensive;
- d) the speaker has previously spoken on the same issue;
- e) the matter is subject to legal proceedings;
- f) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity and/or
- g) where a member of the public has previously caused a disruption at multiple meetings, the chairperson may decline a deputation request and require the individual to provide their views in writing.

16.3 Questions of a deputation**Ngā pātai o te whakaaturanga ōkawa**

With the permission of the chairperson, members may ask questions of any speakers at the conclusion of the deputation.

Questions are to be confined to obtaining information or clarification on items raised by the deputation.

Those making the deputation may not ask questions of either members or staff.

16.4 Resolutions**Ngā tatūnga**

Any debate on a matter raised in a deputation must occur at the time at which the matter is 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 a council or committee meeting provided the subject matter falls within the terms of reference of the intended meeting.

Petitions must:

- a) contain at least 20 signatures and consist of fewer than 150 words (not including signatories);
- b) be received by the chief executive at least five working days before the meeting at which they will be presented; and
- c) must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege); and
- d) May be written in English, te reo Māori, or given in sign language. Petitioners should inform the chief executive in sufficient time to allow translation services to be arranged.

The chairperson may waive the requirement that petitions are required five working days before the meeting.

17.2 Petition presented by petitioner

Petihana i whakaaturia e te kaipetihana

A petitioner who presents a petition to the council or a committee may speak for five minutes (excluding questions) about the petition unless the meeting resolves otherwise.

The chairperson must terminate the presentation if they believe the petitioner is being disrespectful, offensive, or making malicious statements.

17.3 Petition presented by member

Petihana i whakaaturia e tētahi mema

A member may present a petition on behalf of a petitioner. In doing so the member 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 hunga tūmatanui

18.1 Motions and resolutions to exclude the public

Ngā mōtini me ngā tatūnga ki te aukati i te hunga tūmatanui

Members of a meeting may resolve to exclude the public from the whole meeting or part of the 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 with copies of the motion made available to any member of the public who is present.

A resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The council must:

- a) include the general subject for each matter to be excluded;
- b) describe the grounds in section 48 for excluding the public;
- c) have considered whether the public interest in the matter weighs against excluding the public;
- d) provide reason(s), should the resolution pass, set out in plain English and including sufficient detail.

The resolution forms part of the meeting's minutes.

Note: Section 7(2)(f)(i) (free and frank expression) cannot be used as a ground to exclude the public from meetings.

LGOIMA, s 48.

18.2 Specified individuals may remain

Ka āhei ētahi tāngata ka tautuhia ki te noho atu

A resolution to exclude the public may provide for specified individuals to remain if the meeting believes they have knowledge that will assist the meeting.

If it is proposed that specified individuals should stay, the resolution must state how their knowledge is relevant and will be of assistance.

No resolution is needed for people entitled to be at the meeting (such as relevant staff and officials contracted to the council for advice on the matter).

LGOIMA, s 48(6).

18.3 Public excluded items

Ngā take tūmataiti

The chief executive must indicate, on the agenda, any matter they expect the meeting to consider with the public excluded.

The chief executive may exclude reports, the content or items from reports, expected to be discussed with the public excluded.

LGOIMA, s 46A(8) & (9).

18.4 Non-disclosure of information

Te kore e whāki mōhiohio

Members and officers may only discuss the information relating to public excluded agenda items and reports with another member, an officer, or a person authorised by the chief executive.

This restriction does not apply where a meeting has resolved, or the chief executive has decided, to make the information publicly available because:

- a) there are no longer 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 o tētahi hui tūmataiti

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

The chief executive may release information which has been considered at a public excluded session when it is determined that the grounds to withhold the information no longer exist.

19. Voting

Te pōti

19.1 Decisions by majority vote

Ngā whakatau mā ngā pōti a te tokomaha

Unless the LGA 2002 or council's standing orders provide otherwise, council and committees must decide all items before a meeting by:

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

LGA 2002, Sch. 7, cl 24(1) & (4).

19.2 Open voting

Te pōti tuwhera

All items must be determined by open voting.

Everyone present at a meeting must be able to see (or hear) how each individual councillor votes.

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

19.3 Chairperson has a casting vote

Mā te Upoko 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

Tikanga pōti

The method of voting must be as follows:

- a) The chairperson, in putting the motion, must:
 - i. call for an expression of opinion on the voices; or
 - ii. take a show of hands; and
 - iii. announce the result.
- b) The chairperson's announcement is conclusive unless it is questioned immediately by a member, in which event the chairperson will call a division.
- c) The chairperson, or a member, may call for a division instead of, or immediately after, voting by voice and/or taking a show of hands.

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

19.5 Calling for a division

Te karanga wehewehenga

When a division is called, the chief executive must:

- a) record the names of the members voting for and against the motion
- b) record the names of members abstaining
- c) provide the outcome to the chairperson to declare the result.

The result of the division including members' names and the way in which they voted must be entered into the minutes.

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 tuhia ngā pōti

- A member may request their vote, or abstention is recorded in the minutes.
- The request must be received immediately after the vote is taken.
- The minutes must record the member's vote or abstention.
- Recording any other items, 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

- A member may abstain from voting.
- A member does not need to provide a reason for their abstention.

20. Conduct

Whanonga

20.1 Calling to order

Te whakatuwhera i te hui

When the chairperson calls members to order they must be seated and stop speaking.

If a member fails to stop speaking and take their seat, the chairperson may direct the member to leave the meeting immediately.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

20.2 Behaviour consistent with Code of Conduct

Me ū ngā whanonga ki te Tikanga Whanonga

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

Ngā whakakahoretanga me ngā whakapāha

The chairperson may require a member, or speaker, to apologise and/or withdraw offending comments where the individual:

- a) has been disrespectful of another member, staff or the public; or
- b) contravened the council's Code of Conduct.

If the member refuses to comply with the chairperson's instruction, the chairperson may:

- a) direct that the individual leave the meeting for a specified time and/or
- b) make a complaint under the Code of Conduct.

20.4 Disorderly conduct – members and public

Whanonga kino – ngā mema me te hunga tūmatanui

A member whose behaviour is disorderly or is creating a disturbance, may be asked by the chairperson to leave the room immediately.

The chairperson must specify whether the member is required to leave for:

- a) the remainder of the meeting; or
- b) a lesser period.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

If the disorder continues the chairperson may adjourn the meeting for a specified time.

20.5 Contempt**Te whakahāwea**

Where the chairperson has repeatedly cautioned a member for disorderly conduct the meeting may resolve that the member is in contempt.

The 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 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:

- a) the member has refused or failed to do so; or
- b) has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of interests**Ngā pānga 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 a meeting, other than an interest that they hold in common with the public.

The nature of the interest does not need to be disclosed.

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:

- a) an exception set out in s 6 of the LAMIA applies to them, or
- b) the Auditor-General has granted an exemption or declaration under s 6(4), 3(a) or 3(aa) of the LAMIA.

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.

The chairperson, chief executive and/or the meeting cannot 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 members' abstention from any discussion and voting on the matter.

LAMIA, ss 3, 6 & 7.

20.8 Non-financial conflicts of interests

Ngā pānga taharua ahumoni

- Non-financial interests involve questions about whether the judgement of a member 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 that may influence their judgement, 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.
- The chairperson, chief executive and/or the meeting cannot rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Te whakaaetanga motuhake i roto i ngā tuinga hui

Any oral statement made at any meeting of the council in accordance with the rules adopted by the council 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 whakaaetanga motuhake ki ētahi atu whakaritenga

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies because of any other enactment or rule of law applying to any meeting of the council.

LGOIMA, s 53.

20.11 Electronic devices at meetings

Ngā pūrere hiko i ngā hui

Electronic devices and phones should only be used to advance the business of a meeting.

21. General rules of debate

Ngā tikanga ahuwhānui o te tautohetohe

21.1 Chairperson may exercise discretion

Ka āhei te Upoko ki te whakarite i tāna ake whakatau

The chairperson has discretion to apply any procedural items in this section of Standing Orders as they see fit.

21.2 Time limits on speakers

Ngā tepenga wā mō ngā kaikōrero

The following time limits apply to members speaking at meetings:

- a) movers of motions when speaking to the motion – five minutes;
- b) movers of motions when exercising their right of reply – five minutes; and
- c) other members – five minutes.

Time limits can be extended by:

- a) resolution, or
- b) at the chairperson's discretion.

21.3 Questions to staff

Ngā pātai ki ngā kaimahi

The chairperson has discretion to decide whether questions can be put to staff once the debate has begun.

The chairperson has discretion to determine:

- a) how the question is to be dealt with; or
- b) whether the question needs to be answered or not.

21.4 Questions of clarification during debate

Ngā pātai whakamārama i te wā o te tautohetohe

At any point in a debate a member may ask the chairperson:

- a) for clarification about the nature and content of the motion; and/or
- b) the particular stage the debate has reached.

21.5 Members may speak only once

Kotahi anake te wā e kōrero ai ngā mema

A member, depending on the choice of options for speaking and moving set out in Standing Orders 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

Te tepenga o te nui o ngā kaikōrero

If three speakers have spoken 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 Mover and seconder may reserve speech

Ka āhei te kaimōtini me te kaitautoko ki te tārewa i ā rāua kōrero

A member may move or 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 items

Te kōrero mō ngā take hāngai anake

Members may only speak to:

- a) a matter on the meeting agenda;
- b) a motion or amendment which they propose; or
- c) to raise a point of order.

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on these items are final and not open to challenge.

21.9 Restating motions

Te whakapuaki anō i ngā mōtini

At any time during a debate a member may ask 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 tatūnga

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

21.11 Objecting to words

Te whakahē kupu

A member may object to words used by another member in debate and ask that the objection be recorded in the minutes.

The objection must be lodged at the time 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 prevent 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

Mōtika whakautu kōrero

The mover of a motion has a right of reply.

The mover of an amendment to the motion does not.

In their reply, the mover must confine themselves to answering previous speakers and not introduce any new items.

A mover has only one right of reply. The mover can exercise their right of reply either at the end of the debate on the motion (whether original, substituted or substantive) 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 their 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.

21.13 No other member may speak

Kāore tētahi atu mema e āhei ki te kōrero

No member may speak:

- a) after the mover has started their reply;
- b) after the mover has indicated that they want to forego their reply; or
- c) where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

Ngā mōtini whakatārewa

The carrying of any motion to adjourn a meeting supersedes other business, including business yet to be resolved.

Any adjourned business must be considered at the next meeting.

Business referred to, or referred back to, another decision-making body must be considered at the next ordinary meeting of that body, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

Te whakaae a te Upoko ki ngā mōtini whakakapi

The chairperson may only accept a closure motion where:

- a) there have been at least two speakers for and two speakers against the motion proposed to be closed; or
- b) 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 (unless the mover has already exercised that right) after which the chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

Ngā tukanga mō te kōrero me te whakatau mōtini

22.1 Options for speaking and moving

Kōwhiringa ki te kōrero me te mōtini

This subsection provides three options for speaking and moving motions and amendments at a meeting of council and its committees.

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

22.2 Option A

Kōwhiringa A

- 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 a matter in the report. In this case the original mover or seconder may also move or second the amendment).

- b) Only members who have not spoken to the motion (whether original, substituted or substantive) motion may move or second an amendment to it.
- c) A member may only move or second one amendment in a debate. It does not matter whether the amendment is carried (and becomes the substantive motion) or lost.
- d) Members can speak to any amendment. The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

22.3 Option B

Kōwhiringa B

- 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 move or second the amendment).
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.
- c) The mover or seconder of an amendment that is carried can move or second a subsequent amendment.
- d) A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- e) Members can speak to any amendment.
- f) The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

22.4 Option C

Kōwhiringa C

- a) The mover and seconder of a motion can move or second an amendment.
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.

- c) The mover or seconder of an amendment (whether it is carried or lost) can move or second further amendments.
- d) Members can speak to any amendment.
- e) The meeting may reword a motion provided that:
 - i. the mover and seconder agree to the rewording; and
 - ii. the majority of members agree to the rewording.

23. Motions and amendments

Ngā mōtini me ngā menemana

23.1 Proposing and seconding motions

Te whakatakoto me te tautoko mōtini

- All motions, and amendments to motions 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.
- Any motion, including substituted motions and amendments, that are not seconded are not valid and should not be entered in the minutes.
- Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in writing

Ngā mōtini ā-tuhi

The chairperson may require movers of motions, including substituted motions and amendments, to provide them in writing.

23.3 Motions expressed in parts

Ngā mōtini i whakatakotohia ki ngā wāhanga

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

Ngā mōtini whakakapi

The meeting may replace a motion with a substitute provided that:

- a) the substituted motion has been moved and seconded; and

- b) the mover and seconder of the original motion agree to its replacement.

All members may speak to the substituted motion.

23.5 Amendments to motions

Ngā menemana ki ngā mōtini

Subject to standing order 23.6, the meeting may amend a motion provided that:

- a) the motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its amendment.

All members may speak to the amendment.

23.6 Amendments must be relevant and not direct negatives

Me hāngai ngā menemana, otirā kia kaua e whakakahore

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.

Amendments must comply with the decision-making provisions of Part 6 of the LGA 2002.

Reasons for not accepting an amendment 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) being in conflict with a motion referred to the governing body by that meeting; or
- f) direct negative.

23.7 Foreshadowed amendments

Ngā menemana i tūtohua

Only one amendment can be debated at a time.

The meeting must dispose of a proposed or existing amendment before a new amendment can be moved.

Members may foreshadow, to the chairperson, an intention to move further amendments and may advise the nature of those amendments.

23.8 Lost amendments

Ngā menemana mūhore

Where a proposed amendment is lost, the meeting will resume the debate on the motion (whether original, substituted or substantive).

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.

23.9 Carried amendments

Ngā menemana i mana

Where an amendment is carried;

- a) The motion, incorporating the amendment, becomes the substantive motion.
- b) the meeting will resume the debate on 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.

23.10 Where a motion is lost

Ina hinga tētahi mōtini

Where a motion that recommends a course of action is lost, a new motion, with the consent of the chairperson, may be proposed to provide an alternative course of action.

23.11 Withdrawal of motions and amendments

Te tango mōtini, menemana hoki

The meeting owns a motion or amendment once it has been moved, seconded and put to the meeting for discussion.

The mover cannot withdraw a motion or amendment without the agreement of the majority of members who are present and voting.

The mover of an original motion cannot withdraw the motion if an amendment has been moved, seconded and put to the meeting for discussion unless the amendment has been lost, or withdrawn by agreement

Refer to Standing Order 23.4.

23.12 No speakers after reply or motion has been put

Kāore e āhei te kōrero i muri i te whakatakoto whakautu, mōtini rānei

No member may speak to a motion once:

- a) the mover has started their right of reply; or
- b) the chairperson has started putting the motion.

24. Revocation or alteration of resolutions

Te whakakore, te whakarerekē rānei i ngā tatūnga

24.1 Member may move revocation of a decision by notice of motion

Ka āhei te mema ki te whakakore i tētahi whakataunga mā te whakatakoto mōtini

A member of a decision-making body may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the same decision-making body.

The notice of motion must set out:

- a) the resolution or part of the resolution which the member proposes to revoke or alter;
- b) the decision-maker and 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 sufficient information, or the decision is likely to be deemed a significant decision, the notice of motion should recommend 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 nā rātou te whakatau e whakakore

Where a committee, subcommittee, joint committee, other subordinate decision-making body has made a resolution under delegated authority, only that body may revoke or amend the resolution (assuming the resolution has been legally made).

This provision does not prevent the body that delegated authority from removing or amending a delegation.

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

Refer also to Part 6 (Delegations) of these Standing Orders

24.3 Requirement to give notice

Te herenga ki te whakamōhio atu

A notice of motion to revoke, or alter, a previous resolution must:

- a) be in writing;
- b) be signed by not less than one third of the members of the council or body that made the resolution (including vacancies); and
- c) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of intended motion via email including the scanned electronic signatures of members.

If the notice of motion is lost, the chief executive cannot accept a similar notice of motion which is substantially the same in purpose and effect within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Ngā herenga o 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 if, 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; or
- b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the council or the committee that made the previous resolution.

In both 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 whakarerekē rānei mā te tatūnga i taua hui tonu

A meeting may revoke or alter a previous resolution made at the same meeting where:

- a) the meeting has received fresh facts or information concerning the resolution during the course of the meeting; and
- b) 75 per cent of the members present and voting have agreed, by resolution, to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

Te whakakore, te whakarerekē rānei mā te tūtohunga i roto pūrongo

The council, on a recommendation in a report by the chairperson, chief executive, a committee or subcommittee, a subordinate decision-making body or a 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 ā-hātepe

25.1 Procedural motions must be taken immediately

Me wawe tonu te pōti mō ngā mōtini ā-hātepe

A procedural motion to close or adjourn a debate takes precedence over other business, except points of order and rights of reply.

If a procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate.

The chairperson must accept a procedural motion to close or adjourn debate:

- a) after two speakers have spoken for the motion and two have spoken against the motion; or
- b) in the chairperson's opinion it is reasonable to accept the closure.

25.2 Procedural motions to close or adjourn a debate

Ngā mōtini ā-hātepe hei whakakapi, hei 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 now be put (a closure motion);
- c) that the matter being discussed be adjourned to a specified time and place and not be further discussed at the meeting;
- d) that the matter of business being discussed 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 matter being discussed 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 ā-hātepe

A majority of members present, and voting, must decide any procedural motion to close or adjourn a debate.

If a procedural 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

Ngā tautohetohe mō ngā take kua whakatārewatia

When debate resumes on items that have been previously adjourned all members can speak on the items.

25.5 Remaining business at adjourned meetings

Ngā take e toe tonu ana i ngā hui kua whakatārewatia

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

25.6 Business referred to the council, committee or local or community board

Ngā take i tohua ki te kaunihera, komiti, poari ā-rohe, hāpori rānei

Where a matter is referred to, or referred back to, a committee or a local or community board, the committee or board will consider the matter at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

Ētahi atu momo mōtini ā-hātepe

The chairperson has the discretion to allow any other procedural motion not contained in these Standing Orders.

26. Points of order

Ngā ui tikanga

26.1 Members may raise points of order

Ka āhei ngā mema ki te tuku ui tikanga

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 speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

Ngā kaupapa hei tuku ui tikanga

A member raising a point of order must state precisely what its subject is.

Points of order may be raised for the following subjects:

a.	Disorder	Bringing disorder to the attention of the chairperson.
b.	Language	Highlighting use of disrespectful, offensive or malicious language.
c.	Irrelevance	Informing the chairperson that the topic being discussed is not the matter currently before the meeting.
d.	Misrepresentation	Alerting the chairperson of a misrepresentation in a statement made by a member, an officer or a council employee.
e.	Breach of standing order	Highlighting a possible breach of a standing order which must specify which standing order is subject to the breach.
f.	Recording of words	Requesting that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Ngā whakahorihori

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

Ngā ui tikanga i te wā o te wehewehenga

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 Upoko i ngā ui tikanga

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.

Where a point of order concerns the performance of the chairperson, the chairperson will:

- a) refer the point of order to the deputy chairperson; or
- b) if there is no deputy chairperson, another member to hear arguments and make a ruling.

27. Notice of motion

Te pānui mōtini

27.1 Notice of intended motion to be in writing

Me tuhi te pānui mōtini

A notice of intended motion must:

- a) be in writing;
- b) be signed by the mover;
- c) state the meeting at which it is proposed the motion be considered; and
- d) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of an intended motion via email and include a scanned electronic signature of the mover.

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

27.2 Refusal of notice of motion

Te whakakāhore 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;
- b) is not related to the role or functions of the council or the meeting concerned;
- 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;

- d) is concerned with matters which are already the subject of reports or recommendations to the meeting concerned;
- 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 recommend that the proposal is referred to the chief executive for consideration and report; or
- f) concerns a matter where council has delegated decision-making authority to a subordinate body or a local or community board.

Where the refusal is due to f), the chief executive must refer the notice of motion to the appropriate body or board.

The chief executive should provide reasons for refusing a notice of motion to the mover.

27.3 Mover of notice of motion

Te kaimōtini o te pānui mōtini

A meeting may not consider a notice of motion in the absence of the mover unless the mover has provided written authorisation for another member to move the motion.

27.4 Alteration of notice of motion

Te whakarerekē i te pānui mōtini

Only the mover may alter a proposed notice of motion.

Any alteration requires the agreement of a majority of those present at the meeting and must be made at the time the motion is moved.

Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Āhea mōnehu ai 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 tuari i te pānui mōtini ki rōpū kē

Where a notice of motion refers to a matter ordinarily dealt with by a committee of the council or a local or community board, the chief executive must refer the notice of motion to that committee or board.

Where notices are referred, the proposer of the intended motion, if not a member of that committee, has the right to move that motion and exercise a 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 council or a committee:

- a) 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.
- b) No other notice which, in the chairperson's opinion, has the same effect, may be put while the original motion stands.

28. Minutes

Meneti

28.1 Minutes to be evidence of proceedings

Ko ngā meneti te taunakitanga o ngā hui

The council, its committees and subcommittees must authorise and keep minutes of their proceedings.

When confirmed by resolution at a subsequent meeting, or following authorisation by the chairperson (by manual or electronic signature) the minutes will be authenticated and stored in hard or electronic copy.

Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, Sch.. 7, cl 28.

28.2 Items recorded in minutes

Ngā take i tuhia 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) members absent without apology or leave of absence;
- f) members 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 matter considered;
- k) matter 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.

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 kōrerorerotia ngā take kei 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 tonu 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 council before the next election of members.

29. Keeping a record

Te pupuri mauhanga

29.1 Maintaining accurate records

Te pupuri mauhanga tika

A council 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.

A council must maintain all public records that are in its control in an accessible form, to be able to be used for subsequent reference.

Public Records Act 2002, s 17.

