

The Chairman and Councillors  
**Regional Council**

**NOTICE IS GIVEN** that the Inaugural Meeting of the **Regional Council** for the **Eighth Triennium** will be held in **Council Meeting Room One, Environment Bay of Plenty, 5 Quay Street, Whakatane** on:

**EMBARGOED**

Until 2 working days before meeting on:

**Thursday, 21 October 2010**

**commencing at 10.30 a.m.**

Bill Bayfield  
**Chief Executive**

18 October 2010

*Working with our communities for a better environment*





## **Full Council Terms of Reference**

### **Purpose**

To enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.

To promote the social, economic, environmental and cultural well-being of Bay of Plenty communities, in the present and for the future.

To set the overarching strategic direction for Environment Bay of Plenty as an organisation.

To provide strategic oversight of the financial affairs of Council.

### **Under Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:**

- 1 Making a rate.
- 2 Making a bylaw.
- 3 Borrowing money or purchasing or disposing of assets, other than in accordance with the Ten Year Plan.
- 4 Adopting a Ten Year Plan, Annual Plan, or Annual Report.
- 5 Appointing a chief executive.
- 6 Adopting policies required to be adopted and consulted on, under the Local Government Act 2002, in association with the Ten Year Plan or developed for the purpose of the local governance statement.
- 7 Warranting enforcement officers.

### **Roles**

To address Local Electoral Act matters and Local Government Rating Act matters.

To oversee all matters relating to identifying and contributing to community outcomes.

To address matters relating to significant new activities or areas of involvement such as infrastructure.

To develop and review Council's Policy on Significance and decision-making policy and processes.

To develop and implement the triennial agreement and code of conduct.

To address elected member remuneration matters.

To receive reports/minutes from multi council forums.

To approve membership to external bodies and organisations, including council controlled organisations.

To approve all delegations to staff.

To address corporate matters including property and accommodation.

To develop and review policies for, and monitor the performance of, council controlled organisations.

To review and approve matters relating to the sale, purchase and development of property for the purposes of meeting Council's organisational requirements.

To approve recommendations from joint committees including the SmartGrowth Implementation Committee, the Rotorua Lakes Strategy Group, the Bay of Plenty Civil Defence Emergency Management Group and the Kaituna River Maketu Estuary Strategy Joint Committee and Rotorua Air Quality Joint Committee.

Instituting any proceedings in the High Court that are not injunctive proceedings.

Exercising the powers and duties conferred or imposed on Council by the Public Works Act 1981.

Altering existing Council policies, other than Council policies determined on behalf of the Council, within delegation, by the relevant committee.

Authority to review and determine how Council's activities should be described, planned and monitored in the draft and final Ten Year Plan.

Appointing commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act, to hear and decide a consent application.

### **Authority**

Full Council has a monitoring role on the functioning of all committees and will consider matters not solely within the delegation of any one Council committee. It may at any time, revoke or modify a delegation to a Council committee and may deal directly with any matter within the terms of reference of any of its committees, if it considers there is good reason to do so.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise his/her discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

## Committee Membership

**Chairman:** To be elected

**Deputy Chairman:** To be elected

**Councillors:** R Bennett, J Cronin, T Eru, J Mansell, T Marr, J Nees, I Noble, N Oppatt, D Owens, P Sherry, P Thompson, L Thurston, M Whitaker

**Secretary:** L Butt

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Recommendations in reports are not to be construed as Council policy until adopted by Council.

## Agenda

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1.2 Making and attesting of declarations by elected members

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The Chief Executive will call for nominations for the position of Council Chairperson.

1.4 Making and attesting of the declaration by the Chairperson

The Chairperson will assume the chair.

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The Chairperson will call for nominations for the position of Deputy Chairperson of Council.

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The Inaugural Meeting will be closed.

### 2 Farewell to Sandy Lawrie

At the conclusion of the Inaugural Council Meeting, Council will farewell Sandy Lawrie, who has been a member of the senior management team at Council since 1989.



# Council Reports



**File Reference:** 2.00077  
**Significance of Decision:** Receives Only - No Decisions



**Report To:** Regional Council  
**Meeting Date:** 21 October 2010  
**Report From:** The Electoral Officer

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## Final declaration of election results

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### Executive Summary

This report presents Council with the final declaration of the results of the election of Councillors to the Bay of Plenty Regional Council.

## 1 Recommendations

**That the Regional Council:**

- 1 Receives the report, Final declaration of election results.**

## 2 Introduction

Attached is the final declaration of the results of the election of Councillors to the Bay of Plenty Regional Council.

All constituencies were contested.

The official result appeared in the major newspapers in the Bay of Plenty on 16 October 2010.

## 3 Final Declaration of Results of Election Bay of Plenty Regional Council

The final result of the election held on Saturday 9th October 2010 for the election of thirteen (13) members to the Bay of Plenty Regional Council is as follows:

<b><u>Eastern Bay of Plenty General Constituency – Two Vacancies</u></b>	
<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>MANSELL Jim</b>	<b>7627</b>
<b>WHITAKER Malcolm</b>	<b>5021</b>
HOLMES Colin	4133
CLARK Bill	4067
FORD Robin	2560
INFORMAL	34
BLANK	740

**Jim Mansell and Malcolm Whitaker are declared elected.**

**Rotorua General Constituency – Two Vacancies**

<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>THURSTON Lyall</b>	<b>9090</b>
<b>OPPATT Neil</b>	<b>7415</b>
BENTLEY Peter	7221
GILLIONS Aaron	2737
INFORMAL	11
BLANK	794

**Lyall Thurston and Neil Oppatt are declared elected.**

**Tauranga General Constituency – Four Vacancies**

<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>CRONIN John</b> <b>Proven Leadership</b>	<b>17,543</b>
<b>SHERRY Philip</b> <b>Independent</b>	<b>15,411</b>
<b>OWENS Douglas</b> <b>Tauranga Man</b>	<b>12,469</b>
<b>THOMPSON Paula</b>	<b>12,352</b>
SUMMERHAYS Karen	12,247
VON DADELSZEN Andrew	11,506
DILLON Mary	10,485
WILLOUGHBY Alan <b>Independent</b>	6,250
VAN DER BEEK Jeroen	5,022
INFORMAL	39
BLANK	2,186

**John Cronin, Philip Sherry, Douglas Owens and Paula Thompson are declared elected.**

**Western Bay of Plenty General Constituency – Two Vacancies**

<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>NEES Jane</b>	<b>6339</b>
<b>NOBLE Ian</b>	<b>4848</b>
BRUNING Norm	4409
SHORT Tim <b>Environmental Health is Wealth</b>	2940
INFORMAL	36
BLANK	747

**Jane Nees and Ian Noble are declared elected.**

**Kohi Maori Constituency – One Vacancy**

<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>MARR Tiipene Stephen Perenara</b>	<b>1774</b>
ARAROA Miro	899
HOHAPATA-OKE Phillip John	874
INFORMAL	23
BLANK	218

**Tiipene Stephen Perenara Marr is declared elected.**

**Mauao Maori Constituency – One Vacancy**

<b><i>Candidates</i></b>	<b><i>Number of votes</i></b>
<b>BENNETT Raewyn Tangata whenua</b>	<b>1800</b>
PATERSON Andre	418
INFORMAL	2
BLANK	184

**Raewyn Bennett is declared elected.**

**Okurei Maori Constituency – One Vacancy**

<b>Candidates</b>	<b>Number of votes</b>
<b>ERU Tai</b>	<b>619</b>
MIHINUI Roku	605
TAHANA Joe	447
POTAKA-DEWES Kiri Independent	331
BERRYMAN-KAMP Eugene	289
MEHA Morris Apiata	244
WEPA Matt	225
GOLDSMITH James	140
INFORMAL	78
BLANK	97

**Tai Eru is declared elected.**

Declared at Whakatane on the 15th day of October 2010.

