



# **AGENDA**

## **Council Meeting**

**I hereby give notice that a Meeting of the Kapiti Coast District Council will be held on:**

**Date: Thursday, 11 June 2020**

**Time: 09.30am**

**Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Wayne Maxwell  
Chief Executive**

**Kapiti Coast District Council**

**Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 11 June 2020, 09.30am.**

**Council Members**

Mayor K Gurunathan	Chair
Deputy Mayor Janet Holborow	Deputy
Cr Angela Buswell	Member
Cr James Cootes	Member
Cr Jackie Elliott	Member
Cr Gwynn Compton	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Robert McCann	Member
Cr Bernie Randall	Member

## Order Of Business

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**1 WELCOME****2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

**3 APOLOGIES****4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

**7 MAYOR'S REPORT**

Nil

## 8 REPORTS

### 8.1 PROCESS FOR RECEIPT OF MARTIN JENKINS INDEPENDENT ORGANISATIONAL REVIEW

**Author:** Tim Power, Senior Legal Counsel

**Authoriser:** Mark de Haast, Group Manager Corporate Services

#### PURPOSE OF REPORT

- 1 This report seeks the Council's decision on the process and associated timetable for receipt of the Independent Organisational Review of Kāpiti Coast District Council from Martin Jenkins and Associates.

#### DELEGATION

- 2 Only the Council may make this decision.

#### BACKGROUND

- 3 On 27 June 2019, the Council approved the commencement of an independent organisational review to include the following in its scope:
  - 3.1 internal culture of the staff organisation, including staff satisfaction and turnover;
  - 3.2 relationship and interface between governance and the staff organisation;
  - 3.3 relationships with key stakeholders and the interface between the staff organisation and ratepayers;
  - 3.4 the effective delivery of the Open for Business programme; and
  - 3.5 the capacity and capability of the staff organisation to deliver the Council's objectives in a cost effective and efficient manner.
- 4 A briefing on the independent organisational review formed part of the induction programme for this Council after the local election.

#### ISSUES AND OPTIONS

##### Issues

- 5 Following adverse publicity in relation to the delayed release of the independent review, the Council made the following resolution:

##### **RESOLUTIONS FROM 14 MAY 2020**

##### **"RESOLUTION 2020/4**

*Moved: Cr Robert McCann, Seconder: Cr James Cootes*

- a. That Council directs Martin Jenkins to release the Organisation Review Report within the next 30 days.*
- b. That the Report be released at the same time to the Mayor, Councillors, Board Chairs and CEO followed by a briefing of councillors by Report author, Tom Gott.*
- c. That the report be released to board members and the public after the briefing of councillors by Mr Gott.*
- d. That Councillors release a press release following the briefing.*
- e. That at an appropriate time, after the release of the Report, the CEO tables a short position paper on the steps needed by management to progress any relevant recommendations made by the Report.*

*f. That the Council recognises the uncertainties around the Alert Levels associated with Covid-19 may potentially have a bearing on the above.”*

- 6 The issue was raised as an urgent matter. Therefore there was no opportunity for advice to be taken from officers or to obtain legal advice on the Council's good employer obligations as the employer of the Chief Executive and the obligations of Councillors and the Chief Executive as office holders under the Health and Safety at Work Act 2015.
- 7 The Mayor subsequently sought advice from Simpson Grierson and internal legal advice on any legal risks arising from the process for the release of the report.
- 8 As a result of that advice, Simpson Grierson identified some potential issues with the proposed process for the release of the report as reflected in the current set of resolutions.
- 9 While the current process does not include timeframes for identified steps, officers consider it would be useful to set out proposed timeframes for those steps. To ensure Councillors and the Chief Executive are able to answer questions meaningfully should they arise and as a matter of natural justice and in order to comply with the Council's good employer obligations, it is proposed that time is allowed for Councillors and the Chief Executive to review the report before it is released to the public.
- 10 It is also proposed that as a first step the report be released to Simpson Grierson so that any employment related legal issues can be brought to the attention of Councillors. This could occur at an initial "key themes" briefing by the primary author of the report. At this point the report would be released to the Mayor, Councillors and the Chief Executive. Following this, after the Mayor, Councillors and the Chief Executive have had an opportunity to review the report, a more detailed briefing would be held. For the reasons identified above, the Chief Executive would be entitled to circulate the report among senior staff and those staff would be able to attend any briefings on the report.
- 11 The following timetable is proposed for the release of the report:
  - 11.1 15 June 2020 - report released to Simpson Grierson;
  - 11.2 19 June 2020 - key findings briefing by Martin Jenkins and report released to the Mayor, Councillors and Chief Executive;
  - 11.3 23 June 2020 – detailed briefing by Martin Jenkins to the Mayor, Councillors, Community Board Chairs, a representative of each of the Council's iwi partner organisations and the Chief Executive.
  - 11.4 29 June 2020 - report released to the public.
- 12 The current resolutions envisage that Community Board Chairs would receive the report at the same time as Councillors and the Chief Executive and attend the briefing on the report by the primary author from Martin Jenkins. Community Board Chairs are not the employer of the Chief Executive and, as a consequence, have not received briefings on responsibly managing good employer obligations. However, in order to ensure that Community Boards do receive some information in advance of the public, it is proposed that Community Board Chairs would be invited to attend the detailed briefing.
- 13 The current resolutions make no provision for Council's iwi partners to receive information or be briefed on the report. As they too are not an employer of the Chief Executive and have not received briefings on good employer obligations, it is proposed that each iwi be invited to send a representative to the detailed briefing alongside Councillors and Community Board Chairs.
- 14 Once the report has been released to Simpson Grierson, there will be no opportunity for amendments to be made to the report.

**CONSIDERATIONS****Policy considerations**

15 There are no policy considerations.

**Legal considerations**

16 There are no additional legal considerations.

**Financial considerations**

17 There is no funding for this organisational review in the 2019/20 Annual Plan. The total budget of \$233,000 was established by way of the previous Council instructing the Chief Executive to reassign budgets from other areas of the 2019/20 Annual Plan.

18 As at 30 May 2020 the total unallocated budget remaining for the Review is approximately \$5,000.

19 The total costs to date have been made up of services from the Procurement Advisor, the Probity Advisor, the Terms of Reference Advisor, the Mana Whenua Representative from the ART Confederation and the Independent Reviewer. The costs of the Council Officer(s) and the Subcommittee Councillors are already budgeted for in the 2019/20 Annual Plan and will not be included in the total costs of the Organisational Review.

20 However, extra costs have now been incurred with the employment related legal review process as outlined in this report and the additional briefing that the Council has requested from Martin Jenkins. These costs are not yet finalised but are likely to exceed the reassigned budget of \$233,000.

**Tāngata whenua considerations**

21 Council's three iwi partners were represented on the sub-committee that developed the terms of reference for the review by an ART Confederation representative – Mahina-a-rangi Baker. The terms of reference included exploration of matters relating to the partnership between the Council and iwi and a proposed approach for involving iwi in the receipt of the report is outlined above.

**SIGNIFICANCE AND ENGAGEMENT****Significance policy**

22 This matter does not meet the thresholds under the Council's significance and engagement policy.

**Engagement planning**

23 An engagement plan is not needed to implement this decision.

**Publicity**

24 There will be public interest in this decision and Elected Members might like to consider issuing a statement.

25 In addition, the Council website will be updated with information on the agreed process and associated dates.

26 Councillors and the Chief Executive should issue press releases at the same time the report is released to the public.

**RECOMMENDATIONS**

- 27 That the Council revoke Resolution 2020/4 made at the Council meeting on 14 May 2020.
- 28 That Council direct Martin Jenkins and Associates (Martin Jenkins) to release the Independent Organisational Review of Kapiti Coast District Council (the Report) in accordance with the following timetable:
- a. 15 June 2020 – report released to Simpson Grierson;
  - b. 19 June 2020 – key findings briefing by Martin Jenkins, and the Report is released to the Mayor, Councillors and the Chief Executive;
  - c. 23 June 2020 – detailed briefing by Martin Jenkins to the Mayor, Councillors, Community Board Chairs, a representative of each of the Council's iwi partner organisations and the Chief Executive;
  - d. 29 June 2020 – Report released to the public.
- 29 That Councillors and the Chief Executive issues press releases at the same time the Report is released to the public.
- 30 That at an appropriate time, after the release of the Report, the Chief Executive tables a short position paper at a Council meeting on the steps needed by management to progress any relevant recommendations made by the Report.

**APPENDICES**

Nil

**8.2 AMENDMENTS TO STANDING ORDERS FOR MEETINGS OF COUNCIL**

**Author:** Leyanne Belcher, Democracy Services Manager

**Authoriser:** Janice McDougall, Group Manager People and Partnerships

**PURPOSE OF REPORT**

- 1 This report asks the Council to consider the adoption of an amended set of Standing Orders for the 2019-2022 Triennium.

**DELEGATION**

- 2 The Council has the authority to consider this matter.