29.2 Method for maintaining records

Te tikanga pupuri 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

Tirotirohanga

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 items

Tirotirohanga o ngā take tūmataiti

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 tuhinga i kōrerotia

1. Commissions of Inquiry Act 1908
2. Crimes Act 1961
3. Contract and Law Act 2017
4. Financial Markets Conduct Act 2013
5. Local Authorities (Members' Interests) Act 1968 (LAMIA)
6. Local Electoral Act 2001 (LEA)
7. Local Government Act 1974 and 2002 (LGA)
8. Local Government Official Information and Meetings Act 1987 (LGOIMA)
9. Public Records Act 2005

10. Resource Management Act 1991 (RMA)
 11. Sale and Supply of Alcohol Act 2012
 12. Secret Commissions Act 1910
 13. Securities Act 1978
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Appendix 1: Grounds to exclude the public**Āpitianga 1: Ngā take e aukatihia ai te hunga tūmatanui**

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 is not 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

Āpitianga 2: Tauira o te tatūnga aukati i te hunga tūmatanui

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

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

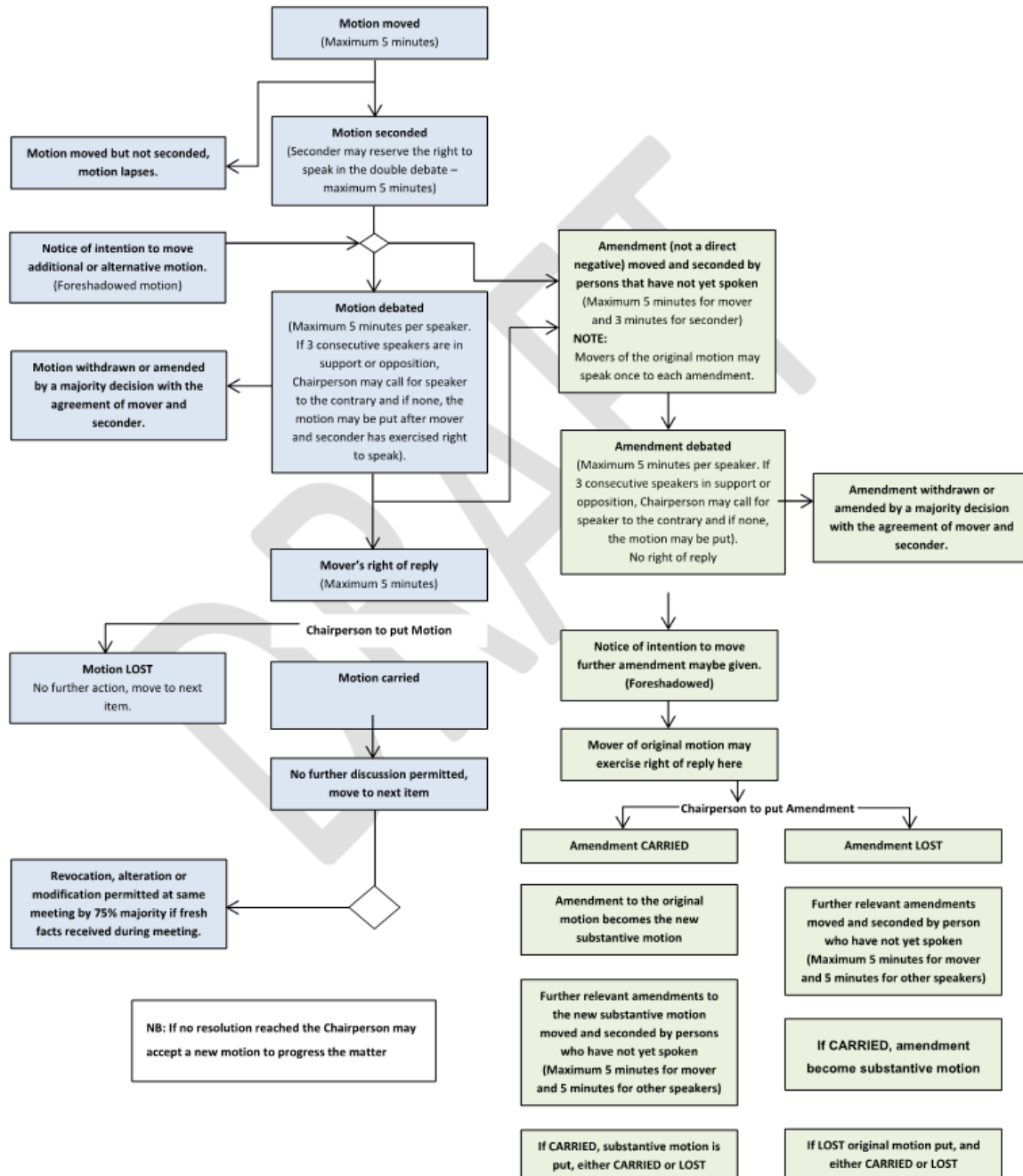
The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out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

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

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

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

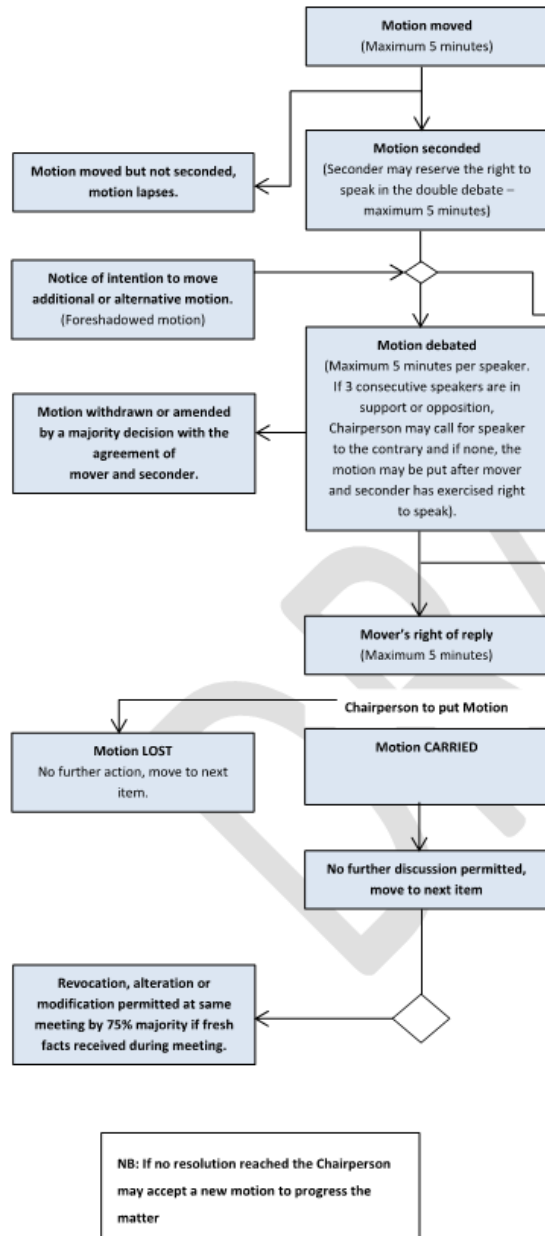
2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete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

Appendix 3: Motions and amendments (Option A)**Āpitihanga 3: Ngā mōtini me ngā menemana (Kōwhiringa A)****Motions without amendments****Motions with amendments**

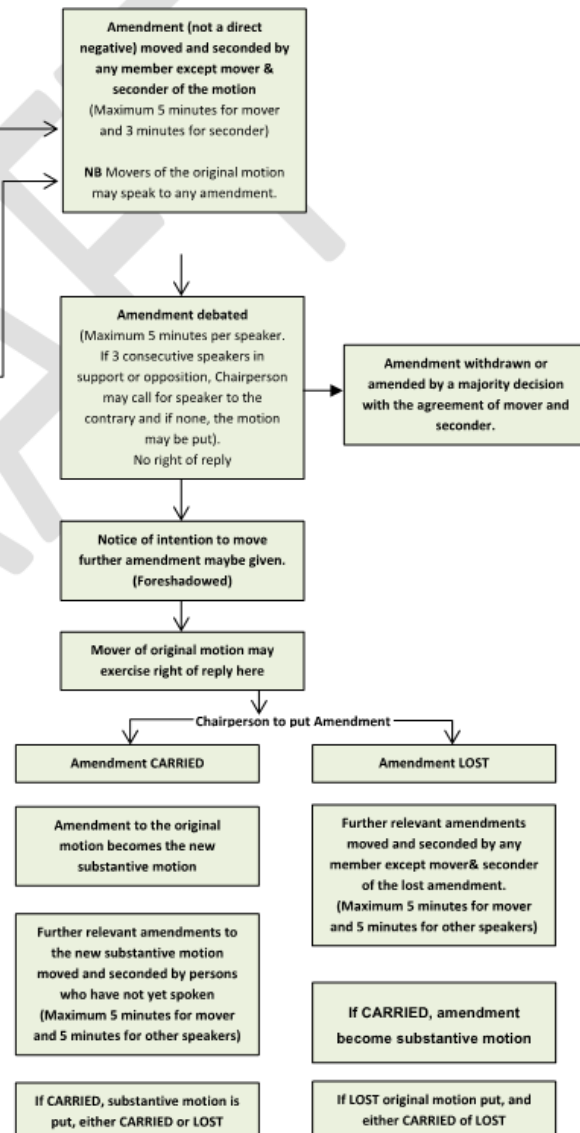
Appendix 4: Motions and amendments (Option B)

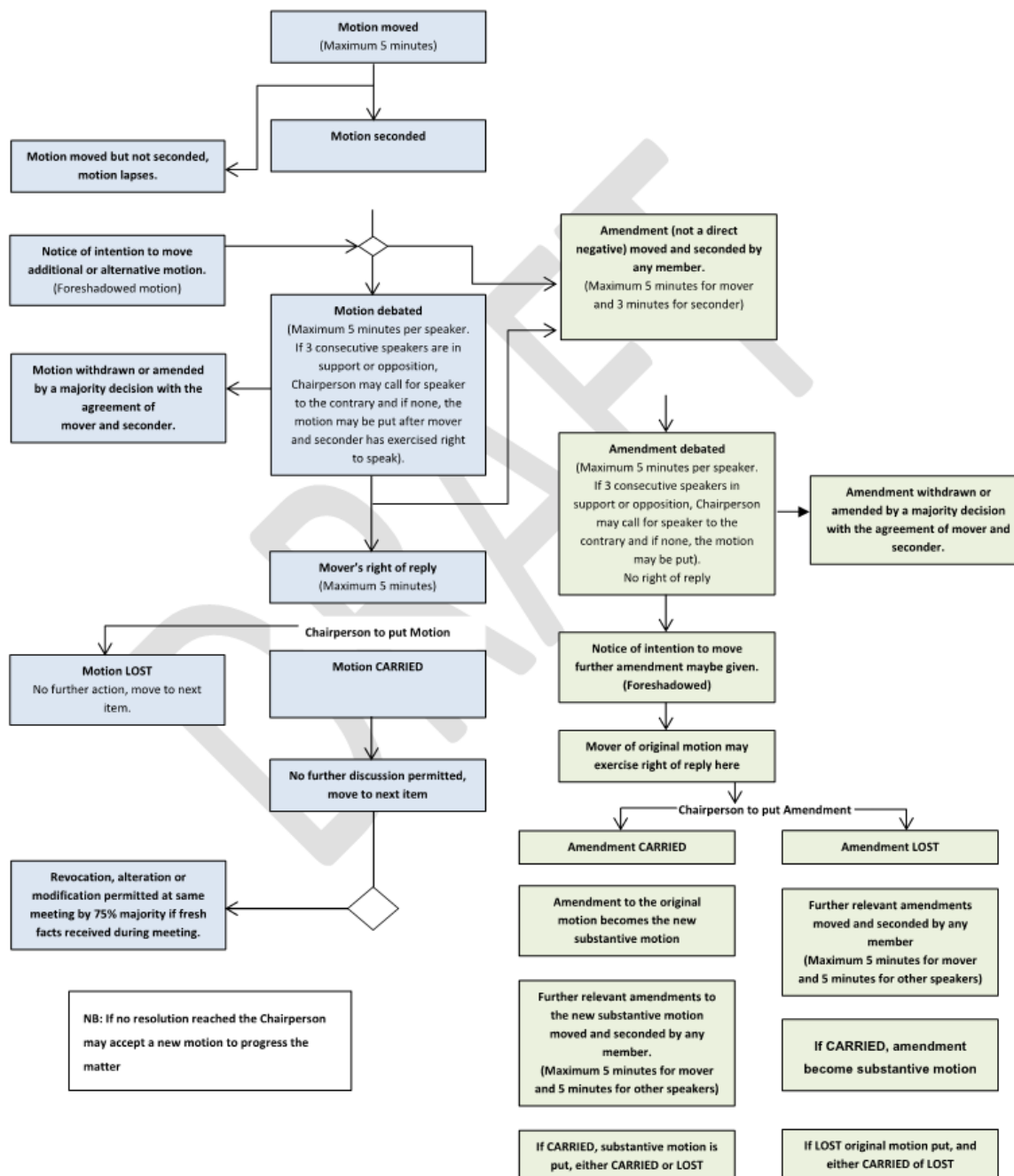
Āpitianga 4: Ngā mōtini me ngā menemana (Kōwhiringa B)

Motions without amendments



Motions with amendments



Appendix 5: Motions and amendments (Option C)**Āpitianga 5: Ngā mōtini me ngā menemana (Kōwhiringa C)****Motions without amendments****Motions with amendments**

Appendix 6: Table of procedural motions

Āpitihanga 6: Tūtohi o ngā mōtini ā-hātepe

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.
(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: Powers of a Chairperson**Āpitihanga 7: Ngā mana a te Upoko**

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

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 may call a meeting (SO. 11.6)

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.

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.

Chairperson to decide all questions (SO. 14.4)

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'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.

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.

Explanations (SO. 14.6)

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.

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.

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.

Chairperson's voting (SO19.3)

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.

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.

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.

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.

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.

Action on previous resolutions (SO.24.4)

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.

Revocation or alteration of previous resolution (SO 24.6)

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 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.

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.

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.

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.

Appendix 8: Webcasting protocols**Āpitihanga 8: 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.



GUIDE TO THE 2025 LGNZ STANDING ORDERS TEMPLATES

HE ARATOHU I TE ANGA TIKANGA
WHAKAHAERE HUI A LGNZ

// UPDATED MARCH 2025





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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, fair and accountable.

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 2002 (LGA 2002) and Local Government Official Information and Meetings Act 1987 (LGOIMA).

The LGNZ standing orders templates (SO) have been designed to help councils achieve just this. Standing orders are a critical element of good governance and great local democracy, because well-run meetings and hui should increase community awareness and understanding of our decision-making processes and build trust in our local political institutions. LGNZ has published three standing orders templates: [one for city and district councils](#), [one for regional councils](#), and [one for community boards](#).

This Guide has been developed to assist with councils applying their standing orders in practice and provide examples of good practice. It has been updated to provide guidance on changes made to the 2025 standing orders templates, such as:

- Additions to the "principles";
- Changes that allow people joining by non-audio-visual means to be counted as part of a quorum;
- The addition of "urgent meetings" in the event of delays caused by an equality of votes following an election; and
- Advice on how to operate committees with co-chairs (SO. 5) within the existing framework of rules.

The LGNZ standing orders templates¹ draw heavily on the 2003 model standing orders published by Te Mana Tautikanga o Aotearoa Standards New Zealand, and the Department of Internal Affairs' Guidance for Local Authority Meetings published in 1993. The template is updated every three years to ensure it incorporates new legislation and evolving standards of good practice.

We would like to thank the members of Taituarā's Democracy and Participation Working Party for their assistance with publication of the 2025 standing orders templates, which have been updated and refreshed through the increased use of plain English and the introduction of a more user-friendly format.

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.



LGNZ is continually looking at ways to make the standing orders templates more accessible to members and flexible enough to allow councils to adjust them to local circumstances. We're always keen to hear your feedback.

Options for adopting the templates

Ngā kōwhiringa mō te whakamahi i ngā anga

The LGNZ standing order templates contain options that enable councils to adapt standing orders to meet their own styles and preferences. It is essential that councils consider these options before adopting the standing orders.

A new council may wish to delay adopting the new standing orders until after it has had an opportunity to discuss, and agree on, a future governance style, a discussion that would normally occur at a post-election induction workshop (see below for more information). Staff might also like to encourage members to set time aside, at least once a year, to review how the standing orders are working and whether their decision-making structures are effective.

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, governing bodies and local or community boards intending to adopt an LGNZ template need to decide which of the following options they wish to include in their standing orders.

Should members have a right to attend by audio or audio-visual link?

The LGA 2002 allows members to participate in meetings if they are not physically present, via audio or audio-visual means, if that participation is enabled by the council's standing orders.

Should a governing body, local, or community board decide they do not wish to allow members to do this, then standing order 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).

Since 1 October 2024, members who join meetings by audio/audio-visual means will be counted as part of the quorum. This only applies where a council has adopted SO 13.7 or an equivalent provision allowing members to attend meetings by audio visual means.

Should Mayors/Chairs have a casting vote?

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 councils 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 a statutory plan (see Part 3: Meeting Procedures for more information).

Options for speaking and moving amendments

The LGNZ template offers councils 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 the motion, or a 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 other members, regardless of whether they have spoken to the motion or a substituted motion, to move or second an amendment.
- Option C (SO 22.4) is the least formal of the three options. It gives members more flexibility by removing the limitations in options one and two that prevent movers and seconders speaking.

The council might also consider whether the option selected for the governing body should also apply to committees. Given that committees are designed to encourage more informal debate, and promote dialogue with communities, the informal option, Option C, might be the most appropriate.

Providing sufficient time to prepare advice

Standing orders provide for members of the community to engage directly with councils, standing committees and local or community boards, often by deputation (SO.16). When deputations are made it is common for officials (staff) to be asked to prepare advice on the items to be discussed.

The most common examples are SO.16 Deputations and SO.17 Petitions. In both cases the default standing orders give officials five days in which to prepare any necessary advice. Whether five days is sufficient time for staff to prepare advice will depend upon the size of a council and the way it works.

Before adopting the LGNZ template, the council should ensure that the five-day default is appropriate and practicable, and if not, amend the number of days.

Deciding when to adopt and review your standing orders

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

Proposed resolution for adopting your standing orders

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 council (council name) 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.*
4. *That SOs 16 and 17 require that requests for deputations or petitions are made at least XX days any presentation is made to the council.*

LGNZ recommends that local and community boards, and joint committees (if not set out in their terms of reference), undertake the same considerations before adopting their standing orders.



These matters should be discussed in detail at the initial members' induction hui or at a specially designed workshop or meeting held within a few months after the local body elections. The reason for this suggestion is to allow time for new members to fully understand how local government works, complete any induction training, and form a view on 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 of each. This applies not only to your choice of standing orders but also to your code of conduct and your governance structure, such as whether to have committees or not and the delegations, if any, to be given to those committees.

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's good practice for members to reassess their governance arrangements, including standing orders, halfway through the second year of their term to ensure they remain inclusive and effective, given potential changes in community make-up, values and expectations.

The principles

Ngā mātāpono

The 2025 edition of the LGNZ standing order templates include an enhanced principles section which has been placed before the contents section to reinforce its importance.

The role of the principles is to highlight the overall purpose of standing orders and to assist chairs and their advisers when required to both interpret specific clauses or make rulings on matters that may be ambiguous. The principles state that members will:

1. Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
2. Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
3. Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.
4. Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
5. Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, that decision-makers are seen to have open minds.
6. Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
7. Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.



In addition to the principles, meetings should comply, as appropriate, with the decision-making provisions of Part 6, LGA 2002 and be consistent with section 39, LGA 2002, which states that “governance structures and processes are effective, open, and transparent” (LGA 2002, s 39).

The principles have been brought to the front of the document to make it clear they are the foundation upon which the standing orders are based. The 2025 standing orders templates include additional principles to highlight the potential value of incorporating te ao Māori and local tikanga in meeting processes, recognise the importance of fostering participation and the expression of members’ views, and reinforce the importance of acting professionally in line with the values set out in your council’s code of conduct.

The new principles focus on processes and behaviours to enhance community trust in councils as democratic institutions. Poor behaviour can lead to unsafe outcomes for both staff and elected members and bring councils into disrepute. We hope that the new principles will help Mayors and Chairs who can face challenges in some of these areas.

Alternatives to formal (deliberative) meetings

He ara anō mō te hui ōkawa (whakatau)

While the purpose of the Guide is to assist members and their officers to interpret and implement the LGNZ standing orders templates, there are times when it’s useful for members to come together in less formal settings that enable wide ranging discussions, or briefings, in which standing orders may not apply. Such settings can be described as workshops or briefings. This chapter summarises recent advice published by the Ombudsman about the use of workshops and briefings.

Workshops

Workshops are best described as sessions where elected members get the chance to discuss issues outside the formalities of a council meeting. Informal hui can provide for freer discussions than formal meetings, where standards of discussion and debate apply, such as speaking time limits. There are no legislative rules for the conduct of workshops, and no legal requirement to allow the public or media access, although it is unlawful to make decisions at workshops or briefings where the LGA and LGOIMA requirements have not been satisfied.

Workshops can be a contentious issue in local government because they may be with the public excluded and lack minutes, which can be perceived as undermining principles of transparency and accountability. The Ombudsman’s 2023 report into local council meetings and workshops, *Open for business*, makes several recommendations designed to address these concerns, reflected in this Guide. The effect of these recommendations (which are not, of themselves, legal requirements) is to encourage accountability processes around informal workshops and briefings etc, which are more in line with those applying to formal meetings. It will be for a council to determine whether to adopt these recommendations, or some other approach to address any accountability or transparency concerns, which may involve the preparation and release of post-workshop reports.

Workshops and briefings can provide an effective way to have ‘blue skies’ discussions, seek information and clarification from officers, and give feedback to officials on early policy work before



an issue is advanced. This can involve identifying a range of options that would be comfortable to elected members, before officials then proceed to assess those options. In effect, workshops and briefings are a part of the educative and deliberative phases of council decision-making, but typically one step removed from the substantive, formal phase.

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 council 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 staff on next steps (direction setting).”²

They note that workshops provide an opportunity to:

- receive detailed technical information, including information that would be time-consuming to work through in another forum
- 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, and gain an understanding of proposals
- enable staff to provide more detailed answers to questions and explore options that might otherwise be considered not politically viable.

Workshops or informal meetings cannot be used to make an actual or effective decision. It is also potentially unlawful to make a ‘de facto’ decision at a workshop, that is, to agree a course of action and then vote it into effect at a following formal council meeting without genuine debate. It is good practice to advise participants in workshops to avoid discussion and deliberation on matters which could carry elected members too far down a path toward a substantive decision. This is a matter of degree, but if a range of options is narrowed down significantly, this could give the impression of a decision being “all but” made at the workshop. We note that in the *Open for Business* report, the Ombudsman makes it clear that their jurisdiction extends to complaints about behaviour at workshops.

When not to use workshops

Some councils 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 upcoming governing body agenda and to seek additional information at an early stage, rather than having to do so in a way that might complicate formal meetings.

² See <https://www.meetinggovernance.co.nz/copy-of-learning-and-development>



Such practices are regarded with some concern by both the Ombudsman and the Auditor General, as they are seen as inconsistent with transparency and openness. If councils find this a useful approach, then the pre-governing body workshop could be open to the public to avoid the suspicion that “de-facto” decisions are being made.

Briefings

One of the unique features of local government is that all councillors, sitting as the council, have ‘equal carriage’ of the issues to be considered. This means, for example, that 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 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.

Briefings are a key feature of these processes. These are sessions during which councillors are provided with detailed oral and written material, and which provide councillors with the opportunity to discuss the issues between themselves and with senior staff. They often involve robust discussion and the frank airing of controversial or tentative views. 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 issues more effectively. Councillors should be careful to not commit to formal decisions at these sessions.

Features of council briefings:

- They should be used when complex and controversial issues are under consideration
- They should involve all councillors and relevant senior staff
- All councillors should be offered the opportunity to attend and relevant senior staff should be involved
- 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.

Traditionally, the content and form of briefings has meant they are not held in the public arena. This is to give councillors the opportunity to work through issues in a way that was not considered possible in an open council meeting. However, the Ombudsman’s good practice guidelines for workshops (in *Open for business*, October 2023), which includes the principle of “open by default”, apply equally to briefings. This is discussed further below.

To ensure transparency and accountability, it is important that the administration is made accountable for the formal advice it provides to the council meeting which subsequently takes place.



This advice may or may not be entirely consistent with the discussions which took place at the briefing.

Calling a workshop or briefing

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. 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.

Having a workshop or briefing open to the public

To build trust in council decision-making, councils should, unless dealing with confidential matters, consider whether workshops should be open to the public. The Ombudsman's view is that while it may be reasonable to close a workshop in a particular case, a general policy of having all workshops closed to the public is likely to be unreasonable.

Whether it is reasonable to close a workshop will depend on the individual case. Situations where it may be reasonable to hold a workshop in a public-excluded/private forum will include those where, if the workshop were a meeting, the public could be excluded under LGOIMA. However, the circumstances are not necessarily limited to those grounds in LGOIMA.

As mentioned above, the Ombudsman's view is that the same "open by default" approach should apply to briefings (and to forums, hui etc irrespective of the name given). Therefore, when deciding to hold either a workshop or a briefing, the first question to be considered is whether there is a convincing reason for excluding the public, or whether there is any reason why the briefing should not be open. Given the Ombudsman's report and recommendations, continuing with a practice of conducting all briefings outside the public arena runs the risk of drawing adverse comment from the Ombudsman.

That said, given the different function and nature of a briefing, as compared to a workshop (as explained above), it may be that the circumstances in which it is reasonable for a briefing to be closed to the public arise more readily than for a workshop.

Publicising upcoming workshops and briefings

Further to the above, details of *open* workshops and briefings should be publicised in advance so that members of the public can attend if they wish. These details should include the time, date, venue, and subject matter of the workshop or briefing.



For transparency reasons, it is also desirable for councils to publicise information about closed workshops and their subject matter, together with the rationale for closing them. This allows members of the public to make relevant information requests under LGOIMA if desired.

Making a record

The Ombudsman recommends that a written record of the workshop or briefing should be kept, to ensure that a clear, concise, and complete audit trail exists. Whether this is achievable or not will depend on the resource capacity of each council, but it would be good practice to attempt to create a record of what was discussed.

The record need not be as detailed as for formal meeting records and minutes, but should include:

- time, date, location, and duration of workshop,
- people present,
- general subject matter covered,
- information presented to elected members, if applicable, and
- relevant details of the topic, matter or information discussed.

Publishing the record

Councils should aim to publish records of workshops, briefings, and other informal meetings on their website as soon as practicable after the event.

Relationships with Iwi/Māori

Ngā hononga ki ngā Iwi/Māori

Since local governments receive their powers and authority from Parliament, they have a variety of duties that flow from the Crown's Te Tiriti obligations along with the discretion to involve and build relationships with mana whenua organisations, as they have with other organisations. Such relationships, with both hapū/Iwi and Māori as citizens, can be enhanced by the way in which councils conduct their meetings and arrange their decision-making processes.