**4 Financial Implications**

This is an information only report. There are no decisions recommended and therefore no financial implications that need to be considered.

Lucinda Butt  
**Electoral Officer**

**15 October 2010**



# Bay of Plenty Regional Council

## Whakapuakanga a ia Mema

Ko ahau ko, \_\_\_\_\_ tēnei e kī whakapuaki nei, e ngākau pono nei, e tōkeke ana hoki, otira, e ai ki ōku mohiotanga katoa, me ōku mana whakawātanga katoa, e mahia ai e au ngā mahi katoa, hei painga taumata mā Te Kaunihera ā-rohe mā Te Moana a Toi te Huatahi, i raro i ngā mana, me ngā ihi, me ngā wehi, kua whakareia mai nei ki au, kua mema nei au ki Te Kaunihera ā-rohe mā Te Moana a Toi te Huatahi, i raro hoki i ngā ture Kāwanatanga a Takiwā o te tau 2002, te ture Kāwanatanga a Takiwā mā ngā Rongo Kātīpa, me ngā Huihuinga o te tau 1987, i raro rānei i ētehi ture kē atu.

Kua whakarātia ki konei ki Whakatāne, ki tēnei rā te 21 o Whiringa-ā-Nuku, o te tau 2010

Ko Toku Tohu Tenei \_\_\_\_\_

Ko te Kaititiro ko:

Bill Bayfield  
Chief Executive





# Bay of Plenty Regional Council

## Declaration by Member

I, \_\_\_\_\_ declare that I will faithfully and impartially and according to the best of my skill and judgement execute and perform, in the best interests of the Bay of Plenty Region, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Bay of Plenty Regional Council by virtue of the Local Government Act 2002, The Local Government Official Information and Meetings Act 1987 or any other Act.

Dated at Whakatane this 21st day of October 2010.

Signature \_\_\_\_\_

In the Presence of:

Bill Bayfield  
**Chief Executive**



**File Reference:** 2.00003  
**Significance of Decision:** Low



**Report To:** Regional Council  
**Meeting Date:** 21 October 2010  
**Report From:** Bill Bayfield, Chief Executive

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## Election of Chairperson

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### Executive Summary

This report deals with the process following calling for nominations for the election of Chairperson.

## 1 Recommendations

**That the Regional Council:**

- 1 Receives the report, '*Election of Chairperson*'.**
- 2 Selects System A as the voting system to elect the Chairperson.**
- 3 Elects the Chairperson.**
- 4 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

## 2 Introduction

The Chief Executive is required to call for nominations for the election to the office of Chairperson as stipulated in clause 21 of Schedule 7 of the Local Government Act 2002.

If a vote is required the Chief Executive must follow the provisions of clause 25 of Schedule 7 of the Local Government Act 2002, which states:

*"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.*

*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 two 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 one round of voting; and*
  - (ii) *if two or more candidates tie for the most votes, the tie is resolved bylot.”*

### **3 Financial Implications**

#### **Current Budget**

All Councillor remuneration (including the Chairman) is budgeted for.

#### **Future Implications**

All future Councillor remuneration (including the Chairman) is budgeted for.

#### **Ten Year / Annual Plan Implications**

There are no Ten Year or Annual Plan implications as a result of the decision being made.

Cindy Butt  
**Governance Team Leader**

**for Chief Executive**

**13 October 2010**





# Bay of Plenty Regional Council

## Declaration by Chairperson

I, \_\_\_\_\_ declare that I will faithfully and impartially and according to the best of my skill and judgement execute and perform, in the best interests of the Bay of Plenty Region, the powers, authorities, and duties vested in, or imposed upon, me as Chairperson of the Bay of Plenty Regional Council by virtue of the Local Government Act 2002, The Local Government Official Information and Meetings Act 1987 or any other Act.

Dated at Whakatane this 21st day of October 2010.

Signature \_\_\_\_\_

In the Presence of:

Bill Bayfield  
**Chief Executive**



**File Reference:** 2.00003  
**Significance of Decision:** Low



**Report To:** Regional Council  
**Meeting Date:** 21 October 2010  
**Report From:** Bill Bayfield, Chief Executive

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## Election of Deputy Chairperson

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### Executive Summary

This report deals with the process following calling for nominations for the election of Deputy Chairperson.

## 1 Recommendations

**That the Regional Council:**

- 1 Receives the report, 'Election of Deputy Chairperson'.**
- 2 Selects System A as the voting system to elect the Chairperson.**
- 3 Elects the Deputy Chairperson.**
- 4 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

## 2 Introduction

The Chief Executive is required to call for nominations for the election to the office of Deputy Chairperson as stipulated in clause 21 of Schedule 7 of the Local Government Act 2002.

If a vote is required the Chief Executive must follow the provisions of clause 25 of Schedule 7 of the Local Government Act 2002, which states:

*"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.*

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

### 3 **Financial Implications**

#### **Current Budget**

All Councillor remuneration (including Deputy Chair) is budgeted for.

#### **Future Implications**

All future Councillor remuneration (including Deputy Chair) is budgeted for.

**Ten Year / Annual Plan Implications**

There are no Ten Year or Annual Plan implications as a result of the decision being made.

Cindy Butt  
**Governance Team Leader**

**for Chief Executive**

**13 October 2010**



**File Reference:** 2.00003  
**Significance of Decision:** Receives Only - No Decisions



**Report To:** Regional Council  
**Meeting Date:** 21 October 2010  
**Report From:** Bill Bayfield, Chief Executive

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## Summary of relevant legislation affecting members

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### Executive Summary

This report sets out a general explanation of the laws that regulate the conduct of elected members, as required by the Local Government Act 2002.

## 1 Recommendations

**That the Regional Council:**

- 1 Receives the report, 'Summary of relevant legislation affecting members.'**
- 2 Notes its contents.**

## 2 Introduction

Clause 21(5), Schedule 7 of the Local Government Act 2002 requires that the business to be conducted at the first Council Meeting following the triennial elections, include a general explanation of:

- The Local Government Official Information and Meetings Act 1987 (LGOIMA); and
- Other laws affecting members, including:
  - (iii) The appropriate provisions of the Local Authorities (Members Interests) Act 1968; and
  - (iv) Sections 99, 105, and 105A of the Crimes Act 1961; and
  - (v) The Secret Commissions Act 1910; and
  - (vi) The Securities Act 1978.

