



# **AGENDA**

## **Council Meeting**

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

**Date: Thursday, 7 November 2019**

**Time: 10.00am**

**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 7 November 2019, 10.00am.**

**Council Members**

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

**Order Of Business**

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	Nil	



**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 MAYORAL APPOINTMENTS AND THE ESTABLISHMENT OF COMMITTEES

**Author:** K Gurunathan, Mayor

**Authoriser:** Wayne Maxwell, Chief Executive

#### PURPOSE OF REPORT

- 1 I wish to inform the Council of the exercise of mayoral powers under section 41A of the Local Government Act (LGA) 2002.

#### BACKGROUND

- 2 Section 41A of the LGA 2002 enables the mayor to carry out a number of actions independent of councils. Mayors may:
- Appoint the deputy mayor
  - Establish committees of council (including the terms of reference but excluding delegations to those committees; only the Council may approve delegations and these are the subject of a separate report)
  - Appoint the chairperson of each committee established by the mayor, and for that purpose, a mayor may make the appointment before the other members of the committee are determined (noting that the mayor is a member of each committee), and may appoint herself or himself.

#### ACTIONS

- 3 Accordingly, I am taking the following actions:
- 4 I am appointing Cr Janet Holborow as the Deputy Mayor for the 2019-2022 Triennium.
- 5 I am establishing the following Committees of Council, and appointing the following Chairs and membership to them:

COMMITTEE	CHAIR	MEMBERS
Strategy and Operations Committee	Cr Cootes	Mayor and all Councillors
Audit and Risk Subcommittee	Independent	Mayor, Deputy Mayor, Chair of Strategy & Operations, and Deputy Chair of Strategy & Operations Committee
Grants Allocation Subcommittee	Cr Elliott	Mayor and 5 Councillors
Appeals Hearing Subcommittee	Mayor	Deputy Mayor, and Chair of Strategy and Operations Committee
Chief Executive Performance and Employment Subcommittee	Mayor	Mayor and all Councillors

#### ISSUES AND OPTIONS

##### Issues

- 6 Terms of reference for each Committee, which describe their major responsibilities, are also at Appendix 1.

**RECOMMENDATIONS**

- 7 That the Council notes the mayoral appointments of the Deputy Mayor, Committee Chairperson, Subcommittee Chairpersons, and the establishment of Committees including terms of reference for the 2019-2022 Triennium as at Appendix 1 of the Mayoral Appointments report.

**APPENDICES**

1. Major responsibilities of each committee [!\[\]\(e662c6fdc679f154c0e75d901761d894\_img.jpg\)](#) 

**APPENDIX 1 MAYORAL APPOINTMENTS AND ESTABLISHMENT OF COMMITTEES  
2019-2022 TRIENNIUM**

DEPUTY MAYOR	Cr Janet Holborow
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COMMITTEE	CHAIR	MEMBERSHIP
STRATEGY AND OPERATIONS	Cr James Cootes	Mayor and all Councillors

This Committee of the whole will deal with all decision-making that is not the responsibility of the Council. Key responsibilities will include:

- Setting and approving the policy and strategy work programme
- Overseeing strategic programmes
- Liaison and planning with other territorial authorities
- Development and/or review of strategies, plans, policies and bylaws
- Preparation of District Plan and Plan Changes
- Oversight of any shared services initiatives
- Economic development strategy
- Reviewing and approving community contracts
- Receive annual reports from any community or advisory group
- Financial management, including risk mitigation
- Approval of non-budgeted expenditure
- Approval of contracts and contract variations outside the Chief Executive's delegations
- Write-offs and remissions
- Financial policies
- Regulatory and planning matters
- Property purchases or sales
- Operational aspects of bylaws
- Civil defence and emergency management matters
- Procedural matters relation to electoral processes not otherwise delegated to the Chief Executive
- Signing off any submission to an external agency or body



SUBCOMMITTEE	CHAIR	MEMBERSHIP
Audit and Risk	Independent	Mayor, Deputy Mayor, Chair of Strategy and Operation, and 2 Independent members.

This subcommittee will monitor the Council's financial management and reporting mechanisms and framework and review the audit and risk function, ensuring the existence of sound internal systems. Key responsibilities will include:

- Reviewing and maintaining the internal control framework;
- Reviewing processes for ensuring the completeness and quality of financial and operational information, including performance measures, being provided to Council;
- Considering Council's existing accounting policies and principles;
- Obtaining from external auditors any information relevant to the Council's financial statements, and assessing whether appropriate action has been taken by management in response to the above;
- Ensuring that the Council's financial statements are supported by appropriate management signoff and adequate systems of internal control (ie letters of representation);
- Considering regular reports on the status of investigations by the Office of the Ombudsman into decisions by the Council;
- Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation;
- Assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role;
- Confirming the terms of engagement for each audit with a recommendation to the Council; and receiving the external audit reports for recommendation to the Council;
- Governance role in regards to the Health and Safety Leadership Charter and Health and Safety Plan.

SUBCOMMITTEE	CHAIR	MEMBERSHIP
Chief Executive Performance and Employment	Mayor	All Councillors

This subcommittee will manage the Contract of Employment between the Council and the Chief Executive. The subcommittee may also include an independent advisor to assist with delivering its duties. Key responsibilities of the subcommittee will include:

- Being a good employer
- Approving the employment agreement including the setting of performance indicators
- Working with the Chief Executive to implement a new performance agreement
- Conducting performance reviews as per the agreement and clauses 34 and 35 of Schedule 7 of the Local Government Act 2002
- Making decisions about remuneration
- Considering and deciding on any other relevant issues
- Investigating and addressing any disciplinary or performance issues

- Seeking the advice of appropriately qualified external advisors in relation to any aspect of the Chief Executive's employment and performance.
- Making recommendation/s to Council on the appointment of a Chief Executive.

SUBCOMMITTEE	CHAIR	MEMBERSHIP
Grants Allocation	Cr Elliott	Mayor and 5 Councillors

This subcommittee will consider, and allocate grant moneys in accordance with the meeting cycles and criteria of five granting programmes: Creative Communities NZ, Community Grants, Waste Levy, Districtwide Hall Hire Remissions, and Heritage Fund. Key responsibilities will include assessing applications and allocating funds in accordance with each programme's criteria, considering factors such as (but not limited to):

- the clear aims and objectives of the applicant;
- the project or event for which the grant is requested;
- where appropriate, evidence of a sound management structure, and good financial management;
- how closely the application fits with the scheme criteria;
- the identification and evaluation of local needs;
- the use of any previous money granted by Council or Creative New Zealand;
- the level of community involvement in the project;
- the expected outcomes and benefits of the service/project for the Kāpiti Coast District.

SUBCOMMITTEE	CHAIR	MEMBERSHIP
Appeal Hearings	Mayor	Mayor, Deputy Mayor, & Chair of Strategy & Operations Committee & 1 Councillor

This subcommittee will act in a regulatory capacity on behalf of Council in regards to appeals or objections required to be heard under relevant pieces of legislation. The subcommittee may co-opt an independent advisor as required, depending on the topic.

Key responsibilities will include:

### **Dog Owners' Objections**

- Hearing and adjudicating objections from dog owners to classifications of dog owners and/or dogs under the Dog Control Act 1996 as per the following sections:
  - Objection to classification as probationary owner (s22)
  - Objection to disqualification (s26)
  - Objection to classification of dangerous dog (s31(3))
  - Objection to classification of menacing dog (by nature) (s33B)
  - Objection to classification of menacing dog (by breed) (s33D)
  - Barking dog abatement notice (s55(2))
- Hearing and determining applications made under the Kapiti Coast District council dog Control Bylaw 2008 ('the Bylaw') for medical exemption for dogs from clauses 6.1 and 6.4 of the Bylaw including the imposition of any conditions surrounding any such exemptions.

### **Transport and Roading**

- Authority to hear and determine objections to the fixing of road levels (13<sup>th</sup> schedule, Local Government Act 1974)

### **Littering**

- Authority to hear appeals against infringement notices issued under Sections 13 and 14 of the Litter Act 1976.

**Development Contributions**

- Authority to hear and determine objections to development contributions received prior to 8 August 2014.

**8.2 GOVERNANCE STRUCTURE AND DELEGATIONS 2019-2022 TRIENNIUM**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

- 1 This report asks the Council to:
  - (a) Note the Mayor's exercise of his powers under Section 41A of the Local Government Act (LGA) 2002 in appointing the Deputy Mayor, establishing Committees and assigning Chairs and members to them;
  - (b) Follow the prescribed process in appointing Deputy Chairs to the Committees and
  - (c) Approve delegations for Committees, Subcommittees and Community Boards for the 2019-2022 Triennium as a Appendix1.

**DELEGATION**

- 2 Only Council may consider this matter.

**BACKGROUND**

- 3 A council is able to delegate functions and decision-making except those expressly not permitted in legislation. Establishing the right kind of governance structure in terms of decision-making is critical to a council effectively and efficiently discharging its governance role.
- 4 Standing committees (a committee established for the term of the council) or a special purpose committee are established for a specific purpose with a set range of responsibilities. Committees are able to focus on key strategic, policy and project areas on behalf of the council. They can be delegated authority by the council to make decisions on the council's behalf or to inquire into a particular issue and provide a report and recommendation back to the council.
- 5 Where all members of the council are appointed to a committee (a committee of the whole) the committee can be empowered to make binding decisions. That avoids delays in decisions being made due to having to report back to the council and also avoids re-litigation of the debate at full council. Conversely where there are one or more committees of the whole this could considerably increase the workload for councillors.
- 6 Non-elected members may also be appointed by the council to a committee on the basis of their specialist skills, attributes or knowledge.
- 7 Subcommittees are established for a defined range of responsibilities that do not have significant political, community, strategic or policy outcomes that need to be achieved. They may be established for a specific purpose or task. They may operate in a short time frame and may be more informal in their operation. Delegated decision-making is generally at the lower end of the decision making continuum (i.e. not having a high level of significance). Non-elected appointees may also be members. The work done by subcommittees can help the decision-making process be more efficient.
- 8 Council or its committees may also convene a range of other bodies such as working parties, working groups, steering groups or advisory groups. These are usually focussed on a specific issue and in consultation with community stakeholders help to produce options for the committee or council to consider. Unless there is a specific resolution that gives them authority, usually these bodies do not have decision-making power. Standing Orders do not apply to their meetings.