The Local Government Act 2002 (LGA), and other acts of parliament, sets out a range of duties and responsibilities to Iwi/Māori that derive directly from the Crown's Te Tiriti obligations, some of which are directly relevant to the application of standing orders, namely:

1. Acknowledging, often through charters or memoranda of understanding, the historic mandate of mana whenua organisations as the traditional governors of Aotearoa New Zealand and your council's jurisdiction (relevant to Article 2 of Te Tiriti).
2. Enabling opportunities for the participation of Māori as citizens in council decision-making processes (relevant to Article 3 Te Tiriti).

Acknowledging Iwi/hapu as mana whenua (Article 2)

Iwi and hapū have a status that comes from their role as the indigenous governors of Aotearoa prior to Te Tiriti o Waitangi, and which is recognised in the United Nations Declaration on the Rights of



Indigenous Peoples, to which NZ is a signatory. This status is different from the 'stakeholder' status given to many local organisations that councils usually work with. It is a status that is also acknowledged by many councils through ongoing relationship building initiatives.

In building relationships, it's important for councils to work with relevant iwi and hapū to determine how best to recognise their status. A common approach involves the development of a joint memorandum or charter of understanding to provide clarity around expectations, including how current and future engagement should occur. Such agreements could include:

- Processes for ensuring relevant mana whenua concerns are incorporated in governing body and committee hui agendas,
- Mechanisms for ensuring that papers and advice, as appropriate, incorporate 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 council processes, such as:
 - having a local kaumatua or mana whenua representative chair the inaugural council hui and swearing in of members, and/or
 - enabling kaumatua or other mana whenua representatives to sit at the governing body table as advisors.
- 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 council committees and working parties.

Facilitating the participation of Māori as citizens (Article 3)

Standing orders are a mechanism for enabling members to work collectively to advance the public interests of their community – they are also a tool for promoting active citizenship. In recognition of the Crown's obligations under Article 3 of Te Tiriti and its responsibility to take account of Te Tiriti principles, parliament has placed principles and requirements in the LGA to facilitate the participation of Māori in council decision-making processes. These can be found in s.4 and parts 2 and 6 of the LGA.

Given that local government decisions are made in meetings governed by standing orders, councils should consider how their standing orders can facilitate such participation, such as by proactively taking steps to make it easy for Māori citizens to become involved in decision-making processes. The LGA 2002 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, section 14(1)(d)),
- 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' can be understood as 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 council 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.

Councils should also consider the degree to which their facilities are culturally welcoming by incorporating Māori tikanga values and customs, such as protocols and mātauranga Māori (Māori knowledge). Examples 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 council processes and cultural responses through a Te Tiriti o Waitangi lens, and
- Offering members the option of making the declaration in te reo Māori.

Member declarations

Ngā whakapuakitanga a ngā mema

Before elected members can act as members of their council or local/community board, they must make a declaration. The declaration requires members, when making decisions, to put aside any partisan interests they may have to their ward or constituency, or sub-division, and exercise their skill and judgement in the best interests of their jurisdiction, whether a region, district/city, or community/local board area.

The declaration is designed for members of governing bodies, local, and community boards. It can be made in both te reo and English, or signed.

Declaration

"I, [full name of Mayor, councillor or board member], 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, district, city, local or community board], the powers, authorities, and duties vested in or imposed upon me as a member of the [name of local authority] by virtue of the LGA 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act."



Te reo declaration

Member declaration

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 hei kaicouncil o te Council-a-rohe o Te, 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.

Waitohu:

Waitohu mai ki mua i a:

Declarations by appointed community board members

A question often asked is whether members appointed to community boards need, in addition to their council declaration, to make a community board declaration.

Noting that councils have taken different approaches to this question in the past, we sought advice from our legal advisors, Simpson Grierson. In their view, the LGA 2002 is unambiguously clear: appointed members to community boards should make both declarations. The advice states that:

While it is at least good practice to make the second declaration, clause 14 of Schedule 7 makes it a legal requirement that must be met before a member can fulfil their role. The main reason for this view is that the role of an elected member is statutory in origin, with clause 14 of Schedule 7 stating that a person “may not act as a member of a local authority until... that person has... made an oral declaration”.

The term “member” is defined to include members appointed or elected to community boards or local boards, as well as those members that are elected to a local authority. Because of the way in which “member” is defined, there is no distinction between appointed and elected community board members in terms of the requirements of clause 14.

It should also be noted that the clause 14 declaration is not framed to only apply to local authorities (i.e. council as a whole), as it captures “elements” that will need to be modified dependent on the body/role that a member is to fulfil (e.g. to reflect that the role of a community board is to represent and advocate for the interests of their community, within the district). This further supports the view that this ‘second’ declaration must be made (as appropriate), before the office of a community board member can be fulfilled and a person can “act” as a member in a substantive manner (that is, they can make decisions).



It is also important to note section 54(2) of the LGA, which states “[Part 1](#) of Schedule 7 (excluding [clauses 15](#) and [33 to 36](#)) applies to community boards, with all necessary modifications, as if they were local authorities”. Between this provision (which does not exclude clause 14), and the discussion above regarding the ‘elements’ of the declaration, there is little room for question about the applicability of the declaration to community board members.

It is the combination of both declarations, where a person is both a councillor and a community board member, that enables that person to fulfil their roles.

The risks arising from having appointed members on community boards who have not made the community board declaration are primarily administrative. That is, a member who voted for or against a motion considered by a community board could conceivably expose that decision, or any non-decision, to judicial review.

Protocols for live streaming council meetings

Ngā tikanga mō te pāho mataora i ngā hui kaunihera

An increasing number of councils are livestreaming meetings, raising questions about what constitutes good practice. This section offers guidelines based on the practice of several councils for consideration.

Draft protocol

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. Members joining by virtual means will be incorporated in the webcast alongside those attending in person.
4. In the event of any interjections from elected members, any general disorder, or a disturbance from the public gallery, recording will continue unless the majority of members in attendance agree to stop the recording.
5. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
6. Shots unrelated to the proceedings or not in the public interest, are not permitted.
7. If there is general disorder or disturbance from the public gallery, coverage will revert to the chairperson.



8. Appropriate signage will be displayed both in and outside the meeting room alerting people to the fact that the proceedings are being livestreamed.
9. Council meetings shall be livestreamed in real time.
10. PowerPoint presentations and any other matters displayed by overhead projector shall be the focus of the recording.
11. Recordings shall be made available to the public through a link located on the council's website.

Some councils publish a disclaimer to acknowledge factors that might be beyond the council's ability to control, such as a loss of connection or, given that they are broadcast in real time and un-mediated, potentially offensive comments made by a participant at the meeting. For example, Waitomo District makes the following disclaimer:

Disclaimer – Webcasting of public council meetings

All public meetings of the council and its committees shall be webcast in real time, recorded and made available to the public after the meeting via a link on this website.

Webcasting in real time allows you to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

Every care is taken to maintain individuals' privacy and attendees are advised they may be recorded.

There may be situations where, due to technical difficulties, a webcast in real time may not be available. Technical issues may include, but are not limited to:

- the availability of the internet connection
- device failure or malfunction
- unavailability of social media platforms or power outages.

While every effort will be made to ensure the webcast and website are available, the council takes no responsibility for, and cannot be held liable for, the webcast should the council's website be temporarily unavailable due to technical issues.

Opinions expressed, or statements made by individual persons, during a meeting are not the opinions or statements of the Council. The council accepts no liability for any opinions or statements made during a meeting.

Access to webcasts and recordings of Council meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of Council.



Protocols for members participating in meetings by audio-visual means

Ngā tikanga mō ngā mema e whai wāhi ana ki ngā hui mā te ataata-rongo

Given the increasing use of meetings held by virtual means, whether by Zoom, Microsoft Teams, or another provider, members need to agree to a new behavioural etiquette to ensure that business is conducted transparently and efficiently, and that members can participate freely and safely.

Draft protocol

The following protocol is suggested as a guide for governing members' behaviour in virtual meetings:

12. Members attending a meeting by audiovisual link must have their camera turned on unless having the camera off has been approved by the chair prior to the meeting.
13. Members must ensure that cell phones are silent and with no vibration during council, committee and advisory group meetings.
14. Before the meeting members should make sure they have the right equipment, including a reliable internet connection, a microphone, speaker, and camera. Members should test equipment and troubleshoot any issues.
15. Microphones must be muted when members are not speaking or after the welcome procedure.
16. Members should focus on the meeting, not on other matters.
17. Members wishing to contribute to the debate should speak in a normal tone.
18. When asking questions, allow time for delayed responses.
19. Direct questions to the chairperson.
20. Avoid interrupting others while they are speaking.
21. Establish how and when participants can interrupt. For example, should participants raise their actual or virtual hands to signal they want to speak.
22. Post questions via chat.
23. Call out participants who are not following meeting etiquette.
24. Wear appropriate clothing and avoid stripes and small patterns as they can become distorted in the camera.
25. Members should position the camera so that it shows their full face.
26. Ensure that the lighting in the room is optimal. If possible, adjust your primary lighting source to be in front of you, and consider a ring light to improve lighting even more.



In addition, there are specific matters that councils need to agree to, such as:

- How members should interrupt a speaker to raise a Point of Order
- How Notices of Motion will be submitted
- How voting will be carried out, and if challenged, how votes will be verified.

Approaches to these questions and others may vary depending upon the meeting software being used. Most councils are likely to make use of the chat and hand-raising functions.

Process for removing a chairperson or deputy Mayor from office

Te tukanga mō te whakakore i te tūranga o te upoko, te kahika 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.



Please note that these provisions also apply to community boards.

LGA 2002, sch. 7, cl. 18.

Setting the agenda and raising matters for a decision

Te whakarite rārangi take me te whakaara take kia whakatauhia ai

One of the most common questions raised by elected members, especially new members, concerns the process for placing an item on a council or committee agenda. The process as set out in the standing orders states that 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
- Report of the chairperson.

When out of time for a Notice of Motion, a member may bring an urgent matter to the attention of the meeting through the chairperson.

Standing Order 9.12 describes the requirements that apply when a meeting resolves to consider a matter not on the agenda, requiring that the chairperson provide the following information during the public part of the meeting:

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

Please note nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

Standing order 9.13 enables a meeting to discuss minor items which are not on an agenda only if the matter relates to council business and at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

Please note that while a meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting, it can refer the matter to a subsequent meeting for further discussion.

Pre-agenda meetings

Setting agendas involves finding a balance between being seen to be responsive to a topical or urgent issue, and the need for council officials to prepare advice members need to make an



informed and legal decision. In addition, members, whether of the governing body or committees, are likely to have matters that they want considered – but not all matters can be discussed at any single meeting, so councils need a process to prioritise agenda items.

One approach is to employ pre-agenda meetings.

Whakatāne District Council holds pre-agenda meetings when setting council, committee and community board agendas. Pre-agenda meetings for community boards involve:

- Face-to-face meetings approximately two weeks before each board meeting
- Meetings are ideally scheduled at a time which suits working community board members, but can be flexible. Meetings seldom if ever exceed one hour
- The community board chair requests any agenda items from board members prior to the pre-agenda meeting (excluding requests for service items)
- Pre-agenda meetings consist of a governance representative and a staff liaison person (but not limited to this), the community board chair and deputy chair
- The first items for consideration are those recommended by staff as 'must-haves'. Occasionally, some minor items can be resolved without going on the agenda, simply by having the staff representative follow-up with appropriate council teams. If there are too many items, the group prioritises and refers some to future meetings
- Pre-agenda meetings are more than simply agenda-setting meetings – they are another structured slot in the calendar to connect, build relationships with staff and smooth out little issues without bringing them to a meeting.

Mayors' powers (s.41A)

Ngā mana a te kahika (s.41A)

S. 41A (LGA 2002) describes the role of a Mayor as being to:

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

The Mayor's powers	The governing body's powers
(a) to appoint the deputy Mayor.	Remove a deputy Mayor appointed by the Mayor.
(b) to establish council committees, their terms of reference, appoint the chair of each of those committees and the members.	Discharge or reconstitute a committee established by the Mayor



(c) to appoint themselves as the chair of a committee.	Discharge a committee chair who has been appointed by the Mayor
To decline to exercise the powers under clauses (a) and (b) above. The Mayor may not delegate those powers to another person.	

Mayor is a full member of committees (but not DLCs)

Under s.41A(5), a Mayor is a full member of each committee (though not community or local boards). This replaces the previous reference to Mayors being *ex officio* members of committees.

As a result, Mayors are counted for the purpose of determining a quorum, except in the case of a joint committee, where a Mayor whose membership is solely due to s.41A is not counted for the purpose of the quorum. However, if a Mayor has been appointed to a joint committee due to their role or experience (that is, named as a council representative on the joint committee) then they will count as part of the quorum (see Cl. 6A, Schedule 7 LGA 2002).

Clause 6A:

For the purposes of subclause (6)(b), a Mayor who is a member of the committee solely by operation of section 41A(5) is not counted as a member of the committee for the purposes of determining:

The number of members required to constitute a quorum, or whether a quorum exists at a meeting.

District Licensing Committees

A number of councils have asked whether s.41A(5), which states that Mayors are members of all committees, applies to District Licensing Committees. The short answer is no, DLCs are sufficiently different to typical standing orders, that s.41A does not apply. The reasons, provided by our legal advisers at Simpson Grierson, are:

- Section 186 of the Sale and Supply of Alcohol Act (SSAA) requires the Council to appoint 1 or more DLCs as, in its opinion, are required to deal with licensing matters for its district. This is important, as it highlights the specific statutory role of the DLC.
- The functions of the DLCs include determining applications and renewals for licences and manager's certificates (section 187, SSAA).
- Section 189 requires the Council to "appoint" members to each DLC. The Chair is a specific appointment, and can be an elected member or a commissioner, and the other two members need to be appointed from the councils list held under section 192, SSAA. What this means is that a formal resolution needs to be made to determine the statutory appointees to the DLC, which for the Chair can be an elected member (including the Mayor) or commissioners.
- There is no strict requirement that an elected member who chairs the DLCs must have experience relevant to alcohol licensing matters. However, because being a chair of a DLC could involve a significant time commitment each week, there is generally consideration of



whether it would be appropriate for a Council to recommend the appointment of commissioners to be the DLC chair (instead of elected members).

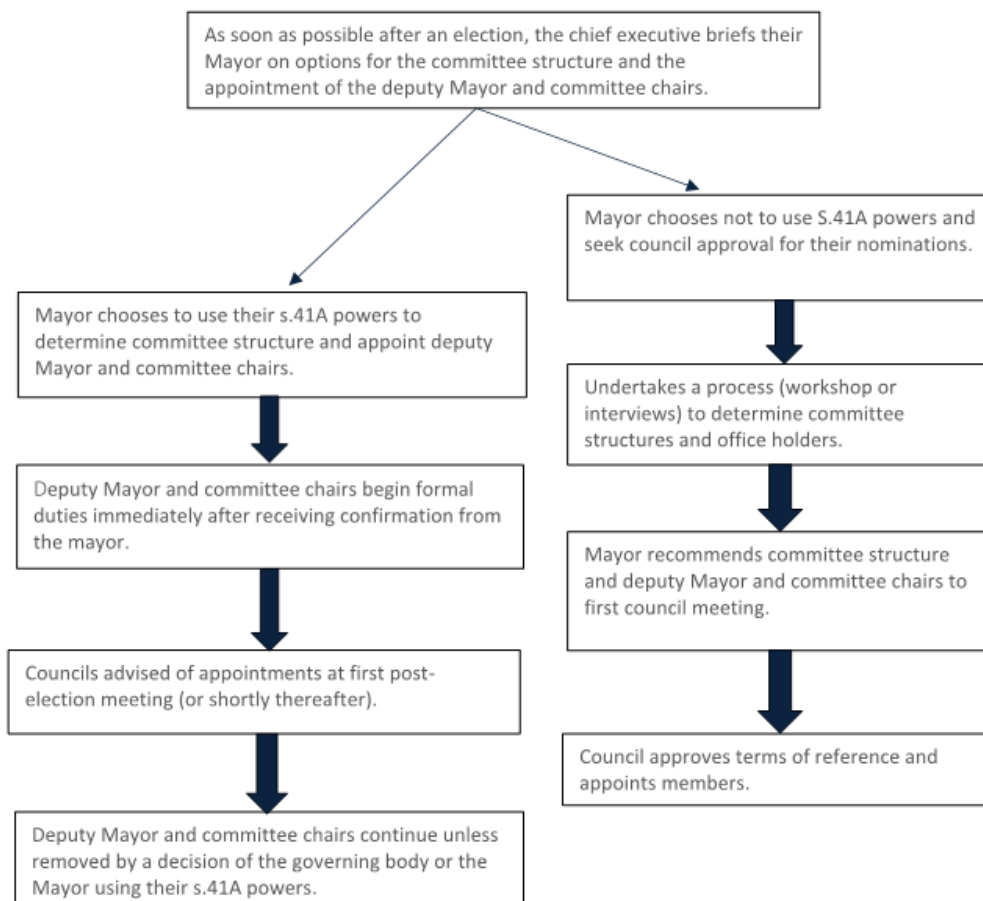
- We tend to see that commissioners are appointed as the DLC Chair, given the quasi-judicial function of the DLC, and the significant time commitment involved. There is also often a need for specific training and experience to allow the Chair to properly fulfil the role.
- Sections 189(6) and 192(2 - 3) require a council to maintain a list of persons that can be appointed to the DLC, with those persons needing to have “experience relevant to alcohol licensing matters”. Such experience may include knowledge of the legal and regulatory aspects of alcohol licencing and knowledge of the SSAA, and this would apply to the Chair as well.

The collective effect of these provisions is to set up a framework (and requirements) for the appointment of DLC members, although as noted above there are no strict requirements applying to the appointment of an elected member as the Chair. In practice, the council – through its officers – should assist with the appointment process and highlight the issues and constraints that will need to be considered when making appointments.

To the extent that section 200 says that LGOIMA applies to a DLC, other than Part 7, this highlights that while the DLC is a council committee, it is tasked with a specific set of function and is required to comply with the specific meeting provisions in the SSAA, rather than complying with the obligations in Part 7 of LGOIMA. This provision does not, in our view, relate to the Mayor’s role but supports the interpretation that the DLC is different in substance from other council committees.



Process recommended for establishing committees.





Delegations

Ngā tukunga mana

Delegations are one of the most important instruments councils have for achieving their objectives, as governing is a complex endeavour and a governing body by itself cannot hope to hold all the information required. Councils make lots of decisions. For example, a parking warden makes decisions about whether to write a parking ticket, the parks department makes decisions about whether trees need to be pruned or not and governing bodies make decisions about the level of rates.

Ensuring that decisions are made at the appropriate level is vital to ensure the efficient and effective operation of your local authority.

Local authorities have broad powers of delegation, which are described in cl.32 of Schedule 7 of the LGA 2002. Other Acts also contain powers of delegation, although these are specific to the powers in those Acts, such as the Building Act 2004. **Certain decisions, however, must be exercised by the full council and cannot be delegated.** These include:

- The power to make a rate
- The power to make a bylaw (although local boards have the right to recommend these for their local areas)
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan
- The power to adopt a long-term plan, annual plan, or annual report
- The power to appoint a chief executive.

Most other decisions can be delegated to committees, local or community boards and in some cases, the chief executive. Bodies with delegated decision-making powers, such as a committee, have the full authority of the council for the decision-making powers delegated. The council cannot usually rescind or amend a decision made by a committee to which the council has delegated the decision-making power (see the Guide to the LGNZ Standing Orders). Councils can change or revoke delegations at any time.

Role of committees

Unlike the governing body of a council, committees can work in a less formal manner, which allows in-depth discussion and debate about issues. This allows elected members to ask questions directly of staff involved in the preparation of advice and engage with stakeholder organisations and citizens themselves. It is an approach that ensures policy decisions are based on not only good information but also consider the views of interested parties from within your communities.

While committees focus on more detailed matters than the governing body, they need to avoid the temptation to get involved in operational activities, or duplicate the work of staff.

Similarly, it is not best practice if committees are simply a first-order rubber stamping process for issues, or resolutions, on the route to final approval by the full council.



Reasons for delegating

The LGA 2002 describes the purpose of delegations as being to promote efficiency and effectiveness in the conduct of a local authority's business. Although delegations allow a local authority to devolve certain decision-making, it will ultimately retain legal responsibility for exercising any powers it has delegated. The potential reasons for delegating include:

- Freeing up councillors so they can focus on strategic issues for the benefit of the entire district, city or region rather than be distracted by minor issues
- Meeting legislative requirements (for example, there are certain activities a council cannot delegate)
- Allowing complex and time-consuming issues to be effectively addressed, such as reviewing district plans, matters that are impractical for the governing body to handle
- Enabling decision-makers to build up additional knowledge and skill on important issues, such as a committee overseeing the council's infrastructure performance, or an Audit and Risk Committee
- Providing opportunities for elected members to debate and discuss issues in an informal setting, unlike the formal arrangements that apply to governing bodies
- Finding a mechanism that will allow the direct involvement of staff, such as a subcommittee
- Being able to appoint external experts to a council decision-making body, such as committee or sub-committee.

Ultimately, delegation is a tool for putting decision-making closer to communities and people affected by the matters under consideration while also allowing for the direct participation of those affected parties, such as Iwi/hapū.

Delegating to staff

Delegating specific powers, duties or functions to staff members can speed up council decisions and ensure that council meetings are not tied down by procedural and everyday administrative decisions. It also enables councils to use the technical knowledge, training, and experience of staff members to support its decisions.

Decisions to delegate specific powers to staff (and special committees) are made at a formal council meeting and specify what the delegate is empowered to do. They are usually required to observe the strategies, policies and guidelines adopted by the council and may be required to report periodically to the council on decisions made. Through the chief executive and senior managers, the council can monitor the actions of staff to ensure that they exercise their delegated authority correctly. In this way the council retains control over decision-making.

Delegating to community and local boards

A territorial authority must consider whether to delegate to a community board if the delegation would enable the community board to best fulfil its role. The advantage of delegating decisions that apply specifically to areas for which the community has responsibility is to use a community board's local knowledge, its networks and its ability to form partnerships with local agencies and communities themselves.



Different rules apply to councils with local boards. Where a unitary council has local boards (only unitary councils can have local boards) decision-making is shared between the governing body and the local boards. The LGA 2002 requires that, with the exception of regulatory activities, the governing body must allocate responsibility for decisions to either itself or the local board for the area. Allocation must be made in accordance with principles set out in section 48L(2). The principles require that local boards should be given delegated authority for decisions unless the following applies:

- The impact of the decision will extend beyond a single board area
- Effective decision-making will need to be aligned or integrated with other decisions that are the responsibility of the decision-making body
- The benefits of a consistent or coordinated approach outweigh the benefits of reflecting the diverse needs and preferences of the communities within local board areas.

Local boards also have their own plan and agreement with the governing body which includes a description of their roles and the budget necessary for them to carry out their responsibilities.

Can the council change a decision made by a committee using its delegated authority?

The answer is generally no, but exceptions can exist. As a rule, a council is ultimately responsible for the decisions made by a committee using its delegated authority. While it cannot reverse the decision, it can, however, withdraw the delegation and remake the decision as long as the decision has not been implemented. Councils can also apply conditions to a delegation, for example, specifying that the delegated authority only applies in a defined number of circumstances, and that beyond those circumstances the decision will revert back to the governing body.

Section 6 of the 2025 standing orders has been amended to provide additional clarity on the practice of making delegations, such as guidance on what should happen when a body with a delegation is unable to undertake that delegation due, for example, to having been disbanded.

The following scenarios have been prepared to help answer some of the common questions concerning delegations.

Delegation scenario 1

Following the 2019 election, the Mayor established a Parking Committee to which the council delegated authority to determine parking prohibitions. In 2020, the Committee resolved to create time restricted parking (P120s) on the north side of Clawton Street.

Following the 2022 election, the Parking Committee was not re-established which meant that the delegated authority to determine parking prohibitions passed back to the council as a whole.

In 2023, the Operations Committee began a review of the CBD upgrade and concluded that the time-restricted parking should be removed – can the Operations Committee revoke the 2020 resolution of the Parking Committee?

Answer: No, responsibility for determining parking prohibitions sits with the governing body. For the Operations Committee to remove the restrictions, it needs to ask the governing body to give it the necessary delegatory powers.



Delegation scenario 2

Following the 2019 election, the Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. In 2020, the Committee resolved to create time-restricted parking to P120 on the north side of Main Street (the main thoroughfare in the CBD). The Committee was re-established, with the same powers, after the 2022 elections.

In 2023, the council undertook a review of the CBD and recommended the removal of the time restricted carparks approved by the Parking Committee in 2020. The proposed removal of the carparks has been advertised and there are 34 submissions objecting to the proposed removal and 40 in support.