**BACKGROUND**

- 3 Standing Orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive, consistent, and legal manner.
- 4 It is mandatory for every council to adopt a set of Standing Orders. Once adopted, Standing Orders 'roll over' from triennium to triennium, until amended. Members adopted current Standing Orders on 7 November 2019.
- 5 Standing Orders may be amended at any time but require a 75% voting majority for any changes to take effect. Legislation requires all elected members to follow Standing Orders.

**ISSUES AND OPTIONS****Issues**

- 6 The response to COVID19 saw the Council working in different ways to enable meetings of Council to continue. The Government made legislative arrangements to allow Council meetings to continue remotely and continue to meet requirements for meetings being held in public.
- 7 Consequently, it was this Council's practice to conduct meetings via Zoom, live streamed via YouTube with audio and video recordings of the meeting later made available on our website. Once confidence with this way of operating a meeting increased the option to participate in public speaking time via Zoom was introduced.
- 8 At Alert Level 2 meetings are able to resume in the Council Chamber, with provision for meeting participants and members of the public to participate remotely, subject to the amendment of Standing Orders to allow for this. As a result, improved technology has been introduced to the Council Chamber to allow for remote participation via video link. Previously only audio link was available for members.
- 9 These provisions will be available for the 11 June 2020 Council meeting – the first in the Council Chamber since the move to Alert Level 2. At the time of writing this paper, the Alert Level is due to be reviewed on Monday 8 May.
- 10 Irrespective of any decisions around alert levels, it is likely there will be ongoing interest in participation of elected members, members of the public and staff via video link. Officers also propose continuing to make the audio visual recording of Council and Committee meetings available on the Council website.
- 11 Standing Orders for Council and Committees need to be amended to allow for these new arrangements. These provisions would be available only to Council and Committees. Existing arrangements for Community Boards would remain in place.
- 12 The following are the proposed amendments to the existing Council document.

- 12.1 Section 2. Reference to an audio visual link is included in addition to the existing reference to an audio link. Audio visual link means facilities that enable audio visual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.
- 12.2 Section 2. Definition of Electronic link means both an audio and audio visual link.
- 12.3 Section 12, clause 12.7, reference to audio link is replaced with a reference to audio or audio visual link is replaced with a reference to audio or audio visual link. This clause also includes a reference to persons other than a member of the Local Authority or Committee having the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.
- 12.4 Section 12, clauses 12.8, 12.11, 12.12, 12.14 and 12.15 reference to audio link is replaced with a reference to audio or audio visual link.
- 12.5 Appendix 5. This reflects Council's intent to increase the availability of meeting records to the public by making meeting footage available for public view via the Council website for future reference.
- 12.6 Appendix 6. Reference to audio attendance is replaced with a reference to audio or audio visual attendance.

## CONSIDERATIONS

### Policy considerations

- 13 There are no additional policy considerations.

### Legal considerations

- 14 There are no additional legal considerations. Local Government Act provisions around quorum are unchanged.

### Financial considerations

- 15 The costs to implement Zoom meeting functionality for Council meetings to take place during the Covid19 lockdown period were \$49.92 per month for the Zoom software licenses. There were no additional costs incurred to record meetings and provide online recordings of the meetings via the Council website. To provide the ability to hold combined meetings where some councillors are in the council chambers while others participate via Zoom cost \$6,238.39. This included the required hardware, implementation and training for the solution. This expense will be absorbed within the existing IT budget.

### Tāngata whenua considerations

- 16 There are no tāngata whenua considerations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 17 This matter has a low level of significance under Council's Significance and Engagement Policy.

### Engagement planning

- 18 An engagement plan is not needed to implement this decision.

### Publicity

- 19 The document once adopted will be made available on the Council website and the new ways by which the public can engage will be communicated.

**RECOMMENDATIONS**

- 20 That Council adopt the set of Standing Orders as at Attachment 1 of this report 'Amendments to Standing Orders for meetings of Council'.

**APPENDICES**

1. Draft amended Standing Orders [↓](#) 



# Standing Orders

**for meetings of Council**

Draft amended Standing Orders 11 June 2020

## Preface

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

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

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

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

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

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

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## 1. Introduction

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

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

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

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

### 1.1 Principles

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

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

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

### 1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been

modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

### 1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information Act 1987

LAMIA Local Authority Members' Interests Act 1968

### 1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

## 2. Definitions

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

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

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

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

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

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

**Chairperson** means the person presiding at a meeting – the presiding member.

**Chief executive** means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, 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 (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

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

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

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

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

**Council** means, in the context of these standing orders, the governing body of a local authority.

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

**Electronic link** means both an audio and audio visual link.

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

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

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

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

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

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

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

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

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

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

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

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

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

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

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

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

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

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

**Presiding member** means the person chairing a meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Second** means the member who seconds a motion.

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

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

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

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

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

**Working day** means 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, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

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

**Workshop**, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

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

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

#### 3.2 Process for adoption and alteration of standing orders

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

*cl. 27(3) Schedule 7, LGA 2002.*

#### 3.3 Members must obey standing orders

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

*cl. 16(1) Schedule 7, LGA 2002.*

#### 3.4 Application of standing orders

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

#### 3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

*cl. 27(4), Schedule 7, LGA 2002.*

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

### **3.6 Quasi-judicial proceedings**

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

### **3.7 Physical address of members**

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

## **4. Meetings**

### **4.1 Legal requirement to hold meetings**

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

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

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

### **4.2 Meeting duration**

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

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

### **4.3 Language**

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

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

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

#### **4.4 Livestreaming of meetings**

Livestreamed meetings should be provided in accordance with the protocols contained in **Appendix 5**.

#### **4.5 First meeting (inaugural)**

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

*cl. 21(1) - (4), Schedule 7, LGA 2002.*

#### **4.6 Requirements for the first meeting**

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

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
  - i. LGOIMA; and
  - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

*cl. 21(5), Schedule 7, LGA 2002.*

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

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

## **5. Appointments and elections**

### **5.1 Mayoral appointment of deputy Mayor, committee chairs and members**

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

*s. 41A (3) LGA 2002.*

### **5.2 Council Discharge of a Mayoral Appointment**

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

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

*cl. 31, Schedule 7 LGA 2002*

### **5.3 Establishment of committees by the Mayor**

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

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

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

## 5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See **Appendix 7**.

*cl. 25 Schedule 7, LGA 2002.*

## 5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

*cl. 18, Schedule 7, LGA 2002.*

## 5.6 Voting system for chairs, deputy Mayors and committee chairs

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

### System A

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

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

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

## System B

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

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

*cl. 25 Schedule 7, LGA 2002.*

## 6. Delegations

### 6.1 Limits on delegations

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

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

*cl. 32 (1) Schedule 7, LGA 2002.*

### 6.2 Committees may delegate

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

*cl. (2) & (3), Schedule 7, LGA 2002.*

### 6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person

that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

*cl. 32(2) & (3)(4) Schedule 7, LGA 2002.*

## **6.4 Decisions made under delegated authority cannot be rescinded or amended**

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

*cl. 30 (6), Schedule 7, LGA 2002.*

## **6.5 Committees and sub committees subject to the direction of the local authority**

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

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

## **6.6 Duty to consider delegations to community boards**

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

*cl. 32(6) Schedule 7, LGA 2002.*

# **7. Committees**

## **7.1 Appointment of committees and subcommittees**

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

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

## **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

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

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

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

*cl. 30 (5) & (7), Schedule 7, LGA 2002.*

**Please note:** s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

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

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

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

### **7.4 Elected members on committees and subcommittees**

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

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

*cl. 31(4) Schedule 7, LGA 2002.*

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

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

*cl. 31(5) Schedule 7, LGA 2002.*

### **7.6 Membership of Mayor**

The Mayor is a member of every committee of the local authority.

*s. 41A (5), LGA 2002.*

## **7.7 Decision not invalid despite irregularity in membership**

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

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

*cl. 29, Schedule 7, LGA 2002.*

## **7.8 Appointment of joint committees**

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

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

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

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

## **7.9 Status of joint committees**

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

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

## **7.10 Power to appoint or discharge individual members of a joint committee**

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

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

## Pre-meeting

### 8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

#### 8.1 Public notice – ordinary meetings

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

*s. 46, LGOIMA.*

#### 8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

*cl. 19 (5), Schedule7, LGA 2002.*

#### 8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
  - i. the Mayor or Chairperson, or
  - ii. no less than one third of the total membership of the council (including vacancies).

*cl. 22 (1) Schedule 7, LGA 2002.*

#### 8.4 Notice to members - extraordinary meetings

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

*cl. 22 (3), Schedule7, LGA 2002.*

## **8.5 Emergency meetings may be called**

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

The Mayor; or

If the Mayor is unavailable, the chief executive.

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

## **8.6 Process for calling an emergency meeting**

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

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

Cl 22A (2), Schedule 7, LGA 2002

## **8.7 Public notice – emergency and extraordinary meetings**

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

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

s. 46 (3)), LGOIMA.