- 9 In summary there are a number of elements to consider when deciding what type of governance structure would best suit a particular area of work:
- Legislative parameters
  - Frequency of meeting
  - Operating processes
  - Workload across the elected member body
  - Stakeholder interests
  - Efficiency and effectiveness
  - Should the convened bodies have the power to make binding decisions on particular issues, or should they be required to make recommendations to the parent body?
  - Are specified skills, attributes and knowledge required (i.e. appointed members as well as elected).
- 10 The LGA provides the following guidance:
- Council can appoint committees, subcommittees and other decision-making bodies
  - Committees can appoint subcommittees
  - A decision made under delegated authority cannot be overturned by the body that gave the delegation
  - For the purposes of efficiency and effectiveness a council can delegate any of its powers or responsibilities except certain specified exemptions.
- 11 Clauses in Schedule 7 of the LGA detail Council's powers to establish decision-making bodies, appoint members to them and provide delegations for these bodies, as well as the power to undo these actions.
- 12 A 2014 amendment to the LGA (Section 41A) provides the Mayor with powers to establish committees, appoint the deputy mayor and chairs and membership of those committees before any other members are assigned. However, Council is legally able to overturn those actions.
- 13 The following have been established by the Mayor for the 2019-2022 Triennium:
- Strategy and Operations Committee
  - Audit and Risk Subcommittee
  - Chief Executive Performance and Employment Subcommittee
  - Appeals Hearing Subcommittee
  - Grants Allocation Subcommittee
- 14 The Campe Estate Subcommittee is established through a separate legal instrument (i.e. a Will).
- 15 An exception to the mayoral powers to establish Committees and appoint Chairs is the District Licensing Committee. This Committee is the creature of different legislation. Under the provisions of the Sale and Supply of Alcohol Act 2012, it is only Council that can and must establish the Committee and appoint the Chair and Deputy Chair, and maintain list membership. A separate report will be brought to the Council for consideration in December 2019.

#### *Mayoral appointments*

- 16 Mayor Gurunathan has exercised the section 41A powers to appoint the Deputy Mayor, establish Committees and appoint Chairs and other members to them.
- 17 The Mayor has appointed Cr Holborow as the Deputy Mayor.

- 18 The following table details the Committees established by the Mayor, and the Chairs and membership assigned to them. Council must now follow the statutory process in appointing Deputy Chairs to these Committees.

<b>MAYORAL APPOINTMENTS UNDER S41A LGA 2002</b>		
<b>COMMITTEE</b>	<b>CHAIR</b>	<b>MEMBERSHIP</b>
Strategy and Operations Committee	Cr Cootes	Mayor and all Councillors Māori member with voting rights
Audit and Risk Subcommittee	Independent	Mayor, Deputy Mayor, Chair of Strategy and Operations, and Deputy Chair of Strategy and Operations
Grants Allocation Subcommittee	Cr Elliott	Mayor + 5 Crs
Appeals Hearing Subcommittee	Mayor	Mayor, Deputy Mayor and Chair of Strategy and Operations & 1 Councillor
Chief Executive Performance and Employment Subcommittee	Mayor	Mayor and all Councillors

- 19 The final step in the process of setting up the governance framework for this Triennium is for Council to approve delegations for the various Committees, Subcommittee and Community Boards. Appendix 1 contains a draft Governance Structure and Delegations document for the 2019-2022 Triennium for Council's consideration. There are some key issues for Council's attention as discussed below.
- 20 Only the Council may amend its Governance Structure and Delegations document (via majority vote) at any time. Amendments may be required to reflect changes in legislation or other changes required by Council.
- 21 At the 10 October 2019 the previous Council put in place a number of arrangements to allow the business of Council to continue during the transitional period between triennia, including the appointment of independent hearing commissioners for resource management functions. Now that the new Council has been sworn in a number of those appointments must be discharged before new Elected Member appointments can be made.

## ISSUES AND OPTIONS

### Issues

#### *Elections of Deputy Chairs of Committees*

- 22 Under clause 25 of Schedule 7 of the LGA, Council must, where there is more than one nomination for the position of Deputy Chair of a Committee, pass a resolution to adopt System A or System B of voting in order to effect the appointment. If there is only one nomination for each position Council can simply move to confirm the appointment by resolution.
- 23 In the past Council has approved the appointment of a Māori member to the major Standing Committees. The recruitment process for these nominations has been coordinated through the Council's independent partnership body, Te Whakaminenga o Kāpiti, with a recommendation to Council on the preferred candidate for each position. These appointments are enabled through the LGA, Schedule 7, Clause 31 which says that

Committee members do not need to be elected members if they have skills, attributes or knowledge relevant to the Committee's work. The Māori representatives have been full members of the Committee with speaking and voting rights. It is consequently proposed that a Māori member be appointed to the Strategy and Operations Committee.

- 24 Council is also asked to consider the inclusion of a specialist external non-elected member to the Chief Executive Performance and Employment Committee. This person would act in an advisory capacity only and would not have voting rights (but would count towards the quorum). They would be engaged to facilitate the Council's discussion around remuneration and performance matters. If this proposal is supported by Council, a report would be brought to a meeting in November outlining a process for the appointment.

#### ***Additional attendees at Council and Committee meetings***

- 25 In past triennia provisions have also been embedded in the Governance Structure and Delegations document allowing;
- Community Board Chairs or their alternates to sit at the table during Council and Committee meetings, with speaking but not voting rights;
  - The Chair of Te Whakaminenga o Kāpiti or their alternate to sit at the table during Council meetings with speaking but not voting rights;
  - Allowing the Mayor and Deputy Mayor to consider on a case-by-case basis Councillor applications for attendance at training events (including conferences) which would require to be funded over and above the Councillor's individual training allocation. (The training budget for the 19/20 financial year is expected to be fully expended to meet the costs of induction and preliminary training; a report for a training framework for the rest of the triennium will be brought to Council in early 2020.)
- 26 The new Council is invited to consider these arrangements.

#### ***Membership***

- 27 Some decision-making bodies have membership and terms of reference mandated through other legislation or legal instruments:
- The Campe Estate Subcommittee has its membership and terms of reference fixed through the Will of Sydney George Campe. The membership must comprise the Mayor, the Chief Executive, and the Paekākāriki-Raumati Ward Councillor.
  - The Grants Allocation Committee manages grant allocations through five programmes including the Creative Communities New Zealand programme which it administers on behalf of Creative NZ. The latter has a set of guidelines for the composition of the committee for this programme and recommends no more than two elected members be part of the decision-makers for this granting programme. Notwithstanding this caveat, a core membership of the Mayor and five Councillors is proposed.
  - The Waste Levy grants programme also calls for a nominee each from the Waikanae and Paraparaumu-Raumati Community Boards.

#### ***Quorum***

- 28 The quorum is also detailed in the document at Appendix 1 for each Committee, Subcommittee and Community Board. The business of the meeting can only proceed if there is a quorum, and the quorum must be maintained throughout the meeting. The quorum for a committee is defined in the Local Government Act as-
- (a) is not fewer than two members of the committee (as determined by the local authority or committee that appoints the committee); and
- (b) in the case of a committee other than a subcommittee, must include at least one member of the local authority.

- 29 Thus, the legislation sets the minimum quorum requirements and Council is able to set a higher threshold. So the quorum for each Committee, Subcommittee and Community Board has been set at the same level as for the local authority ie a majority if the number of members is odd, and half if it is even.
- 30 With regard to appointed members and the quorum - "A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote."
- 31 The role and powers of Community Boards are prescribed by legislation (clause 52):
- (a) represent, and act as an advocate for, the interests of its community; and
  - (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
  - (c) maintain an overview of services provided by the territorial authority within the community; and
  - (d) prepare an annual submission to the territorial authority for expenditure within the community; and
  - (e) communicate with community organisations and special interest groups within the community; and
  - (f) undertake any other responsibilities that are delegated to it by the territorial authority.

## CONSIDERATIONS

### Policy considerations

- 32 There are no policy considerations.

### Legal considerations

- 33 There are no additional legal considerations.

### Financial considerations

- 34 Financial considerations are not usually a consideration in a council's deliberations on its governance structure. Elected Member remuneration will be covered in a separate report for the consideration of the Council.
- 35 External appointments to Committees are remunerated positions. The Chair of Te Whakaminenga o Kāpiti is also remunerated for attendance at Council meetings.

### Tāngata whenua considerations

- 36 These considerations have been covered off in preceding sections.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

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

### Engagement planning

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

### Publicity

There will be public interest in this decision so a media release will be prepared and the final Governance Structure and Delegations document will be posted on the Council website.



**RECOMMENDATIONS**

39 That the Council of the 2019-2022 Triennium:

(a) Notes the Mayor's appointment of Cr Janet Holborow as the Deputy Mayor;

(b) Notes the Mayor's establishment of Committees and appointment of Chairs and membership of the following Committees:

<b>MAYORAL APPOINTMENTS UNDER S41A LGA 2002</b>		
<b>COMMITTEE</b>	<b>CHAIR</b>	<b>MEMBERSHIP</b>
Strategy and Operations Committee	Cr Cootes	Mayor and all Councillors Māori member with voting rights
Audit and Risk Subcommittee	Independent	Mayor, Deputy Mayor, Chair of Strategy and Operations, and Deputy Chair of Strategy and Operations
Grants Allocation Subcommittee	Cr Elliott	Mayor and Cr...and Cr... and Cr... and Cr... and Cr...
Appeals Hearing Subcommittee	Mayor	Mayor, Deputy Mayor and Chair of Strategy and Operations and Cr...
Chief Executive Performance and Employment Subcommittee	Mayor	Mayor and all Councillors

40 Adopts in the case where there is more than one nomination for the positions, System A or B as outlined in Schedule 7, clause 25 of the Local Government Act 2002, for the election of the Deputy Chairs of its Committees for the 2019-2022 Triennium;

41 Appoints **Deputy Chairs** of the Committees for the 2019-2022 Triennium as:

<b>COMMITTEE</b>	<b>DEPUTY CHAIR</b>
Strategy and Operations Committee	Cr Compton
Audit and Risk Subcommittee	Independent
Chief Executive Performance and Employment Subcommittee	Cr Holborow
Appeals Hearing Subcommittee	Cr Prvanov
Grants Allocation Subcommittee	Cr Buswell

42 Discharges Mr Gary Simpson from the Audit and Risk committee and appoints him to the Audit and Risk Subcommittee until 31 August 2021.

43 Discharges Mr Bryan Jackson from the Audit and Risk Committee and appoints him to the Audit and Risk Subcommittee until 1 July 2022.