Given the level of public interest in this matter can full council make the decision, rather than putting the onus on the CBD Parking Committee?

Answer: *The governing body can make the decision to remove the time-restricted car parks only if it resolves to remove the delegated power from the Parking Committee, or if the Committee itself resolves to refer the decision to the governing body. The governing body could possibly intervene if it had included a condition in the original delegation that allowed it to make the decision if, for example, public interest went beyond a specified threshold, as measured, perhaps, by the number of submissions.*

Delegation scenario 3

Following the 2019 election the then Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. In 2020, the Committee resolved to create time restricted parking to P120 on the north side of Main Street (the main thoroughfare in the CBD).

After the 2022 election the new Mayor established a Finance, Audit and Risk Committee and a Committee of the Whole to deal with all other business. Following a request from business owners the council is proposing to change the P120 car parks on main street to P60 carparks.

Now that the Parking Committee no longer exists, can the committee of the whole amend the Parking Committee's 2020 decision and change the parks to P60s?

Answer: *as the Parking Committee no longer exists, its powers (delegations) have passed back to the governing body. For the Committee of the Whole to change the parks to P60 the delegations need to be included in its terms of reference.*

Delegation scenario 4

Following the 2022 election, the Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. The Committee has three members with a quorum of two members.

An urgent resolution is required to create a section of no-stopping outside the primary school on Clawton Street. One of the Committee members is overseas and has a leave of absence. One of the other Committee members is the principal of the Clawton Road Primary School and has declared a conflict of interest.



Can the Mayor exercise their authority under s41A to change the membership of the Committee (for a short period of time) to ensure there is a quorum?

Answer: Both the Mayor, using their s.41A powers, and the governing body, can make appointments to committees or sub-committees that they have established.

If the Mayor chooses to use their s.41A powers he/she will need to inform the governing body in advance. As the LGA 2002 gives the governing body the right to “overturn” a Mayor’s decision there is an implied obligation that they will be informed of the Mayor’s decision before it is enacted.

Preparing for the next triennial election

Te whakarite mō te pōtitanga ā-toru tau e whai ake ana

The end of a triennium provides an opportunity to reflect on the efficacy of the policies, processes, and structures that collectively constitute a council’s governance approach. Understanding what worked well and what didn’t, can provide valuable lessons that the incoming council may wish to consider when deciding on their own governance approach. There is no point in replicating processes or structures that everyone agrees were sub-optimal. Possible initiatives include:

Governance handovers

To assist new councils in coming up to speed, councils, i.e. the governing bodies, may like to “prepare a letter to themselves” or a briefing for the incoming council.

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

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

Reviewing decision-making structures

One of the first decisions that new councils must make concerns their decision-making structure. Unfortunately, in most cases, new councils end up adopting the decision-making body of their predecessors.

We spend too little time looking at whether our councils have the right decision-making structure, as there is a wide menu of options, from governing bodies that choose to make all decisions, committees that are Committees of the Whole, committees with external appointments and portfolio models. We need to work with governing bodies to help them identify the right approach for their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved. Based on surveys and interviews the incoming councils should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly.



Committees that are not discharged

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

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

When to schedule the last ordinary meeting

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

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

Council 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 interregnum?

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

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

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



Guidance on individual clauses

This section of the Guide provides advice and guidance on specific clauses of the 2025 LGNZ standing orders and how they should be interpreted.

Part 1: General matters

Ngā take whānui

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 staff 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.

SO 5.1: Mayoral appointments

It is critical that the chief executive advises their Mayor about their powers under section 41A Role and powers of Mayors, LGA 2002 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 council 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.

SO 5.5: Removing a Chair, deputy Chair or deputy Mayor

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 no 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.



SO 6.1: Only the holder of a delegated authority can rescind or amend a previous decision

It is common to get questions about the status of a delegation, especially when the body given the delegation, such as a committee, has been disbanded. A number of points should be noted:

- While only the holder of a delegated authority can rescind or amend a previous decision, this is qualified by whether the previous decision has been executed or not, and whether the “holder” still exists. (Please note, that this is subject to clause 30(7), Sch 7 of the LGA 2002, if the body in question is not discharged).
- Where a delegation no longer exists, either because the body, member, officer or appointment has been disestablished or the delegation has been revoked, any purported decisions made by that decision-maker without a valid delegation will be unauthorised”.
- Where a decision is made under a delegation that has already been revoked (or in law is deemed to be revoked), the decision will lack the requisite delegated authority.
- If the decision has been made and relied upon, the issue of ostensible authority arises. If it has not been acted upon, the more appropriate approach is to note that the decision was made without authority, which means there is no ‘decision’ to revoke or amend. The council or delegating body is then free to decide on the matter.

See Appendix 4 for more information.

SO 7: Committees – appointment of staff to sub-committees

While non-elected members such as community experts, academics, or business representatives, may be appointed to committees and sub-committees, please note that council staff (staff) can only be appointed to a sub-committee. When appointing a sub-committee, a council 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 staff is appropriate to be a member of the sub-committee, or
- Identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

SO 7.10: Power to appoint or discharge individual members of a joint committee – committees that are not discharged

A council, or a group of council 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 councils would need to resolve. In the case of joint committees, the appointment of new members and discharge of existing members sits with the council 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 8.4/6: Regarding extraordinary and emergency meetings

Extraordinary meetings are designed to consider specific matters that cannot, due to urgency, be considered at an ordinary meeting. 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 councils 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 council.

The LGA was amended in 2019 to provide for 'emergency' meetings (in addition to extraordinary and ordinary meetings). The key differences between extraordinary and emergency meetings are outlined below.

Table 1 Comparison of extraordinary and emergency meeting provisions

	Extraordinary meeting	Emergency meeting
Called by	A resolution of the local authority or requisition in writing delivered to the chief executive and signed by: - 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.
Notification 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 that applies to extraordinary meetings.

³ The exceptions apply to decisions made during a public excluded session or if the meeting was advertised at least five working days before the day on which it was held.



SO 8.9: Urgent meetings

In August 2023, Parliament amended the LGA 2002 to enable a chief executive to call an urgent meeting of a council if, in the chief executive's opinion, the council needs to deal with a matter urgently before the first meeting of the council has been called, and members sworn in.

An urgent meeting can only be called if an application for a recount has been made, and can be called even if the results of that recount are yet to be known.

The only business able to be conducted at that meeting is set out in LGA 2002, Sch. 7 Cl21B. It includes member declarations, an explanation of critical legislation, the election of a member to preside if needed and the matter under consideration.

SO 9.5: Chair's recommendation – ensuring the decision-making requirements of Part 6 are met

Part 6 is shorthand for sections 77-82 of the LGA 2002, which impose specific duties on councils 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 council'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

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?

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 staff report on the matter, or
- Require members submit a draft NOM to staff in advance to determine whether it is likely to trigger the need to comply with Part 6.

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

The standing orders provide for a council to delegate the authority to grant a leave of absence to a Mayor or regional council Chair. When deciding whether to grant a leave of absence consideration should be given to the impact of the requested leave on the capacity of the council to conduct its business.

Requests should be made in advance of a meeting and, where a member intends to be away for more than a single meeting, include all affected meetings.

Extended leave of absence

Council 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. A policy could, for example, provide for remuneration to continue to be paid for the first three months of a leave of absence.

Most elected members will take leave from time to time; however, elected members, unlike paid employees, do not have entitlements to prescribed holiday or sick leave. An extended leave of absence without pay could be for personal reasons such as family/parental leave, prolonged holiday, illness or in some cases, when standing for another public office.

The Remuneration Authority advises that:

- Leave of absence without pay can and may be granted for a period by formal resolution of the council.
- The period of leave must involve total absence. The member cannot undertake any duties either formal or informal, including council meetings, meetings with external parties and constituent work. Nor can a member speak publicly on behalf of the council or represent it on any issues.

While on a formal extended leave of absence without pay, the payment of remuneration, allowances and the reimbursement of expenses to an elected member (including Mayor or regional council Chair) must cease during the whole period for which formal leave of absence is granted. All other



benefits (including the use of a council provided vehicle for the Mayor or regional council Chair) will also be unavailable to the member during the whole of period for which formal leave of absence is granted.

Acting Mayor or chairperson

An important role of the deputy Mayor or deputy regional council Chair is to cover short absences by the Mayor or regional Chair. In these cases, the deputy is not eligible to receive the remuneration, allowances and benefits usually payable to the Mayor or regional council Chair.

However, if an elected member is acting as the Mayor or regional council Chair because the position is vacant, or the incumbent is on a formal extended period of leave of absence without pay (as described above), the acting member is eligible to receive the remuneration, allowances, fees and benefits usually payable to the Mayor or regional council Chair, instead of the acting member's usual entitlements listed in the current Local Government Members Determination and the council's members expenses and reimbursement policy. The acting member is also entitled to the use of the motor vehicle if one is provided to the Mayor or regional council Chair.

For more information go to <https://www.remauthority.govt.nz/local-government-members/leave-of-absence#cessation-of-remuneration,-allowances-and-expenses-1>

SO 13.4: Apologies

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

If a member is absent from four consecutive meetings without their leave or apologies having been 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 has failed to appear without a leave of absence.

Please note that this rule only applies to meetings of the governing body (and community boards and local boards). It does not apply to committees of the whole.

Section 117(1) of the Local Electoral Act 2001 begins: 'If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board...'. Therefore, the standing order applies to local boards and community boards in addition to the council, but will not apply to committees of the whole.



Part 2: Pre-meeting arrangements

Ngā whakaritenga i mua i te hui

The pre-meeting section of the Standing Orders covers the various processes and steps that need to be completed ahead of a meeting, including the preparation of an agenda. This section of the Guide includes:

- Setting and advertising meetings
- Relocating meetings at the last minute
- Putting matters on the agenda.

Setting meeting times

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 council induction training, or workshop, to seek agreement from members on the times that will best suit them, their council, and their community.

SO 8: Giving notice

Section 46(1) and (2) of the LGOIMA prescribes timeframes for publicly advertising meetings. This is so the community has sufficient notice of when meetings are due to 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, councils 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. This requirement does not, however, apply to extraordinary or emergency meetings.

SO 8.1 and 8.2: Public notice and notice to members – definitions

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.

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 8.15: Meeting schedules – relocating meetings at the last minute

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 relocated 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 council website and social media pages.

SO 9.1: Preparation of the agenda – good practice

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 councils and is heavily influenced by size. Some principles of good practice include:

- Start the process with a hui of the council 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 staff 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 council 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. 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.

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. (Also see Setting the Agenda and Raising Matters for a Decision for more information.)

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.

SO 9.7: Making agendas available

Underpinning open, transparent and accountable decision-making involves providing an opportunity for members of your community to know in advance what matters will be debated at which meeting. Making governing body, committee and community board agendas publicly available, whether in hard copy or digitally, is critical.

Section 46A of the LGOIMA requires agendas and reports to be made publicly available at least two working days before a meeting. This is a minimum requirement – agendas and papers should be posted on the council website with as much notice as possible before the meeting date.

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 will need to



consider the abilities of young, old and visually or hearing impaired when determining how to provide access to information. 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 council and their communities.

SO 9.8: Managing confidential information

Occasionally, councils must address the issue of how confidential agenda items should be handled, such as if there is a possibility that the information in the agenda could benefit a member or individual, should it become public. Some councils address this risk by delaying the distribution of confidential papers until two days before a meeting, providing them in hard copy, and individualising them, so that the specific copy each member receives is identified.

Part 3 – Meeting procedures

Ngā tukanga hui

Procedures for making decisions are at the heart of council standing orders. This section 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.

SO 4.5: Timing of the inaugural meeting

In 2023 the LGA 2002 was amended to increase the time between the declaration of results and the first meeting (swearing in) of a council. The new wording of Clause 21 Schedule 7 (LGA 2002) states:

1. *The first meeting of a local authority following a triennial general election must be called by the chief executive as soon as practicable after the date by which a candidate may apply for a recount has passed and*
 - a. *the results of the election are known; or*
 - b. *if an application for a recount is filed by a candidate or the electoral officer, the recount has been completed and the candidates to be declared elected are known.*

The implication of this change, brought in to deal with potential tied votes, is that notice of the first meeting cannot be given by the CE until three days after the declaration of results (or earlier if a recount is completed within the three days).



SO 10: Opening and closing your meeting

Local authorities have no obligation to start their meeting with any reflection or ceremony, however, it has become increasingly popular as a way of signalling the kaupapa of a council meeting and acknowledging its ceremonial importance. 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.
Tihei mauri ora.	

When a meeting opens with a karakia it should close with a karakia (unless there's multiple meetings/workshops in a day – in which case the closing karakia comes at the end of the day). Examples of karakia can be found from multiple sources, including from [Te Puni Kōkiri](#).

SO 11.4: Requirement for a quorum – what happens when a member is 'not at the table'?

If a council has made provision in its standing orders for meetings to be held by audio visual means, then all members who join, whether virtually or physically, are counted as part of the quorum. This reflects a change to the LGA 2002 that took effect in September 2024.

SO 13.1: Members' right to attend all meetings

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' (see the LGNZ standing order template for a definition of lawfully excluded). If attending, elected members have the same rights as the public. They may be granted additional speaking rights if permitted by the chair.

Many councils require non-members to sit away from the meeting table or in the public gallery to make it clear they are not committee members.

⁴ Examples of karakia, and general advice on the use of tikanga Māori, can be found via an app, titled Koru, developed by MBIE and available from most app stores.



Whether a member can claim allowances for attending the meeting of a committee that they are not a member of is a question that should be addressed in the relevant council's allowances and expenses policy.

SO 13.7: Right to attend by audio or audio visual link

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 council wishes to allow members to join remotely, then provision must be made for this 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.

Please note: Since October 2024, in situations where a council's standing orders make provisions for members to join meetings by audio/audio-visual means all members who join such a meeting by audio/audio-visual means are now counted as part of that meeting's quorum.

SO 13.16: Protecting confidentiality at virtual meetings

Some members have raised concerns that meetings held by audio-visual means may create confidentiality risks, such as the risk that a member may not be alone while a confidential matter is being discussed.

Councils 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 14.1: Governing body meetings – must the Mayor or Chair preside?

Schedule 7, Clause 26(1) of the LGA 2002 provides that the Mayor (or Chair of a regional council) must preside over each council 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

Do members have to be present at hearings to vote?

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, any AV recordings, 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, 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.



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, such as by virtue of section 6 of the Local Authorities (Members' Interests) Act 1968, where the member has a pecuniary interest in the matter being discussed.

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 14.2 Other meetings

The co-chairs option

The question, whether councils can appoint co-chairs to committees, or not, has been raised by several councils over the last few years. Indeed, the question was the subject of a remit at the 2013 LGNZ Annual General Meeting, with most member councils agreeing that LGNZ should take steps to enable this, such as changing legislation or regulation. It turns out that some councils already have co-chairs. The following text, kindly provided by Tauranga City Council, sets out a process for establishing co-chairs under the LGA 2002.

The provisions of the LGA 2002 relating to the appointment of a chairperson of a committee refer to the appointment of a singular person as the chairperson. This does not allow for the appointment of a co-chair. Consequently, the positions of chairperson and deputy chairperson are appointed and remain separate.

However, the chairperson can vacate the chair for all or part of a meeting and thus enable their deputy chairperson to chair the meeting (Clause 26(2) Schedule 7, LGA 2002). Consequently, the chairperson is able to be present and participate in the meeting, including the right to vote, while not chairing the meeting (unless they vacated the chair due to a conflict of interest). This would enable the two roles to effectively act as co-chairs.

This arrangement pre-supposes that the chairperson agrees to vacate the chair to enable the deputy chairperson to chair the meeting at pre-agreed times. The committee's terms of reference would need to state that it is the intention that this occurs, however, there is no ability to enforce this practice should the chairperson decides not to vacate the chair or a particular meeting.⁵

Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders. They would also have the option to use the casting vote (under Standing Order 19.3) in the case of an equality of votes. It is recommended that this be explicitly stated in the terms of reference for clarification.

⁵ Options include alternating meetings or agreeing to chair for a specific time e.g. for the year. The chairperson will need to formally vacate the chair at the start of each meeting where it is pre-agreed the deputy chair will chair, and this needs to be recorded in the minutes of that meeting.



Can a chair stand down and stay in the meeting?

A common question raised with LGNZ is whether a chairperson can step down from their role as chair for all or part of the meeting to give another member chairing experience for example and stay in the room. The answer is yes. Simpson Grierson have provided the following advice:

Our view is that it is acceptable for a person to vacate their position as chair and remain at the meeting, whether that is to allow another person to have training or otherwise.

Clauses 26(1) and (2) of Schedule 7 state: 'The Mayor or chairperson of the local authority [or a chairperson of a committee] must preside at each meeting of the [local authority/committee] at which he or she is present unless the Mayor or chairperson vacates the chair for a particular meeting.'

Clause 26 does not state when a Mayor or chair may or must vacate the chair, or otherwise clarify the circumstances when a chair might decide to vacate. In many cases it may be because they have a conflict of interest, or another interest which means they consider it is appropriate that they do not remain the chair (for all or part of a meeting). For example, they may have an exemption or declaration from the Auditor-General under the LAMIA, but decide that it is better that they not chair the meeting for the particular agenda item concerned, or the entire meeting.

In a conflict of interest situation the person should stand aside from the part of the meeting that engages with the conflict situation, but in other situations it appears they can still participate in the meeting. Clause 26 does not stipulate that the person vacating the chair must also leave the meeting.

There are no other provisions in the LGA 2002 or the LGOIMA, or statements in relevant case law, that suggest that when a person vacates the chair for the meeting, they must also 'vacate' the meeting.

It is important to note that the language used in clause 26 anticipates that the chair can still be present, even if they have vacated the chair role for a particular meeting. If the chair was required to leave a meeting, there may be problems achieving a quorum, and it is clear in clause 23 that a meeting is constituted if a quorum is present 'whether or not all of the members are voting or entitled to vote.'

SO 15: Public forums

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

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, staff may be asked to prepare advice on the topic, and members may move and adopt motions in response to a deputation, when the matter is debated in the meeting.

SO 18.1: Resolutions to exclude the public

A resolution to exclude the public should clearly identify the specific exclusion ground and also explain in plain English how the council has applied that ground to the meeting content under consideration.

It is not good practice to simply cite the section number of LGOIMA as the “grounds” on which the resolution is based and quote the text of the section as the “reason” for passing the resolution. Rather, the “reason” should set out in plain English and in reasonable detail (where appropriate) the reason for public exclusion i.e., how the LGOIMA ground applies to the information and weighing that against any countervailing public interest arguments for non-exclusion. The extent to which this level of detail can be given may depend on the information concerned, and the ground(s) relied on. For example, the reason should not be described in a way which jeopardises the reason for public exclusion itself. With that in mind, a short description of the topic or matter being considered, alongside the withholding ground, may be all that can be safely disclosed in certain cases.

Excluding the public: good practice

In his report, Open for Business, the Ombudsman made observations on the processes that councils should follow when deciding to exclude the public from a meeting. Key points made in the report include:

A primary requirement is that public exclusion may only be made by way of formal resolution of elected members at the meeting itself. It is important that elected members take this responsibility seriously and carefully consider the advice of council officials. The resolution must:

- Be at a time when the meeting is open to the public, with the text of the resolution being available to anyone present.
- Be in the form set out in Schedule 2A of the LGOIMA.
- Only exclude on one of the grounds set out in section 48(1).
- State reasons for the resolution, including the interests it is protecting in the case of section 6 or 7 withholding grounds.
- Where exceptions to the exclusion are made for particular individuals, the resolution must detail their relevant expertise to the topic for discussion.

In his report the Ombudsman observed that some councils cited grounds for exclusion that were ultra vires, such as, for the expression of free and frank advice, which is not an eligible ground. A further issue raised by the Ombudsman was that many councils were not reporting the reasons



for excluding the public as clearly as they should be, and he has recommended that meeting minutes need to document public exclusion resolutions in a clear manner. He also favoured the use of “plain English” descriptions of the reasons for exclusion, rather than just, “clipping the wording from the legislation” (Open for Business, page 31).

SO 18.5: Release of information from public excluded session

Councils have different processes for releasing reports, minutes and decisions arising from public-excluded meetings, which can comprise material considered confidential under section 6 or section 7 of the LGOIMA. Documents may be released in part, with only some parts withheld.

The reasons for withholding information from the public do not necessarily endure in perpetuity – for example, information that was confidential due to negotiations may not need to remain confidential when the negotiations have concluded.

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].”

The above comments apply to release of information in the immediate context of a publicly excluded meeting. Councils are also encouraged to formalise the process for reconsidering the release of publicly excluded content at a time when the basis for withholding it may no longer apply.

In addition to the above, the public can of course make a LGOIMA request at any time for information heard or considered in the public excluded part of a meeting. Such a request must be considered on its merits and based on the circumstances at the time of the request. It cannot be refused simply because the information was earlier heard at a public excluded meeting.

Public excluded business – returning to an open session

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

1. By a resolution of the meeting, 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. At the end of the public excluded item, where 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 through 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.

In the event that a meeting moves into a public excluded forum, there is a requirement that the council make a resolution to that effect. Schedule 2A of the LGOIMA sets out a template resolution for that purpose, which should be adopted (with potential modifications to align with the style or preference of a particular council).

SO 19.3: Chair's casting vote

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

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 has 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 templates supports the right of members to abstain from voting, see standing order 19.7.

SO 19.5: Calling for a division

Understanding 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 individual members 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

Section 20 of the standing orders deals with elected member 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 <https://www.lgnz.co.nz/learning-support/governance-guides/>.

At the start of a triennium, councils, 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: Financial conflicts of interest

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 a financial or non-financial conflict of interest, determining whether one exists can be more challenging.

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. Financial interest is 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.

The Auditor General can grant exemptions from this rule, allowing a member to participate. Members should seek approval from the Auditor General if there is a possibility that their case would qualify for an exemption or declaration where it involves matters under s.6(4) LAMIA. For matters involving s3(a) and 3(aa) the council makes the application (see OAG’s guide on Conflicts of Interest published in 2004).

SO 20.8: Non-financial conflicts of interest:

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

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

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

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 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 council, 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. 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 council is providing the administrative services.

SO 23.10: Where a motion is lost

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.



SO 24.2: Revoking a decision

A council 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 council 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

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.

Part 4: Keeping records

E whakarite mauhanga

SO 28: Keeping minutes

What to record?

The purpose of taking minutes is to keep a record of the proceedings of a council meeting and the actions a meeting has agreed to take or not. The minutes create an audit trail of public decision-making and provide an impartial record of what has been agreed. Good minutes strengthen accountability and help build confidence in our local democracy.

In the recent *Open for Business* report, dated October 2023, the Ombudsman recommends that minutes should contain a clear audit trail of the full decision-making process, including any relevant debate and consideration of options (as well as the decision itself).

It will be for each council to determine how this is best achieved in the particular circumstances. For example, it is common for reports to decision-makers to contain an options analysis and where this

Good practice

- Minutes should provide a clear audit trail of the decision-making path.
- They should be succinct, but without sacrificing necessary content.
- Someone not in attendance should be able to understand what was decided.
- Anyone reading the minutes in 20 years' time will understand them.



is the case (and those options are endorsed) it would seem unnecessary to duplicate that in the minutes.

The level of detail recorded in minutes will vary according to preferences; however, the style adopted should be discussed with, and agreed to, by the bodies whose discussions and decisions are to be 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.

SO 28.2: Matters recorded in minutes

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.

While it is not a legal requirement, the Ombudsman has recommended that it is good practice for minutes to record how individual elected members voted. Whether to adopt this practice in general, or exercise discretion on when to record voting, may depend on the significance and nature of the decisions involved. When divisions are called, it is necessary to record voting. Where meetings have been live-streamed or recorded, a reference could be made in the minutes with the relevant link so readers can access more information if they choose.

When recording Māori place names, or discussion in Te Reo Māori, please make sure to use correct and local spelling.

Recording reasons for decisions

Recent decisions of the courts have highlighted the importance of recording decisions in a manner that clearly and adequately explains what was decided and why. Keeping good meeting records also:

- Helps ensure transparency of decision-making by providing a complete and clear record of reasoning
- Provides a reference in the event of issues arising around decision-making processes
- Provides an opportunity to create a depository of knowledge about how council make decisions and so develop a consistent approach.

In these decisions, the Courts have acknowledged that the provision 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 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 extent and depth of the reasoning recorded should consider:

- The function and role of the decision maker, and nature of the decision being made
- The significance of the decision in terms of its effect on persons
- The rights of appeal available
- The context and time available to make a decision.