Councillors please note that copies of the following publications are in your Council introductory pack:

- Local Government Act 2002
- Resource Management Act 1991
- Local Government Official Information and Meetings Act 1987; and

- The Office of the Auditor General – Guidance for members of local authorities about the law on conflicts of interest, June 2007.

### 3 **Summary of Relevant Legislation**

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

The Local Government Official Information and Meetings Act 1987 has the following purposes:

- 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.

The Act stipulates that the principle to be applied when dealing with requests for information is that the information will be provided unless good reason exists for withholding it.

The only “good reasons” for withholding information are specified in Sections 6 & 7 of the Act. They include:

- To protect natural privacy
- To avoid disclosing a trade secret or unreasonably prejudice the commercial position of a person who supplied information
- To protect an obligation of confidence (although this reason is qualified by the Act)
- To avoid prejudice to public health or safety
- To avoid prejudice to measures to mitigate material public loss
- To maintain legal professional privilege
- To avoid prejudice or disadvantage in the conduct of industrial or commercial activities or negotiations
- To prevent the use of official information for improper gain or advantage
- To enable the Council to carry on negotiations (including commercial or industrial negotiations).

Unless one or more of these elements is present, then the Council cannot exclude the public from a meeting. Every resolution to exclude the public from a meeting is required to state:

- the general subject of each matter to be considered
- the reason why the matter is considered to be confidential

- the grounds in the Act under which the resolution is based

The Act also contains “rules” for the conduct of meetings of Council. These “rules”, that must be observed, are additional to those contained in Schedule 7 of the LGA 2002 or in the Council’s standing orders. The “rules” imposed on meetings by LGOIMA are intended to ensure that:

- Meetings of Council and its Committees are publicly notified.
- Members of the public can obtain copies of agendas of all meetings including the reports and other information to be provided to members for consideration and discussion at meetings.
- All the business dealt with at the meeting will be listed in the agenda for the meeting. However, an item that is not on the agenda can be considered at a meeting if special circumstances exist and procedures and restrictions imposed by the act are observed.
- The public may only be excluded from a meeting or part of a meeting on one of the grounds specified in the Act. In general terms the Act permits an item to be discussed in private if to do so in public would be likely to result in the disclosure of information which the Council has good reason to withhold for one of the reasons set out in sections 6 or 7. The Act also stipulates the procedure to be followed at a meeting where it is intended to conduct some business in the absence of the public.

### 3.2 **The Local Authorities (Members’ Interests) Act 1968**

This Act stipulates that any member who has “... directly or indirectly any pecuniary interest other than an interest in common with the public” in any matter being dealt with by the Council shall not vote on the matter or take part in its discussion.

Instances where a member is deemed to have a pecuniary interest are set out in Section 6. In particular, the interest of a spouse is deemed to be interest of the member for the purposes of the Act.

Section 6 also identifies situations that are deemed not to create a pecuniary interest.

Section 3 of the Act limits the extent to which a member may act as a contractor (or subcontractor) to the Council. Any member who earns more than \$25,000 (incl. GST) in a year from Contracts with Council is automatically disqualified from office unless Audit Office approval to the excess is obtained.

Audit office approval is likely for specific contracts if:

- The contract was put out to public tender and the members submitted the best price; and
- Approval is sought (and obtained) before the contract is entered into.

If any Councillor has a concern that a conflict of interest may exist, discuss it with the Chief Executive or the Audit Office.

For more information please refer to “*The Office of the Auditor General – Guidance for members of local authorities about the law on conflicts of interest, June 2007.*”

### 3.3 Crimes Act 1961

This Act makes it a crime for any official to corruptly accept any bribe, to do or fail to do any act in official capacity. This includes Councillors and staff. It is also illegal to corruptly use information acquired in an official capacity.

Sections 99, 105 and 105A are quoted below and need no further explanation.

*“99 Interpretation – In this part of the Act, unless the context otherwise requires, -*

**“Bribe”** *means any money, valuable consideration, office or employment, or any benefit, whether direct or indirect:*

**“Judicial Officer”** *means a Judge of any Court, or a Magistrate, Coroner, or Justice of the Peace, or any other person holding any judicial office, or any person who is a member of any tribunal authorised by law to take evidence on oath:*

**“Law Enforcement Officer”** *means any constable, or any person employed in the detection or prosecution or punishment of offenders:*

**“Official”** *means any person in the service of Her Majesty in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the Education service within the meaning of [the Government Superannuation Fund Act 1956]”*

*“105 Corruption and bribery of official*

*(1) Every official is liable to imprisonment for a term not exceeding seven years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted by him in his official capacity.*

*(2) Everyone is liable to imprisonment for a term not exceeding three years 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 him in his official capacity.”*

*“105A Corrupt use of official information*

*Every official is liable to imprisonment for a term not exceeding seven years who, whether within New Zealand or elsewhere, corruptly uses any information acquired by him in his official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or any other person”.*

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

It is an offence for an officer or a member of a local authority to accept any gift or inducement for doing or not doing any act in relation to the Council's business.

Under this Act, a member of the Council could commit an offence by, for example:

- Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council's business; or
- Securing a Council contract for a third person in exchange for a reward; or
- By falsifying receipts.

### 3.5 **Securities Act 1978**

The Securities Act requires that a prospectus be issued, and compliance with other provision, if the Council is to seek to borrow money from members of the public.

The penalties for breach of the Act are severe, and of greater significance is the fact that liability could attach to members individually and not just to the Council.

## 4 **Financial Implications**

### **Current Budget**

This is an information only report. There are no decisions recommended and therefore no financial implications that need to be considered.

Cindy Butt  
**Governance Team Leader**

**for Chief Executive**

**15 October 2010**



File Reference: 2.00003  
Significance of Decision: Low



Report To: Regional Council  
Meeting Date: 21 October 2010  
Report From: Bill Bayfield, Chief Executive

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## The fixing of the date and time of the first meeting of the Council

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### Executive Summary

The Local Government Act requires Council, at its Inaugural Meeting, to fix the date and time of the first meeting of the Council in a new triennium.

## 1 Recommendations

That the Regional Council:

- 1 Receives the report, 'The fixing of the date and time of the first meeting of the Council.'
- 2 Confirms that the first meeting of the Bay of Plenty Regional Council will be held on Thursday, 11 November 2010, starting at 9.30 am and to be held in Tauranga (at a venue to be confirmed).
- 3 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.

## 2 Introduction

Clause 21, Schedule 7 of the Local Government Act 2002 requires the Council at its Inaugural Meeting to fix the date and time of the first meeting of Council.

I propose the first meeting of Council be scheduled on **Thursday, 11 November 2010** to start at 9.30 am, and be held in Tauranga (at a venue to be confirmed).

**3 Schedule of Meetings for November and December 2010 and the year following 2011**

The Council Induction is set down for one and a half days on Wednesday 3 November and Thursday 4 November 2010. The venue for the induction is the Sudima Hotel in Rotorua. All Councillors are invited to arrive at the venue on the evening of Tuesday 2 November 2010, where there will be an opportunity to meet and dine informally prior to your induction. Please confirm your arrival date and time with Cindy Butt (Governance Team Leader).