- |    |  |
|----|--|
| 44 | Approves the appointment of one Māori representative with voting rights to the Strategy and Operations Committee for the 2019-2022 Triennium, noting that the recruitment of the preferred nominee will be coordinated through the Council's independent partnership body Te Whakaminenga o Kāpiti with a recommendation coming back to Council early in 2020. |
| 45 | Discharges Janet Holborow, Fiona Vining, Jackie Elliott, Mike Cardiff, Jocelyn Prvanov and K Gurunathan as transitional independent hearing commissioners for resource consent applications as per the relevant provisions of the Resource Management Act 1991.  |
| 46 | Adopts the delegations for Committees, Subcommittee and Community Boards as attached at Appendix 1 of this Governance Structure and Delegations 2019-2022 report.  |

## APPENDICES

1. Governance Structure and Delegations [!\[\]\(cf5be311f7b2821912d8009884508fa2\_img.jpg\)](#) 



## **GOVERNANCE STRUCTURE AND DELEGATIONS**

### **2019-2022 TRIENNIUM**

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##### **C.1 Audit and Risk**

##### **C.2 Chief Executive Performance and Employment**

##### **C.3 Appeals Hearing**

##### **C.4 Grants Allocation**

##### **C.5 Campe Estate Subcommittee**

#### **D. Community Boards**

##### **Status and Constitution**

##### **Delegated Authority**

**E. Joint Committees**

- E.1 Wellington Regional Amenities Fund
- E.2 Wellington Region Waste Management and Minimisation Plan
- E.3 Wellington Regional Strategy
- E.4 Regional Transport

**F. External appointments**

This section lists the Elected Members appointed to a range of external organisations committees, and agencies for the 2019-2022 Triennium.

**G. DOCUMENT VERSION CONTROL – AMENDMENTS DURING 2019-2022 TRIENNium**

DRAFT	AMENDMENT/S SUMMARY	SIGNOFF/COMMENT
1		

**PART A****SECTION A.1 PARTNERSHIP MODEL**

1. This document describes how the Kapiti Coast District Council carries out its governance functions and formally delegates its powers and responsibilities. It has been developed in accordance with the Local Government Act 2002.
2. These delegations are for the Committees, Subcommittees, Community Boards and Hearing Commissioners established by the Kapiti Coast District Council for the 2019-2022 Triennium. Information is also included on the Joint Committees in which Council is a partner/participant.
3. They establish a governance partnership base and associated delegations for the achievement of the Long Term Plan (LTP).
4. The partnership approach is also reflected in the Council's commitment to a sustainable development approach, taking into account the social, cultural, economic and environmental interests of the community, now and in the future, as referenced in the Local Government Act 2002.
5. The Council will collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources.
6. The partnership is between the Elected Members and the tāngata whenua of the District – namely, the iwi and hapū of Te Āti Awa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki (Ngāti Raukawa) and Ngāti Toa Rangatira (together forming the A.R.T Confederation). Te Whakaminenga o Kāpiti is the independent advisory forum for this partnership.
7. To strengthen Māori participation in decision-making Council may appoint a Māori representative to the Strategy and Policy Committee, and the Operations and Finance Committee). Council and Te Whakaminenga o Kāpiti will also engage with mātā waka (other resident Māori) over the 2019-2022 Triennium.
8. The Chair of Te Whakaminenga o Kāpiti or their nominated alternate is able to attend meetings of Council and is able to contribute to the debate but not to vote. Where Te Whakaminenga o Kāpiti has submitted on an issue, or has spoken during Public Speaking Time on an issue they shall not participate in discussion or debate on that matter.
9. Meetings of Council and/or Committees may also be attended by Community Board Chairs (or their alternates). Where they have submitted on an issue or have spoken during Public Speaking Time on an issue they shall not participate in discussion or debate on that matter.
10. The Mayor or Deputy Mayor may attend Community Board meetings where they shall be invited to the table to participate (with speaking but not voting rights).

**SECTION A2 – COUNCIL AND MAYORAL POWERS**

1. The Local Government Act 2002 describes the Council's powers including powers of delegation (see Section G for relevant legislative extracts). However only Council may perform the following:
  - Make a rate
  - Make a bylaw
  - Borrow money, purchase or dispose of assets (outside the LTP parameters)
  - Adopt the LTP, Annual Plan and Annual Report
  - Appoint a Chief Executive
  - Adopt policies required under the Act in association with the LTP or the local governance statement
  - Adopt a remuneration and employment policy.
2. The Mayor has additional powers under the LGA 2002 (see Section G for relevant legislative extracts):
  - To lead the development of the LTP and Annual Plan, together with policies and budgets
  - To appoint the Deputy Mayor
  - To establish committees of Council (and their terms of reference)
  - To appoint the Chair of each Committee (before the appointment of other members)
  - To appoint himself or herself as Chair of the Committee.
3. Ordinarily the Mayor is a member of each Committee.
4. In addition Council has approved a delegation to the Mayor and Deputy Mayor enabling them to approve, on a case-by-case basis, Councillor applications for attendance at training events during the Triennium, subject to the application meeting specific criteria as set out in the Councillor Training Application Form1.
5. Council also approved a delegation enabling the Mayor to approve an alternate Councillor to attend a training event where the original registrant is unable to attend.

*Interpretation*

6. In these terms of reference and associated delegations for the purposes of interpretation, the following rules apply unless the context otherwise requires:
  - Any singular reference includes the plural, and vice versa;
  - Any reference to a statute, regulation or bylaw also refers to that statute, regulation or bylaw as amended or substituted;
  - Any reference to a Committee of the Council includes a reference to any committee constituted to replace that Committee;
  - Any reference to an officer means an officer of the Council.
7. For the avoidance of doubt:
  - A reference in this document to an enactment, regulation, or bylaw includes any amendment to the relevant provisions of that enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
  - A reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

*Review of this delegations document*

8. The document is reviewed following the triennial elections and once adopted by the new Council may be amended at any time as agreed by Council. Only Council may amend the document.

**B.1 STRATEGY AND OPERATIONS COMMITTEE**

<b>Chair</b>	
<b>Deputy Chair</b>	
<b>Members</b>	The Mayor and all Councillors 1 Māori appointee with voting rights

**RESPONSIBILITIES**

This Committee will deal with all decision-making that is not the responsibility of the Council. Key responsibilities will include:

- Setting and approving the policy and strategy work programme
- Overseeing strategic programmes
- Liaison and planning with other territorial authorities
- Development and/or review of strategies, plans, policies and bylaws
- Preparation of District Plan and Plan Changes
- Oversight of any shared services initiatives
- Economic development strategy
- Reviewing and approving community contracts
- Receive annual reports from any community or advisory group
- Financial management, including risk mitigation
- Approval of non-budgeted expenditure
- Approval of contracts and contract variations outside the Chief Executive's delegations
- Write-offs and remissions
- Financial policies
- All regulatory and planning matters from an operational perspective
- Property purchases or sales
- Operational aspects of bylaws
- Civil defence and emergency management matters
- Procedural matters relation to electoral processes not otherwise delegated to the Chief Executive
- Signing off any submission to an external agency or body

The Chair of the Committee, in consultation with the Group Manager Regulatory Services will have the responsibility for the appointment of (RMA-related) hearing panels. The delegations for Hearing Commissioners both independent and Elected Member, follow this section.

**POWERS**

- (i) All powers necessary to perform the committee's responsibilities, except:
  - (a) powers that the Council cannot delegate or has retained to itself
  - (b) where the committee's responsibility is limited to making a recommendation only
- (ii) Power to establish subcommittees.

**MEETING FREQUENCY**

Twice monthly, unless otherwise required.



**QUORUM**

The quorum is half the members.

**B.2A DELEGATIONS TO ELECTED MEMBER (ACCREDITED) HEARING COMMISSIONERS**

Hearings Commissioners where they have been appointed and selected for any matters, have the following functions, duties and powers in accordance with the relevant sections of the Resource Management Act 1991, noting that those appointed have no further powers to delegate and accreditation is achieved through completion of the Ministry for the Environment Hearing Commissioners training course.

- Authority to hear submissions in relation to any plan change or variation including the Proposed District Plan and any request for a private plan change, making recommendations to Council or the Operations and Finance Committee, or decisions as appropriate;
- Authority regarding all matters relating to the hearing, determination and review of resource consents including the setting of conditions;
- Authority to determine any preliminary or procedural matters associated with any resource consent application, or notice of requirement, including questions of notification (public, non-notified or limited);
- Authority to consider and request changes to outline plans;
- Authority to consider all matters relating to existing use rights and to issue certificates;
- Authority to determine matters arising under Section 37 and 37A relating to time limits or to waive compliance with requirements of the Act;
- Authority to make on order protecting sensitive information under Section 42;
- Authority to hear and make recommendations to the relevant authority on notices of requirement including any alteration;
- Authority to hear submissions on Council requirements for designations and heritage orders and to make recommendations to Council confirming, withdrawing, cancelling or modifying such requirements;
- Such powers, duties and discretions as are necessary to administer the transitional parts of Part 15 (Transitional Provisions) of the RMA 1991 in respect of resource consents, subdivision consents and esplanade reserves and strips, and financial contributions;
- Authority to hear and determine objections under Section 357, 357A and 357B.

**B.2B DELEGATIONS TO INDEPENDENT (ACCREDITED) HEARING COMMISSIONERS**

Independent Accredited Hearing Commissioners where they have been appointed and selected for any matters have the following functions, duties and powers under the Resource Management Act 1991 noting that those appointed have no further powers to delegate and accreditation is achieved through completion of the Ministry for the Environment Hearing Commissioners training course.

- Authority to hear submissions in relation to any plan change or variation including the Proposed District Plan and any request for a private plan change, making recommendations to Council or the Operations and Finance Committee, or decisions as appropriate;
- Authority regarding all matters relating to the hearing, determination and review of resource consents including the setting of conditions;
- Authority to determine any preliminary or procedural matters associated with any resource consent application, or notice of requirement, including questions of notification (public, non-notified or limited);
- Authority to consider and request changes to outline plans;
- Authority to consider all matters relating to existing use rights and to issue certificates;

- Authority to consider applications and grant certificates of compliance under Section 139;
- Authority to determine matters arising under Section 37 and 37A relating to time limits or to waive compliance with requirements;
- Authority to make an order protecting sensitive information under Section 42;
- Authority to hear and make recommendations to the requiring authority on notices of requirement including any alteration;
- Authority to hear submissions on Council requirements for designations and heritage orders and to make recommendations to Council confirming, withdrawing, cancelling or modifying such requirements;
- Such powers, duties and discretions as are necessary to administer the transitional parts of Part 15 (Transitional Provisions) of the RMA 1991 in respect of resource consents, subdivision consents and esplanade reserves and strips, and financial contributions;
- Authority to hear and determine objections under Section 357, 357A and 357B. 24)

**C.1 AUDIT AND RISK SUBCOMMITTEE**

<b>Chair</b>	
<b>Deputy Chair</b>	
<b>Members</b>	Mayor, Deputy Mayor, Chair of Strategy and Operations, and Deputy Chair of Strategy and Operations
	2 external appointees

**RESPONSIBILITIES**

This Committee will monitor the Council's financial management and reporting mechanisms and framework and review the audit and risk function, ensuring the existence of sound internal systems. Key responsibilities will include:

- Reviewing and maintaining the internal control framework;
- Reviewing processes for ensuring the completeness and quality of financial and operational information, including performance measures, being provided to Council;
- Considering Council's existing accounting policies and principles;
- Obtaining from external auditors any information relevant to the Council's financial statements, and assessing whether appropriate action has been taken by management in response to the above;
- Ensuring that the Council's financial statements are supported by appropriate management signoff and adequate systems of internal control (ie letters of representation);
- Considering regular reports on the status of investigations by the Office of the Ombudsman into decisions by the Council;
- Ensuring that Council has in place a current and comprehensive risk management framework and making recommendations to the Council on risk mitigation;
- Assisting elected members in the discharge of their responsibilities by ensuring compliance procedures are in place for all statutory requirements relating to their role;
- Confirming the terms of engagement for each audit with a recommendation to the Council; and receiving the external audit reports for recommendation to the Council;
- Governance role in regards to the Health and Safety Leadership Charter and Health and Safety Plan.