In short, the level of detail provided should be adequate to provide a 'reasonably informed' reader of the minutes an ability to identify and understand the reasons for the recommendations/decision made. In reaching a view on the appropriate level of reasoning that should be provided, the Significance and Engagement Policy of a council may be useful to guide the types of decision that warrant more detail.

Hard copy or digital

Te Rua Mahara o te Kāwanatanga Archives New Zealand has released [guidance on the storage of records by digital means](#). 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

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. 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](#)⁶.

Information tabled at meetings

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

Chair's signature

Where councils 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.

Regarding non-LGA 2002 hearings

The LGNZ standing orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which council 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 submissions.

In cases where a council 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

⁶ See [Authority to retain public records in electronic form only – Archives New Zealand](#)



-
- 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

The requirement to have a common seal was removed by the LGA 2002. However, there is an implied requirement for a council to continue to hold a common seal as there are some statutes that refer to it. A council may decide to require or authorise the use of its common seal in certain instances.

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 council 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 council 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 (sourced from Simpson Grierson) recommends that council have any deeds signed by two elected members. While the common seal could be affixed in addition to this, it is not legally required.

If a council continues to hold a common seal, then it is up to the council 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 1: Sample order of business

Āpitihanga 1: He tauira rārangi take

There is no single correct way of structuring the order of business to be considered at a meeting. Determining the appropriate order of agenda items will be influenced by the type of council, its size, the decision-making structures and the governance culture, as well as the preferences of the chair. A commonly used order of business is set out below:

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)*

*Only those aspects of these reports that are confidential should be considered in public excluded.



Appendix 2: Childcare allowance policy – guidance & template

Āpitihangā 2: Kaupapahere mō te utu tiaki tamariki – aratohu me te anga

LGNZ has developed the following template policies on child-care allowances to reflect our commitment to diversity and inclusivity. These are for councils to consider and adopt if they see fit.

- The draft “childcare allowance clauses” could be included in a council’s “Elected Member Expenses, Allowances and Reimbursements Policy” (Expenses Policy). Councils can also adopt them as a separate policy if they wish
- Before any council decides to adopt any clauses/new policy, it will need to comply with its usual decision-making requirements in the Local Government Act 2002.

Both policies have been developed by LGNZ’s legal advisers and both have been reviewed by the Remuneration Authority.⁷

Background and objectives

In 2017/18, the Remuneration Authority carried out a comprehensive review of its approach to determining remuneration and allowances for local government elected members. In this review they noted that caring for dependents was one of the barriers to participation as an elected member, particularly for younger women. As a result, in 2019 provision was made for councils to adopt an elected member childcare allowance.

The consultation document that led to the introduction of the childcare allowance raised questions, and included proposals, about leave of absence for other personal reasons. However, the Remuneration Authority did not make any specific determinations about leave of absence, other than a determination which requires an acting Mayor/Chair to be paid the remuneration and allowances that are normally payable to the Mayor/Chair when they are fulfilling that role (in an acting capacity).

The Remuneration Authority currently provides discretion for local authorities to make childcare allowances: see clause 14, Local Government Members (2022/23) Determination 2022.

LGNZ encourages all councils to provide for this allowance in their policies, for both councillors and community/local board members. While it is for eligible elected members to decide whether they will claim the allowance, ensuring all discretionary allowances are made available to elected members helps to minimise financial barriers for those who wish to hold office.

The Remuneration Authority reviews allowance limits annually, so before any childcare allowance is paid in any year, the current determination (and possibly the council policy) should be reviewed:

- Existing Expenses Policies will specify when allowance claims are to be made and paid

⁷ Please note that any reference to ‘parental leave’ in these draft policy clauses does not mean ‘parental leave’ as that term is used in the Parental Leave and Employment Protection Act 1987.



- Councils should consider whether amendments are required to these clauses in conjunction with adopting these template clauses
- The placeholder text in [brackets] is for each council to choose/insert for consistency with other council documents, as part of their decision-making process.

The council will review this policy at least every three years, immediately following the local government election.

Please note: The council can only include additional 'rules' relating to an elected member claiming this allowance if the Remuneration Authority approves these in accordance with clause 6(3)(e), Schedule 7 of the Local Government Act 2002. However, instead of seeking approval from the Remuneration Authority, a council may decide to add 'notes', or parameters, that align with any preferences it has in relation to an elected member claiming the allowance. For example, by requiring that specific childcare centres be used, see below:

The council encourages elected members to use [XYC childcare centre] which is [owned and operated by the [council/council's CCO]] OR [which receives grant funding from the Council each year]

Childcare allowance template:

The placeholder text in [brackets] is for each council to choose/insert for consistency with other Council documents and policies. Childcare allowance policy: draft clauses:

1. From the day the official result of the [2022] election is declared, eligible [Members] may claim a childcare allowance of up to [\$6,000] per annum only, per child, to contribute towards expenses incurred by the [Member] for childcare provided while they are engaged on local authority business.⁸
2. In accordance with the Local Government Members Determination issued by the Remuneration Authority, a [Member] is eligible for the childcare allowance only if:
 - a. the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
 - b. the child is under 14 years of age; and
 - c. the childcare is provided by a person who—
 - i. is not a parent of the child or a spouse, civil union partner, or de facto partner of the member; and
 - ii. does not ordinarily reside with the member; and
3. the member provides satisfactory evidence to the Council of the amount paid for childcare.

⁸ To find out whether your council provides a childcare allowance and, if so, the amount of that allowance, go to the council's Governance Statement, which can be found on its website. Alternatively, approach the council's administration officer.



Appendix 3: Parental leave of absence policy: notes and guidance

Āpiti hanga 3: Kaupapahere tamōtanga mātua: he kupu ārahi me te aratohu

A good democracy needs to be inclusive and reflect as far as practicable the diversity of our communities. This applies not only to what councils do but also to the way in which decisions are made, including the membership of governing bodies and community and local boards. It is important that all eligible citizens not only feel able to stand for election and but also to participate fully if elected.

As the law stands, elected members are not entitled to statutory 'parental leave,' as they are not subject to the Parental Leave and Employment Protection Act 1987. Consequently, any decision to approve parental leave for an elected member is a council decision. The draft policy clauses below are intended to assist councils with their decision-making if an elected member seeks a leave of absence for parental leave.

LGNZ has developed the following template on parental leave to reflect our commitment to diversity and inclusivity. These are for councils to consider and adopt if they see fit. We recommend that the draft "parental leave" clauses are adopted as a standalone policy, given that they concern the matter of leave, rather than the payment of a specified allowance.

- Councils should ensure that any parental leave of absence policy clauses are consistent with existing standing orders, insofar as they relate to the approval of a leave of absence. A council may need to amend their standing orders to reflect:
 - That where a leave of absence is approved on the basis that an elected member will not perform any services (e.g., a total leave of absence), remuneration (and allowances) will not be payable for the period.
- The Parental Leave of Absence policy clauses assume that a parental leave of absence will be a total leave of absence, where no usual duties or functions are performed.

The placeholder text in [brackets] is for each council to choose/insert for consistency with other council documents and policies.

Parental leave of absence policy template

1. When a [Member] gives birth or adopts a baby under [XX age] old, the council may approve a leave of absence under [standing order #] (parental leave of absence).
2. A parental leave of absence may be approved for up to [X] months on request.
3. Approval of parental leave of absence will mean that the [Member] must not carry out any duties, either formal or informal. This will mean that the [Member] will not attend any council, community board, local board, or committee meetings, meetings with external parties or constituent work. The [Member] is also not able to speak publicly on behalf of the council or represent the council on any issue.
4. A [Member] will not be paid any remuneration or allowances while on an approved parental leave of absence.
5. If a member continues in their role in a more limited (partial) capacity, such as attending to constituent enquiries (e.g., phone calls and engagements where possible), and reading etc,



but not attending council meetings or workshops, their remuneration should revert to the remuneration received by a councillor with minimum allowable remuneration for their council, as set out in its determination.

6. The council will offer members returning from full parental leave a programme to assist them to transition back into their former role, this may involve a briefing from the chief executive officer on matters of importance that occurred during the member's absence.

7.10 Committee Structure

Author: Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council receives and notes the memo tabled from the Mayor on the Committee Structure for the 2025-2028 triennium.

Purpose of Report

- 1 To receive a tabled memo from the Mayor on the Committee structure for the 2025-2028 triennium.

Assessment of Significance

- 2 This matter is considered to be of low significance when assessed against the Council's Significance and Engagement Policy.

Discussion

- 3 The Mayor under section 41A of the Local Government Act 2002, will establish Committees of Timaru District Council. A memorandum on the Committee structure will be circulated separately ahead of the meeting.

Attachments

Nil

7.11 External Governance Appointments Policy

Author: Brendan Madley, Senior Policy Advisor
Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council:

- 1) Adopt the External Governance Appointments Policy;
- 2) Delegate authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews; and
- 3) Require that any non-material changes to the policy are reported to Council at the following Policy Update.

Purpose of Report

- 1 This report requests that Council consider and adopt the proposed External Governance Appointments Policy and provide delegated authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews.

Assessment of Significance

- 2 Using the criteria set out in Council's Significance and Engagement Policy, this report is assessed as being of low significance.
- 3 This is primarily because it is an internal operational policy and, in its proposed form, does not impact residents directly, does not impact levels of service and is unlikely to generate significant community interest. It is acknowledged that individual appointments may be of public or media interest.
- 4 Any significant changes to the policy may alter this assessment of significance.

Background

- 5 Council adopted its current External Governance Appointments Policy on 13 February 2024.
- 6 The policy outlines the process, eligibility and terms for the appointment of:
 - 6.1 Directors to Council Organisations (COs);
 - 6.2 Outside organisations with a reserve Council seat; and
 - 6.3 External membership to Council Committees and Subcommittees.
- 7 The current policy was adopted in February 2024. The review at the time was instigated by an identified need to better define the number of directors on COs and their terms of appointment. This review also made material changes to improve the flexibility of the appointments process, and to make it more suitable for appointments to external bodies or Committees.

- 8 The policy is being brought for review early and “out-of-cycle” because it is deemed that the review should be aligned the local election cycle and occur at the commencement of each triennium.

Discussion

- 9 Officers consider that the policy is performing well to date, and are not aware of any feedback seeking significant changes. This is to be expected given that an in-depth review was completed less than two years ago.
- 10 Consequently, it is proposed to only make minor material changes to the policy.
- 11 The majority of changes proposed (refer to Attachment One, which contains track changes) are non-material for the purpose of enhancing clarity, but which reflect existing practice. The document has been restructured, for example to include an explicit section on candidate eligibility. Several clauses have been shifted in entirety to enhance readability. Officers deem that these changes do not alter the substance of the policy.
- 12 The proposed material changes to the policy are:
- 12.1 To confirm that the policy does not apply in cases where Council resolves that a candidate to fill a vacancy should be appointed by a nominated third party (for example if Arowhenua are invited to fill the position reserved for tangata whenua on the Environmental Services Committee) (refer to clause 3).
 - 12.2 To confirm that any CO Director holding the position of Acting Mayor remains eligible to be a Director (refer to clause 38).
 - 12.3 To formalise the monitoring and reporting requirements of the policy. The monitoring indicators will enhance the ability for officers and elected members to understand whether the policy is performing as intended, and the reporting requirements will increase the openness and transparency of how these are communicated (refer to clauses 45 – 49).
- 13 Separate to the policy, elected members may wish to seek changes to how the policy is operationalised (as stated in the Appendices).

Options and Preferred Option

- 14 **Option One – adopt the External Governance Appointments Policy as attached (Preferred Option).**
- 15 For the reasons outlined in this report, officers consider that the proposed policy is performing well but that its useability can be improved by making the proposed changes.
- 16 It is also recommended that Council delegate authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews, on the proviso that this is reported back to Council via the next Policy Update report (intended to occur six-monthly).
- 17 The rationale for this change is to provide the flexibility to correct primarily administrative matters (such as changes in role titles or supporting documents) that do not alter the substance or intention of the policy. Without this delegation, policies require a formal resolution by Council to update these non-material matters, and may be (in part) out-of-date for extended periods pending the next review.
- 18 **Option Two – amend and adopt the External Governance Appointments Policy.**

- 19 Elected members may consider changes to the proposed policy are necessary. The advantages and disadvantages of this option are dependent on the specific changes that may be made.
- 20 Based on the significance of any proposed changes, officers may seek the opportunity to defer and prepare advice on any potential amendments, prior to any Council decisions being taken.
- 21 **Option Three – defer adoption of the External Governance Appointments Policy and facilitate additional opportunities for elected members to consider the options available to them.**
- 22 The current policy would continue to apply in the interim.
- 23 No advantages have been identified for this option.
- 24 Officers believe that all necessary information is contained within this report and attachment as the basis for making a decision.

Consultation

- 25 Officers consider that no consultation is necessary. Given the overall low assessment of significance, it is appropriate to “Inform” the community as per Council’s Significance and Engagement Policy.

Relevant Legislation, Council Policy and Plans

- 26 Local Government Act 2002
- 27 Constitutions of Council Organisations

Financial and Funding Implications

- 28 The proposed policy has no additional funding implications, and no additional funding is being requested. It retains the status quo policy for, most notably, the recording and livestreaming of meetings and workshops. This is already budgeted operational expenditure, and it is deemed that the policy can be achieved through the existing budget.
- 29 Any amendment to the policy may have additional financial costs.

Other Considerations

- 30 There are no other considerations.

Attachments

- 1. **Proposed External Governance Appointments Policy**

External Governance Appointments Policy



Approved by:	Timaru District Council
Group:	Governance
Owner:	Chief Executive
Date adopted:	TBC The policy becomes effective the day after the date of adoption, unless otherwise specified
Review:	Every 3 years aligned to the local authority election cycle This Policy does not cease to have effect because it is due for review, or being reviewed
Consultation:	Not required <u>In accordance with s82 of the Local Government Act 2002</u>
Policy Type	Internal Operational

Policy Purpose

1. The purpose of this policy is to:

- (i) To provide clear guidelines outlining the process to be taken, and criteria to be considered, when seeking to recruit, appoint or reappoint Directors to Council Organisations, outside organisations with a reserve Council seat, and external membership to Council Committees and Subcommittees.
- (ii) To provide clear guidelines and requirements (~~while ensuring sufficient transparency and objectivity~~) outlining the optimal skills required for directorship and the Council's director appointment process to Council organisations.
- (iii) To provide clear guidelines and requirements (~~while ensuring sufficient transparency and objectivity~~) outlining the optimal skills required for external membership and the Council's appointment process to committees or subcommittees.

Scope

2. This policy covers:

- (i) The appointments of Directors to all Council Organisations (COs), particularly Council Controlled Organisations (CCOs) and Council-Controlled Trading Organisations (CCTOs). See Appendix A for organisations covered by this policy.
- (ii) Any other director appointments to outside organisations made by the Council through resolution. ~~These positions are not remunerated by Council.~~
- (iii) The appointment of all external appointments to Council Committees and Subcommittees.

~~2-3.~~ For the avoidance of doubt, this policy does not apply where Council resolves that a candidate to fill a vacancy should be appointed by a nominated third party. In such cases,

the vacancy will be filled according to criteria and processes determined by the nominated third party, but subject to any limitations that Council may set.

Definitions

~~3. In this Policy, unless the context otherwise requires:~~

4. Candidate: ~~means~~ a person who has submitted a written application for a Director's position or Council appointment, or has agreed in writing to be considered for such a position.
5. Committee/Subcommittee: ~~means~~ a Committee/Subcommittee established by the Mayor pursuant to section 41A (3) of the LGA or by Council in accordance with schedule 7, clause 30 of the LGA. This includes any other subordinate decision-making body appointed under this clause regardless of the name of the body.
6. Company: has the meaning set out in section 2(1) of the Companies Act 1993.
7. Council: means Timaru District Council (or its statutory successors).
8. Council Organisation (CO): has the meaning set out in section 6 of the LGA, which includes any entity in which the Council has a voting interest or the right to appoint a director, trustee or manager (however described). This is a wide-ranging definition, covering a large number of bodies, including Council-Controlled Organisations and Council-Controlled Trading Organisations.
9. Council-Controlled Organisation (CCO): has the meaning set out in section 6 of the LGA, which includes any organisation in which one or more local authorities control 50% or more of the voting rights or have the right to appoint 50% or more of the directors.
10. Council-Controlled Trading Organisation (CCTO): has the meaning set out in section 6 of the LGA and means a CCO that operates a trading undertaking for the purpose of making a profit.
11. Director: with respect to a CO includes ~~where the CO is not a company, includes~~ a trustee, manager, or office holder (however described in that organisation).
12. Director and Trustees Appointments Committee (the Committee): ~~means~~ the committee responsible for appointing directors to Council organisations or outside organisations with a reserved Council seat, or external members to Council Committees or Subcommittees.
13. Elected Member: ~~means anyone holding the position of Mayor, any elected Timaru District Councillor and or Community Board Member for the Timaru District.~~
14. External Member: ~~means~~ an individual who is not an Elected Member or employee of Timaru District Council, appointed to CO governance roles or to Committees or Subcommittees of Timaru District Council.
15. LGA: ~~means~~ the Local Government Act 2002.
16. Organisation: includes a company, body corporate or other incorporated entity, partnership including a limited liability partnership, trust, arrangement for the sharing of profits, union of interest, cooperation, joint venture, or other similar arrangement.

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Legislative context

17. Section 57 of the LGA requires Council to adopt a policy that establishes an objective and transparent process for:

- (i) The identification and consideration of the skills, knowledge, and experience required of directors of a council organisation;
- (ii) The appointment of directors to a council organisation; and
- (iii) The remuneration of directors to a council organisation¹.

18. Clauses 30-31, Schedule 7 of the LGA provides that Council may appoint Committees, Subcommittees, and other subordinate decision-making bodies, and may appoint a person who is not an elected member if that person has the skills, attributes, and knowledge that will assist the work of the Committee or Subcommittee. Other members cannot include an employee of Council.

Identification of Skills Required

19. Skills and competencies are to be determined for each role. Appendix B sets out an example of a Director Competency Framework. This is subject to review and may be ~~amended by the Chief Executive as directed~~ by the Director and Trustees Appointment Committee ~~as needed if they deem necessary~~ in order to be responsive to the needs of each CO accordingly.

20. For each Director appointment, the Council will develop a director profile for the role, outlining the specific skills, knowledge and experience required. This will take into account:

- (i) The nature and scope of the organisation, the organisation's future directions, and its constitutional set up;
- (ii) The strategic objectives of the organisation and the attributes, skills, and knowledge required to deliver those objectives;
- (iii) The skills of the current directors (core competencies) and the required cumulative skills (collective competencies) of all the directors;
- (iv) The responsibilities and obligations of that role;
- (v) Any specific skill, knowledge, qualification, and experience that is currently required or may be required in the future; and
- (vi) Whether knowledge of tikanga Māori may be relevant and of benefit to the organisation, as per section 57(3) of the ~~Local Government Act 2002~~ LGA.

21. Council appointees to COs that operate as companies are encouraged to become members of the New Zealand Institute of Directors (IoD) or similar for the duration of their appointment, and commit to continuing professional governance development.

22. Council appointments of external members to Committees or Subcommittees will also consider the skills, attributes, knowledge, and experience relevant to the specific role

¹ This policy should be read in conjunction with the Governance Remuneration, Allowances and Expenses Policy for any remuneration matters.

that will contribute towards the collective competencies of all the Committee or Subcommittee members, and the overall objectives of the organisation.

23. The expectation of all appointed persons is that they will demonstrate exemplary standards of professional conduct and integrity in carrying out the functions of the position(s) to which they are appointed. Failure to meet these standards may result in dismissal from the appointed position.

Appointment Process

24. All appointments are based on the following three principles:

- (i) Merit – providing a choice of high-quality candidates whose skills, experience, and qualities have been judged to best meet the needs of public office.
- (ii) Fairness – selection processes that are objective, impartial, and consistently applied to all candidates.
- (iii) Openness – information about the requirements of the post and the selection process must be publicly available.

25. The appointment process for directors to COs, or outside organisations with a reserved Council seat, or external members to Council Committees or Subcommittees is administered by the Director and Trustees Appointments Committee, with the assistance of external assessment advice as required.

24-26. At a minimum, the Committee will comprise the Mayor (as Chairperson), the Deputy Mayor, the Chair of the Commercial & Strategy Committee (or equivalent), and one additional Councillor. The Committee Chair has the delegated authority to appoint a replacement member(s) should any of the sitting member(s) be unavailable for an appointment process.

27. Appendix D sets out the appointment processes for Council Organisations; the same process is generally applicable for other appointments within the scope of the Committee. This is subject to review and may be amended by the Chief Executive as directed by the Director & Trustees Appointments Committee. This flexibility allows the process to be responsive to the needs of each CO appointment.

25. Each CO shall have a minimum of three and a maximum of seven Directors.

28. That The Committee will appoint and convene an interview and selection panel to make the recommendations to the Committee. The Mayor is not eligible to be on the selection panel. The Committee will then decide which candidates to recommend to Council for appointment.

26. Council for director appointments to any COs in a public-excluded meeting (in accordance with Local Government Official Information and Meetings Act 1987) followed by public notification when appropriate. The Mayor is not eligible to be on the selection panel.

27. All director appointments to COs must complete the Director Consent Form as per Appendix C.

28. Subject to clause 7.2, Council may appoint elected members to be Directors of:

- (i) —COs; and

- (ii) ~~other organisations where there is a requirement for elected member representation.~~

~~29. External applicants may be considered for Council appointments to COs or other organisations. The Council will, by resolution in a Council meeting, decide on the appointment/s, of external members onto Council Committees and Subcommittees will be made by Council via resolution in a Council meeting, acting on the recommendations of the after giving consideration to the recommendations of the Director and Trustees Appointments Committee. Council's decision will be and recorded in the minutes. Subject to the Local Government Official Information and Meetings Act 1987, this may be in Public Excluded. If so, public notification will follow when appropriate.~~

~~29-30.~~ Council will ensure as part of the appointment process that appropriate inquiries are made to satisfy itself that the external appointee is, in respect of both character and competence, a fit and proper person capable of discharging the requirements of the position to an exemplary standard.

~~30.1. All appointments are based on the following three principles:~~

- ~~(i) Merit – providing a choice of high quality candidates whose skills, experience, and qualities have been judged to best meet the needs of public office.~~
- ~~(ii)(i) Fairness – selection processes that are objective, impartial, and consistently applied to all candidates.~~
- ~~(iii)(i) Openness – information about the requirements of the post and the selection process must be publicly available.~~

Candidate eligibility

~~31. Subject to the limits specified in this policy, Council may appoint elected members to be Directors of:~~

- ~~(i) COs; and~~
- ~~(ii) other organisations where there is a requirement or reservation for elected member representation. The following eligibility criteria apply when making appointments to COs:~~

~~32. Each CO shall have a minimum of three and a maximum of seven Directors.~~

~~33. No more than two Directors of any one CO shall be Elected Members. The Mayor may not be a Director.~~

~~34. External applicants may be considered for Council appointments to COs or other organisations.~~

~~35. All director appointments to COs must complete the Director Consent Form as per Appendix C.~~

Terms of Appointment

~~35. All external appointments to Council Committees and Subcommittees are made by Council. The terms for the appointments with remuneration and allowances will be determined by the Mayor in consultation with the Council. Council resolution and on~~

advice from the Chief Executive, and will be valid for the period for which they are set. The exception to this is if the remuneration and allowances for the relevant position are specified in the Governance Remuneration, Allowances and Expenses Policy, or otherwise set by legislation.

~~36. Council makes all Director appointments to its COs. External applicants may be considered for Council appointments to COs or other organisations. In the case of Timaru District Holdings Limited (TDHL) and Venture Timaru (VT):~~

~~All director appointments to COs must complete the Director Consent Form as per Appendix C.~~

~~36-37.~~ An Elected Member Director will cease to hold office:

- (i) Immediately if he or she ceases to be an Elected Member for any reason other than as a result of the triennial elections for the election of officers of Council; and
- (ii) If an Elected Member Director is not re-elected to Council in the triennial elections for the election of officers of Council, on a date specified by Council, being not more than 6 months after the elections; or
- (iii) Immediately, if they are elected or appointed to the Mayoralty.

~~37-38.~~ A Director holding the position of Acting Mayor is not disqualified from nor ceases to hold office, unless Council resolves that this should occur.

~~38-39.~~ The Chairperson and Deputy Chairperson of each CO shall each be Independent Directors.