It is intended that Councillors will discuss, amongst a number of other issues, matters relating to committee structure and meeting sequence. Recommendations, having regard to views expressed at the retreat, will be presented to the proposed first meeting and will determine a timetable of future meetings. Reports on committee structures and membership will also be presented to that first meeting of the Council, proposed to be held on 11 November 2010.

**4 Financial Implications**

**Current Budget**

There are no financial implications.

**Future Implications**

There are no future financial implications.

**Ten Year / Annual Plan Implications**

There are no Ten Year or Annual Plan implications.

Cindy Butt  
**Governance Team Leader**

**for Chief Executive**

**9 September 2010**

**File Reference:** 2.00001  
**Significance of Decision:** Low



**Report To:** Regional Council  
**Meeting Date:** 21 October 2010  
**Report From:** Bill Bayfield, Chief Executive

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## Standing Orders

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### Executive Summary

The report recommends Council adopts the Bay of Plenty Regional Council Standing Orders as appended to this report.

## 1 Recommendations

**That the Regional Council:**

- 1 Receives the report, 'Standing Orders.'**
- 2 Adopts the Bay of Plenty Regional Council Standing Orders 21 October 2010.**
- 3 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

## 2 Introduction

Standing orders of a council outline the rules for how meetings of the council and its committee's will be conducted and must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act. Councils are required to adopt a set of standing orders as per clause 27, Schedule 7 of the LGA 2002. Standing orders also provide a set of agreed principles for how members should behave in meetings.

The adoption of standing orders by the Council requires a vote of not less than 75% of the members present.

Once adopted, the standing orders continue in existence and force until they are replaced or altered in accordance with schedule 7 of the LGA 2002.

In previous triennia Council has adopted the Standards New Zealand model standing orders.

### 3 **Bay of Plenty Regional Council Standing Orders October 2010**

In the last triennium Council adopted the NZS 9202:2003 and amended it to include two new clauses: (i) a chairperson to have a casting vote; and (ii) Council's own public forum process.

In August 2010 Standards New Zealand advised a new initiative whereby it has granted permission to all local authorities in New Zealand to use its *'Model Standing Orders for Meetings of Local Authorities and Community Boards NZS 9202:2003'* as a base document to derive individual local authority standing orders documents. What this means is that local authorities now have the ability to use the NZS model, amend it, and call it their own.

As such staff recommend that Council adopt The Bay of Plenty Regional Council Standing Orders (as appended to this report). I confirm that the standing orders document is derived from the *'Model Standing Orders for Meetings of Local Authorities and Community Boards NZS 9202:2003'* model, with the inclusion of the casting vote and public forum process clauses.

### 4 **Financial Implications**

#### **Current Budget**

Production of the standing orders documents is completed as an internal corporate services function, and is budgeted for.

#### **Future Implications**

There are no future financial implications.

#### **Ten Year / Annual Plan Implications**

There are no Ten Year Plan or Annual Plan financial implications.

Cindy Butt  
**Governance Team Leader**

**for Chief Executive**

**15 September 2010**

# Bay of Plenty Regional Council Standing Orders

BASED ON THE  
New Zealand Standard

## Model Standing Orders

For Meetings of  
Local Authorities and Community Boards

**NZS 9202:2003**  
**Incorporating Amendment No.1**  
**Superseding NZS 9202:2001**

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

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**REFERENCED DOCUMENTS**

**New Zealand Legislation**

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

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## **FOREWORD**

This Standard is a revision of NZS 9202:2001 and includes Amendment No.1

The revision has been necessitated by the enactment of the Local Government Act 2002 (including amendments made to the Act in 2004), and the consequential repeal of relevant parts of the Local Government Act 1974 as these affect provisions of the Model Standing Orders for meetings of territorial authorities, regional councils and community boards.

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

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NEW ZEALAND STANDARD

MODEL STANDING ORDERS FOR MEETINGS OF LOCAL  
AUTHORITIES AND COMMUNITY BOARDS

These Standing Orders were adopted by .....  
Council at a meeting held on ..... and apply to all  
meetings of this local authority, its committees and subcommittees.

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# BAY OF PLENTY REGIONAL COUNCIL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

## PART 1 GENERAL

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

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

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

## 1.2 Interpretation

The terms “normative” and “informative” have been used in this Standard to define the application of the Appendix to which they apply. A “normative” appendix is an integral part of a Standard, whereas an “informative” appendix is only for information and guidance. Informative provisions do not form part of the mandatory requirements of the Standard.

In this Standard the word “shall” identifies a mandatory requirement for compliance. The word “should” refers to practices which are advised or recommended.

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

## 1.3 Definitions

In these standing orders, unless inconsistent with the context:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

### 2.1 INTRODUCTION

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

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

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

**Business to be conducted**

**2.2.2**

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

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

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

**Members to give notice of addresses**

**2.2.3**

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

**2.3 CHAIRPERSON OF MEETINGS**

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

**2.3.1**

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

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

**Chairperson of committee to preside**

**2.3.2**

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

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

**2.4 QUORUM AT MEETINGS**

**Requirement for a quorum**

**2.4.1**

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

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

**Quorum to be present throughout meeting**

**2.4.2**

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

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

**Definition of quorum for local authority or joint committee meetings**

**2.4.3**

**“The quorum at a meeting of –**

**(a) a local authority or joint committee consists of –**

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

**(ii) a majority of members if the number of members (including vacancies) is odd.”**

[cl. 23(3), cl. 30(9), Schedule 7, LGA]

**Definition of quorum for committee meetings**

**2.4.4**

**“The quorum at a meeting of –**

**[... (b) a committee –**

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

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

## 2.5 VOTING AT MEETINGS

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

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

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

- a) **Has a deliberative vote; and**
- b) **In the case of an equality of votes, has a casting vote.**

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

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

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

[cl. 24, Schedule 7, LGA]

## 2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

**Provisions for election or appointment of deputy mayor, chairpersons and of local authorities and committees, and representatives of the local authority** 2.6.1  
**“[This Standing Order applies to] –**

- (a) **the election or appointment of the chairperson and deputy chairperson deputy chairpersons of a regional council; and**
- (b) **the election or appointment of the deputy mayor; 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.**

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

(a) [System A]; or

(b) [System B].

**System A**

(a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and

(b) has the following characteristics:

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

**System B**

(a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

(b) has the following characteristics:

- I. there is only 1 round of voting; and
- II. if 2 or more candidates tie for the most votes, the tie is resolved by lot.”

[cl. 25, Schedule 7, LGA]

**2.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES**

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

**2.7.1**

“A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.”