**POWERS**

All powers necessary to perform the Subcommittee's responsibilities, except:

- (a) powers that the Council cannot delegate or has retained to itself
- (b) where the Committee's responsibility is limited to making a recommendation only

**MEETING FREQUENCY**

On a quarterly basis or as required.

**QUORUM**

The quorum is a majority of members.

**C.2 CHIEF EXECUTIVE PERFORMANCE AND EMPLOYMENT COMMITTEE**

<b>Chair</b>	Mayor
<b>Deputy Chair</b>	
<b>Members</b>	All Councillors 1 external appointee (advisory only, no voting rights)

**RESPONSIBILITIES**

This Committee will manage the Contract of Employment between the Council and the Chief Executive. Key responsibilities will include:

- Being a good employer
- Approving the employment agreement including the setting of performance indicators
- Working with the Chief Executive to implement a new performance agreement
- Conducting performance reviews as per the agreement and clauses 34 and 35 of Schedule 7 of the Local Government Act 2002
- Making decisions about remuneration
- Considering and deciding on any other relevant issues
- Investigating and addressing any disciplinary or performance issues
- Seeking the advice of appropriately qualified external advisors in relation to any aspect of the Chief Executive's employment and performance
- Making recommendation/s to Council on the appointment of a Chief Executive.

**POWERS**

All powers necessary to perform the committee's responsibilities, except:

- (a) powers that the Council cannot delegate or has retained to itself (i.e. appointment of the Chief Executive)
- (b) where the Committee's responsibility is limited to making a recommendation only

**MEETING FREQUENCY**

As per the requirements of the performance agreement (usually six-monthly).

**QUORUM**

As this is a committee 'of the whole' the quorum is a majority of members. The appointed member has an advisory role only (no voting rights).

**C.3 APPEALS HEARING COMMITTEE**

<b>Chair</b>	
<b>Deputy Chair</b>	
<b>Members</b>	Mayor, Deputy Mayor and Chair of Strategy and Operations & 1 Councillor

**RESPONSIBILITIES**

This Committee will act in a regulatory capacity on behalf of Council in regards to appeals or objections required to be heard under relevant pieces of legislation. Key responsibilities will include:

**Dog Owners' Objections**

- Hearing and adjudicating objections from dog owners to classifications of dog owners and/or dogs under the Dog Control Act 1996 as per the following sections:
  - Objection to classification as probationary owner (s22)
  - Objection to disqualification (s26)
  - Objection to classification of dangerous dog (s31(3))
  - Objection to classification of menacing dog (by nature) (s33B)
  - Objection to classification of menacing dog (by breed) (s33D)
  - Barking dog abatement notice (s55(2))
- Hearing and determining applications made under the Kapiti Coast District council dog Control Bylaw 2008 ('the Bylaw') for medical exemption for dogs from clauses 6.1 and 6.4 of the Bylaw including the imposition of any conditions surrounding any such exemptions.

**Transport and Roading**

- Authority to hear and determine objections to the fixing of road levels (13<sup>th</sup> schedule, Local Government Act 1974)

**Littering**

- Authority to hear appeals against infringement notices issued under Sections 13 and 14 of the Litter Act 1976.

**Development Contributions**

- Authority to hear and determine objections to development contributions received prior to 8 August 2014.

**POWERS**

All powers necessary to perform the Committee's responsibilities, except the powers that the Council cannot delegate or has retained to itself.

**MEETING FREQUENCY**

As required.

**QUORUM**

The quorum is a majority of members.

**C.4 GRANTS ALLOCATION COMMITTEE**

<b>Chair</b>	
<b>Deputy Chair</b>	
<b>Members</b>	Mayor and 5 Councillors

<b>Programme membership</b>		<b>Quorum</b>
<b>CCNZ programme</b>	2 Councillors (as per Creative NZ guidelines) 3 community representatives 3 tāngata whenua representatives (1 per iwi) 1 youth representative	A majority of members
<b>Community Grants</b>	Mayor and 3 Councillors 2 community representatives 1 tāngata whenua representative	A majority of members
<b>Waste Levy programme</b>	Mayor and 3 Councillors 1 representative from the Paraparaumu-Raumati Community Board 1 representative from the Waikanae Community Board	Half the members
<b>Districtwide Hall Hire Remission</b>	Mayor and 3 Councillors	Half the members
<b>Heritage Fund</b>	Mayor and 3 Councillors	Half the members

**RESPONSIBILITIES**

This Committee will consider, and allocate grant moneys in accordance with the meeting cycles and criteria of five granting programmes. Key responsibilities will include assessing applications and allocating funds in accordance with each programme's criteria, considering factors such as (but not limited to):

- the clear aims and objectives of the applicant;
- the project or event for which the grant is requested;
- where appropriate, evidence of a sound management structure, and good financial management;
- how closely the application fits with the scheme criteria;
- the identification and evaluation of local needs;
- the use of any previous money granted by Council or Creative New Zealand;
- the level of community involvement in the project;
- the expected outcomes and benefits of the service/project for the Kāpiti Coast District.

Following are brief descriptions of the granting programmes:

**Community Grants**



The aim of this programme is to strengthen local communities by providing financial support through this programme. Funding is provided to not-for-profit organisations to assist in the achievement of a social environment that ensures the Kapiti Coast District is a good place to live for all sectors of the community. The programme will provide grants to non-profit organisations which provide local, community-based services in response to identified needs. Community grants may be allocated to proposals that seek to achieve one or more of the following outcomes:

1. Building resilient, sustainable communities
2. Encouraging greater community participation
3. Improving the quality of life of the participants
4. Working in partnership with a range of community groups, including iwi.

### **Creative Communities Scheme (CCS)**

Council administers this programme in partnership with Creative New Zealand. Creative New Zealand intends that the principal aims of the Scheme are to provide creative opportunities for local communities to engage with and participate in arts activities; support the diverse arts and cultural traditions of local communities; and enable and encourage young people (under 18 years) to engage with and actively participate in the arts. Creative New Zealand provides the Scheme's annual funding to the Kapiti Coast District Council and the scheme criteria.

### **Districtwide Hall Hire Remissions**

This programme is to assist hall users whose event is benefiting the District as a whole rather than an individual community.

### **Heritage Fund Allocations**

This fund aims to assist and actively encourage landowners and members of the Kapiti Coast community to manage, protect and enhance heritage features throughout the District including ecological, geological, historical and cultural areas and sites.

### **Waste Levy Fund grants**

The objective of this programme is to assess applications and allocate Waste Levy grants for projects which achieve a high level of community involvement in practical on-the-ground waste minimisation projects which encourage community participation and long term action.

### **POWERS**

All powers necessary to perform the Committee's responsibilities except powers that the Council cannot delegate or has retained to itself.

**MEETING FREQUENCY**

The meeting cycles for the granting programmes are as follows:

Creative Communities New Zealand	Twice yearly (April & August)
Community Grants	Annually (October)
Districtwide Hall Hire Remissions	Annually (Sept) or as required
Heritage Fund	Annually (February)
Waste Levy	Twice yearly (March & Dec)

**C.5 CAMPE ESTATE SUBCOMMITTEE**

<b>Chair</b>	Mayor
<b>Members</b>	Paekākāriki-Raumati Ward Councillor Holborow The Chief Executive
<i>NB: Membership is outlined in the Will of the late Sydney George Campe. Should any of these positions cease to exist the Council is to appoint other similar members to the Subcommittee</i>	

**RESPONSIBILITIES**

This Subcommittee administers the Campe Estate funds deriving from the sale of 6 Robertson Road Paekākāriki, bequeathed to the Council in 1991 as a Gift on Special Trust. The conditions are:

- That the Council uses the property and/or the income from it for charitable purposes which will benefit the people of Paekākāriki township;
- That the Council uses the property for the benefit of the youth of Paekākāriki.

The Subcommittee also administers the funds deriving from the interest of the Arthur Thomas Clarke Trust, for the benefit of the residents of the Paekākāriki residents. Decisions about allocations under the two funds are made concurrently.

**POWERS**

All powers necessary to perform the Subcommittee's responsibilities.

**MEETING FREQUENCY**

Twice-yearly, or whenever required in order to fulfil its responsibilities.

**QUORUM**

The quorum is a majority of members.

**D. COMMUNITY BOARDS****PAEKĀKĀRIKI**

Chair	
Deputy Chair	
Membership	

**PARAPARAUMU/RAUMATI**

Chair	
Deputy Chair	
Membership	

**WAIKANAE**

Chair	
Deputy Chair	
Membership	

**ŌTAKI**

Chair	
Deputy Chair	
Membership	

**RESPONSIBILITIES**

The powers of a community board are prescribed in the Local Government Act (see Appendix G). In addition the Council has made the following specific delegations:

- Authority to **listen, articulate, advise, advocate** and make recommendations to Council on any matter of interest or concern to the local community
- Assisting with local **civil defence** and **emergency management** activities
- Working with Council and the community to establish Local Outcome Statements
- **Providing a local perspective** on the levels of service as detailed in the LTP and on local expenditure, rate impacts and priorities
- Providing advice to Council and its Committees on any issue relating to the **sale of liquor** in the local area
- **Contributing local input** to any Council Strategy, Plan or Policy as required
- Approving criteria for, and disbursement of, **community-based grant funds** as approved through the LTP or Annual Plan
- Approving or rejecting applications by community groups to establish **community gardens**, in accordance with the licensing requirements under the Reserves Act 1977 and the Council's Mara Kai/Community Gardens policy
- Authority to approve or reject officer recommendations relating to **traffic control and signage matters** for existing local roads, except those matters that involve significant safety issues.