~~39-40.~~ At each annual meeting for COs:

- (i) One-third of the Directors (or, if their number is not a multiple of three then the whole number nearest to one third, and rounded up to a whole number if it is a half) shall retire from office. The Directors to retire shall be those who have been longest in office since their last appointment. If two or more of those Directors were appointed on the same day, the Director(s) to retire shall (unless they otherwise agree among themselves) be determined by lot.
- (ii) Where ~~clause 7.3.1~~ the above clause would cause a director/trustee to serve a term exceeding three years, then that Director must also retire from office.

~~40-41.~~ A retiring Director is eligible for reappointment but shall not serve more than ~~9~~ nine years in total (including non-consecutive terms). The exception to this is if Council believes it is in the CO's interests for a person to serve longer than three terms. In such a case, Council may invite a person to continue to be a Director.

~~41. Council may invite a person to serve longer than three terms if it believes it is in the CO's interests for this to occur.~~

Conflicts of Interest and Reputational Risk

42. The Council expects all Directors of COs, and all external appointments to Committees and Subcommittees, to strive to avoid situations where their actions could give rise to perceived or real conflicts of interest, or present a reputational risk to Council.

43. If such a situation occurs, the appointed member shall raise this with the Chair of the Board or Committee, the Mayor or the Chief Executive as soon as practicable.
44. Each CO Chairperson will maintain a conflicts of interest register available to the Chief Executive or Mayor, and reported on annually as part of the annual meeting.
45. Directors of COs will be expected to follow the provisions of the Institute of Directors Code of Practice for Directors. Breaches of this code could result in dismissal.

Monitoring

45. This policy will be monitored annually as part of Council's Policy Monitoring Framework.
46. Indicators of whether this policy is achieving its stated purposes include:
- (i) Whether all legislative requirements are adhered to throughout the appointments process.
 - (ii) Feedback from internal and external stakeholders, including elected members, members of the Director & Trustees Appointments Committee, CO directors and Committee members.
 - (iii) Recommendations from internal or external audits.
46. Compliance with this policy will be reviewed on a cyclical basis as part of the Timaru District Council's internal audit process.

Reporting

- ~~47. A report on the efficacy of this policy and the internal audit results will be reported annually to the Audit and Risk Committee by the Governance Team Leader.~~
48. A summary of the performance of this policy will be reported to Council as part of the six-monthly Policy Update (when new information is available).
- ~~45-49.~~ Full performance and monitoring data will be made available to Councillors when available.

Delegations, References and Revision History	
Delegations Identify here any delegations related to the policy for it to be operative or required as a result of the policy	
Delegation Manual reference	Delegation
N/A	N/A
References Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)	
Title	Document reference

Appendix A: Council Organisations Subject to this Policy

	Timaru District Holdings Ltd (TDHL)	Venture Timaru Ltd (VT)	Aorangi Stadium Trust
Type	CCTO	CCO	CCO
Ownership Structure	100% Council owned	100% Council owned	A charitable trust incorporated under the Charitable Trusts Act and registered under the Charities Act
Directors Appointments	Council appoints all directors	Council appoints all directors	Council appoints all trustees
Remuneration	Paid by TDHL; fees set by Council	Paid by VT; fees set by Council	None
Scope of Activity	TDHL is an investor in companies in which Council has a substantial interest, specifically, at the time of this policy: Alpine Energy Ltd – 47.5% shareholding PrimePort Timaru Ltd – 50% shareholding TDHL also owns a portfolio of investment properties surrounding the port in Timaru.	To facilitate and support economic development and deliver tourism and business services for the District.	To continue development, maintenance and operation of the Aorangi Stadium and adjoining areas on Aorangi Park in Timaru.
Rationale and objectives for Council ownership	To manage the commercial assets and investments of Council.	To support economic growth and tourism for the district.	Aorangi Park and Stadium significant Council assets.

These details are correct at the time this policy was approved, and are subject to change.

Appendix B: EXAMPLE: Director Competency Framework

This table should be completed for each individual Director prior to the annual Board evaluation. The results will inform the Board's discussion on its collective skill strengths and gaps.

Each Director should identify their top three or four skills, and grade them as follows:

(E) Expert – has strong knowledge of key concepts and principles and more than five years relevant experience

(P) Proficient – has a sound knowledge of key concepts and principles but less than three years relevant experience

(D) Developing – has a knowledge of key concepts and principles but limited direct or applied experience

Skill Area	Description	D1	D2	D3	D4	D5	D6	D7
Strategy and planning	Ability to think strategically; identify and critically assess strategic opportunities and risks. Experience to develop effective strategies in the context of the strategic objectives of the CO and TDC.							
Governance, Risk and Compliance	Experience in the application of governance principles in a commercial enterprise, public sector body or other entity.							
	Ability to identify key risks to the CO and TDC in a wide range of areas including financial, legal and regulatory compliance.							
Financial Performance	Qualifications and experience in governing commercial investment, including to: - Analyse key financial statements - Contribute to strategic financial planning - Oversee budgets and the efficient use of resources							
Business and commercial	Experience in, or understanding of, business management principles.							
Community engagement	Understanding of, and connections with, the interests and needs of Timaru District communities, including the ability to effectively engage and communicate with key stakeholders, including iwi as appropriate.							

Appendix C: Directors' Consent Form

1. Consent and Certificate of Director - (Section 152 of the Companies Act 1993)

Company Name:

Company Number:.....

Director's first name(s):.....

Director's surname(s):.....

(Please ensure your full legal name is provided - Initials are not allowed)

I consent to be a director of the above company and certify that I am not disqualified from being appointed or holding office as a director of a company

Signature:.....

(Please read the disqualification details below)

Date of appointment:.....

Director's residential address:.....

.....

2. Disqualification Details

Please ensure that you are not disqualified from being a director for this company before signing this consent form.

A person cannot be a director of a company if they are any of the following:

- a. Under 18 years of age; or
- b. An undischarged bankrupt. Search the bankruptcy database online for free at www.insolvency.govt.nz; or
- c. Prohibited from being a director or promoter of, or being concerned or taking part in the management of a company under any statutory provisions. This includes (but is not limited to) people who have been convicted of a crime involving dishonesty in the last 5 years or have been prohibited from managing a company by the Registrar of Companies. It also includes people who have been prohibited from being a director or promoter of, or being concerned or taking part in the management of, an overseas company under an order made, or notice given, under the law of a prescribed overseas jurisdiction in accordance with section 151(2)(eb) of the Companies Act 1993; or e.g. Auckland Council Property Limited 3025668; or
- d. subject to a property order under sections 30 or 31 of the Protection of Personal Property Rights Act 1988; or
- e. Not eligible because of requirements contained in the company's constitution (if any); or
- f. A person who is disqualified under another Act.

A person who is not a natural person cannot be a director of a company.

For more information refer to sections 151 and 382 to 385 of the Companies Act 1993. A copy of the Act can be viewed online for free at www.companies.govt.nz.

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3. Disclosure of Interests

You are required to disclose the nature and extent (including monetary value, if quantifiable) of all interests that you have or are likely to have, in matters relating to the CCO.

4. Other Questions

- 4.1 Has there been (or is there now pending) any claim against you in your capacity as director, officer, secretary, board or committee member, or employee of either the company/trust or any other company, association, trust or entity?

Yes

No

- 4.2 Are you aware of any circumstances that might give rise to a claim against you or an investigation, examination or inquiry involving you?

Yes

No

- 4.3 Have you ever been involved in a company that has been in receivership or non voluntary liquidation?

Yes

No

- 4.4 Have you ever been involved in any criminal conduct, had a statutory demand placed on you, been the subject of any disciplinary action, been fined or penalised or been the subject of any inquiry in the last 5 years?

Yes

No

- 4.5 Have you ever been refused Directors and Officers Liability insurance or had an insurer refuse to renew a policy as apply special terms or conditions in relation to your cover?

Yes

No

If yes to any of these questions, please provide details on a separate page.

5. Nomination Confirmation

I, (full legal name) confirm that the information I have given in this disclosure form is complete, true and correct.

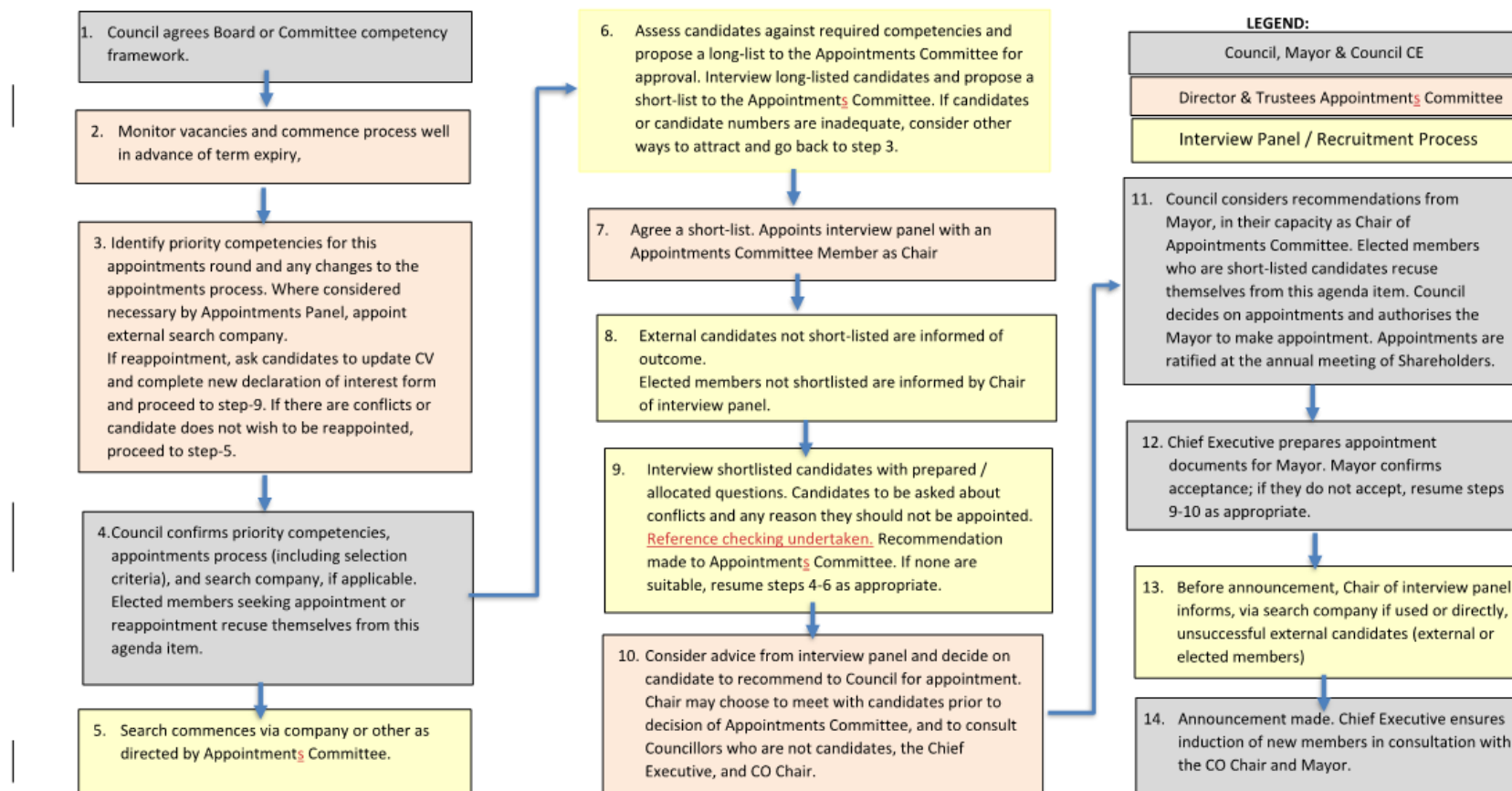
In the event of any actual or potential conflict of interest or probity issue arising, I agree to promptly declare that conflict or probity issue to the Chair of the Board, who will consider how the conflict or probity issue can best be managed. I also agree to abide by any decisions about the management of that conflict or probity issue. I acknowledge that, in the event that a conflict or probity issue cannot be managed, the Chair will inform Timaru District Council. I acknowledge that, in the event I am appointed to the Board, the Timaru District Council will be informed of any interests I have declared.

I authorise the Timaru District Council and/or its nominated agency to verify the accuracy of the information I have provided in my application for appointment.

Signature:

Date:

APPENDIX D FLOWCHART: Director or External Member Appointment to Council Organisations, Committees & Subcommittees



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7.12 Public Excluded Meetings and Workshops Policy

Author: Brendan Madley, Senior Policy Advisor
Jessica Kavanaugh, Democracy Services Lead

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

That Council:

- 1) Adopt the Public Excluded Meetings and Workshops Policy;
- 2) Delegate authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews; and
- 3) Require that any non-material changes to the policy are reported to Council at the following Policy Update.

Purpose of Report

- 1 This report requests that Council consider and adopt the proposed Public Excluded Meetings and Workshops Policy, and provide delegated authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews.

Assessment of Significance

- 2 Using the criteria set out in Council's Significance and Engagement Policy, this report is assessed as being of low significance.
- 3 This is primarily because it is an internal operational policy and, in its proposed form, impacts a very low number of residents, does not impact levels of service and is unlikely to generate community interest. A sizeable proportion of the policy is based on legislative requirements set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA). However, while deemed not significant in respect of Council's policy, it is a matter of public interest and is relevant to the open conduct of Council business.
- 4 Any significant changes to the policy may alter this assessment of significance.

Background

- 5 Council adopted its first – and the current – Public Excluded Meetings and Workshops Policy on 13 February 2024.
- 6 The original policy was developed in response to the Ombudsman's 2022/23 investigation testing concerns that councils across New Zealand were using workshops and other informal meetings in which to improperly make decisions without sufficient public oversight and transparency.
- 7 The original policy was consulted on with the Ombudsman and incorporated feedback from the Audit and Risk Committee.

- 8 The policy is being brought for review early and “out-of-cycle” because it is deemed that the review should be aligned the local election cycle and occur at the commencement of each triennium.

Discussion

- 9 Officers consider that the policy is performing well to date. It adheres to legislative requirements and meets the publicly stated expectations of the Ombudsman in regard to the transparency of how Council conducts its business.
- 10 Timaru District Council now compares favourably to comparable local authorities within Canterbury in regard to the openness and transparency of its meetings, for example through the livestreaming of workshops, Standing Committees and some Sub-committees, working groups or similar.
- 11 Consequently, it is proposed not to make material changes to the body of the policy. The changes proposed (refer to Attachment One, which contains track changes) are to enhance clarity, but which reflect existing practice. Several clauses have been shifted in entirety to enhance readability. Officers deem that these changes do not alter the substance of the policy.
- 12 The only material changes are to formalise the monitoring and reporting requirements of the policy. The monitoring indicators will enhance the ability for officers and elected members to understand whether the policy is performing as intended, and the reporting requirements will increase the openness and transparency of how these are communicated.
- 13 The main levers available to elected members are contained in part two of the policy, in regard to which meetings and workshops are livestreamed and recorded to enhance the ability for the public to access the business of Council.
- 14 Currently, full Council meetings, Standing Committee meetings and Council workshops are livestreamed, in addition to some other meetings on a case-by-case basis. Sub-committee meetings, Community Board meetings and any Community Board workshops are not livestreamed.
- 15 It is possible to livestream and record more meetings and workshops – for example at the Community Board level – however this would require either additional technical investment at those meeting locations, increased staffing, or both.
- 16 Elected members may wish to consider what – for them – an accessible and transparent Council “looks like”; the extent to which they consider the status quo requires amendment; and how they might trade this off against staffing and resource requirements.

Options and Preferred Option

- 17 **Option One – adopt the Public Excluded Meetings and Workshops Policy as attached (Preferred Option).**
- 18 For the reasons outlined in this report, officers consider that the proposed policy is performing well but that its useability can be improved by making the proposed changes.
- 19 It is also recommended that Council delegate authority to the Chief Executive to approve non-material changes to the policy outside of formal reviews, on the proviso that this is reported back to Council via the next Policy Update report (intended to occur six-monthly).
- 20 The rationale for this change is to provide the flexibility to correct primarily administrative matters (such as changes in role titles or supporting documents) that do not alter the

substance or intention of the policy. Without this delegation, policies require a formal resolution by Council to update these non-material matters, and may be (in part) out-of-date for extended periods pending the next review.

21 Option Two – amend and adopt the Public Excluded Meetings and Workshops Policy.

22 Elected members may consider changes to the proposed policy are necessary. The advantages and disadvantages of this option are dependent on the specific changes that may be made.

23 The main viable change available to elected members is likely in regard to the frequency of livestreaming and recording meetings and workshops.

24 Based on the significance of any proposed changes, officers may seek the opportunity to defer and prepare advice on any potential amendments, prior to any Council decisions being taken.

25 Option Three – defer adoption of the Public Excluded Meetings and Workshops Policy and facilitate additional opportunities for elected members to consider the options available to them.

26 The current policy would continue to apply in the interim.

27 No advantages have been identified for this option.

28 Officers believe that all necessary information is contained within this report and attachment as the basis for making a decision.

Consultation

29 Officers consider that no consultation is necessary. Given the overall low assessment of significance, it is appropriate to “Inform” the community as per Council’s Significance and Engagement Policy.

Relevant Legislation, Council Policy and Plans

30 Local Government Official Information and Meetings Act 1987 (LGOIMA)

Financial and Funding Implications

31 The proposed policy has no additional funding implications, and no additional funding is being requested. It retains the status quo policy for, most notably, the recording and livestreaming of meetings and workshops. This is already budgeted operational expenditure, and it is deemed that the policy can be achieved through the existing budget.

32 Any amendment to the policy – such as increasing the recording and livestreaming of meetings and workshops, may have additional financial costs.

Other Considerations

33 There are no other considerations.

Attachments

1. Proposed Public Excluded Meetings and Workshops Policy

Public Excluded Meetings and Workshops Policy



Approved by:	Timaru District Council
Group:	Corporate
Owner:	Strategy and Corporate Planning Manager Democracy Services Lead
Date adopted:	TBC The policy becomes effective the day after the date of adoption, unless otherwise specified
Review:	Every 3 years <u>aligned to the local authority election cycle, or as deemed necessary</u> This Policy does not cease to have effect because it is due for review, or being reviewed
Consultation:	Not required
Policy Type	Internal Operational

Policy Purpose

1. The purpose of ~~the Public Excluded Meetings and Workshops Policy (Policy)~~this policy is to:
 - (i) increase the transparency and accountability of the Council's decision-making process, in line with the principles of open and best practice governance and statutory requirements; and
 - (ii) establish a clear operating framework to ensure Council meets both the community's expectations and its legal requirements of accountability and transparency when considering whether a matter should be heard or considered in a public excluded session; and
 - (iii) uphold the community's trust and confidence in Council's decision-making processes and continuously build greater community awareness and participation in the democratic functions and decision-making processes of Council.

Background

2. As part of Council enabling democratic local decision-making and action by, and on behalf of, communities and promoting the social, economic, environmental, and cultural well-being of its communities in the present and for the future¹, it has a legal obligation to conduct its business and meetings in an open and transparent manner ensuring compliance with both the statutory obligations and intent of the Local Government Official Information and Meetings Act 1987 (LGOIMA).
3. Openness and transparency in Council's decision-making processes and in the conduct of its business ensures greater public confidence and democratic participation in the decisions of Council. It also enables Council to explain and be accountable for the consequences of the decisions it makes on behalf of the community it represents.

¹ Refer section 10 Local Government Act 2002
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Public Excluded Meetings and Workshops Policy

4. LGOIMA, along with guidance from the Ombudsman, provide direction on how Elected Members (EMs), Independent Members and Officers can achieve Council's objective of open and transparent governance. The Policy provides greater detail and guidance on how to implement the Fundamental Principle of openness and transparency.

Fundamental principles

5. Fundamental Principle 1: To support the open and transparent conduct of Council's business in a manner that is consistent with and complies with the preamble to LGOIMA, which states as follows:

An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes

6. Fundamental Principle 2: All meetings and workshops of Councils will be held in open session where members of the public and the media are invited to attend, unless there is good and specific reason to exclude the public and their exclusion is permitted by law.

Scope

7. The Policy applies to:

- (i) Council's Elected Members; and
- (ii) Independent members who are appointed by Council to sit as members of various Council committees, such as the Audit and Risk Committee; and
- (iii) Council Officers; and
- (iv) Council Controlled Organisations, their directors and officers when attending meetings or workshops.

Policy structure – two parts

8. The Policy is divided into two parts. Part 1 deals with Public Excluded Meetings and Workshops. Part 2 deals with Recording and livestreaming of meetings and workshops. The Policy shall also be read in conjunction with the Council's Code of Conduct for Elected Members, its Standing Orders and the Ombudsman's Guidance referenced above.

Part 1

Definitions

9. In the context of Part 1 of the Policy the following definitions apply:
10. Council: refers to Timaru District Council, its Standing Committees, Committees and Community Boards
11. Elected Members (EMs): the Mayor, Councillors and Community Board Members

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12. Independent Members: unelected persons appointed by Council to sit on its Committees to support EMs in their decision making by bringing independent and expert perspectives
13. Meeting: as defined in the Local Government Official Information and Meetings Act 1987 (LGOIMA)
14. Officers: employees of Council, contractors and advisors presenting to a meeting or a workshop
15. Public: includes bona fide members of the media
16. Public excluded session: refers to a meeting, or part of a meeting, of Council that is heard in a public excluded session pursuant to section 48 of LGOIMA
17. Workshop: an interactive session for EMs, independent members and officers to introduce ideas and concepts, and to facilitate information exchanges in an environment which is not a meeting and where no decision is made. For the avoidance of doubt, this policy considers briefings to be a form of workshop.

Policy Statements

Meetings

18. The default position is that all meetings of Council will be open to the public.
19. Meetings, or part of a meeting, may only be held in a public excluded session where permitted by LGOIMA and where Council has recorded its reasons for the public exclusion with the requisite particulars and details in compliance with LGOIMA. Providing a forum for free and frank discussion is not a basis for holding a meeting or item in a public excluded session.
20. LGOIMA provides the statutory test for excluding the public from a meeting and the procedure that must be followed to exclude the public from a meeting, or part of a meeting.
21. In accordance with LGOIMA consideration of whether a meeting or an agenda item should be held in a public excluded session must be debated when the meeting is open to the public, and the decision is also to be formally recorded when the meeting is open to the public.
22. Consideration of whether a meeting, or part of a meeting, should be held in a public excluded session must consider also whether there are any countervailing public interest considerations which favour hearing the material in an open session. The record of the meeting should record this consideration and why the determination on the application of the public interest was made in the manner that it was so made.
- 22-23. The decision on whether a meeting, or a part of a meeting, should be held in a public excluded session, rests solely with the voting members of the body considering the matter.
- 23-24. Where a decision of Council is made in a public excluded session, the resolution on the item must, where practicable, state expressly what can be released to the public and in what timeframe.
- 24-25. As stated at clause 30, below, the decision on whether a meeting, or a part of a meeting, should be held in a public excluded session, rests solely with EMs.

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26. Council can select from the following four options when resolving what information to release from a decision made in a public excluded session:

- (i) Release in entirety (including the agenda item and decision), either immediately or at a specific date; or
- (ii) Partially release with parts redacted, and review in six months time; or
- (iii) Not release any information, and review in six months time; or
- (iv) Not release any information permanently.

27. Where Council is unable to immediately release to the public some or all of the decision and material considered in the public excluded session or set a specific timeframe for its complete release, the Mayor and Chief Executive ~~jointly~~ are delegated the authority to subsequently review and jointly agree, six months after the date of the meeting, whether it is appropriate for some or all of the report and resolutions to be released. ~~Where the Mayor and Chief Executive jointly form a view that there should be no release of material to the public the report and resolutions must be brought back to Council for its consideration and a decision to be made unless Council has already determined that the material is to remain permanently public excluded. [Note that it is the respective Committee, Standing Committee or Community Board that heard the matter in public excluded that reconsiders releasing the material to the public, although Council reserves the right to overrule the respective Standing Committee, Committee or Community Board decision].~~

28. If the Mayor and the Chief Executive cannot reach a joint agreement, the matter will be brought back to Council (or, if it was a Standing Committee, Committee or Community Board that considered the matter originally, then that respective body) for its further consideration.

~~25-29.~~ The Mayor and Councillors reserve the right to overrule any decision made by a Standing Committee, Committee or Community Board regarding the release of information from a public excluded session.