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

**Discharge or reconstitution of committees, subcommittees and other subordinate**

**2.7.2**

“Unless expressly provided otherwise in an Act, –

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

## decision-making bodies

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

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

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

### **Committees and subordinate decision-making bodies subject to direction of local authority**

#### **2.7.3**

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

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

## **2.8 JOINT COMMITTEES**

### **Appointment of joint committees**

#### **2.8.1**

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

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

### **Status of joint committees**

#### **2.8.2**

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

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

### **Powers and responsibilities of joint committees**

#### **2.8.3**

Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that –

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

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

**Application to a public body that is not a local authority**

**2.8.4**

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

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

**2.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES**

**Appointment or discharge of committee members and subcommittee members**

**2.9.1**

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

**Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”**

[cl. 31(1) & (2), Schedule 7, LGA]

**Elected members on committees and subcommittees**

**2.9.2**

**“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”**

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

**Local authority may replace members if committee not discharged**

**2.9.3**

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

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

**Minimum numbers on committees and subcommittees**

**2.9.4**

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

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

**Mayor or chairperson of local authority an ex-officio member**

**2.9.5**

The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.

## 2.10 POWERS OF DELEGATION

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

### 2.10.1

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

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
- (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
- (e) the power to appoint a chief executive; or
- (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term council community plan or developed for the purpose of the local governance statement.

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

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

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

**Use of delegated powers**                      **2.10.2**  
“A committee, subcommittee, other subordinate decision-making body, community board or member or officer of the local authority to which or to whom any responsibilities, powers or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.”

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

**Delegations related to bylaws and other regulatory matters**                      **2.10.3**  
“A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.”

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

## **2.11 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES**

**Proceedings not invalidated by irregularities**                      **2.11.1**  
“An act or proceeding of a local authority or committee, or of a person acting vacancies or as a member of a local authority or committee, is not invalidated by a vacancy in the membership of the local authority or committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or committee, or that that person was or is incapable of being a member.”

[cl. 29, Schedule 7, LGA]

## **2.12 GENERAL PROVISIONS AS TO MEETINGS**

**Meetings to be held**                      **2.12.1**  
“A local authority must hold the meetings that are necessary for the good government of its region or district.”

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

**Right to attend meetings**                      **2.12.2**  
“A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.”

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

**Calling, public notification and conduct of meetings**                      **2.12.3**  
“A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority.”

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

**Agenda to be sent to members**      **2.12.4**  
In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl. 2.14.2 applies).

**Meetings not invalid because notice not received**      **2.12.5**  
“A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless –

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

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

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

**Minutes of proceedings**      **2.12.6**  
“A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings.”

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

## **2.13 NOTIFICATION OF MEETINGS TO MEMBERS**

**Period for notice in writing**      **2.13.1**  
“The chief executive must give notice in writing to each member of the time and place of [a] meeting –

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

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

**Schedule of meetings**      **2.13.2**  
“If a local authority adopts a schedule of meetings, –

- a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and
- b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.”

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

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

## **2.14 EXTRAORDINARY MEETINGS**

**Extraordinary meetings may be called**      **2.14.1**  
“If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –

- (a) a resolution of the local authority; or
- (b) a requisition in writing delivered to the chief executive and signed by –
  - (i) the mayor or chairperson; or
  - (ii) not less than one-third of the total membership of the local authority (including vacancies).”

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

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

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

**Calling of extraordinary meetings at earlier time**      **2.14.3**  
“If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive.”

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

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

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

**Public notice of resolutions of extraordinary meetings**

**2.14.5**

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

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

For the purposes of this [Standing Order] resolution means the resolution on the matter or matters for which the extraordinary meeting was held.”

[s. 51A, LGOIMA]

**2.15 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.**

**Meetings normally to be open to the public**

**2.15.1**

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

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

**Information to be available to public**

**2.15.2**

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

[s. 5 & 49, LGOIMA]

**Public notification about meetings**

**2.15.3**

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

[s. 46, LGOIMA]

**Public notification about extraordinary meetings**

**2.15.4**

“Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business

to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances”.

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

**Public notification  
additional requirements**

**2.15.5**

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

**Meetings not invalid  
because not publicly  
notified**

**2.15.6**

“No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5].”

[s. 46(5), LGOIMA]

**Public notice of  
meetings not notified**

**2.15.7**

“Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified.”

[s. 46(6), LGOIMA]

**Availability of agendas  
and reports**

**2.15.8**

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

- (a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority’s control; and
- (b) shall be accompanied by either –
  - (i) the associated reports; or
  - (ii) a notice specifying the places at which the associated reports may be inspected.

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

**available as soon as is reasonable in the circumstances.”**

[s. 46A(1) – (6), LGOIMA]

**Exclusion from reports to be discussed with public excluded**

**2.15.9**

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

**Availability of agendas and reports for meetings of community boards**

**2.15.10**

Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these standing orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

**Agenda to be made available to public who are at meetings**

**2.15.11**

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

[s. 49, LGOIMA]

**List of committee members publicly available**

**2.15.12**

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

**Public entitled to inspect minutes**

**2.15.13**

The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.

[s. 51, LGOIMA]

**Requests for minutes of meetings in closed session**

**2.15.14**

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

[s. 51, LGOIMA]

**2.16 REASONS TO EXCLUDE PUBLIC**

**Lawful reasons to exclude public**

**2.16.1**

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act (see Appendix A).

[s. 48, LGOIMA]

**Form of resolutions to exclude public**

**2.16.2**

Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is

excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (For an example resolution refer to Appendix B).

**Motion to exclude public to be put with the public present**

**2.16.3**

Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority.

[s. 48(4), LGOIMA]

**Provision for persons to remain after public excluded**

**2.16.4**

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

[s. 48(5) & (6), LGOIMA]

**Release of public excluded information**

**2.16.5**

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

**2.17 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION**

**Standing orders to apply**

**2.17.1**

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

**2.18 USE OF PUBLIC EXCLUDED INFORMATION**

**Public excluded business not to be disclosed**

**2.18.1**

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

**2.19 PUBLIC FORUM**

**2.19.1**

A period of 15 minutes shall be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow. (For the full process refer to Appendix F)

### 3 MEETING PROCEDURES

#### 3.1 APPLICATION OF STANDING ORDERS

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

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

(See Standing Order 2.1.4)

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

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

[s.41, RMA]

**Exclusions for meetings at which no resolutions or decisions are made**      **3.1.3**  
For the avoidance of doubt, any provision of these standing orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the local authority or of any committee or subcommittee or other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

#### 3.2 SUSPENSION OF STANDING ORDERS

**Temporary suspension**      **3.2.1**  
A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension (see Standing Order 2.1.3).

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

#### 3.3 CONDUCT OF MEETINGS

**Mode of address for chairperson**      **3.3.1**  
The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.

- Chairperson to decide** 3.3.2  
The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the chairperson shall be held guilty of contempt (see Standing Orders 3.1.1, 3.13.6 and Appendix C).
- Chairperson rising** 3.3.3  
Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated, and members are to be silent so that the chairperson may be heard without interruption.
- Members to speak in places and address the chair** 3.3.4  
Members granted the right to speak at meetings are to address the chairperson, and may not leave their place while speaking without the leave of the chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority and at committee meetings.
- Priority of speakers** 3.3.5  
When two or more members seek the right to speak, the chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:
- (a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker;
  - (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or
  - (c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.8.13).
- Speeches in English or Māori** 3.3.6  
A member may address the chairperson in English or Māori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the chairperson if he or she intends to address the chairperson in Māori, when the normal business of the committee is conducted in English, or in English when the normal business of the committee is conducted in Māori.
- Duration of meetings and time limits** 3.3.7  
Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.
- Reporting of meetings** 3.3.8  
When a meeting of a local authority is open to the public the following provisions shall apply:
- (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.