- Making recommendations to Council after reviewing existing, or considering new **draft Reserve Management Plans** for local public parks and reserves within its area, excluding Otara Park (as a park of Districtwide significance).
- Assisting the Chief Executive (through the Community Board Chairperson) to consider and **determine temporary road closure** applications where there are objections to the proposed road closure
- Accepting or rejecting officer recommendations in respect of **names for local roads** (excluding the former State Highway) and any **reserves, structures and commemorative places**, in accordance with existing council policy;
- **Speaking but not voting at Council and Committee meetings** (the Chair may appoint a Board member to represent them). (Note: Consideration will be undertaken on a case-by-case basis by either Council and/or a Committee as to whether they resolve that a Community Board Chair or their representative stays in attendance for any public-excluded session of Council and/or a Committee.)
- **Developing any Community Board submission** on issues within its area;
- Setting priorities for and **expending an annual training and development budget** allocated by Council;
- Any other responsibilities as delegated by Council under under Section 52, Local Government Act 2002.

#### FOR THE WAIKANAЕ COMMUNITY BOARD

- Considering and making recommendations to Council on the proposed use of the Waikanae Capital Improvement Fund for the purpose of funding capital projects within the Waikanae Community Board boundary. This is for expenditure over and above the approved annual grant allocations from this fund.

**FOR THE PAEKĀKĀRIKI COMMUNITY BOARD**

- Considering and making recommendations to the Campe Estate Subcommittee on grant applications received seeking funding from the Campe Estate funding, and distribute the funds deriving from the Arthur Thomas Clarke Trust.

**POWERS**

All powers necessary to perform the Board's responsibilities except where the Board's responsibility is limited to making a recommendation only.

**MEETING FREQUENCY**

On a six-weekly basis or as required.

**QUORUM**

Where the number of members (elected and appointed) is odd, the quorum is a majority of members.

Where the number of members (elected and appointed) is even, the quorum is half the members.

**SECTION E – JOINT COMMITTEES (where Council is a member)****SECTION E.1****WELLINGTON REGION WASTE MANAGEMENT AND MINIMISATION  
JOINT COMMITTEE**

Appointed member	
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**PARTNERSHIP FRAMEWORK**

- 1 This Joint Committee is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.
- 2 The Joint Committee is not deemed to be discharged following each triennial election.

**CONSTITUTION**

- 3 All territorial authorities in the Wellington Region are signatories and stakeholders in the Wellington Region Waste Management and Minimisation Plan officially adopted in October 2011:
  - Kapiti Coast District Council
  - Masterton District Council
  - Hutt City Council
  - Upper Hutt City Council
  - Porirua City Council
  - South Wairarapa District Council
  - Carterton District Council
  - Wellington City Council

- 4 Each territorial authority in the region will be entitled to appoint one member to the Joint Committee.
- 5 The Chair will be elected by the Joint Committee. A new Chair and Deputy Chair must be elected at least once every triennium following local body elections.

**MEETING FREQUENCY**

- 6 The Joint Committee will meet on an as required basis.
- 7 Meetings will be hosted on a rotational basis by territorial authorities across the region. The Committee shall establish a roster for the hosting of meetings.
- 8 Secretariat support for meetings will be provided by the host Council.

**OBJECTIVE**

- 9 The role of the Joint Committee is to oversee the implementation of the Wellington Region Waste Management and Minimisation Plan 2011-2017 and its statutory review which is required not more than six years after the last review.

**DELEGATED AUTHORITY**

- 10 The Joint Committee will have delegated responsibility and authority to carry out activities within its terms of reference including:
- a. accept and consider advice and reports on the implementation of the Wellington Region Waste Management and Minimisation Plan ('the Plan') and future Wellington Waste Management and Minimisation Plans.
  - b. take decisions on the implementation of aspects of the Plan where the matter for decision is not an operational matter that falls under officers' delegated responsibilities and where the matter is provided for in the Plan and/or budget has been made available by territorial authorities for that matter.
  - c. monitor and review the management and implementation of the Plan.
  - d. report back to territorial authorities of the Wellington Region on any aspect of the implementation of the Plan, including: recommendations for funding projects of the Plan, recommendations for the management of the Plan and reports on the effectiveness of the Plan.
  - e. report back to the territorial authorities with any recommended amendments to the Plan and/or recommended variations to the Terms of Reference of the Committee.



**SECTION E.2 WELLINGTON REGIONAL STRATEGY (WRS) JOINT COMMITTEE**

Appointed member	
Alternate	

**OBJECTIVE**

- 1 The Wellington Regional Strategy (WRS) Committee is established to implement and develop the WRS, including overseeing the Wellington Regional Economic Development Agency (WREDA) to deliver tourism, events and business growth initiatives in the Wellington region.

**SPECIFIC RESPONSIBILITIES**

- 2 The Committee's responsibilities include:
  - a. On behalf of the Council, and acting on behalf of all councils in the region:
    - i. To take responsibility for overall guidance and further development of the WRS. To provide regional leadership, engage and establish partnerships with key Government agencies and non-government agencies involved in economic development, acknowledging that constituent local authorities also have leadership roles within their cities and districts;
    - ii. To oversee and monitor the work of WREDA;
    - iii. To ensure the WRS continues to be relevant by reviewing economic trends, investigating opportunities for promoting economic growth through growing tourism, promoting major events, attracting and supporting businesses to grow and ensuring the region continues to prosper;
    - iv. To approve submissions to external organisations for matters pertaining directly to the committee's responsibilities;
    - v. To recommend a required funding proposal to Greater Wellington Regional Council to be consulted on annually, in the course of the Greater Wellington Regional Council's Annual Plan or Long Term Plan process which will include the proposed amount and allocation of a recommended targeted rate, to be collected by Greater Wellington Regional Council, to fund the existing and new economic development initiatives and the other initiatives outlined in the WRS.
  - b. b) On behalf of the shareholding councils of WREDA:
    - i. To receive and consider the half-yearly and annual reports of WREDA.
    - ii. To agree the annual Letter of Expectation to WREDA.
    - iii. To receive and consider WREDA's draft statement of intent (SOI) and provide agreed feedback.
    - iv. To receive, consider and agree WREDA's final SOI, and if necessary, require modifications to the statement of intent.
    - v. To provide recommendations to the shareholding councils regarding WREDA director appointments and/or removals and WREDA director remuneration.

**OPERATING PRINCIPLES**

- 3 The Council has agreed that it will not act independently of the Committee, so that any committee recommendations that the Council is not prepared to accept will be referred back to the Committee for further consideration. The Council and the territorial authorities of the region intend to complete a Multiparty Agreement to record their agreement in regard to the future implementation, governance, and funding of the WRS by the Council. The regional Chief Executives of GWRC, WCC and the Chair of the Chief Executives' Forum will be the principal advisors to the Committee, after discussion with the wider Chief Executives' Forum.

## **MEMBERSHIP**

- 4 The membership of the WRS Committee will be 10 persons in total, appointed by the Council (from time to time) as follows:
- a. One regional councillor.
  - b. Four members nominated by Wellington City Council.
  - c. One member nominated by each of Porirua City Council, Hutt City Council, Kapiti Coast District Council, and Upper Hutt City Council.
  - d. One member nominated by the three Wairarapa district councils.
- 5 The members may be replaced from time to time by the respective councils by providing written notice to the Greater Wellington Regional Council, confirming the amended nomination. The nominees must be elected members of the nominating council in order to be appointed by the Council.

## **CHAIRPERSON**

- 6 The appointment of the Chairperson and deputy is to be determined by the full Committee.

## **QUORUM**

- 7 The quorum shall be five members of the Committee, of which one must be the regional council member of the Committee, and one must be the Chairperson or Deputy Chairperson (once appointed). When the Committee is meeting to exercise the shareholding councils' responsibilities in terms of the WREDA Shareholders' Agreement (to determine agreed feedback on the draft SOI, to agree the final SOI or require that modifications be made to it) and to recommend director appointments/removals and director remuneration the quorum specified above shall include two Wellington City Council members of the Committee.

## **ALTERNATES**

- 8 The regional councillor appointed to the Committee must have an alternate who may attend and vote at meetings of the Committee in the event of the appointed regional councillor's absence or unavailability.
- 25)
- 9 In the case of the Wellington City Council members appointed to the Committee, that Council may nominate a pool of up to four alternative members for appointment. In the event that a Wellington City Council member of the Committee is unavailable to attend a Committee meeting, any one person from the pool of the Council's alternative members may attend and vote in their place.

- 10 Each of the other members is entitled to an alternate member who may attend and vote at meetings of the Committee, but only in the event that the nominated and appointed member is unable to do so.

**REMUNERATION**

- 11 Each council shall be responsible for remunerating its representative on the Committee for the cost of that person's participation in the Committee.

**TERM OF APPOINTMENT**

- 12 Each member shall be appointed by the Council as soon as possible after each local government triennial election, and for a term that expires on the date of the next local government triennial election.

**STANDING ORDERS**

- 13 The Council's Standing Orders are adopted, subject to the inclusion of the following provisions relating to the WRS Committee:

*(a) Voting*

- 14 The acts of the Committee must be done and questions before the Committee must be decided at a meeting by vote. Each member of the Committee will have one equal vote and decisions will be made by simple majority.

*(b) Chairperson voting*

- 15 The Chairperson or other person presiding at a meeting:
- i. has a deliberative vote; and
  - ii. in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

**DELEGATIONS**

- 16 Each shareholding Council will delegate to its representative(s), and alternate(s) appointed to the Committee the responsibility and powers of the Council with regard to WREDA's draft and final statement of intent.

**DURATION OF THE COMMITTEE**

- 17 In accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002, the Wellington Regional Strategy Committee is not deemed to be discharged following each triennial election.

**SECTION E.3 REGIONAL TRANSPORT JOINT COMMITTEE**

Appointed member	
Alternate	

**PURPOSE**

1. To promote the objectives of the Land Transport Management Act 2003 (the Act) within the region, linking it to the regions of New Zealand and other transport systems.

**SPECIFIC RESPONSIBILITIES**

1. Prepare for approval by the Council the Wellington Regional Land Transport Plan and any variations to it.
2. Provide the Council with any advice and assistance it may request in relation to its transport responsibilities.
3. Adopt a policy that determines significance in respect of - - Variations made to the Regional Land Transport Plan - The activities that are included in the Regional Land Transport Plan.
4. Carry out consultation in accordance with the requirements set out in the Act.
5. Approve submissions to external organisations for matters pertaining directly to the committee's purpose.