~~26-30.~~ Council acknowledges there may be occasions where it is appropriate that the decision and/or material is to remain public excluded for an extended or indefinite period of time and that LGOIMA contemplates this, such as when it involves the privacy and or safety of a person. In such circumstances Council must resolve and record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time. ~~Notwithstanding this, each individual LGOIMA request to any such information must be assessed on its own merits each time a request is received. The Mayor and Chief Executive jointly hold a delegation to determine whether to release the requested information in whole or redacted in part.~~

31. Requests for the minutes, reports or other material presented at a publicly excluded meeting or item must be dealt with as a LGOIMA request and in accordance with LGOIMA and the Ombudsman's guidance on requests for information.

32. Each individual LGOIMA request to any such information must be assessed on its own merits each time a request is received. The Mayor and Chief Executive jointly hold a delegation to determine whether to approve or decline to release the requested information in whole, or redacted in part, in response to a LGOIMA request.

~~27-33.~~ Officers will provide regular reporting (normally as an agenda item at each ordinary meeting) to Council on items released from public excluded and if released in part will specify which parts are released and which remain excluded and the legislative provisions under which the material remains public excluded.

Workshops

~~28-34.~~ The default position is that Council's workshops will be open to the public and the media. As with meetings, providing a forum for free and frank discussion is not a basis for holding a workshop or workshop item in a public excluded session.

~~29-35.~~ Workshops can be held for a variety of reasons and provide an opportunity for EMs and Independent Members to meet with Officers outside of the decision-making process to be briefed, provided information, explore options and engage in question and answer sessions.

~~30-36.~~ A workshop is a session held for the reasons set out in the definitions and no decisions can be made or resolutions passed.

~~31-37.~~ The test to be followed for determining whether a workshop, or part of a workshop, can be held in a public excluded session is the same test as is applied by LGOIMA for holding a meeting or part of a meeting in a public excluded session.

~~32-38.~~ Consideration of whether a workshop or part of a workshop is to be held in a public excluded session must be debated and the decision formally recorded when the workshop is open to the public.

~~33-39.~~ Where a workshop, or part of a workshop, is held in a public excluded session, consideration must be given at the conclusion of the public excluded session to what material can be released to the public and in what timeframe.

~~34-40.~~ Where Council is unable to release to the public all of the workshop material considered in the public excluded session, it will follow the same procedures as is adopted for meetings and as set out earlier in this policy [at clauses 16 and 17 in relation to meetings](#).

~~35-41.~~ Council acknowledges there may be occasions where it is appropriate that material is to remain public excluded for an extended or indefinite period of time, such as when it involves the privacy and or safety of a person. In such circumstances, Council must record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time.

~~36-42.~~ Requests for the minutes, reports or other material presented at a publicly excluded workshop must be dealt with as a LGOIMA request and in accordance with the Ombudsman's guidance.

~~37-43.~~ The requirements that apply for notifying a meeting will inform the principles for notifying a workshop; that is the workshop will be publicly notified as soon as practicable and the material made publicly available once it has been prepared and ready for presentation to the workshop.

Role of EMs, Independent Members and Officers

~~38-44.~~ EMs and Independent Members as the governing body must make the decision on whether a meeting or workshop is to be in a public excluded session.

- ~~39-45.~~ _____ EMs and Independent Members must bring an open mind to the consideration of whether a matter for a meeting or a workshop is to be considered in a public excluded session.
- ~~40-46.~~ _____ EMs and Independent Members must be particularly alert to the risk of a conflict of interest, or perceived conflict of interest, when considering whether a matter should be heard in a public excluded session.
- ~~41-47.~~ _____ Where an EM or an Independent Member identifies a conflict of interest, or a perceived conflict of interest it must be declared and managed in accordance with the relevant provisions in the Local Authorities (Members' Interest) Act 1968 and as required by the Code of Conduct for Elected Members.
- ~~42-48.~~ _____ Identifying and declaring conflicts of interest, or perceived conflicts of interest, must be recorded in the minutes of the meeting and in the written record of the workshop.
- ~~43-49.~~ _____ The role of Officers is to advise EM's on the reasons why, and why not, a meeting, or item on the agenda of a meeting, should be considered in a public excluded session. This includes providing advice to EM's as to whether there are any countervailing public interest reasons which might favour having the material considered in an open session.
- ~~44-50.~~ _____ To support the decision of the EMs and Independent Members on whether a matter is to be heard in a public excluded session, Officers are to provide professional and impartial advice to EMs and Independent Members in a manner consistent with the responsibilities applying to the Public Service set out in the Public Service Act 2020².

Compliance with the Public Records Act 2005 (PRA)

- ~~51.~~ At a meeting or workshop of Council the minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

Part 2

- ~~45-52.~~ _____ This part of the Policy deals with audiovisual recording and livestreaming of meetings and workshops.
- ~~46-53.~~ _____ To support the fundamental principles of the Policy, Council provides a number of mechanisms for attendance and participation at its meetings and workshops.
- ~~47-54.~~ _____ Council acknowledges that in addition to attendance in person, audio visual livestreaming and recording offers the best range of options for attendance

² Section 12 Public Service Act 2020; public service principles are politically neutral, free and frank advice, merit-based appointments, open government, and stewardship.

at its meetings and workshops. Council also acknowledges there are technical and resourcing constraints that makes livestreaming and recording of all meetings and workshops in all instances challenging. Given the challenges of universal livestreaming and recording, Council acknowledges a heightened obligation to ensure it actively facilitates participation where attendance via livestreaming and/or recording is not available.

~~48-55.~~ The Policy sets out below how Council intends to prioritise recording and livestreaming of its meetings and workshops.

Definitions

~~49-56.~~ In the context of Part 2 of the Policy the following definitions apply:

~~50-57.~~ Committees: refers to Council's Committees and Sub-committees other than Standing Committees

~~51-58.~~ Community Boards: refers to the Community Boards of the Timaru District Council

~~52-59.~~ Council: refers to the Timaru District Council

~~53-60.~~ Standing Committees: refers to Committees that Council has nominated as its Standing Committees and which usually meet on a regularly scheduled basis and have more significant decision making delegations than Committees and Sub-committees.

Policy Statements

Recording and livestreaming of Council and Standing Committee's meetings and workshops

~~54-61.~~ Meetings of Council and its Standing Committees are to be livestreamed and recorded. A copy of the recording is to be made publicly available.

~~55-62.~~ Workshops of Council and its Standing Committees must be audiovisually recorded where they are not able to livestreamed. Any livestreaming of a workshop must also be recorded, and the recording of the workshop must be made publicly available.

~~56.~~ It is the role of Officers to ensure that an adequate record of a meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the governing body to approve the faithful representation of its meetings and workshops.

Recording and livestreaming of ~~o~~Other Committees, and Community Board meetings and workshops

~~57-63.~~ Meetings of other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a meeting must also be recorded, and ~~the-any~~ recording of the meeting must be made publicly available.

~~58-64.~~ ~~Where-Regardless of whether a~~ livestreaming or recording of a Committee or Community Board meeting is ~~not~~-available, minutes that provide a faithful representation of the meeting and that comply with LGOIMA ~~must-will~~ be kept and made publicly available.

~~59-65.~~ Workshops of ~~o~~Other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a workshop must also be recorded, and the recording of the meeting must be made publicly available.

~~60-66.~~ Workshops of other Committees or Community Boards will not be minuted if an audiovisual recording is taken and made publicly available. Associated supporting material will be provided on the Council website. However, ~~w~~Where livestreaming or recording of a Committee or Community Board workshop is not available, minutes, along with any material presented, that provide a faithful representation of the workshop discussion ~~must will~~ be kept and made publicly available.

~~61-67.~~ It is the role of Officers to ensure that an adequate record of a Committee or Community Board meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the Committee or Community Board to approve the faithful representation of its meetings and workshops.

Compliance with the Public Records Act 2005 (PRA)

~~62-68.~~ At a meeting or workshop of Council, its Standing Committees, Committees and Community Boards the recording, minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

~~69. The following applies to both parts of the Policy.~~

Monitoring

~~70. This policy will be monitored annually as part of Council's Policy Monitoring Framework.~~

~~71. Indicators of whether this policy is achieving its stated purposes include:~~

- ~~(i) The extent of alignment between the policy, Ombudsman guidance, and relevant legislation.~~
- ~~(ii) Whether public excluded information is being managed and, where appropriate, released in line with the policy.~~
- ~~(iii) Whether meetings and workshops are being recorded and distributed in line with the policy.~~
- ~~(iv) The achievement or non-achievement of relevant non-financial performance indicators as recorded in the Annual Report.~~
- ~~(v) Feedback from internal or external stakeholders, including data captured during the Residents Survey.~~
- ~~(vi) Recommendations from internal or external audits.~~

Reporting

~~72. A summary of the performance of this policy will be reported to Council as part of the six-monthly Policy Update (when new information is available).~~

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73. Full performance and monitoring data will be made available to Councillors when available.

Delegations, References and Revision History

Delegations

Identify here any delegations related to the policy for it to be operative or required as a result of the policy

Delegation Manual reference	Delegation
3.1.1(c)	Delegation for the Mayor and Chief Executive to jointly determine whether to release public excluded information

References

Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)

Title	Document reference
Ombudsmen guidance for processing requests and conducting meetings	https://www.ombudsman.parliament.nz/resources/lgoima-local-government-agencies-guide-processing-requests-and-conducting-meetings

Revision History

Summary of the development and review of the policy

Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
1	Strategy and Corporate Planning Manager	13 February 2024	Council	February 2027	#1647368
2	Democracy Services Lead	TBC	Council	At the commencement of the 2028-31 triennium	#1795048

7.13 Triennial Reconstitution and Membership of the Downlands Water Scheme Joint Committee

Author: Andrew Lester, General Manager Drainage and Water

Authoriser: Stephen Doran, Acting Chief Executive

Recommendation

1. That Council reconstitutes the Joint Standing Committee for the Governance of the Downlands Water Supply Scheme with the same delegated functions, powers, duties and voting rights that existed immediately prior to its discharge on the 2025 triennial general election of members.
2. That Council in accordance with the Joint Committee Agreement – Downlands Water Scheme:
 - (a) appoints the Deputy Mayor as the elected member of the Downlands Joint Committee; and
 - (b) appoints the Mayor, and three additional members to the Downlands Joint Committee; or
3. That Council:
 - (i) Resolves which voting system (System A or System B pursuant to clause 25(4) schedule 7 of the Local Government Act 2002) to be used to elect its members for the Downlands Joint Committee; and
 - (ii) Elects the following members as its representatives on the Downlands Joint Committee.

Purpose of Report

- 1 To appoint Timaru District Council representatives to the Downlands Water Scheme Joint Committee in terms of the Agreement

Assessment of Significance

- 2 This matter is deemed to be of low significance in terms of the Council's Significance and Engagement Policy as the appointments are required by existing agreements

Discussion

- 3 The Downlands Water Scheme is a joint water scheme between Timaru District Council, Waimate District Council and Mackenzie District Council, jointly owned by the Councils in the following proportions:

Timaru District Council – 82%

Waimate District Council – 14%

Mackenzie District Council – 4%.

- 4 The Councils have a joint committee in relation to the governance of the Downlands Water Scheme in accordance with clause 30A of Section 7 of the Local Government Act 2002 and are parties to a Joint Committee Agreement regarding the Downlands Water Scheme dated 14 December 2021 (Agreement), refer Attachment 1. Each Council is bound by the Terms of Reference in Schedule 2 of the Agreement.
- 5 The role of the joint committee is to manage, direct and supervise the management of the business activities of the Downlands Water Scheme including but not limited to asset plan management, making recommendations, including on the rating requirement, to the respective councils each year for adoption within their respective Long Term Plans and Annual Plans. The Committee also oversees directing and supervising the management and operation of the Downlands Joint Water Scheme.
- 6 Under the Agreement, Timaru District Council has been appointed Manager of the Downlands Water Scheme.
- 7 The Agreement provides that Timaru District Council will appoint one elected member and 4 other members to the Downlands Committee. The Mackenzie and Waimate District Councils will each appoint an elected member and one member jointly to the Downlands Committee. This gives the Downlands Committee a total of 8 members. The Agreement provides that some matters must be by unanimous approval and other by granting delegation to the Manager.
- 8 The Mackenzie and Waimate District Councils will each appoint an elected member and one member jointly to the Downlands Committee. This will give the Downlands Committee a total of 8 members.

Options and Preferred Option

- 9 Option 1, the preferred option, is that Council, in accordance with the Agreement in relation to Joint Committee for the Downlands Water Supply Scheme reconstitutes the Joint Standing Committee for Governance of the Downlands Water Supply Scheme with the same delegated functions, powers, duties and voting rights that existed immediately prior to its discharge on the 2021 triennial general election of members, and in accordance with the Committee's Terms of Reference appoints;
 - (a) Deputy Mayor as the elected member of the Downlands Committee; and
 - (b) That Council appoints the Mayor, and three additional members to the Downlands Committee in accordance with the Agreement.
- 10 Option 2 is that Council determines alternative appointments. Where Council resolves to make alternative appointments it needs to determine which of the following voting systems will be used to elect its representatives, System A or System B (under clause 25 of Schedule 7 of the LGA), and as explained below.

System A—

- (b) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (c) 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.
- 11 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.
- 12 Finally, in a practicable sense it is not open to Council to not make appointments or to seek to change the composition of governing body membership without renegotiating the terms of the Agreement. Officers note that in the interim the current arrangements would be required to stand so that the business of the Downlands Water Committee can continue.

Consultation

- 13 Consultation is not required in this matter as the Timaru District Council appointments are solely at Council's discretion.

Relevant Legislation, Council Policy and Plans

- 14 Local Government Act 2002
- 15 Joint Committee Agreement – Downlands Water Scheme

Financial and Funding Implications

- 16 There are no financial or funding requirements related to this matter.

Other Considerations

- 17 The Downlands Scheme is subject to the requirements of the Local Water Done Well reform programme and therefore this scheme was included in the Water Delivery Plans for the three Council's that were submitted to Government.
- 18 At the Downlands Committee meeting held on 17 March 2025 potential pathways were identified for the water services delivery scenarios involving both in-house and Water Council Controlled Organisations (CCO).

- 19 Timaru District has opted to deliver its water supply services and asset ownership through a CCO. Waimate and Mackenzie District Councils have opted to deliver their water services in-house.
- 20 In accordance with the agreed pathway the following will apply:
- 20.1 Timaru District Council transfers Downlands assets, debt share and agreement to WO.
- 20.2 Waimate and Mackenzie District Council may elect to transfer their interest in the Downlands agreement to the WO, or may enter into service agreements with WO, or vest their respective Downlands assets to WO.

Attachments

- 1. Joint Committee Agreement - Downlands Water Scheme**

Joint Committee Agreement–Downlands Water Scheme

Date: 14th December 2021

Parties

- (1) Timaru District Council
- (2) Waimate District Council
- (3) Mackenzie District Council

Background

- A. The Downlands Water Scheme is a joint water scheme between Timaru District Council, Waimate District Council and Mackenzie District Council, jointly owned by the Councils in the following proportions:
 - (i) Timaru District Council: 82%;
 - (ii) Waimate District Council: 14%; and
 - (iii) Mackenzie District Council: 4%.
- B. The Councils have appointed a joint committee in relation to the Downlands Water Scheme in accordance with clause 30A of Schedule 7 of the Local Government Act 2002 and are parties to a Joint Committee Agreement regarding the Downlands Water Scheme (**2015 Joint Committee Agreement**).
- C. Under the 2015 Joint Committee Agreement management of the Downlands Water Scheme has been delegated to Timaru District Council.
- D. The parties wish to enter into this Agreement to provide greater certainty on matters such as:
 - a. the ownership of the Downlands Water Scheme;
 - b. the scope of, and limits to, the powers that are delegated by the Councils to the Joint Committee; and
 - c. the scope of, and limits to, the powers that are delegated to Timaru District Council as manager of the Downlands Water Scheme,

and to record agreements they have reached regarding the current \$26m Te Ana Wai upgrade of the Downlands Water Scheme (**Te Ana Wai Project**) and the loan funding required for that and other capital works projects.

By this Deed

1. Definitions

- 1.1 In this Agreement, the following terms have the following meanings:

2015 Joint Committee Agreement means the 2015 'Agreement in Relation to Joint Standing Committee for Governance of the Downlands Water Supply Scheme' entered into between the Councils under clause 5 of Schedule 1AA and clause 30A of Schedule 7 of the Local Government Act 2002.

Agreement means this agreement including its Schedules, as amended from time to time.

Councils means Timaru District Council, Waimate District Council and Mackenzie District Council (each a **Council**).

Downlands Water Scheme means the joint water scheme between the Councils known as the Downlands Water Scheme, as renewed, upgraded, extended and amended from time to time. An overview of the Downlands Water Scheme as at February 2021 is set out in Schedule 1.

Joint Committee means the joint committee appointed by the Councils in accordance with clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 known as the Downlands Water Scheme Joint Committee.

Management Services means the services to be provided by Timaru District Council under this Agreement as Manager of the Downlands Water Scheme.

Manager means Timaru District Council, in its role as manager of the Downlands Water Scheme.

Ownership Proportions means each Councils' joint ownership proportion of the Downlands Water Scheme set out in clause 3.1 as amended from time to time in accordance with clause 3.3.

Te Ana Wai Project means the \$26m Te Ana Wai upgrade of the Downlands Water Scheme being undertaken (project managed by Timaru District Council) to provide rural consumers with a more secure, dependable, high quality water supply. The upgrade will facilitate the supply of additional water to existing consumers and water for new consumers within the scheme area. There will also be an additional water treatment process which will ensure compliance with Drinking Water Standards. The project involves the following components:

- (a) pipeline Upgrade from Davison Road to Cave;
- (b) pipeline replacement from Cave to Richardson Road;
- (c) construction of a raw water reservoir and a treated water reservoir at Richardson Road;
- (d) upgrading the existing water supply intake infiltration gallery within the Te Ana Wai River; and
- (e) construction of a new Water Treatment Plant at Richardson Road.

Contracts for all the above components have been awarded and commissioning of the new treatment and storage facilities is planned to occur in 2022.

Terms of Reference means the Terms of Reference for the Downlands Water Scheme Joint Committee set out in Schedule 2.

Timaru's Water Services Bylaw means Chapter 15 (Water Services) of Timaru District Council's Consolidated Bylaw 2018 (as amended from time to time).

2. Effect of this Agreement

- 2.1 In accordance with clause 7 of the 2015 Joint Committee Agreement, the parties agree to vary the 2015 Joint Committee Agreement with effect from 1 July 2020 by replacing it with this Agreement. Regardless of the date the Agreement is signed, it shall take effect on 1 July 2020.
- 2.2 This Agreement is a joint committee agreement between the Councils under clause 30A(1) of Schedule 7 of the Local Government Act 2002.

3. Ownership of the Downlands Water Scheme

- 3.1 The Downlands Water Scheme is jointly owned by the Councils in the following proportions:
- (i) Timaru District Council: 82%;
 - (ii) Waimate District Council: 14%; and
 - (iii) Mackenzie District Council: 4%.
- 3.2 For the avoidance of doubt, all of the assets that from time to time comprise the Downlands Water Scheme (as renewed, extended, upgraded and amended from time to time) are jointly owned in those Ownership Proportions and all the Councils are jointly liable in their Ownership Proportions for any Downlands Water Scheme liabilities. For example if land is acquired for the purposes of the Downlands Water Scheme, the registered owner shall be the 3 Councils jointly, each in their Ownership Proportions.
- 3.3 The Ownership Proportions set out in clause 3.1 shall continue to apply throughout the term of this Agreement unless the Councils agree otherwise in writing.

4. Governance of the Downlands Water Scheme

- 4.1 The Downlands Water Scheme Joint Committee appointed by the Councils in accordance with clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 shall continue, but from 1 July 2020 shall be subject to the Terms of Reference set out in Schedule 2 (instead of the Terms of Reference set out in Schedule 1 of the 2015 Joint Committee Agreement). Each Council acknowledges it is bound by the Terms of Reference and shall comply with them, including by amending its standing orders as soon as possible to the extent that they are inconsistent with the Terms of Reference.
- 4.2 Each Council shall resolve under clause 30(7) of the Local Government Act 2002 that the Downlands Water Scheme Joint Committee will not be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general elections of members. If a Council has not passed such a resolution, it shall appoint a joint committee, to be known as the Downlands Joint Standing Committee, following each triennial local authority election.
- 4.3 The role of the Joint Committee is to manage, and direct and supervise the management of, the business and affairs of the Downlands Water Scheme, including (without limitation):
- (a) considering the asset management plan, long term plan, annual plan budgets and work programme (operational and capital works) prepared by the Manager under clause 5, and making recommendations to the Councils each year for adoption within each Council's respective Long Term Plans and Annual Plan (in their respective Ownership Proportions);
 - (b) directing and supervising the management and operation of the Downlands Water Scheme by the Manager, including ensuring compliance with the adopted asset management plan, long term plan, annual plan budgets, work programme and budgets;

- (c) considering the financial statements and budgets, prepared by the Manager under clause 5 and providing these to the Councils (noting the implications for each Council given its Ownership Proportion), together with a recommendation of the rates and charges to be struck and levied to meet the Downlands Water Scheme's financial requirements;
 - (d) ensuring that the Councils' Downlands Water Scheme reserves and other funds (which, for the avoidance of doubt are owned in accordance with the Ownership Proportions) are accessed and applied appropriately in accordance with clause 5.2(g);
 - (e) considering and approving the Manager's recommendations regarding:
 - (i) viable means of improving and extending all works comprising the Downlands Water Scheme; and
 - (ii) viable means of water treatment and conservation, and any means of obtaining additional water for the Downlands Water Scheme;
 - (f) providing advice and recommending strategies, policies and procedures necessary to assist the Manager in fulfilling its responsibilities as the Downlands Water Scheme Manager; and
 - (g) undertaking any other matters that will assist in the efficient, cost effective and productive management of the Downlands Water Scheme.
- 4.4 Subject to clause 4.5 (setting out decisions that are reserved to the Councils) each Council delegates to the Joint Committee all powers as are necessary for managing, and for directing and supervising the management of, the business and affairs of the Downlands Water Scheme. All decisions made by the Joint Committee under its delegated powers, or by the Manager under the powers that have been subdelegated to it, shall, without confirmation of the Councils, bind each Council as if it that decision had been made by that Council.
- 4.5 Subject to clause 4.6, decisions on the following matters require the unanimous approval of the Councils. The Manager may make recommendations to the Joint Committee, and the Joint Committee may make recommendations to the Councils on these matters, but decisions on these matters need to be made by the Councils:
- (a) each Council adopting the long term plan and annual plan budget for the Downlands Water Scheme, including any loan funding required to be raised, as part of their Long Term plan and Annual Plan (each in their respective Ownership Proportion);
 - (b) doing any of the following, except to the extent it is contemplated by the long term plan or annual plan budget for the Downlands Water Scheme adopted by the Councils:
 - (i) sell or purchase land held or required for the Downlands Water Scheme; or
 - (ii) to sell, transfer or otherwise dispose of all or part of the Downlands Water Scheme's assets, other than a sale when the assets are at the end of their useful life; and
 - (c) each Council setting the targeted rate to be charged to their respective ratepayers who are on the Downlands Water Scheme (noting that the Manager will make recommendations to the Joint Committee, and the Joint Committee will make recommendations to the Councils, of the targeted rates to be struck to meet the Downlands Water Scheme's financial requirements).
- 4.6 In order to give certainty over the budget and work program, each Council agrees that if the Manager reasonably considers that work, expenditure or a decision is required for the prudent management of the Downlands Water Scheme assets, to maintain existing levels of service or

to meet any regulatory requirement, it will provide any approvals required for that work, expenditure or decision.

- 4.7 Nothing in this Agreement prevents the Manager from carrying out action without the Councils' unanimous approval in an emergency situation or to protect the health or safety of persons or to prevent damage to property. The Manager shall promptly advise the Councils of the details of any action carried out under this clause 4.7.
- 4.8 The Joint Committee and the Manager shall each operate within budgets approved by the Councils. In the event that over expenditure is anticipated or incurred the Joint Committee shall immediately report that to the Councils.
- 4.9 The Joint Committee may provide any advice and develop and recommend any strategies, policies and procedures necessary to assist the Timaru District Council in fulfilling its responsibilities as the Downlands Water Scheme's Manager.