## **8.8 Process for calling an extraordinary meeting at an earlier time**

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

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

## **8.9 Notification of extraordinary meetings held at an earlier time**

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.8, must be given by the person calling the meeting or by another person on that

person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

*cl. 22 (4), Schedule 7 LGA 2002.*

### **8.10 Chief executive may make other arrangements**

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.

*s. 46(5) LGOIMA.*

### **8.11 Meetings not invalid**

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

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

*s. 46 (6), LGOIMA.*

### **8.12 Resolutions passed at an extraordinary meeting**

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

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

*s. 51A, LGOIMA.*

### **8.13 Meeting schedules**

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

*cl. 19 (6) Schedule 7, LGA 2002.*

### **8.14 Non-receipt of notice to members**

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

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

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

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

### **8.15 Meeting cancellations**

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

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

## **9. Meeting agenda**

### **9.1 Preparation of the agenda**

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

When preparing business items for an agenda the chief executive should consult the Chairperson.

### **9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

### **9.3 Chief executive may delay or refuse request**

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

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

### **9.4 Order of business**

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

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

### **9.5 Chairperson's recommendation**

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

### **9.6 Chairperson's report**

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

## 9.7 Public availability of the agenda

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

*s. 5 & 46A, LGOIMA.*

## 9.8 Public inspection of agenda

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

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

*s. 46A (1), LGOIMA.*

## 9.9 Withdrawal of agenda items

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

## 9.10 Distribution of the agenda

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

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

## 9.11 Status of agenda

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

### 9.12 Items of business not on the agenda which cannot be delayed

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

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

*s. 46A (7), LGOIMA*

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

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

### 9.13 Discussion of minor matters not on the agenda

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

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

*s. 46A (7), LGOIMA*

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

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

*s. 46A (7A), LGOIMA.*

### 9.14 Public excluded business on the agenda

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

*s. 46A (9), LGOIMA.*

## 9.15 Qualified privilege relating to agenda and minutes

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

*s. 52, LGOIMA.*

## 9.16 Decisions on water assets and services<sup>1</sup>

Any decision relating to:

(a) the divestment of ownership of water assets under Section 130, 131 and 137 of the Local Government Act 2002 or in any other situation;

(b) transfer of water assets and services to a local government organisation under s130 of the Local Government Act 2002 or in any other situation;

(c) contracting out for the management or operation of the water supply system as a whole, either to a private interest or a local government organisation under s136 of the Local Government Act 2002 or in any other situation. (Note: this provision does not apply to contracts for maintenance, renewal and upgrade works, or for professional services, design and contract management);

(d) establishment of a joint arrangement or a joint local government arrangement under Section 137 of the Local Government Act 2002 or in any other situation;

(e) transfer of control of funding policy, pricing and charging responsibilities in relation to water to any other local government organisation or private interest;

(f) any departure from a not-for-profit charging regime for Council's water supply system;

will require a 75% majority of members present and voting. All decisions under (a) – (f) will require a referendum to have taken place to provide input into a decision before that decision is made.

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<sup>1</sup> As adopted by Council on 17 March 2011

## Meeting Procedures

### Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values (such as the Council blessing), a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

## 10. Quorum

### 10.1 Councils

The quorum for a meeting of the council is:

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

*cl. 23 (3)(a) Schedule 7, LGA 2002.*

### 10.2 Committees and subcommittees

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

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

*cl. 23 (3)(b) Schedule 7, LGA 2002.*

### 10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

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

### 10.4 Requirement for a quorum

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

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

## **10.5 Meeting lapses where no quorum**

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

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

## **10.6 Business from lapsed meetings**

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

# **11. Public access and recording**

## **11.1 Meetings open to the public**

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

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

## **11.2 Grounds for removing the public**

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

## **11.3 Local authority may record meetings**

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

## **11.4 Public may record meetings**

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

## **12. Attendance**

### **12.1 Members right to attend meetings**

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

*cl. 19(2), Schedule 7, LGA 2002.*

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

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

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

### **12.2 Attendance when a committee is performing judicial or quasi-judicial functions**

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

### **12.3 Leave of absence**

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

### **12.4 Apologies**

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

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

## 12.5 Recording apologies

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

## 12.6 Absent without leave

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

*cl. 5 (d) Schedule 7, LGA 2002.*

## 12.7 Right to attend by audio link or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees, and persons other than a member of the Local Authority or Committee have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

## 12.8 Member's status: quorum

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

## 12.9 Member's status: voting

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

## 12.10 Chairperson's duties

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

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

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

*cl. 25A (3) schedule 7, LGA 2002.*

### **12.11 Conditions for attending by audio or audio visual link**

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

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

### **12.12 Request to attend by audio or audio visual link**

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

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

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

### **12.13 Chairperson may terminate link**

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

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

### **12.14 Giving or showing a document**

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

- (a) transmitting it electronically;
- (b) any other manner that the Chairperson thinks fit.

*cl. 25(A) (6) schedule 7, LGA 2002.*

### **12.15 Link failure**

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

## 12.16 Confidentiality

A member who is attending a meeting by audio link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to hear the proceedings.

## 13. Chairperson's role in meetings

### 13.1 Council meetings

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

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

### 13.2 Other meetings

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

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

### 13.3 Addressing the Chairperson

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

### 13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

### 13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

### 13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

### 13.7 Chairperson may prioritise speakers

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

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

## 14. Public Speaking Time

Public speaking time is a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. It is designed to enable members of the public to bring matters to the attention of the local authority.

Any issue, idea or matter raised in a public speaking time must generally relate to items on the agenda of the meeting, although other matters may be raised at the Chair's discretion. In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in public speaking time must fall within the terms of reference of that body.

### 14.1 Time limits

A period will be available for public speaking time at each scheduled local authority meeting, except those held in public excluded session. Members of the public who book ahead for public speaking time will be given precedence over those who do not book. Speakers can speak for up to 3 minutes, and may be granted a longer time at the Chairperson's discretion. No more than two speakers can speak on behalf of an organisation during public speaking time. Where the number of speakers presenting in public speaking time exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

The Chair will take into account at their discretion any cultural considerations brought to their attention by members of the public wishing to speak.

### 14.2 Restrictions

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

- a speaker is repeating views presented by an earlier speaker at the same public speaking session;

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

### **14.3 Questions at Public Speaking Time**

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

### **14.4 No resolutions**

Following public speaking time no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

## **15. Deputations**

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

### **15.1 Time limits**

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

### **15.2 Restrictions**

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

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

### **15.3 Questions of a deputation**

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

### **15.4 Resolutions**

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

## **16. Petitions**

### **16.1 Form of petitions**

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the chief executive in time to allow translation services to be arranged.

### **16.2 Petition presented by petitioner**

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

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

### **16.3 Petition presented by member**

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

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

## **17. Exclusion of public**

### **17.1 Motions and resolutions to exclude the public**

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

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

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

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

*s. 48 LGOIMA.*

### **17.2 Specified people may remain**

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

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

*s.48 (6) LGOIMA.*

### **17.3 Public excluded items**

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

*s.46A (8) LGOIMA.*

### **17.4 Non-disclosure of information**

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

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

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

## **17.5 Release of information from public excluded session**

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

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

## **18. Voting**

### **18.1 Decisions by majority vote**

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

*cl. 24 (1), Schedule 7, LGA 2002.*

### **18.2 Open voting**

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

*cl. 24 (3) Schedule 7, LGA 2002.*

### **18.3 Chairperson has a casting vote**

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

*cl. 24 (2) Schedule 7, LGA 2002.*

### **18.4 Method of voting**

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is

- questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
  - (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

### **18.5 Calling for a division**

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

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

### **18.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

### **18.7 Members may abstain**

Any member may abstain from voting.

## **19. Conduct**

### **19.1 Calling to order**

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

### **19.2 Behaviour consistent with Code of Conduct**

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

### **19.3 Retractions and apologies**

In the event of a member or speaker who has been disrespectful of another member the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time.

## **19.4 Disorderly conduct**

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

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

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

## **19.5 Contempt**

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

## **19.6 Removal from meeting**

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

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

## **19.7 Financial conflicts of interests**

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

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

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

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

*s. 6 & 7 LAMIA.*

## **19.8 Non-financial conflicts of interests**

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular

matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

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

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

### **19.9 Qualified privilege for meeting proceedings**

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

*s. 53, LGOIMA.*

### **19.10 Qualified privilege additional to any other provisions**

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

*s. 53, LGOIMA.*

### **19.11 Electronic devices at meetings**

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

A Chairperson may require that an electronic device is switched off if its use is distracting a meeting from achieving its business.

## **20. General rules of debate**

### **20.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

### **20.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

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

### **20.3 Questions to staff**

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

### **20.4 Questions of clarification**

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

### **20.5 Members may speak only once**

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the Chairperson's permission..