**MEMBERSHIP**

2. The membership set out below is consistent with the requirements of sub-section (2) of section 105 of the Act:
  - Two persons to represent the regional council
  - One person from each territorial authority in the region to represent that territorial authority
  - One person to represent the New Zealand Transport Agency
3. The Council may, in accordance with clause 31(3) schedule 7 of the Local Government Act 2002, appoint non-local government advisors to the Committee for the purpose of assisting the Committee in its decision making.

**VOTING ENTITLEMENT**

4. Advisors appointed to the Committee have full speaking rights, but no voting entitlement on any matter.

**ALTERNATES**

5. The New Zealand Transport Agency and each territorial authority is entitled to nominate an alternate member who may attend and vote at meetings of the committee, but only in the event that the appointed member is unable to attend.

26)

**QUORUM**

6. The chairperson or deputy chairperson of the committee and at least 50% of the remaining voting membership.

**CHAIRPERSON**

7. Greater Wellington Regional Council must appoint from its representatives the chair and deputy chair of the Committee. (Section 105 (6) of the Land Transport Management Act 2003). The Chair has a deliberative vote and in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). (Section 105 (7) of the Land Transport Management Act 2003)

**REMUNERATION**

8. The advisors appointed to the Committee who are not otherwise being remunerated are entitled to receive Greater Wellington Regional Council's standard daily meeting fee and mileage allowances payable to non-elected members of council committees for each meeting they attend.

**SECTION F – APPOINTMENTS TO EXTERNAL ORGANISATIONS**

ORGANISATION/BODY	APPOINTEES
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**8.3 APPOINTMENT OF WARD COUNCILLORS TO COMMUNITY BOARDS 2019-2022**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

- 1 This report seeks to formalise the appointment of Ward Councillors to Community Boards in accordance with legislation and the District's representation arrangements as determined by the Local Government Commission (LGC) in 2016.

**DELEGATION**

- 2 Only Council may consider this matter.

**BACKGROUND**

- 3 Council carried out its review of representation arrangements in 2015. In January 2016 the Local Government Commission confirmed the Council's final proposal which included ten councillors elected (five each) on the basis of ward and districtwide, and four community boards covering the District. This basis of election applies until the next representation review.
- 4 Following the local body election results the new Council is asked to confirm the appointment of Ward Councillors back to their respective Community Boards.

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

- 5 Both Paraparaumu Ward Councillors are appointed back to the Paraparaumu-Raumati Community Board as that area carries a higher representational workload commensurate with a higher population.
- 6 Ward Councillors are full members of each Board, with speaking and voting rights.

**CONSIDERATIONS****Policy considerations**

- 7 There are no policy considerations.

**Legal considerations**

- 8 Relevant legal considerations are:
  - 8.1 'The membership of a community board consists of (a) members elected under the Local Electoral Act 2001; and (b) members (if any) of, and appointed in accordance with the Local Electoral Act 2001 by, the territorial authority in whose district the relevant community is situated.' (Local Government Act 2002, Section 50).
  - 8.2 '(1) Every community board (a) is to consist of not fewer than 4 members nor more than 12 members and (b) is to include at least 4 elected members; and (c) may include appointed members.
  - 8.3 (2) The number of appointed members is to be less than half the total number of members;
  - 8.4 (3) The persons who are appointed under subsection (1)(c) as members of the community board must: (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and (b) if the territorial authority is divided into wards, also be members of the territorial authority

representing a ward in which the community is situated.' (Local Electoral Act 2001, Section 19F).

**Financial considerations**

- 9 Councillors who are members of Community Boards may receive remuneration based on their overall responsibilities which include the membership of Community Boards.

**Tangata whenua considerations**

- 10 There are no tāngata whenua considerations.

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

- 11 As this is a procedural matter required under statute it has a low level of significance under the Council Significance and Engagement policy.

**Publicity**

- 12 The appointments will be publicised on the Council website.

**RECOMMENDATIONS**

- 1 That Council confirms the appointment of the following Ward Councillors to the respective Community Boards for the 2019-2022 Triennium:
- |  |                            |
|--|----------------------------|
| i. Ōtaki Community Board                 | Councillor James Cootes    |
| ii. Waikanae Community Board             | Councillor Jocelyn Prvanov |
| iii. Paraparaumu-Raumati Community Board | Councillor Martin Halliday |
| iv. Paraparaumu-Raumati Community Board  | Councillor Bernie Randall  |
| v. Paekākāriki Community Board           | Councillor Sophie Handford |

**APPENDICES**

Nil



**8.4 APPOINTMENT OF COUNCILLORS TO JOINT COMMITTEES AND EXTERNAL ORGANISATIONS 2019-2022 TRIENNIUM**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

- 1 This report seeks Council's approval of appointments to external organisations made in accordance with the Council's Policy on the Appointment of Directors in Council Organisations.

**DELEGATION**

- 2 Council has the authority to consider this matter.

**BACKGROUND**

- 3 At the beginning of each Triennium Council is asked to consider appointing Elected Members to external council organisations.
- 4 A council organisation is defined in the Local Government Act (LGA) 2002 (see Appendix 1) as any partnership, trust, arrangement for the sharing of profits, union of interests, cooperation, joint venture, or other similar arrangement (not a company, committee or joint committee). This is quite a broad definition and draws in many different organisations in which Council would benefit from having an appointed representative, from small community not-for-profits to trusts.
- 5 Under the LGA 2002 the Council is required to approve a policy for these appointments, which it has done so (see Appendix 2 for current Policy). This policy includes criteria for deciding which organisations to appoint to, the skills required for these appointments, and the process by which they are made. Council is not required to remunerate its appointees.
- 6 Appointments to external organisations are made for a number of reasons:
  - To encourage coordinated work towards Community Outcomes and strategic goals
  - To provide a means of monitoring where Council has made a grant to the body
  - To meet statutory requirements (as in a Deed of Trust or Will)
  - To meet requirements in the organisation's constitution (although Council is under no compulsion to do so).
- 7 Appointments are generally made for a three-year term coinciding with the Triennium, but appointments may be made by Council as required throughout the Triennium.
- 8 The Council needs to ensure that any person it appoints to an external organisation has the knowledge or experience relevant to the activities of the organisation and is familiar with the relevant council policy, programmes and activities, and understands the nature of the role to which they have been appointed.

**Issues**

- 9 The Campe Estate appointments are specified in the will of the late Mr Campe as being the Mayor, a resident Paekākāriki-Raumati Ward Councillor and the Chief Executive.
- 10 The Council is asked to confirm these and other appointments. A list of the organisations, together with descriptors of their intent and the role of the elected member appointee can be found at Appendix 3.
- 11 Zone 4, consisting of representatives from member authorities in the Wellington region, provides an opportunity for two-way communication between Zone 4 and LGNZ, and

provides networking, and information sharing opportunities. Quarterly Zone 4 meetings will be hosted by the Kāpiti Coast District Council during the 2019-2022 Triennium and chaired by Mayor Gurunathan. Zone 4 is open to any elected member to attend.

- 12 Local Government New Zealand National Council will call for nominations for the Governance and Strategy Advisory Group, and the Policy Advisory Group in December 2019. The Council may choose to make a nomination to either group. LGNZ expect to confirm which nominees are successful early in 2020.

## CONSIDERATIONS

### Policy considerations

- 13 There are no additional policy considerations.

### Legal considerations

- 14 Relevant extracts of legislation are at Appendix 1.
- 15 Section 43 of the LGA 2002 provides that a member of a local authority (including a committee, community board or other subordinate decision making body) is indemnified by that local authority for costs and damages arising from any civil liability arising from action taken by a third party, providing the member was acting in good faith.
- 16 However, liability issues can potentially arise in relation to Councillors appointed as trustees. A trust is not a separate legal entity (unlike a company). This means that the trustees hold property or enter into contracts on behalf of a trust. As a result, the trustees are liable in relation to any contracts entered into on behalf of the trust. Generally speaking, the liability of trustees will be personal and not limited to the assets of the trust. The exception is where a contract contains a clause stating that the liability of a trustee is limited to the assets of the trust.

### Financial considerations

- 17 Elected members appointed to external organisations are not remunerated.

### Tangata whenua considerations

- 18 Te Whakaminenga o Kāpiti is the independent partnership advisory body between Council and tangata whenua. The appointments for Council are the Mayor and one Councillor.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

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

### Engagement planning

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

### Publicity

- 21 The appointments will be publicised on the Council website.




**RECOMMENDATIONS**

- 1 That the Council confirms the appointment of the Mayor, the Paekākāriki-Raumati Ward Councillor Cr ....., and the Chief Executive to the Campe Estate Subcommittee for the 2019-2022 Triennium;
- 2 That the Council makes appointments to council organisations for the 2019-2022 Triennium as follows:

No	Organisation/body	Appointees
1	Te Whakaminenga o Kāpiti	The Mayor and Cr Cootes
2	Kapiti Coast Youth Council	Cr Handford
3	Kapiti Coast Older Persons' Council	The Mayor and Cr Halliday
4	Wellington Regional Strategy Joint Committee	The Mayor and Cr Holborow, as alternate to the Mayor
5	Wellington Regional Transport Joint Committee	The Mayor and Cr Cootes, as alternate to the Mayor
6	Wellington Regional Climate Change Working Group (WRCCWG)	The Mayor and Cr Handford, as alternate to the Mayor
7	Friends of the Ōtaki River	Cr Buswell
8	Friends of the Waikanae River	Cr Prvanov
9	Pharazyn Reserve Focus Group	Referred to Waikanae Community Board for appointment of one member
10	Kapiti Ecological Restoration Maintenance Trust	Cr Prvanov
11	Kapiti Coast Aircraft Noise Community Liaison Group	Referred to Paraparaumu-Raumati Community Group for appointment of one member
12	Wellington Regional Waste Forum	Cr Elliott
13	Waste Minimisation Task Force	Cr Elliott
14	Wellington Region Waste Management and Minimisation Joint Committee	Cr Elliott
15	Road Safety Advisory Group	Cr Randall and Cr Cootes
16	Kapiti Accessibility Advisory Group	Cr Holborow

17	Kapiti Cycleway, Walkway and Bridleway Advisory Group	Cr Buswell and Cr Prvanov	
18	Mahara Gallery Trust	Cr Holborow	
19	Mahara Gallery Upgrade Project Steering Group	Cr Holborow	
20	The Public Art Panel	Cr Holborow	
21	LGNZ Policy Advisory Group	Cr Holborow	
22	Paraparaumu College Community Sports Hall Committee	Cr Halliday and Cr Randall	

## APPENDICES

1. Appendix 1 Relevant extracts from legislation [↓](#) 
2. Appendix 2 Council's Policy on the Appointment of Directors [↓](#) 
3. Additional Information on appointment to external organisations. [↓](#) 

**APPENDIX 1 – Relevant extracts from the Local Government Act 2002****57 Appointment of directors**

(1) A local authority must adopt a policy that sets out an objective and transparent process for—

(a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and

(b) the appointment of directors to a council organisation; and

(c) the remuneration of directors of a council organisation.