[s. 49(a) LGOIMA]

- (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.
- (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.

**Disorderly members to withdraw**

**3.3.9**

Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine (see Appendix C).

**Members not to be disrespectful**

**3.3.10**

No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.

**Retraction of, or apology for, offensive or malicious language**

**3.3.11**

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

**Withdrawal from meeting**

**3.3.12**

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

**Disorder in meeting**

**3.3.13**

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

**Adjournment of meeting following disorder**

**3.3.14**

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

**Contempt to be recorded in minutes**

**3.3.15**

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

**Removal from meeting**

**3.3.16**

**“A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the**

meeting by a ruling made under the standing orders and that member

–

- (a) refuses or fails to leave the meeting; or
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.”

[cl. 16(2), Schedule 7, LGA]

### 3.4 QUORUM AT MEETINGS

**Requirement for a quorum**                    **3.4.1**  
“A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.”

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

**Quorum to be present throughout meeting**                    **3.4.2**  
“Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.”

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

**Definition of quorum for local authority or joint committee meetings**                    **3.4.3**  
The quorum at a meeting for local authority or joint committee consists of –

- (a) half of the members if the number of members (including vacancies) is even; or
- (b) a majority of members if the number of members (including vacancies) is odd.

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

**Definition of quorum for committee meetings**                    **3.4.4**  
“The quorum at a meeting of –

- (b) a committee –
  - (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and
  - (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”

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

(See Standing Order 2.4)

### 3.5 FAILURE OF A QUORUM

**Meeting lapses if no quorum**                    **3.5.1**  
If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present

within 10 minutes, the chairperson is to vacate the chair and the meeting shall lapse.

**Lapsed business**

**3.5.2**

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

**Minutes to record failure of quorum**

**3.5.3**

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

**3.6 LEAVE OF ABSENCE AND APOLOGIES**

**Granting leave of absence**

**3.6.1**

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

**Apologies at meetings**

**3.6.2**

If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

**Recording of apologies**

**3.6.3**

The chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

**Absence without leave**

**3.6.4**

An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive meetings other than extraordinary meetings of the territorial authority, regional council or community board.

[cl. 5, Schedule 7, LGA]

**3.7 ORDER OF BUSINESS**

**Adoption of order of business**

**3.7.1**

The order of business is to be determined by the local authority.

**Agenda**

**3.7.2**

The chief executive is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the chairperson accord precedence to any business set down on the agenda.

**Public excluded items 3.7.3**

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

**Chairperson's report 3.7.4**

The chairperson, by report, has the right to direct the attention of the local authority or the relevant committee as the case may be, to any matter or subject within the role or function of the local authority or committee respectively.

**Major items not on the agenda may be dealt with 3.7.5**

**"An item that is not on the agenda for a meeting may be dealt with at the meeting if –**

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

[s. 46A(7), LGOIMA]

**Minor items not on the agenda may be discussed 3.7.6**

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

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

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

**Chairperson's recommendation 3.7.7**

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

### 3.8 RULES OF DEBATE

- Reserving speech 3.8.1**  
A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.
- Irrelevant matter and needless repetition 3.8.2**  
In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.
- Limitation on speakers 3.8.3**  
If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.
- Taking down words 3.8.4**  
When any member objects to words used and desires his/her objection to be recorded in the minutes, the chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken (see Standing Order 3.13.4).
- Reading of speeches 3.8.5**  
Members shall not read their speeches, except with the permission of the chairperson, but may refresh their memory by reference to notes.
- Time limits on speakers 3.8.6**  
The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:
- (a) Movers of motions when speaking to the motion, ten minutes;
  - (b) Movers of motions, when exercising their right of reply, five minutes;
  - (c) Other members, not more than five minutes.
- (See also Standing Order 3.19.6.)
- Member speaking more than once 3.8.7**  
A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.
- Restating of motion 3.8.8**  
Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.
- Right of reply 3.8.9**  
The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the

chairperson has intimated his intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.

**When right of reply may be exercised**

**3.8.10**

The right of reply is governed as follows:

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

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

**Speaking only to relevant matters**

**3.8.11**

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

**Personal explanation**

**3.8.12**

Notwithstanding Standing Order 3.8.7, members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.

**Explanation of previous speech**

**3.8.13**

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

**3.9 MOTIONS AND AMENDMENTS**

**Requirement for a seconder**

**3.9.1**

All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the chairperson shall state the matter raised and propose it for discussion.

**Withdrawal of motions and amendments**

**3.9.2**

Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

<b>Substituted motion by amendment</b>	<b>3.9.3</b> The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
<b>Motions in writing</b>	<b>3.9.4</b> The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
<b>Motions expressed in parts</b>	<b>3.9.5</b> The chairperson or any member may require a motion expressed in parts to be decided part by part.
<b>Amendment once moved</b>	<b>3.9.6</b> When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.
<b>Amendments and motions not seconded</b>	<b>3.9.7</b> Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.
<b>Further amendments</b>	<b>3.9.8</b> No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.
<b>Where amendment lost</b>	<b>3.9.9</b> Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.
<b>Where amendment carried</b>	<b>3.9.10</b> Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.
<b>Amendments relevant</b>	<b>3.9.11</b> Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
<b>Direct negatives not allowed</b>	<b>3.9.12</b> No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

**Procedure until resolution** **3.9.13**  
The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.

**Flow chart of motions and amendments** **3.9.14**  
A flow chart illustrating the process regarding motions and amendments is included in this document as Appendix D.

**Revocation or alteration of resolutions** **3.9.15**  
A notice of motion for the revocation or alteration of all or part of a previous resolution of the local authority is to be given to the chief executive by the member intending to move such a motion.

- (a) Such notice is to set out:
  - (i) The resolution or part thereof which it is proposed to revoke or alter;
  - (ii) The meeting date when it was passed; and
  - (iii) The motion, if any, that is intended to be moved in substitution thereof.
- (b) Such notice is to be given to the chief executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the local authority, including vacancies.
- (c) The chief executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.

**Restriction on action to be taken on previous resolution** **3.9.16**  
Where a notice of motion has been given in terms of Standing Order 3.9.15, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the chairperson:

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

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

**Revocation or alteration of resolution at same meeting** **3.9.17**  
If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75 % of the members then present and voting.

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

**3.9.18**

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

**Restating the motion**

**3.9.19**

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

**No speakers after reply or question**

**3.9.20**

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

**has been put**

**Reflections on resolutions**

**3.9.21**

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

**3.10 NOTICES OF MOTION**

**Notices of motion to be in writing**

**3.10.1**

Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting.