### **20.6 Limits on number of speakers**

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

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

### **20.7 Secunder may reserve speech**

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

### **20.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

## **20.9 Restating motions**

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

## **20.10 Criticism of resolutions**

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

## **20.11 Objecting to words**

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

## **20.12 Right of reply**

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

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

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

## **20.13 No other member may speak**

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

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

## **20.14 Adjournment motions**

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

## **20.15 Chairperson's acceptance of closure motions**

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

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

## **21. General procedures for speaking and moving motions**

### **21.1 Options for speaking and moving**

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

Option B applies unless, on the recommendation of the Chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option C for the meeting generally, or for any specified items on the agenda.

### **21.2 Option A**

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

### **21.3 Option B**

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

- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **21.4 Option C**

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **21.5 Procedure if no resolution reached**

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

## **22. Motions and amendments**

### **22.1 Proposing and seconding motions**

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

### **22.2 Motions in writing**

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

### **22.3 Motions expressed in parts**

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

## **22.4 Substituted motion**

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

## **22.5 Amendments to be relevant and not direct negatives**

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

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

## **22.6 Chairperson may recommend amendment**

A Chairperson, when moving the adoption of a recommendation from a committee or subcommittee to the council can include in the motion an amendment to the committee or subcommittee's recommendation.

## **22.7 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

## **22.8 Lost amendments**

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

## **22.9 Carried amendments**

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

## **22.10 Where a motion is lost**

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

## **22.11 Withdrawal of motions and amendments**

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

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

## **22.12 No speakers after reply or motion has been put**

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

## **23. Revocation or alteration of resolutions**

### **23.1 Member may move revocation of a decision**

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

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

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

### **23.2 Revocation must be made by the body responsible for the decision**

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

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

*cl. 32 (2)4 Schedule 7, LGA 2002.*

### **23.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

### **23.4 Restrictions on actions under the affected resolution**

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

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

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

### **23.5 Revocation or alteration by resolution at same meeting**

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

### **23.6 Revocation or alteration by recommendation in report**

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

*cl. 30 (6) Schedule 7, LGA 2002.*

## **24. Procedural motions**

### **24.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

## **24.2 Procedural motions to close or adjourn a debate**

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

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

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

## **24.3 Voting on procedural motions**

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

## **24.4 Debate on adjourned items**

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

## **24.5 Remaining business at adjourned meetings**

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

## **24.6 Business referred to the council, committee or local or community board**

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

## **24.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

## **25. Points of order**

## **25.1 Members may raise points of order**

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

## **25.2 Subjects for points of order**

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

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

## **25.3 Contradictions**

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

## **25.4 Point of order during division**

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

## **25.5 Chairperson's decision on points of order**

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

## **26. Notices of motion**

### **26.1 Notice of intended motion to be in writing**

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

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

## **26.2 Refusal of 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 related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

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

## **26.3 Mover of notice of motion**

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

## **26.4 Alteration of notice of motion**

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

## **26.5 When notices of motion lapse**

Notices of motion that are not put when called by the Chairperson must lapse.

## **26.6 Referral of notices of motion**

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

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

## **26.7 Repeat notices of motion**

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

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

## 27. Minutes

### 27.1 Minutes to be evidence of proceedings

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

*cl. 28 Schedule 7, LGA 2002.*

### 27.2 Matters recorded in minutes

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

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

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

### **27.3 No discussion on minutes**

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

### **27.4 Minutes of last meeting before election**

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

## **28. Keeping a record**

### **28.1 Maintaining accurate records**

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

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

*S. 17 Public Records Act 2005*

### **28.2 Method for maintaining records**

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

*(a) The provision of a reliable means of assuring the integrity of the information is maintained; and*

*(b) The information is readily accessible so as to be usable for subsequent reference.*

*S 229(1) of the Contract and Commercial Law Act 2017.*

### **28.3 Inspection**

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

*s. 51 LGOIMA*

### **28.4 Inspection of public excluded matters**

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

## **Referenced documents**

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

## Appendix 1: Grounds to exclude the public

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information would:
    - i. disclose a trade secret; or
    - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; 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 i, or to avoid the disclosure of the location of waahi 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 would:
    - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. be likely otherwise to damage the public interest; 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 such members, officers, employees, and persons from improper pressure or harassment; or
  - (h) Maintain legal professional privilege; or
  - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (j) Enable any Council 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.

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 that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where
    - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
    - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
    - iii. proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971
  - (b) Any.

*See s. 48 LGOIMA*

## Appendix 2: Sample resolution to exclude the public

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

**1** that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

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

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

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

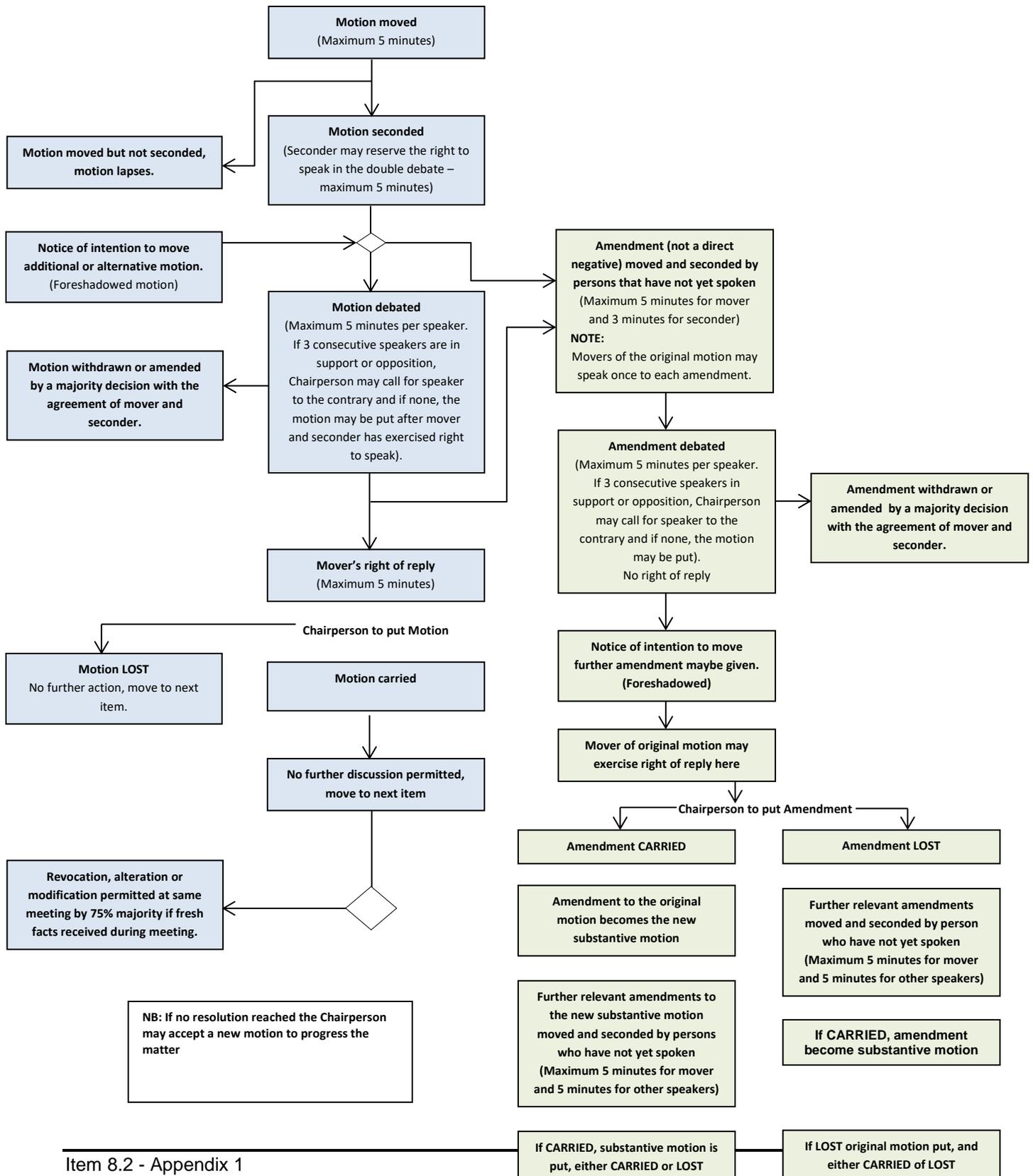
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).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