(2) A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to—

(a) guide the organisation, given the nature and scope of its activities; and

(b) contribute to the achievement of the objectives of the organisation.

**Meaning of council-controlled organisation and council organisation**

(1) In this Act, unless the context otherwise requires,—

**council-controlled organisation** means a council organisation that is—

(a) a company—

i. in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—

A. held by 1 or more local authorities; or

B. controlled, directly or indirectly, by 1 or more local authorities; or

ii. in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

i. (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or

ii. (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity

**council-controlled trading organisation** means a council-controlled organisation that operates a trading undertaking for the purpose of making a profit

**council organisation** means—

(a) a company—

(i) in which equity securities carrying voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

(ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 1 or more of the directors (however described) of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

(i) control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or

(ii) the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.

(2) For the purposes of subsection (1), **entity** means any partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, or other similar arrangement; but does not include a company, or a committee or joint committee of a local authority.

(3) If a council organisation is not a company, references in this Act, in relation to the council organisation, to—

(a) equity securities include any form of voting rights in that organisation; and

(b) the directors and the board include trustees, managers, or office holders (however described in that organisation); and

(c) shareholders include any partners, joint venture partners, members, or other persons holding equity securities in relation to that organisation; and

(d) the constitution include any rules or other documents constituting that organisation or governing its activities; and

(e) subsidiaries include any entity that would be a council-controlled organisation if the references to “local authority” or “local authorities” in subsection (1) read “council-controlled organisation” or “council-controlled organisations”.

(4) The following entities are not council-controlled organisations:

(a) a body corporate that carries on an electricity business (whether or not that business is its principal or only business) or a trust that is constituted for purposes which include owning or controlling, directly or indirectly, all or part of an electricity company that carries on that business; or

(b) an energy company within the meaning of the Energy Companies Act 1992; or

(c) a port company or subsidiary of a port company within the meaning of the Port Companies Act 1988; or

(ca) a company in which a port company (within the meaning of the Port Companies Act 1988) holds or controls 50% of the shares; or

(d) [Repealed]

(e) New Zealand Local Government Association Incorporated; or

(f) New Zealand Local Government Insurance Corporation Limited and its subsidiaries; or

(g) [Repealed]

(h) a company or other organisation (as defined in subsection (2)) of which the New Zealand Local Government Association Incorporated has control directly or indirectly by whatever means; or

(i) an organisation exempted under section 7.

(5) In this section, terms not defined in this Act, but defined in the Companies Act 1993, have the same meaning as in that Act.

**Appendix 2 – Council Policy on the Appointment of Directors of Council Organisations**

The Council will use the following criteria for considering whether or not it should appoint a director or directors to any organisation:

- a) Does the organisation allocate significant council funding within the community?
- b) Does the organisation coordinate the activity of particular sectors or groups within the community in an area that is significant to the achievement of Council's own goals or Community Outcomes?
- c) Are there any other ways or initiatives that the Council might take to coordinate or establish organisations that advance the Council's strategic goals and Community Outcomes?

**Skills and Experience Required**

The Council will ensure that any person that it appoints to be a director of a council organisation will have the knowledge, skills and experience relevant to the activities of the organisation and be familiar with the Council policy, programmes and activities relevant to the organisation. For appointments to organisations with an annual turnover of \$500,000 or greater, particular attention will be given to these criteria with an emphasis on skills and experience.

Appointments will generally be made by the Council at the beginning of the triennium although vacancies and new council organisations may be considered during the triennium. Any future appointments made by the Council will have regard to the criteria specified in this policy.

*Remuneration*

The Council does not remunerate the directors it appoints to council organisations and the remuneration of the directors by the council organisation is a matter for the organisation concerned.

These recommendations are based on practice over the last triennium and /or the special requirements of the organisation such as the dictates of its trust deed.



## APPENDIX 3 – ADDITIONAL INFORMATION ON EXTERNAL ORGANISATIONS – 2016-2019 TRIENNIUM

Partnership with Tangata Whenua	
Te Whakaminenga o Kāpiti	<p>This group is the independent partnership body between Council and the District's three iwi. It came into being through the Memorandum of Partnership. The group acts as a forum for discussion and source of advice to both the Council and Tāngata whenua. The objectives of the group are:</p> <ul style="list-style-type: none"> <li>a) To provide a forum for the exchange of views on issues that impact on the social, environmental, economic and cultural wellbeing of the Tāngata Whenua;</li> <li>b) To assist iwi and hapū participation in resource management and other issues;</li> <li>c) To assist Council in understanding its responsibilities under the Treaty of Waitangi and legislation relating to Māori interests, values and Treaty settlements;</li> <li>d) To provide advice and assistance to Council with regard to tikanga Māori and kaitiakitanga;</li> <li>e) To facilitate Council contact with iwi, hapū and whānau as required;</li> <li>f) To facilitate education and information exchange between Tāngata Whenua and Council;</li> <li>g) For Tāngata Whenua to provide advice and/or recommendations to Council on policies and plans;</li> <li>h) For Council to provide advice and/or recommendations to Tāngata Whenua on policies and plans;</li> <li>i) To review the Memorandum of Partnership at least once every Triennium or as requested by a majority of members;</li> <li>j) To review the effectiveness of Council's plans and policies;</li> <li>k) To appoint and delegate appropriate powers to Working Parties to address specific work areas;</li> <li>l) To discuss, formulate, implement and evaluate the priorities within the Strategic Workplan of Te Whakaminenga o Kāpiti according to budget.</li> </ul>
Organisations with a Regional Focus	
Zone 4 (Local Government New Zealand)	There are six Zones which meet four times a year. The purposes of Zones are to: be an electoral college for the appointment of National Council representatives; be working fora of <i>Local Government New Zealand</i> on a geographic basis; provide an opportunity for two-way communication between these geographic areas and <i>Local Government New Zealand</i> ; provide networking and information-sharing opportunities.
Wellington Region Climate Change Working Group (WRCCWG)	This Group examines how the councils and mana whenua across the Wellington region can work together to address all of the issues associated with climate change for both mitigation and adaptation.

Organisations with an Environmental Focus	
Friends of the Ōtaki River Group	The group was established as the result of an invitation from Greater Wellington Regional Council (GWRC) to the Ōtaki community to participate in development and implementation of the Ōtaki Floodplain Management Plan.
Friends of the Waikanae River Group	This group was established to represent the community in the management and development of the Waikanae River and its environment..
Kapiti Coast Aircraft Noise Community Liaison Group	Having this group is a requirement of the District Plan under the Resource Management Act (RMA) 1991. The Group oversees the implementation of the Management Plan. Hilary Wooding was appointed as Chair with term ending 1 January 2019. Two airport operators also appointed by Council ending 1 January 2018.
NZTA Expressway Community Liaison Group	A community group open to all interested parties to liaise with the Alliance Project Team on any matters of concern. Will still be required for 12 months after completion. Members invited from key stakeholders, iwi, Community Boards, community groups, business groups and schools.
Wellington Regional Waste Forum	
Wellington Regional Waste Forum	Established to increase awareness of environmental issues relating to the management of waste by providing a forum for local authorities to discuss matters and disseminate information.
Pharazyn Reserve Focus Group	Established in 2006, this 7-member group assists staff in the development and rehabilitation of the Reserve in line with the adopted management and development plans.
Kapiti Ecological Restoration Maintenance Trust	The Trust collaborates with Council in restoring the Kaitawa and Greendale Reserves and the Waikanae River Corridor.
Organisations with a Council Owned Property Focus	
Paraparaumu College Community Sports Hall Committee	This Committee has two Councillors and two staff as members under a joint management agreement, which is a legal document valid until December 2029. Council is part owner of this property that was established a joint venture between the school and the community.
Organisations which are Contracted to provide Services	

A Safe Kapiti (formerly Kāpiti Safer Community Trust)	The Trust's vision is for a safe, crime-free community. It recognises the importance of "early intervention" as a means to prevent children and young people drifting into crime at an older age. It places a strong emphasis on working with young people, children and their families to focus on fostering greater resiliency through the protective factors of family, education, community and peers. The Trust Deed allows for a Councillor appointment.
Mahara Gallery Trust	The Trust has a Memorandum of Understanding with Council to provide gallery and education services and also receives rental support and a one-to-one subsidy to match corporate sponsorship. Council makes one appointment to the Mahara Gallery Trust. The Trust has requested that this be a Councillor.
Mahara Gallery Upgrade Project Steering Group	This Group comprises a representative each from Council, the Mahara Gallery Trust and the Field Trust to provide project governance.
Organisations which provide a community service	
Kāpiti Emergency Medical Services (EMS) Trust	The EMS Trust is a non-profit charitable trust, and EMS team-members work voluntarily to enhance the pre-hospital care of trauma and medical patients within the Kapiti region with respect to area's relative geographical isolation from base hospital facilities. The Trust Deed provides for the Mayor to be a member.
Kapiti Accessibility Advisory Group	(Previously the Disability Reference Group) This group works with Council to improve the accessibility of Council facilities and services.
Road Safety Advisory Group	This is a voluntary group which advises the Council on road safety matters on the Kāpiti Coast. The main purpose is to provide a forum where members can provide feedback and advice aimed at achieving safer journeys through education, improved transport networks and infrastructure design.
Kapiti Cycleway, Walkway and Bridleway (CWB) Advisory Group	This is a voluntary group which seeks to extend the CWB network and improve the cycling, walking and equestrian experience on the Kapiti Coast. The terms of reference for this group were revised and approved by the Environment and Community Development Committee in April 2016.
Kapiti Coast Youth Council	This group works with Council and other agencies in an advocacy role to promote the needs and contributions of youth in the District
Kapiti Coast Older Persons' Council	This group advocates re issues for older people in the District.

The Public Art Panel	The Public Art Panel is appointed by the Council to oversee the public art programme. The Panel's primary goal is to assist the Council to implement the Council's Public Art Policy (August 2013).
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**8.5 ELECTED MEMBER REMUNERATION AND POSITIONS OF RESPONSIBILITY**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

1 This report:

(a) Informs Council of the Remuneration Authority's determination in respect of Elected Members remuneration for 2019/20;

(b) Asks Council to approve the allocation of the pool of money for the remuneration of Councillors and related job descriptions which are to be submitted to the Remuneration Authority.