**Refusal of notice of motion**

**3.10.2**

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 related to the role or functions of the local authority; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

**Mover of notice of motion**

**3.10.3**

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

<b>Alteration of notice of motion</b>	<b>3.10.4</b> A notice of motion may be altered only by the mover with the consent of the meeting.
<b>When notices of motion lapse</b>	<b>3.10.5</b> Notices of motion not moved on being called for by the chairperson, shall lapse.
<b>Referral of notices of motion to committees</b>	<b>3.10.6</b> Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

### **3.11 REPEAT NOTICES OF MOTION**

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

### **3.12 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE**

<b>Members may move procedural motions to terminate or adjourn debate</b>	<b>3.12.1</b> Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking: <ul style="list-style-type: none"> <li>(a) That the meeting be adjourned to the next meeting, unless an alternative time and place is stated; or</li> <li>(b) That the item of business being discussed be adjourned to a time and place to be stated; or</li> <li>(c) That the motion under debate be now put (a "closure motion"); or</li> </ul>
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- (d) That the meeting move directly to the next business, superseding the item under discussion; or
- (e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or
- (f) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority.

**Chairperson may accept closure motions**

**3.12.2**

The chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the chairperson's opinion, it is reasonable to do so.

**Procedural motions to terminate or adjourn debate to take precedence**

**3.12.3**

Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately without discussion or debate.

**Voting on procedural motions to terminate or adjourn debate**

**3.12.4**

All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.

**Closure motion to be put if no further speaker**

**3.12.5**

Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.

**Closure motion on amendment**

**3.12.6**

When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

**Right of reply following closure**

**3.12.7**

If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.

**Debate on items previously adjourned**

**3.12.8**

The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.

**Adjourned items taken first**

**3.12.9**

Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.

**Other business not superseded**

**3.12.10**

The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.

**Referral or referred back to committee**

**3.12.11**

Business referred, or referred back, to a specified committee is to be considered at the next meeting of that committee, unless otherwise

specified.

**Table of procedural motions**

**3.12.12**

A table of procedural motions is included in this document as Appendix E.

**3.13 POINTS OF ORDER**

**Members rising to points of order**

**3.13.1**

Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.

**Stating subject matter of point of order**

**3.13.2**

The member rising is to state without explanation precisely the subject matter of the point of order.

**Points of order during division**

**3.13.3**

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

**Types of points of order**

**3.13.4**

The following are recognized as substance for points of order:

- (a) Where disorder is drawn to the attention of the chairperson; or
- (b) Use of disrespectful, offensive or malicious language; or
- (c) Discussion of a question not before the local authority; or
- (d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or
- (e) The breach of any standing order; or
- (f) A request that words objected to be recorded in the minutes.

**Contradiction not point of order**

**3.13.5**

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

**Decision of chairperson final**

**3.13.6**

The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final.

**3.14 VOTING**

**Decisions to be decided by majority votes**

**3.14.1**

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

(a) **vote; and**

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

[cl. 24, Schedule 7, LGA]

(See Standing Order 2.5.1)

**Chairperson's voting**

**3.14.2**

Unless the Local Government Act 2002 provides otherwise, for the purposes of Standing Order 3.14.1, the mayor or chairperson or other person presiding at the meeting –

(a) Has a deliberative vote; and

(b) In the case of equality of votes the chairperson has a casting vote.

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

[cl. 24, Schedule 7, LGA]

**Open voting**

**3.14.3**

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

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

**Members may abstain**

**3.14.4**

Any member may abstain from voting.

**Members may have their votes recorded**

**3.14.5**

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

**Method of voting**

**3.14.6**

The method of voting shall be as follows:

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

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

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

**Division**

**3.14.7**

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

<b>Second division</b>	<b>3.14.8</b> The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.
<b>Pecuniary interest</b>	<b>3.14.9</b> No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.  [s. 6(1), Local Authorities (Members' Interests) Act]
<b>Declaration of pecuniary interest</b>	<b>3.14.10</b> Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.  [s. 6(1), Local Authorities (Members' Interests) Act]
<b>Pecuniary interest a reason for leaving room</b>	<b>3.14.11</b> Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.14.10, should consider leaving the meeting room for the full duration of discussion on such matters.

### **3.15 QUALIFIED PRIVILEGE**

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

### 3.16 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

**Chairperson may require members of the public to leave meeting**

#### 3.16.1

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

[s. 50, LGOIMA]

**Removal of members of public**

#### 3.16.2

If any member of the public who is required in accordance with Standing Order 3.16.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the chairperson, any police officer or employee of the local authority may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

### 3.17 MINUTES OF PROCEEDINGS

**Minutes to be evidence of proceedings**

#### 3.17.1

**“(1) A local authority must keep minutes of its proceedings.**

**(2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.”**

[cl. 28, Schedule 7, LGA]

**Keeping of minutes**

#### 3.17.2

The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns.

(see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5 and 3.14.11).

**No discussion on minutes**

#### 3.17.3

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

### 3.18 MINUTE BOOKS

#### Inspection of minute books

##### 3.18.1

The minute books of the local authority must be kept by the chief executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act (see Standing Order 2.15.14 and 2.15.15).

[s.51, LGOIMA]

#### Minutes of last meeting before election

##### 3.18.2

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

### 3.19 DEPUTATIONS AND PRESENTATIONS

#### Deputations where heard

##### 3.19.1

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

#### Urgency or major public interest

##### 3.19.2

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

#### Deputations and presentations in English or Māori

##### 3.19.3

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

#### Procedures for deputations

##### 3.19.4

Except with the approval of the local authority or committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.15.2 regarding qualified privilege).

#### Termination of presentation if disrespectful

##### 3.19.5

The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.15.2 regarding qualified privilege).

**Time limit on presentation**

**3.19.6**

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

**3.20 PETITIONS**

**Form of petitions**

**3.20.1**

Every petition presented to the local authority or to any of its committees, must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege).

**Petition where presented by members**

**3.20.2**

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

**Petition in English or Māori**

**3.20.3**

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

**Petition where presented by petitioner**

**3.20.4**

Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition.

**3.21 QUESTIONS**

**Questions to officers during debate**

**3.21.1**

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

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

(Normative)

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

**A1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:

- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (b) To endanger the safety of any person.

**A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

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

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

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

**A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- (a) Be contrary to the provisions of a specified enactment; or
- (b) Constitute contempt of Court or of the House of Representatives.

**A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of a local authority named or specified in the First Schedule to this Act).