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

### Appendix 3: Motions and amendments (Option A)

#### Motions without amendments

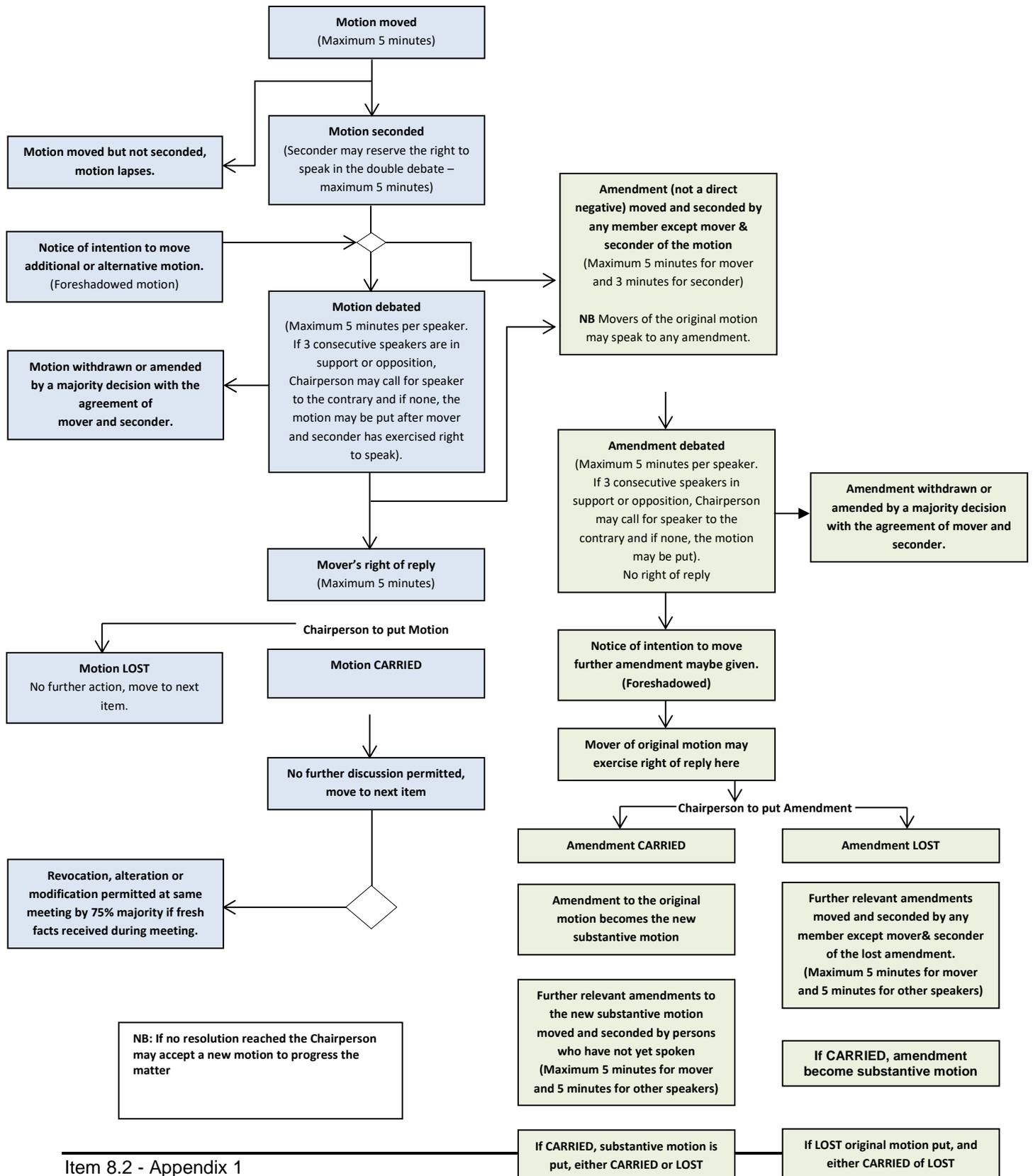
#### Motions with amendments



### Appendix 3: Motions and amendments (Option B)

#### Motions without amendments

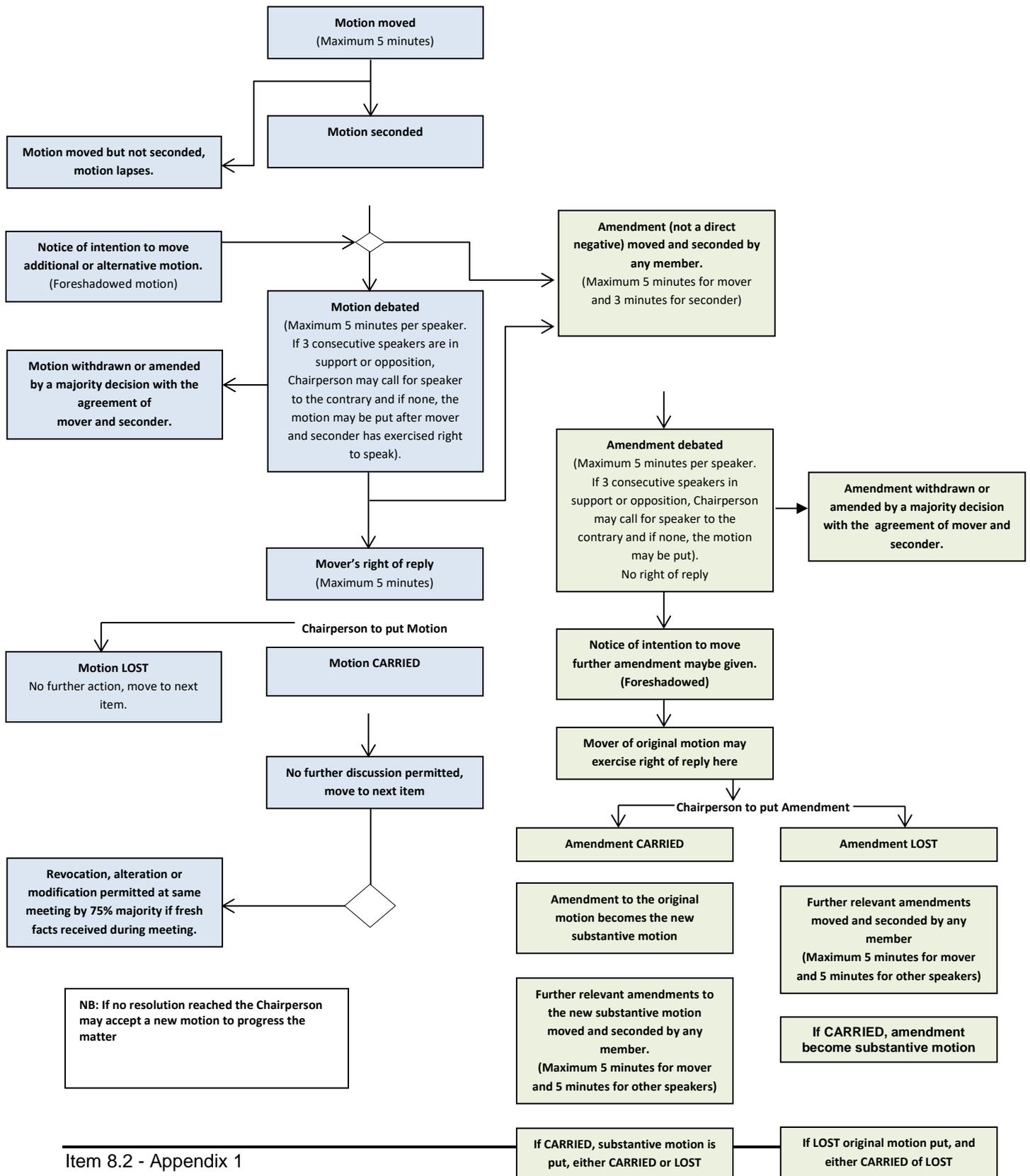
#### Motions with amendments



### Appendix 3: Motions and amendments (Option C)

#### Motions without amendments

#### Motions with amendments



### Appendix 4: Table of procedural motions

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

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

## Appendix 5: Livestreaming protocols

1. Livestreaming means that the progress of the meeting is digitally communicated over the Internet, in real time, as events unfold.
2. Footage of livestreaming is recorded and made available via the Council website.
3. Meetings of Council and its one major Standing Committee (Strategy and Operations) will be livestreamed (excluding any sessions held in public excluded).
4. The intent of livestreaming is to increase the accessibility of Council decision-making processes to the public.
5. Instructions on accessing livestreaming will be provided by Council via Council's website and Facebook page.
6. Appropriate signage will be displayed both in and outside the meeting room alerting the public to the fact that proceedings are livestreamed, and available on the Council website.

## **Appendix 6: Powers of a Chairperson**

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

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

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

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

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

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

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

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

### **Chairperson's report**

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

### **Chairperson's recommendation**

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

### **Chairperson's voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

**Motion in writing**

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

**Motion in parts**

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

**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
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

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

**Action on previous resolutions**

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

**Repeat notice of motion**

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

**Revocation or alteration of previous resolution**

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

**Chairperson may call a meeting**

The Chairperson:

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

**Irrelevant matter and needless repetition**

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

**Taking down words**

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

**Explanations**

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

**Chairperson rising**

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

**Members may leave places**

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

**Priority of speakers**

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

**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.

**Questions of speakers**

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

**Withdrawal of offensive or malicious expressions**

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

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

**Chairperson's rulings**

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

**Disorderly behaviour**

The Chairperson may:

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

**Failure to leave meeting**

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

**Audio or audio visual attendance**

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

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

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

## Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

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

The Mayor has authority to:

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

The Council retains the ability to:

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

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

## Appendix 8: Process for removing a Chairperson and deputy Mayor from office

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

*cl. 18 Schedule 7, LGA 2002.*

## Appendix 9: Workshops

### Definition of workshop

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

### Application of standing orders to workshops

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

### Calling a workshop

Workshops, briefings and working parties may be called by:

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

### Process for calling workshops

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

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

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

### Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of the workshop;
- Persons present; and
- General subject matter covered.