5. Management of Downlands Water Scheme

- 5.1 The Councils contract Timaru District Council to manage the Downlands Water Scheme. From 1 July 2020, Timaru District Council shall manage the Downlands Water Scheme on the terms set out in this Agreement, instead of the terms set out in the 2015 Joint Committee Agreement.
- 5.2 Timaru District Council shall provide the following management services in relation to the Downlands Water Scheme:
- (a) preparing an asset management plan, long term plan, annual plan budgets and work programme (operational and capital works) for the Downlands Water Scheme, providing these to the Joint Committee for consideration, and updating them to reflect any comments received from the Joint Committee before recommendations are made to the Councils each year for adoption within each Council's respective Long Term Plans and Annual Plan (in their respective Ownership Proportions);
 - (b) managing and operating the Downlands Water Scheme in accordance with the adopted asset management plan, long term plan, annual plan budgets, work programme and budgets, including carrying out ongoing inspection and maintenance of all works comprising the Downlands Water Scheme;
 - (c) preparing financial statements and budgets for the Downlands Water Scheme, including recommending the targeted rates and the charges to be struck and levied to meet the Downlands Water Scheme's financial requirements, providing these to Joint Committee for consideration, and updating them to reflect any comments received from the Joint Committee before they are provided to the Councils;
 - (d) receiving and processing of applications from the Downlands Water Scheme's consumers and prospective consumers, in respect of water to be supplied by the Downlands Water Scheme;
 - (e) setting and collecting connection fees (tank and unit);
 - (f) procuring and project managing, on behalf of the Councils, the capital works programme (renewals and extensions to the Downlands Water Scheme), in accordance with the approved long term plan and annual work programs for the Downlands Water Scheme. Typically renewals will be funded using Downlands Water Scheme reserves/retained earnings and extensions will be funded from reserves/retained earnings and/or borrowings;

- (g) accessing and applying Downlands Water Scheme reserves and other funds for the purpose of implementing the long term plan and annual work program for the Downlands Water Scheme;
 - (h) investigating and promoting:
 - (i) viable means of improving and extending all works comprising the Downlands Water Scheme; and
 - (ii) viable means of water treatment and conservation, and any means of obtaining additional water for the Downlands Water Scheme; and
 - (i) undertaking any other matters that will assist in the efficient, cost effective and productive management of the Downlands Water Scheme.
- 5.3 Although the Manager is engaged by the Councils jointly (as owners of the Downlands Water Scheme), the Manager shall report to, and be directed and supervised by, the Joint Committee. The Manager shall report to the Joint Committee annually (or more frequently as required by the Joint Committee).
- 5.4 Subject to clause 4.6 (setting out decisions that are reserved to the Councils), the Joint Committee sub-delegates to the Manager all the powers necessary for managing the business and affairs of the Downlands Water Scheme.
- 5.5 The Manager will carry out the Management Services:
- (a) with all reasonable care and skill.
 - (b) using personnel with appropriate skill and experience; and
 - (c) in compliance with all relevant laws and bylaws.
- 5.6 To the extent permitted by law, all other express or implied warranties or representations of the Manager (and its officers and employees) in relation to the Management Services are excluded. The parties contract out of sections 9, 12A, 13 and 14(1) of the Fair Trading Act.
- 5.7 The Joint Committee shall:
- (a) promptly respond to all requests made by the Manager for instructions, and promptly do all things which may reasonably be necessary to enable the Manager to provide the Management Services fully and effectively in the manner contemplated by this Agreement;
 - (b) ensure that there are sufficient funds available in the Downlands Water Scheme bank account to make payments as they fall due; and
 - (c) promptly provide all information, directions, assistance, approvals and co-operation reasonably required by the Manager for the provision of the Management Services under this Agreement.
- 5.8 In exchange for providing the Management Services, the Councils, in their Ownership Proportions, will reimburse all outgoings, costs, losses or liabilities properly incurred by the Manager in relation to, arising from or in connection, with its performance of the Management Services (including an engineering charge, a corporate overhead and project staff time at rates set by the Manager from time to time).
- 5.9 The Manager will not be liable for any delay or failure to perform any of its obligations that is caused or contributed to by any event beyond its reasonable control (including but not limited to

an act of nature, fire, discontinuity in power supply, court order, riot, war, strike or labour disturbance) provided it:

- (a) could not have avoided or overcome the event by exercising a standard of reasonable care at a reasonable cost;
- (b) notifies the Joint Committee in writing of the event on becoming aware of it; and
- (c) uses its best endeavours to mitigate the effects of the event and to perform its obligations not affected by the event.

6. Rates, bylaws and enforcement

- 6.1 Each Council shall collect all rates in relation to water supplied from the Downlands Water Scheme within its district, which will be accounted for and paid to the Manager for payment to a nominated bank account operated in accordance with any local authority accounting regulations in force. For clarity, connection fees (tank and unit), as distinct from rates, will generally be collected directly by the Manager as user fees and charges.
- 6.2 Waimate District Council and Mackenzie District Council shall each:
 - (a) enact a water services bylaw which has enforcement provisions that are consistent with the enforcement provisions contained in Timaru's Water Services Bylaw; and
 - (b) delegate the powers of enforcement, inspection and administration vested in it in relation to the provision of water services (and any other regulatory matter required to assist in the efficient management of the Downlands Water Scheme) shall be delegated to the Manager;
 - (c) under the provisions of the Local Government Act 2002, appoint officers, employees, contractors or agents of Timaru District Council (as notified by Timaru District Council from time to time) to be the enforcement officers for its District and issue warrants, as required by the Local Government Act 2002, to those selected enforcement officers stipulating their powers in relation to the administration of the Downlands Water Scheme.

7. Contracting and borrowing

- 7.1 The Downlands Water Scheme is not a separate legal entity. As set out in clause 3.2 the Downlands Water Scheme assets are owned, and liabilities are incurred, by the Councils jointly in their Ownership Proportions.
- 7.2 Contracts should generally be entered into in the names of the three Councils jointly, and each Council appoints the Manager as its agent for the purpose of executing Downlands Water Scheme contracts on its behalf, and doing all such other things, as may be necessary or desirable in order to implement, give effect to or perform Downlands Water Scheme contracts. However if one Council agrees to enter into a Downlands Water Scheme contract or to incur a Downlands Water Scheme liability in its own name alone, then:
 - (a) from the perspective of the other party to that contract, that Council alone would be fully liable to meet all of the obligations under the contract; but
 - (b) as between, the Councils, they are jointly liable for the costs and borrowings of the Downlands Water Scheme (including under any service, construction contract or loan), in their Ownership Proportions.
- 7.3 If Timaru District Council enters into a contract or takes out a loan to fund the development, extension or modification of the Downlands Water Scheme in its own name:

- (a) Waimate District Council and Mackenzie District Council each hereby:
 - (i) indemnify Timaru District Council for a proportion of the contract or loan (principal, interest and any charges) equal to that Council's Ownership Proportion; and
 - (ii) grant a power of attorney to Timaru District Council to allow it to recover rates arrears from users in that Council's district (without releasing the other Councils from their collection and payment obligations); and
 - (iii) agree that clause 7.2(b) shall apply to that loan; and
- (b) if ownership of the Downlands Water Scheme (or any part thereof) is transferred to another entity as a result of the proposed Central/Local Government Three Waters Reform Programme, each Council's proportionate share of that contract/loan (principal, interest and any charges) shall not remain with Timaru District Council following the effective date of the Reform. Each Council shall do all acts, matters or things as may be reasonably required to ensure Timaru District Council is not in worse financial position from funding the development, extension or modification in its own name than if that Council had directly funded its proportionate share of the liability/loan itself (e.g. Waimate District Council and Mackenzie District Council shall each include a mechanism as part of its long term plan process to ensure that if the Reform proceeds, its proportionate share of the liability/loan (including principal, interest and any charges) shall not remain with Timaru District Council following the effective date of the Reform). That Council shall procure that its proportionate share of the loan be transferred to it or the new entity.

8. Te Ana Wai Project

- 8.1 The Councils have agreed to undertake and commission the Te Ana Wai Project (consistent with prior approvals) including loan funding arrangements.
- 8.2 The Te Ana Wai Project is being commissioned and managed by Timaru District Council, on behalf of the Councils, in its roles as Manager of the Downlands Water Scheme. It is being funded:
 - (a) retained earnings; and
 - (b) the balance (up to approximately \$20,000,400 including an additional \$1.3m to be borrowed for other capital works).
- 8.3 The parties agree that the loan referred to in clause 8.2(b) is to be taken out in the name of Timaru District Council on behalf of the three Councils in their Ownership Proportions (i.e. 14% of the loan is attributable to Waimate District Council and 4% of the loan is attributable to Mackenzie District Council).
- 8.4 The loan referred to in clause 8.2(b) is to be repaid via revenue received from targeted rates charged by each Council (with the targeted rates collected by Waimate District Council and Mackenzie District Council to be on-paid to the Manager).
- 8.5 In consideration of Timaru District Council agreeing to enter the loan in its name, Waimate District Council and Mackenzie District Council each hereby:
 - (a) indemnify Timaru District Council for a proportion of the contract or loan (principal, interest and any charges) equal to that Council's Ownership Proportion; and
 - (b) grant a power of attorney to Timaru District Council to allow it to recover rates arrears from users in that Council's district (without releasing that Council from its responsibility to collect the rates and pay them to the Manager); and

(c) agree that clause 7.2(b) shall apply to that loan.

- 8.6 All improvements to the Downlands Water Scheme arising from the Te Ana Wai Project will be owned by the parties in the Ownership Proportions.

9. General

- 9.1 **Variations:** No amendments to this Agreement will be effective unless made in writing and signed by each Council.
- 9.2 **Confidentiality:** The parties acknowledge that some information provided by or to them under or in connection with this Agreement may be commercially sensitive or otherwise confidential. Where this is the case, the party providing the information should specify which information they provide is confidential, and the party receiving the information agrees not to use or disclose it without the discloser's prior consent. It will not be a breach of this clause for a party to use or disclose confidential information to the extent required to perform its obligations under this Agreement or to disclose confidential information to the extent required by Local Government Official Information and Meetings Act 1987 or any other law. This clause does not apply to information which is, or becomes, publicly available without breach of the obligations under this clause or which a party can prove it independently created or acquired.
- 9.3 **Further acts:** The parties will take all actions and sign all documents reasonably required to give effect to the provisions of this Agreement.
- 9.4 **Entire agreement:** This Agreement replaces any earlier representations, warranties, understandings and agreements (whether oral or written) between the parties and sets out the entire agreement between them relating to its subject matter.
- 9.5 **Health and Safety:** Nothing in this Agreement shall be taken to limit the duties owed by either party under the Health and Safety at Work Act 2015 (HSWA) (e.g. where each party has duties in relation to the same matter imposed by or under the HSWA, to, so far as is reasonably practicable, consult, cooperate, and coordinate activities with each other to the extent required to ensure they comply with their respective obligations under the HSWA).
- 9.6 **No agency:** Nothing in this Agreement will be deemed to create a partnership, joint venture or agency between the parties. No party has any authority to bind another party, unless expressly permitted to in this Agreement.
- 9.7 **No waiver:** No failure or delay by a party in insisting on the strict performance of this Agreement or to exercise any right under this Agreement will operate as a waiver of those matters. A waiver will not be effective unless it is in writing. A waiver of any breach will not be a waiver of any other breach.
- 9.8 **Counterparts:** This Agreement may be executed in counterparts (including by copy sent via email in PDF format and including by electronic signature). Each counterpart will be deemed to be an original and all counterparts together are to constitute one agreement.

		- the Joint Committee member that is an elected member of Waimate District Council and the Joint Committee member that is an elected member of Mackenzie District Council are both present; or - the Joint Committee member that is jointly appointed by Waimate District Council and Mackenzie District Council is present. No business may be transacted at a Joint Committee meeting if a quorum is not present. (This quorum is prescribed by clause 30A of Schedule 7 of the Local Government Act. That clause also specifies that a Mayor who is a member of the Joint Committee solely by operation of section 41A(5) of the Local Government Act is not to be counted as a member for the purposes of determining the number of members required to constitute a quorum or whether a quorum exists at a meeting.)
9.	Voting	Every member of the Joint Committee has 1 vote. The chairperson does not have a casting vote. A resolution of the Joint Committee is passed if it is agreed to by all Joint Committee members present without dissent or if a majority of the votes cast on it are in favour of it. A Joint Committee member present at a Joint Committee meeting is presumed to have agreed to, and to have voted in favour of, a resolution unless he or she expressly dissents from or votes against the resolution at the meeting.
10.	Minutes	The Joint Committee must ensure that minutes are kept of all proceedings at meetings of the Joint Committee. A copy of the minutes are to be provided to each Council.
11.	Written resolution in lieu of meeting	A resolution in writing, signed or assented to by all Joint Committee members, is as valid and effective as if it had been passed at a meeting of the Joint Committee duly convened and held. Any such resolution may consist of several documents (including electronic means of communication) in like form each signed or assented to by 1 or more members. A copy of any such resolution must be entered in the Joint Committee's minute book.
12.	Remuneration of members	Members of the Joint Committee may be remunerated by their appointing Council.
13.	Other proceedings	Except as provided in these Terms of Reference, the Joint Committee may regulate its own procedure.
14.	Definition	In these Terms of Reference: Downlands Water Scheme means the joint water scheme between Timaru District Council, Waimate District Council and Mackenzie District Council known as the Downlands Water Scheme, as renewed, upgraded, extended and amended from time to time; and Manager means Timaru District Council, in its role as manager of the Downlands Water Scheme.

		additional water for the Downlands Water Scheme; (f) providing advice and recommending strategies, policies and procedures necessary to assist the Manager in fulfilling its responsibilities as the Downlands Water Scheme Manager; and (g) undertaking any other matters that will assist in the efficient, cost effective and productive management of the Downlands Water Scheme.
5.	Membership	There shall be up to 8 members of the Downlands Water Scheme Joint Committee, appointed as follows: • each Council shall appoint 1 of its elected members as a Member; • Timaru District Council may appoint up to 4 additional Members; and • Waimate District Council and Mackenzie District Council may jointly appoint 1 additional Member. Under the Local Government Act an additional member who is not an elected member must, in the opinion of the appointing Council, have the skills, attributes, or knowledge that will assist the work of the Joint Committee. Appointments shall be made by notice in writing to Timaru District Council (as Manager of the Downlands Water Scheme).
6.	Chairperson	The Joint Committee shall elect one of its members as Chairperson and one of its members as Deputy Chairperson. The Joint Committee member elected as Chairperson and as Deputy Chairperson each holds that office for 3 years, unless he or she dies or resigns or the Joint Committee elect a Chairperson/ Deputy Chairperson in his or her place sooner. If, at a meeting of the Joint Committee, neither the Chairperson nor Deputy Chairperson is present within 5 minutes after the time appointed for the commencement of the meeting, the Joint Committee members present may choose one of their number to chair that meeting.
7.	Method of holding meetings	A meeting of the Joint Committee may be held either: • by a number of the Joint Committee members who constitute a quorum, being assembled together at the place, date, and time appointed for the meeting; or • by means of audio, or audio and visual, communication by which all Joint Committee members participating and constituting a quorum can simultaneously hear each other throughout the meeting.
8.	Quorum	Quorum for a Joint Committee meeting is: • half of the Joint Committee members if there is an even number of members; or • a majority of the Joint Committee members if there is an odd number of members. However a quorum will not be present unless:

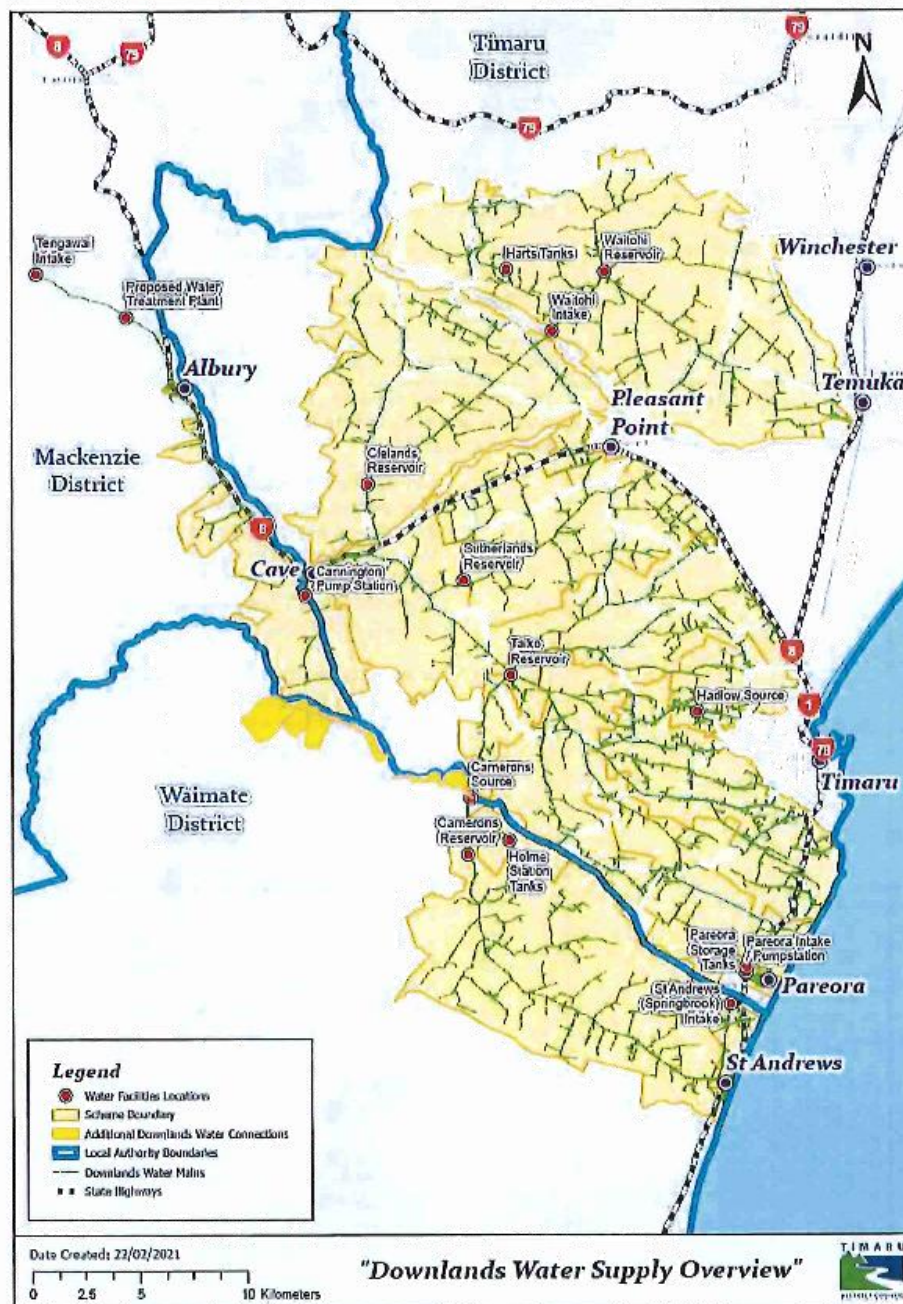
Schedule 2 – Terms of Reference

TERMS OF REFERENCE - DOWNLANDS WATER SCHEME JOINT COMMITTEE

Terms of Reference for the Downlands Water Scheme Joint Committee, a joint committee appointed by Timaru District Council, Waimate District Council and Mackenzie District Council in accordance with clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 known as the Downlands Water Scheme Joint Committee:

1.	Name	Downlands Water Scheme Joint Committee
2.	Structure	Appointed by the Timaru District Council, Waimate District Council and Mackenzie District Council in accordance with clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.
3.	Purpose	To ensure the ongoing effective governance and management of the Downlands Water Scheme.
4.	Functions	To manage, and direct and supervise the management of, the business and affairs of the Downlands Water Scheme, including (without limitation): (a) considering the asset management plan, long term plan, annual plan budgets and work programme (operational and capital works) prepared by the Manager, and making recommendations to the Councils each year for adoption within each Council's respective Long Term Plans and Annual Plan (in their respective Ownership Proportions); (b) considering the financial statements and budgets, prepared by the Manager and providing these to the Councils, together with a recommendation of the rates and charges to be struck and levied to meet the Downlands Water Scheme's financial requirements; (c) directing and supervising the management and operation of the Downlands Water Scheme by the Manager, including ensuring compliance with the adopted asset management plan, long term plan, annual plan budgets, work programme and budgets; (d) ensuring that the Councils' Downlands Water Scheme reserves and other funds are accessed and applied appropriately in accordance with the Agreement between the Councils; (e) considering and approving the Manager's recommendations regarding: (i) viable means of improving and extending all works comprising the Downlands Water Scheme; and (ii) viable means of water treatment and conservation, and any means of obtaining

Schedule 1 – Downlands Water Scheme Overview



7.14 Timaru District Holdings Limited: Appointment of Proxy for Annual General Meeting**Author:** Jessica Kavanaugh, Democracy Services Lead**Authoriser:** Stephen Doran, Acting Chief Executive**Recommendation**

That Council appoint a proxy and alternative proxy to represent Council and vote on all matters arising at the Annual General Meeting of Timaru District Holdings Limited.

Purpose of Report

- 1 To appoint a proxy and alternative proxy to represent Council and vote on all matters at the Annual General Meeting of Timaru District Holdings Limited (TDHL).

Assessment of Significance

- 2 This matter is not deemed significant under the Council's Significance and Engagement Policy. Appointment of a proxy and the exercise of the proxy's vote at TDHL's Annual General Meeting is the exercise of a governance function and does not affect strategic assets, level of service or rates.

Background and Discussion

- 3 The Annual General Meeting for TDHL will be held on 05 November 2025 at 1.30pm.
- 4 The Annual General Meeting is a statutory requirement, and it conducts business which requires the shareholder to vote on resolutions and matters brought to the meeting, such as receiving the Chairperson and General Manager's respective reports, adopting the Annual Report and appointing the auditor.
- 5 The Council, as sole shareholder is required to appoint a proxy to attend, represent and vote on its behalf at the TDHL Annual General Meeting. An alternative proxy should also be appointed in the event the original proxy is unable to attend.
- 6 To avoid the perception of a conflict of interest, it is good practice that the proxy and alternate proxy are not current directors of THDL.

Options and Preferred Option

- 7 There is no reasonable nor practical alternative to Council appointing a proxy and alternate proxy. Council is the sole shareholder, and it is necessary to have representation at the meeting.

Consultation

- 8 Consultation occurs through Council members as representatives of the public.

Relevant Legislation, Council Policy and Plans

- 9 Local Government Act 2002

10 Companies Act 1993

11 Timaru District Holdings Limited Constitution

Financial and Funding Implications

12 There are no funding or financial implications arising from the appointment of a proxy.

Other Considerations

13 There are no other considerations relevant to this matter.

Attachments

Nil

7.15 Venture Timaru Ltd: Appointment of Proxy for Annual General Meeting**Author:** Jessica Kavanaugh, Democracy Services Lead**Authoriser:** Stephen Doran, Acting Chief Executive**Recommendation**

That Council appoint a proxy and alternative proxy to represent Council and vote on all matters arising at the Annual General Meeting of Venture Timaru Ltd.

Purpose of Report

- 1 To appoint a proxy and alternative proxy to represent Council and vote on all matters at the Annual General Meeting of Venture Timaru Ltd (VT).

Assessment of Significance

- 2 This matter is not deemed significant under the Council's Significance and Engagement Policy. Appointment of a proxy and the exercise of the proxy's vote at Venture Timaru's Annual General Meeting is the exercise of a governance function and does not affect strategic assets, levels of service or rates.

Background and Discussion

- 3 The Annual General Meeting for Venture Timaru will be held on 05 November 2025 at 12.00pm.
- 4 The Annual General Meeting is a statutory requirement, and it conducts business which requires the shareholder to vote on resolutions and matters brought to the meeting, such as receiving the Chairperson and General Manager's respective reports, adopting the Annual Report and appointing the auditor.
- 5 The Council, as sole shareholder is required to appoint a proxy to attend, represent and vote on its behalf at the Venture Timaru Annual Meeting. An alternative proxy should also be appointed in the event the proxy is unable to attend.
- 6 To avoid the perception of a conflict of interest, it is good practice that the proxy and alternate proxy are not current directors of Venture Timaru.

Options and Preferred Option

- 7 There is no reasonable nor practicable alternative to Council appointing a proxy and alternate. Council is the sole shareholder, and it is necessary to have representation at the meeting.

Consultation

- 8 Consultation occurs through Council members as representatives of the public.

Relevant Legislation, Council Policy and Plans

- 9 Local Government Act 2002

10 Companies Act 1993

11 Venture Timaru Ltd Constitution

Financial and Funding Implications

12 There are no funding or financial implications arising from the appointment of a proxy.

Other Considerations

13 There are no other considerations relevant to this matter.

Attachments

Nil

8 Consideration of Urgent Business Items

9 Consideration of Minor Nature Matters

10 Public Forum Items Requiring Consideration