**A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a local authority where:
  - (i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings or
  - (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

**APPENDIX B**  
**SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC**  
(Normative)

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

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

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

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

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

**Item no:**

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

NOTE –

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

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

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

(Normative)

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

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

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

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

(See Standing Order 3.3.2)

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

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

(See Standing Orders 3.13.3 and 3.13.6)

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

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

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

(See Standing Orders 3.7.5 and 3.7.5.1)

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

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

(See Standing Order 3.7.4)

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

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

(See Standing Order 3.7.6)

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

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

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

(See Standing Order 2.5.1)

**C7 Motion in writing**

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

(See Standing Order 3.9.4)

**C8 Motion in parts**

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

(See Standing Order 3.9.5)

**C9 Notice of motion**

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

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

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

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

(See Standing Orders 3.10.2 and 3.11.3)

**C10 Action on previous resolutions**

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

(See Standing Order 3.9.16)

**C11 Repeat notice of motion**

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

(See Standing Order 3.11.1)

**C12 Revocation or alteration of previous resolution**

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

(See Standing Order 3.9.18)

**C13 Chairperson may call a meeting**

The chairperson:

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

**C14 Irrelevant matter and needless repetition**

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

(See Standing Order 3.8.2)

**C15 Taking down words**

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

(See Standing Order 3.8.4)

**C16 Reading of speeches**

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

(See Standing Order 3.8.5)

**C17 Explanations**

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

(See Standing Orders 3.8.12 and 3.8.13)

**C18 Chairperson rising**

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

(See Standing Order 3.3.3)

**C19 Members may leave places**

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

(See Standing Order 3.3.4)

**C20 Priority of speakers**

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

(See Standing Order 3.3.5)

**C21 Minutes**

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

(See Standing Orders 3.17.1 and 3.18.2)

**C22 Questions of speakers**

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

(See Appendices F4 and G5.)

**C23 Withdrawal of offensive or malicious expressions**

(a) The chairperson may call upon any member to withdraw any offensive or malicious expression

and may require the member to apologise for the expression.

(See Standing Order 3.3.11)

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

(See Standing Order 3.3.12)

**C24 Chairperson's rulings**

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

(See Standing Orders 3.1.1 and 3.3.2)

**C25 Disorderly behaviour**

The chairperson may:

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

(See Standing Orders 3.3.13 and 3.16.1)

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

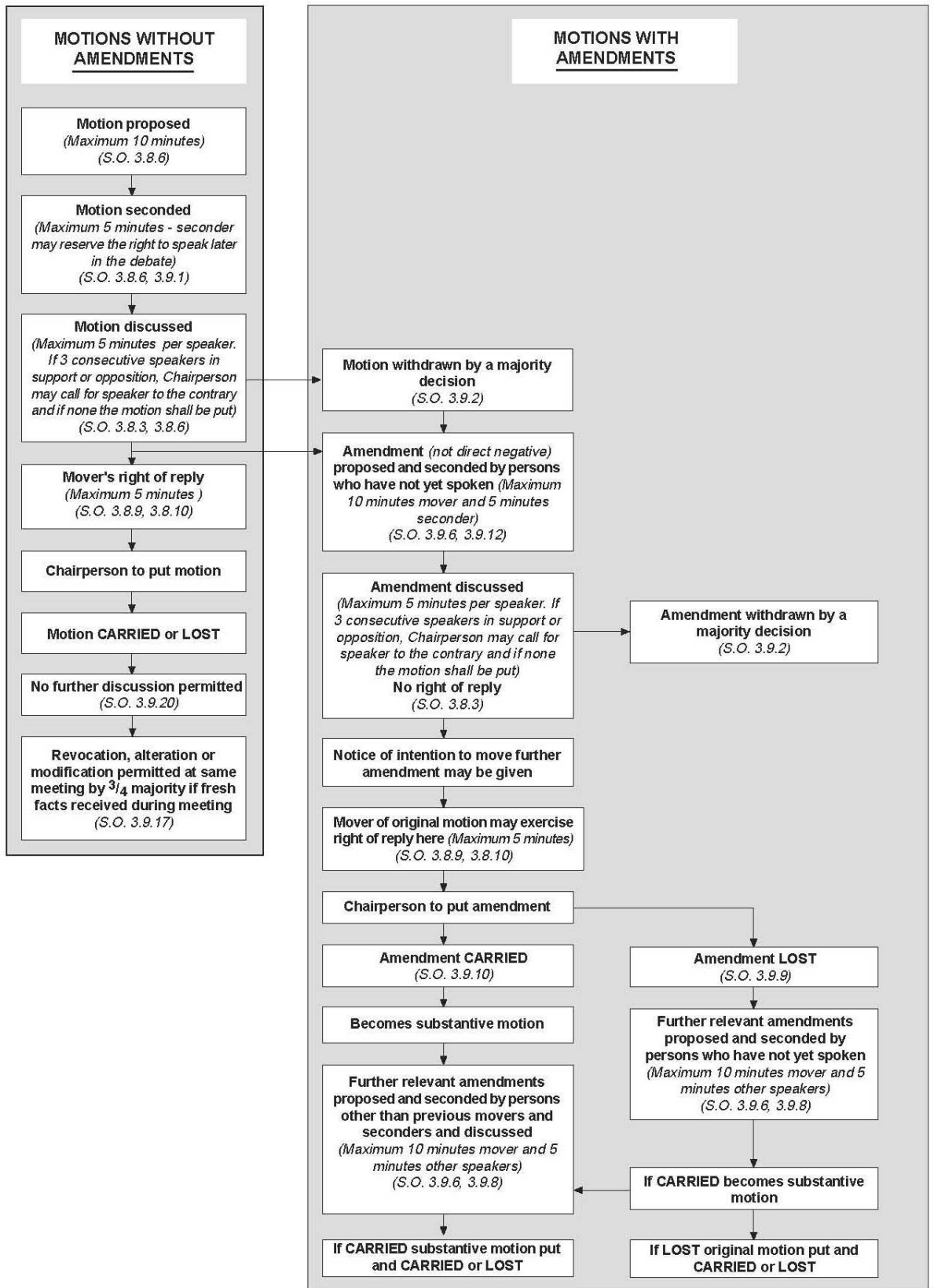
(See Standing Orders 3.3.14 and 3.3.15)

**C26 Failure to leave meeting**

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

(See Standing Orders 3.3.16 and 3.16.2)

**APPENDIX D**  
**MOTIONS AND AMENDMENTS**  
 (Normative)



**APPENDIX E**  
**TABLE OF PROCEDURAL MOTIONS**

(Normative)

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

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

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	Position if a procedural motion is already before the	Remarks
(d) "That the meeting move directly to the next business, superseding the item under discussion."	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	
(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	No	Yes	No	No	No	No	No	Yes – 15 minutes.	If carried, the original motion and amendment are both laid on the table.	Motion not in order.	
(f) "That the item of business being discussed be referred to the relevant committee."	No	Yes	No	As to committee, time for reporting back etc. only.	No	No	No	Yes – 15 minutes.	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Points of order."	No – but may rule against.	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.13.1 to 3.13.6

## **APPENDIX F PUBLIC FORUM**

(Informative)

### **F1 Public forum**

A period of up to 15 minutes shall be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.

### **F2 Time allowed**

The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.

### **F3 Subjects of public forum**

No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12pm of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:

- name of participant;
- organisation represented (if any);
- meeting at which they wish to participate; and

matter on the agenda to be addressed.

### **F4 Questions of speakers during public forum**

Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

### **F5 Specialist knowledge of speaker**

Where a member of the public has specialist knowledge of a matter on the agenda the chair may invite public participants to engage in discussion of that matter at the time of consideration of the agenda item by the committee or subcommittee.

[Adopted 16 September 2009]

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

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

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

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

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

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

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

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

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

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

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

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