## Appendix 10: Sample order of business

### Open section

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

### Public excluded section

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

## Appendix 11: Process for raising matters for a decision

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

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

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

- report of chief executive
- report of Chairperson

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

**8.3 PROPOSED CHANGES TO THE LGFA BORROWING COVENANTS****Author:** Ian Clements, Finance Team**Authoriser:** Mark de Haast, Group Manager Corporate Services**PURPOSE OF REPORT**

- 1 At a Special General Meeting to be held on 30 June 2020, the LGFA is proposing to increase the maximum amounts that it can lend to councils.
- 2 This report seeks Council approval to vote in favour of the proposed increases.

**DELEGATION**

- 3 The Council has the delegation to make this decision.

**BACKGROUND**

- 4 On 28 June 2012 the Council approved the participation by Kāpiti Coast District Council in the Local Government Funding Agency (LGFA) Scheme as a Principal Shareholding Local Authority.
- 5 The primary objective of the LGFA is to optimise the debt funding terms and conditions for participating local authorities. This includes providing savings in annual interest costs, making longer-term borrowings available and enhancing the certainty of access to debt markets.
- 6 The foundation policy and lending policy financial covenants were incorporated into the Foundation Policies in 2011 and have not subsequently been amended. Since 2011, councils have faced increased borrowing requirements to finance additional infrastructure to meet population growth, climate change and water quality issues.

Foundation policy financial covenants

- 7 When lending to councils, the LGFA sets covenants in place in order to minimise the risk of default on repayment of debt. The covenants are shown in the table below:

<b>Covenant</b>	<b>Ratio Current</b>	<b>Ratio Proposed</b>
Net Debt / Total Revenue	250%	280%
Net Interest / Total Revenue	<20%	<20%
Net Interest / Annual Rates Income	<30%	<30%
Liquidity	>110%	>110%

**ISSUES AND OPTIONS****Issues**

- 8 Councils are faced with short-term revenue uncertainties as a result of the impact of COVID-19 on the New Zealand economy. This will impact revenue for many councils.
- 9 A reduced level of funding is likely to come from:
  - Rates Income (primarily from zero or lower than forecast rate increases for the 2020/21 financial year);
  - Fee Income (less parking revenue, revenue from community facilities, regulatory services income);

- Investment income (lower dividends and / or lower returns from investment funds);
  - Development contributions.
- 10 The changes being proposed by the LGFA aim to provide greater financial flexibility and borrowing capacity for councils as a result of the short-term impacts of COVID-19 as well supporting the local government sector to meet additional demand for infrastructure investment over the longer term.

#### Proposal details

- 11 The LGFA recognises that many local authorities will face COVID-19 impacts of reduced revenue and increased capital demands for infrastructure over the next six years. It has therefore sought to assist the local government sector by seeking to implement the following measures:
- 11.1 to increase the foundation policy financial covenant net debt / total revenue from the current 250% to 280% for local authorities with a long-term credit rating of 'A' equivalent or higher;
- 11.2 that until 2025/26, local authorities with a long-term credit rating of 'A' equivalent or higher must comply with the "Alternative Net Debt / Total Revenue covenant" as below.

<b>Alternative Net Debt / Total Revenue Covenant</b>	
<b>Financial Year (Test Date)</b>	<b>Net Debt / Total Revenue</b>
30 June 2020	<250%
30 June 2021	<300%
30 June 2022	<300%
30 June 2023	<295%
30 June 2024	<290%
30 June 2025	<285%

- 11.3 that the amended foundation policy financial covenant of 280% will apply in the 2025/26 financial year and annually thereafter.
- 12 Financial covenants for the council-borrowers that do not have long-term credit ratings of 'A' equivalent or higher are to remain unchanged at 175%.

#### Impact of the proposal

- 13 The additional risk for LGFA (and its council guarantors) from increasing the Net Debt/Total Revenue covenant stems from those councils who can borrow more either taking on additional debt or experiencing a reduced level of revenue than previously forecast.
- 14 The LGFA has assessed there to be a low probability of a council defaulting. In addition, there are a number of mitigations which reduce the likelihood of a call being made on the guarantors, of which this Council is one. These mitigations are as follows:
- 14.1 There has never been a default by a New Zealand Council. In addition, there is strong oversight of the sector by the Office of the Auditor General (OAG) and the Department of Internal Affairs (DIA). If the Government has concerns over the performance of a council, there are several intervention steps that can be taken including the appointment of a Crown Observer through to the appointment of Commissioners.
- 14.2 All lending undertaken by LGFA to councils is done with a security charge over the council's rates. This means that in the event of a default by a council, LGFA can

appoint a statutory manager who can impose a special rate that would be able to recover the amount owed to LGFA. This ensures all lending to councils is first ranking.

- 14.3 As at March 2020, LGFA had capital of \$244.6 million. This was made up of \$81.5 million of equity and \$163.1 million of borrower notes (BN) which could be converted into redeemable preference shares. In addition, there is a further \$20 million of uncalled capital. This provides over \$250 million of capital that could be used before a call was made under the guarantee.

LGFA is proposing to increase the BN percentage to 2.5% and the recently increased lending margins will increase capital. Increasing the BNs alone will increase capital by almost \$100 million in the next six years.

- 14.4 The LGFA has two classes of council borrowers – those with long-term credit ratings of 'A' equivalent or higher of which there are 30 borrowing councils, and those without credit ratings. Out of the total loans on issue, 90% are to councils with credit ratings.

LGFA covenants are set at a level that is roughly consistent with an "A+" credit rating from S&P global ratings. A borrower with a credit rating of "A+" remains of investment grade quality and is not expected to default on its obligations.

- 14.5 The New Zealand Government does not guarantee the LGFA. However, the government is a 20% shareholder in LGFA. In addition, the government provides a \$1 billion committed credit facility to the LGFA. This would provide the LGFA access to funding in the event of a severe market disruption in capital markets which in turn would provide continuity of funding to the New Zealand local authority sector. The government is also a member of the LGFA Shareholder Council.

- 14.6 The LGFA will be able to lend an additional \$2.6 billion to the 30 councils with a long-term credit rating of 'A' equivalent or higher. Of the 30 local authority borrowers with 'A' or higher credit ratings, that are able to access the increased borrowing, the highest ratio is 180.3%. Therefore, most have significant headroom to manage the potential financial pressures over the next few years.

- 14.7 The Reserve Bank of New Zealand (RBNZ) added LGFA bonds to its Large-Scale Asset Purchase (LSAP) programme in early April and can buy up to 30% of LGFA bonds on issue. The Minister of Finance has agreed to indemnify the RBNZ from any losses incurred through operating the LSAP. This provides a source of liquidity for the LGFA and ensures that it can borrow at cost effective yields.

#### Further support

- 15 The LGFA has discussed the proposal with credit rating agencies who have advised that it will not change the LGFA's overall rating of AA+ (and that therefore its price of borrowing for on-lending to local authorities will not increase as a result of the increased financial covenant). Furthermore, S&P Global Ratings recently noted that the additional risk to guarantors from the proposed changes is very low.
- 16 The LGFA's Shareholders Council also support the proposed changes and recommend that all shareholders do the same.

#### **Options**

- 17 The options are to vote for or against the proposal. Officers support the proposal because they believe that the risk of default, and a call on council guarantees is low, and that this risk is outweighed by the benefits provided to those councils that need increased borrowing capacity.

Shareholder resolution

- 18 The LGFA's shareholder resolutions at the Special General Meeting (SGM) on 30 June 2020 are as follows:
- To increase the Net Debt / Total Revenue foundation policy financial covenant from the current 250% to 280%, which applies to local authorities with long-term credit ratings of 'A' equivalent or higher.
  - Such local authorities will not be required to comply with the revised Net Debt / Total Revenue foundation policy financial covenant until the financial year ending 30 June 2026.
- 19 In order to convey the Council's voting intentions at the SGM, the Council needs to appoint a proxy. Officers recommend that the Group Manager, Corporate Services be appointed as the Council's proxy.

**CONSIDERATIONS****Policy considerations**

- 20 There are no immediate policy considerations arising from this report however future policy changes will be considered, as discussed in the Financial Considerations below.

**Legal considerations**

- 21 There are no legal considerations in addition to those already outlined in this report.

**Financial considerations**

- 22 In July 2019, Standard and Poor's revised the Kāpiti Coast District Council's credit rating outlook up two grades from A+ to AA.
- 23 This Council has an equity stake of 0.4% in the LGFA, is a borrower with current net long-term loans of \$165 million and is a guarantor of any losses incurred by the LGFA from borrower defaults.
- 24 There are 54 Council guarantors of the LGFA's total lending, of which the Kāpiti Coast District Council has a 1.1% share (based on a proportionate share of rates income). Total debt issued by the LGFA is \$10.8 billion however, the LGFA has access to liquid assets of \$1.56 billion before council guarantees are called.
- 25 The Council's Net Debt / Total Revenue is forecast to be 191% at the end of June 2020. While the Council could borrow more (up to 240% as outlined in its Treasury Management Policy), it has chosen to limit its borrowings to 200% of operating income - the Council's 'green line' strategy
- 26 The Council will have the opportunity to review its borrowing requirements as part of the 2021-41 Long Term Plan or earlier if any Crown Infrastructure Partnerships recommendations to central government of the Councils "shovel ready" infrastructure project bids are formally approved.

**Tāngata whenua considerations**

- 27 There are no issues requiring specific consideration by Tāngata whenua.

**Strategic considerations**

- 28 The prudent use of the LGFA for all the Council's borrowing requirements contributes to the key 10-year outcome of improved financial position against financial constraints by allowing the Council to achieve lower interest rate costs.

**SIGNIFICANCE AND ENGAGEMENT****Significance policy**

- 29 This matter has a low level of significance under the Council's Significance and Engagement Policy.

**Consultation already undertaken**

- 30 No consultation has been undertaken in the development of this report.

**Engagement planning**

- 31 An engagement plan is not needed for this report to be considered.

**Publicity**

- 32 There are no publicity considerations.

**RECOMMENDATIONS**

That the Council:

- 33 Appoints the Group Manager, Corporate Services as proxy to vote on behalf of the Council at the Local Government Funding Agency's Special General Meeting on 30 June 2020, with the Chief Executive of the LGFA as alternate;
- 34 Agrees that the proxy or alternate votes in favour of the Local Government Funding Agency's proposal as follows:
- 34.1 to increase the foundation policy financial covenant net debt / total revenue from the current 250% to 280% for local authorities with a long-term credit rating of 'A' equivalent or higher;
- 34.2 that until 2025/26, local authorities with a long-term credit rating of 'A' equivalent or higher must comply with the "Alternative Net Debt / Total Revenue covenant" as below.

<b>Alternative Net Debt / Total Revenue Covenant</b>	
<b>Financial Year (Test Date)</b>	<b>Net Debt / Total Revenue</b>
30 June 2020	<250%
30 June 2021	<300%
30 June 2022	<300%
30 June 2023	<295%
30 June 2024	<290%
30 June 2025	<285%

- 35 Notes the amended foundation policy financial covenant of 280% will apply in the 2025/26 financial year and annually thereafter.

**APPENDICES**

Nil

## 8.4 VOTING IN THE ELECTRA TRUST ELECTION 2020

**Author:** Leyanne Belcher, Democracy Services Manager

**Authoriser:** Janice McDougall, Group Manager People and Partnerships

### PURPOSE OF REPORT

- 1 This report seeks the Council's decision on how to exercise its voting right in the Electra Trust election 2020.

### DELEGATION

- 2 Only the Council may make this decision.

### BACKGROUND

- 3 Electra is locally owned and controlled. The Trust represents households and businesses in Kāpiti and Horowhenua who are connected to the local Power lines provided by its operating company Electra Ltd. Electra is wholly-owned by its consumers (the beneficiaries) who, in 2020, totalled 45,300 from Paekākāriki in the south to Foxton and Tokomaru in the north. The 'shares' are held on behalf of the consumers by a Trust, elected under a Trust Deed to represent the owner's interests and protect their asset.
- 4 Standing for election to the Trust is open to any of its owners, a residential or business owner who has a dedicated ICP number (shown on your power account).
- 5 In accordance with the provisions of the Electra Trust Deed once a year, two of the six Trustees (the longest in office) must on a rotating basis either retire or re-stand for election, thus providing an annual opportunity for change in representation.
- 6 At the meeting of the Kāpiti Coast District Council on 28 May 2020 members resolved to exercise the Council's voting right in the 2020 Election.

### ISSUES AND OPTIONS

#### Issues

- 7 The Electra Trust has advised the following **timetable**

21 Feb	Call for nominations
24 April noon	Nominations closed
18 May	Voting papers sent out
12 June noon	Voting closes
14 June	Results published on Electra Trust website
18 June	Results in local newspapers
24 July	Results announced at Electra Trust AGM
- 8 The Trustees elect a Chair after each AGM. Sharon Crosbie CNZM OBE of Manakau is the current Chair, and the Trustees are Lindsay Burnell QSM of Ohau, Ray Latham of Paraparaumu, John Yeoman BBS ACA FCIS of Paraparaumu, Brendan Duffy ONZM,JP of Levin. Cr Janet Holborow is also a Trustee having been elected in 2018.
- 9 Lindsay Burnell, Kevin Burrows, Brendan Duffy and Neil Mackay are the nominated candidates standing for election to two trustee positions. Candidate profiles are attached at Appendix 1 of this report.
- 10 For the 2020 election, the Council has 303 ICPs. For the year ending 30 June 2019 Council spent \$2,154,978 including GST on electricity (compared with \$2,171,790 in the previous year).
- 11 Appendix 3 of this report provides information on the numbers involved in the 2019 election.

- 12 Members may vote for up to two candidates. The Council's decision will be captured on the voting paper attached as Appendix 2 of this report, which will be returned via email to the Returning Officer to apply against all of its connections.

## CONSIDERATION

### Policy considerations

- 13 There are no policy considerations.

### Legal considerations

- 14 There are no legal considerations.

### Financial considerations

- 15 There are no financial considerations.

### Tāngata whenua considerations

- 16 There are no tāngata whenua considerations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 17 This matter has a low level of significance under Council policy.

### Engagement planning

- 18 An engagement plan is not needed to implement this decision.

### Publicity

- 19 There will be public interest in this decision and the decision will be made available on the Council website via the minutes of the 11 June Council Meeting 2020.

## RECOMMENDATIONS

- 20 That Council vote for ..... and ..... in the Electra Trust 2020 election.

## APPENDICES

1. Electra 2020 Trustee election profiles [↓](#) 
2. Electra 2020 Trustee election voting paper [↓](#) 
3. Results of 2019 election [↓](#) 



## 2020 Trustee Elections CANDIDATE PROFILES

*Disclaimer: The Returning Officer for Electra Trust accepts no responsibility for the content or accuracy contained in the statements as supplied by the candidates.*



### **BURNELL Lindsay**

We must remain community owned. As the longest serving and experienced Electra Trustee. I believe in community ownership so each of us benefits from a strong reliable, local electrical network we own and control, which returns a valuable annual discount.

I have extensive local and regional government experience and enjoy many community activities. These keep me in close contact with our consumers, ensuring that I bring your views to the table.

Local Trust ownership of our lines company is essential and if re-elected I undertake to represent you with integrity and will ensure that you continue to receive your discount.



### **BURROWS Kevin**

Electra provides a valuable service to the local community and the rebates it provides are appreciated by everyone and needs to be retained in public ownership. Prior to retirement I worked for the New Zealand Public Service Association Te Pukenga (PSA) and the New Zealand Educational Institute (NZEI).

I've been on the board of the Electrical Supply Industry Training Organisation (ESITO) and the Governing Council of the Wellington Institute of Technology (Weltec). For the past five years I have been involved in Kapiti Grey Power as President, Vice President and Committee member.

I have a degree majoring in Economic History.



### **DUFFY Brendan**

The term I am completing on the Trust has seen us make some significant improvements to several of the Trust's processes. We are very determined to ensure that the Board of Directors are skilled and will deliver the financial benefits to the residents in Kapiti Horowhenua, whom we on the Trust represent. My focus has been on efficient governance, a review of multiple policies and ensuring that the Trust relationship with the Board is as focussed as possible. I fully support the Chair, Sharon Crosbie, and the Trust direction and am willing to serve a second term with your support.



### **MacKAY Neil**

I spent twelve years on the Electra Board (2007-2019) the last three as Chair. I fully understand the strategies/ operations of the business, the challenges in the electricity sector and the role, functioning and importance of a strong Electra Trust.

Under my leadership Electra significantly improved its overall financial position and passed on increased sales discounts to the electricity consumers each year.

I have extensive background in governance, business and the community. I will strongly protect and support your interests to ensure the highest levels of service and valuable annual discounts. I am fully committed to maintaining local ownership.





### 2019 Trustee Election

#### DECLARATION OF ELECTION RESULT

I hereby declare the result for the 2019 Trustee Election held on Friday 14 June 2019.

I confirm that the official result was determined after the scrutiny of all returned voting papers and counting of valid votes.

#### 2019 Trustee Election (2 vacancies)

CROSBIE, Sharon	5,226
YEOMAN, John	4,805
BURNS, Guy	2,019
GUNDERSEN, Bryan	1,355
INFORMAL	7
BLANK VOTING PAPERS	9

I therefore declare **Sharon CROSBIE** and **John YEOMAN** elected as Trustees to the Electra Trust.

The voter return was 15.76% being 6,899 votes received from 43,789 eligible electors, of which 57.41% voted online and 42.59% voted by post.

Dated at Christchurch this 14 day of June 2019.

A handwritten signature in blue ink, appearing to read "Warwick Lapp".

Warwick Lapp  
Returning Officer - Electra Trust  
[iro@electionz.com](mailto:iro@electionz.com), 0800 666 033



**9 CONFIRMATION OF MINUTES**

**9.1 CONFIRMATION OF MINUTES**

**Author:** Grayson Rowse, Democracy Services Advisor

**Authoriser:** Janice McDougall, Group Manager People and Partnerships

**RECOMMENDATIONS**

That the minutes of the Council meeting on 28 May 2020 be accepted as a true and accurate record of the meeting.

**APPENDICES**

1. Minutes of Council meeting 28 May 2020 [↓](#) 

**MINUTES OF KAPITI COAST DISTRICT COUNCIL  
COUNCIL MEETING  
HELD AT THE ONLINE VIA ZOOM  
ON THURSDAY, 28 MAY 2020 AT 9.30AM**

**PRESENT:** Mayor K Gurunathan, Deputy Mayor Janet Holborow, Cr Angela Buswell, Cr James Cootes, Cr Jackie Elliott, Cr Gwynn Compton, Cr Jocelyn Prvanov, Cr Martin Halliday, Cr Sophie Handford, Cr Robert McCann, Cr Bernie Randall

**IN ATTENDANCE:** Chair, Te Whakaminenga o Kāpiti - Rupene Walker,  
Paraparaumu-Raumati Community Board Chair - Chair Kathy Spiers,  
Otāki Community Board Chair Chris Papps,  
Waikanae Community Board Chair James Westbury,  
Paekākāriki Community Board Chair Holly Ewens,

Wayne Maxwell, Natasha Tod, Sean Mallon, Janice McDougall, Mark de Haast, James Jefferson, Tanicka Mason, Grayson Rowse, Alison Law, Angela Bell, Darryn Grant, Susan Owens

**APOLOGIES:** Nil

**LEAVE OF  
ABSENCE:** Nil

**1 WELCOME**

**2 COUNCIL BLESSING**

The Mayor welcomed everyone to the meeting and Cr Cootes read the Council blessing.

**3 APOLOGIES**

Nil

**4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

The following members of the public spoke in relation to item 8.2 Kapiti Gateway

- a) Russell Spratt
- b) Dr Mahina-a-rangi Baker
- c) Jack Mace
- d) Guy Burns,
- e) Vicky Cooper
- f) John Barrett

- g) David Perks
- h) Sharon Hunter
- i) Darren Hunter
- j) Christopher Ruthe,

Cr Jackie Elliott left the meeting at 12:28 pm.

Cr Jackie Elliott returned to the meeting at 12:39 pm.

The meeting adjourned at 12.58 pm and resumed at 1.30.

## 6 MEMBERS' BUSINESS

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advise to be provided to the Chair prior to the commencement of the meeting)

## 7 MAYOR'S REPORT

Mayor provided a verbal update, noting work of the Emergency Operations Centre, council staff and community response to COVID-19.

## 8 REPORTS

### 8.1 ADOPTION OF FEES AND CHARGES

Mark de Haast spoke to the report, and officers answered questions from members.

#### **RESOLUTION 2020/14**

Moved: Cr James Cootes

Seconder: Deputy Mayor Janet Holborow

20. That the Council receives and notes this report, including Appendix 1 to this report.

21. That Council approves the exceptions to the 2020/21 Fees and Charges as detailed in paragraph 7 of this report.

22. That Council approves under Section 150 of the Local Government Act 2002, the 2020/21 Fees and Charges, attached as Appendix 1 to this report.

23. That Council notes that any changes occurring as a result of the decisions made at this Council meeting of 28 May 2020, will be incorporated into the final 2020/21 Annual Plan to be adopted on 25 June 2020.

**CARRIED**

**8.2 KAPITI GATEWAY**

The Chief Executive made introductory remarks. Allison Law spoke to report and officers answered questions from members.

Cr Janet Holborow proffered two additional recommendations.

**RESOLUTION 2020/15**

Moved: Cr Angela Buswell

Seconder: Cr Jackie Elliott

71. That the Council approves an application being made to the Provincial Growth Fund for fifty percent (\$2.23m) of the total development costs for the Kapiti Gateway Project and delegates to the Chief Executive the authority to sign off the final application and support material in general accordance with this report.
72. That the Council notes that officers will provide reprioritised capex budgets for the council share of development costs, once the PGF application is approved and detailed design is confirmed – including construction timelines.
73. The Council notes that a business case for the project is in process, and the results of that will be taken into account by council in progressing the project, and moves that further clarification to ascertain operation of the facility and analysis of future sustainability of the project will be undertaken before it proceeds.
74. The council notes that further engagement with stakeholders and advisors will be carried out if the project progresses to inform the operation and final design.

For: Mayor K Gurunathan, Janet Holborow, Angela Buswell, James Cootes, Jackie Elliott, Jocelyn Prvanov, Sophie Handford and Robert McCann

Against: Crs Gwynn Compton, Martin Halliday and Bernie Randall

**CARRIED 8/3**

During consideration of item 8.2, the meeting was interrupted to suspend standing orders

**SUSPENSION OF STANDING ORDERS****RESOLUTION 2020/16**

Moved: Deputy Mayor Janet Holborow

Seconder: Mayor K Gurunathan

That Council suspend standing order 4.2, so that this meeting of Council can be extended beyond six hours duration to complete items 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 9, 10, 11, and 12 on the agenda.

**CARRIED**

The meeting adjourned at 4.18 and resumed at 4.30.

Cr Bernie Randall left the meeting at 4:35 pm.

### 8.3 SUSTAINABLE TRANSPORT STRATEGY

Sean Mallon presented report, and answered questions from members

#### RESOLUTION 2020/17

Moved: Deputy Mayor Janet Holborow

Seconder: Cr James Cootes

27. That Council approves the Draft Sustainable Transport Strategy for formal public consultation.

**CARRIED**

### 8.4 FINANCE REPORT AS AT 31 MARCH 2020

Mark de Haast presented the report, an answered questions from members

#### RESOLUTION 2020/18

Moved: Cr Jackie Elliott

Seconder: Cr James Cootes

89. That the Council receives this report.

90. That the Council notes the actual financial performance and position of the Council for the nine months ended 31 March 2020.

91. That the Council notes the forecast financial performance and position of the Council for the year ended 30 June 2020.

**CARRIED**

### 8.5 CONTRACTS UNDER DELEGATED AUTHORITY

#### RESOLUTION 2020/19

Moved: Cr James Cootes

Seconder: Deputy Mayor Janet Holborow

That the Council notes there were no contracts accepted under delegated authority over \$250,000 for the period 1 January to 31 March 2020.

**CARRIED**

Cr Angela Buswell left the meeting at 4:57 pm.

### 8.6 POSSIBLE VOTING IN ELECTRA TRUST ELECTION 2020

Janice McDougall presented report, and answered questions from councillors

**RESOLUTION 2020/20**

Moved: Mayor K Gurnathan

Seconder: Cr Jocelyn Prvanov

That the Council exercise its right to vote in the 2020 Electra Trust election.

For: Mayor K Gurnathan, Crs James Cootes, Gwynn Compton, Jocelyn Prvanov, Martin Halliday, Sophie Handford and Robert McCann

Against: Cr Jackie Elliott

Abstained: Cr Janet Holborow

**CARRIED 7/1**

**8.7 REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS****RESOLUTION 2020/21**

Moved: Mayor K Gurnathan

Seconder: Cr James Cootes

That Council receives this report (Reports and Recommendations from Standing Committees and Community Boards).

**CARRIED**

**9 CONFIRMATION OF MINUTES****9.1 CONFIRMATION OF MINUTES****RESOLUTION 2020/22**

Moved: Cr Robert McCann

Seconder: Cr Jackie Elliott

That the minutes of the Council meeting on 14 May 2020 be accepted as a true and accurate record of the meeting.

**CARRIED**

**10 PUBLIC SPEAKING TIME**

Nil

**11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil

**12 PUBLIC EXCLUDED REPORTS****RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION 2020/23**

Moved: Mayor K Gurnathan

Seconder: Cr Jackie Elliott

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter 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>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 for the passing of this resolution</b>
<b>12.1 - Air Service Restart in Kapiti</b>	<p>Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**CARRIED**

The Council meeting went into public excluded session at 5.19pm.

**RESOLUTION 2020/24**

Moved: Mayor K Gurnathan

Seconder: Deputy Mayor Janet Holborow

That the Council moves out of a public excluded meeting.

**CARRIED**

The Council came out of public excluded session at 5.46pm.

The Council meeting closed at 5.48pm.

.....  
**CHAIRPERSON**

**10 PUBLIC SPEAKING TIME**

- Covering other items if required
- Public Speaking Time responses

**11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

## 12 PUBLIC EXCLUDED REPORTS

## RESOLUTION TO EXCLUDE THE PUBLIC

**PUBLIC EXCLUDED RESOLUTION**

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter 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>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 for the passing of this resolution</b>
<b>11.1 - Confirmation of Public Excluded minutes</b>	<p>Section 7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7