**DELEGATION**

2 Council has the authority to consider this matter.

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

3 The Remuneration Authority ('the authority') is the independent body responsible for the setting of elected members' remuneration

4 The Authority began introducing the changes to the index rankings in the Local Government Members (2018/19) (Local Authorities) Determination 2018 (the 2018 Determination), and continued in the 2019/20 determination. The changes will be fully completed following the 2019 local election.

5 These changes involve a major reassessment of the rates paid to councillors. Implementation of the new approach over a period means that, between 1 July 2018 and October 2019, changes to remuneration for elected local government members will have varied to a considerable degree between councils, rather than being an overall consistent percentage increase. For some, there was no movement over this time, whereas for others there was a substantial increase, reflecting the Authority's new assessment of the size of councils' responsibilities

6 In Schedule 1 of its Local Government Members 2019/20 Determination 2019 ('the determination') the Authority determined the remuneration of Elected Members up to the Local Body Elections in 2019. The Determination also details the allowances that could be paid to Elected Members.

7 Schedule 2 of the Determination covers the payment of Elected Members following the 2019 Local Government Elections at which point a Remuneration Pool will be introduced for the remuneration of Councillors. Following the 2019 election a "governance pool" is allocated to each council which is aligned with the ranking of the council on a size index and within the framework of the new local government pay scale. The governance pool will provide the total amount that can be paid in remuneration to councillors in each individual council (aside from the mayor).

8 As Council takes office following the 2019 local election, all Councillors will initially receive the salary of \$35,517. This will be in place until Mayor and Councillors agree the remuneration of all positions of responsibility and their proposal is approved by the Remuneration Authority.

9 The Council must provide the Authority with recommendations for how its pool should be distributed among council members. Each council will decide how it wants to allocate its pool. Roles to which additional differential remuneration can be attached may include not

just “internal” council roles such as deputy mayor, committee chair or portfolio holder, but also other jobs representing the council on outside groups.

10 There are four requirements for each council:

- The whole pool must be used.
- The council must decide a “base remuneration” for councillors who have no additional responsibilities. This could be higher than the base amount set out by the Authority.
- For any roles which attract additional remuneration, the council is required to have a formal vote which must include the following: a title and short description of each role (i.e. what are the requirements for the councillor who undertakes it), the proposed annual dollar value of remuneration and the name of the councillor elected to fill that role.
- The decisions of the Council are subject to approval by the Remuneration Authority. Following its formal decision-making, the council will need to forward its resolutions to the Authority for consideration for inclusion in the determination.

11 The pool allocated to Kāpiti Coast District Council is \$497,664. This is an increase of more than 18% on the previous remuneration of Councillors which amounted to \$420,593. (The increase to the Mayors remuneration, which is determined by the Authority and which sits outside the pool, is 12.7%.)

12 The remuneration of Community Boards is still determined by the Authority and does not come out of the pool. However, if the council delegates significant new responsibilities to its community board(s) and as a consequence proposes an increase to the remuneration of its community board members, the additional funds will come out of the governance remuneration pool. If this is the case the Authority must be contacted for further information on the process to be followed.

13 The pool approach and the additional monies available for remuneration of Councillors provides an ideal opportunity to create a more inclusive governance structure, allowing councillors to be involved in a broad spectrum of key areas of importance for the district. A portfolio approach enables individual councillors to be given responsibility for a particular focus area and enables individual councillors to take an active leadership role within the community.

14 Some portfolios will be more demanding than others and require more time and effort from the portfolio holder. They may differ for example in:

- degree of complexity
- importance of relationships
- required expertise
- amount of time needed.

15 The following portfolios are proposed:

- Cultural wellbeing (including Arts)
- Social wellbeing
- Climate
- Youth
- Seniors
- Environmental wellbeing
- Health
- Economic wellbeing

- Business & Jobs
- Transport
- Housing
- Rural
- Waste
- Greater Wellington Regional Council

- 16 The proposed allocation of the remuneration pool takes into consideration the overall responsibilities of members, including Committee or Subcommittee Chair or Deputy Chair responsibilities, Community Board responsibilities and size of portfolios.

	<b>Committees</b>	<b>Subcommittee</b>	<b>Portfolio</b>	<b>Community Boards</b>	<b>Other appointments</b>
<b>Mayor</b>	Council Strategy & Operations Te Whakaminenga o Kapiti	Audit & Risk Grants Appeals			Te Whakaminenga o Kāpiti Regional Transport Joint Committee Older Persons Council Regional Strategy Joint Committee
<b>Cr Holborow</b> <i>Deputy Mayor</i>	Council Strategy & Operations	Audit & Risk Grants Appeals	Cultural wellbeing (including Arts)		Public Art Panel Accessibility Advisory Group Mahara Gallery Trust LGNZ Policy Advisory Group Regional Strategy Joint Committee
<b>Cr Cootes</b>	Council Strategy & Operations (Chair) Te Whakaminenga o Kapiti	Audit & Risk	Transport	Ōtaki Community Board	Te Whakaminenga o Kāpiti Regional Transport Joint Committee Road Safety Advisory Group
<b>Cr Compton</b>	Council	Audit & Risk	Rural GWRC		

	Strategy & Operations (Deputy Chair)		Economic wellbeing		
<b>Cr Buswell</b>	Council Strategy & Operations	Grants (Deputy Chair)	Business & Jobs		Cycleway Walkway and Bridleway Advisory Group Friends of the Ōtaki River
<b>Cr Elliott</b>	Council Strategy & Operations	Grants (Chair)	Waste		Regional Waste Forum Waste Minimisation Task Force
<b>Cr McCann</b>	Council Strategy & Operations	Grants	Housing Social wellbeing		
<b>Cr Handford</b>	Council Strategy & Operations		Climate Youth	Paekākāriki Community Board	Youth Council Wellington Region Climate Change Working Group
<b>Cr Prvanov</b>	Council Strategy & Operations	Appeals Hearing (Deputy Chair)	Environmental wellbeing	Waikanae Community Board	Cycleway Walkway and Bridleway Advisory Group Friends of the Waikanae River Ecological Restoration Maintenance Trust
<b>Cr Halliday</b>	Council Strategy & Operations	Grants	Health Seniors	Paraparaumu -Raumati Community Board	Older Persons Council Paraparaumu College hall
<b>Cr Randall</b>	Council Strategy & Operations			Paraparaumu -Raumati Community Board	Road Safety Advisory Group Paraparaumu College hall

- 17 Proposed base remuneration is \$36,000. Proposed additional remuneration is \$24,000 for the Deputy Mayor, \$19,000 for the Chair of the Strategy and Operations Committee, \$14,610 for Portfolio A holders (portfolio A includes Deputy Chair or Chair of Subcommittees), and \$9,056 for Portfolio B holders (portfolio B includes Community Board responsibilities).



Enter name/title of proposed position with additional responsibilities	Enter number of members per position	Proposed councillor base remuneration (\$)	Enter proposed additional remuneration (\$)	Proposed annual total remuneration per member (\$)	Total (\$)
Deputy Mayor	1	36,000	24,000	60,000	60,000
Chair, Strategy & Operations	1	36,000	19,000	55,000	55,000
Portfolio A	4	36,000	14,610	50,610	202,440
Portfolio B	4	36,000	9,056	45,056	180,224
Councillor (with no additional responsibilities)	0	36,000	n/a	36,000	0

Grand total (\$): 497,664

Balance of pool (\$): 0

## CONSIDERATIONS

### Policy considerations

- 18 The Elected Members Remuneration Expenses and Allowances Policy 2019-2020 will be updated following the completion of the approval of the pool allocation process and brought back to the Council for consideration at a future meeting.

### Legal considerations

- 19 Details any statutory requirements, referencing the appropriate clause/s of legislation and any internal legal advice sought (as appropriate).

### Financial considerations

- 20 The determination of the Remuneration Authority involves a significant increase in the budget required for Elected Members Remuneration as indicated earlier in this report. The budget will need to be increased as a result.

### Tāngata whenua considerations

- 21 There are no tāngata whenua considerations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

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

### Engagement planning

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

### Publicity

- 24 There are no immediate publicity considerations. Upon the completion of the approval of the pool allocation process and process and the update of the Elected Members Remuneration Expenses and Allowances Policy 2019-2020, the signed policy will be available to view on the Kāpiti Coast District Council website.

**RECOMMENDATIONS**

25 That the Council makes the following portfolio allocations appointments for the 2019-2022 Triennium as follows:




Portfolios	Appointees
Cultural wellbeing (inc. Arts)	Cr Holborow
Transport	Cr Cootes
Rural	Cr Compton
GWRC	
Economic wellbeing	
Business & Jobs	Cr Buswell
Waste	Cr Elliott
Housing	Cr McCann
Social wellbeing	
Climate	Cr Handford
Youth	
Environmental wellbeing	Cr Prvanov
C Health	Cr Halliday
Seniors	

26 That the Council approves the Portfolio job descriptions as attached at Appendix 2 of this Elected Member Remuneration and Positions of Responsibility report.

27 That the Council approves:

- base remuneration for Councillors of \$36,000.00
- additional remuneration of \$24,000.00 for the Deputy Mayor,
- additional remuneration of \$19,000.00 for the Chair of the Strategy and Operations Committee,
- additional remuneration of \$14,610.00 for Portfolio A holders
- additional remuneration of \$9,056.00 for Portfolio B holders

**APPENDICES**

1. Process and timeline for setting remuneration following the Local Body Elections 2019 [↓](#) 
2. Portfolio job descriptions [↓](#) 
3. Link to Local Government Members (2019/20) Determination 2019 [↓](#) 

Attachment 1

## Process and Timeline for Setting Elected Members' Remuneration following the October 2019 Local Elections

Please familiarise yourself with the **Local Government Members (2019/20) Determination 2019** specifically:

- **Clause 7(2)** – remuneration on and from the day after the date on which the official result of the 2019 election is declared under section 86 of the Local Electoral Act 2001 in relation to your local authority;
- **Schedule 2** – remuneration from 2019 election of members; and the
- **Explanatory memorandum** attached to the determination, which includes the governance remuneration pool for your council.

### Mayors, Regional Chairs, Auckland Local Board Members and Community Board Members

Note the governance remuneration pool does not apply to mayors, regional chairs, Auckland local board members and community board members. Their remuneration **must** be paid according to the provisions set out in the above determination on and from the day after the date on which the official results for your council are declared.

However, if your council delegates significant other responsibilities than they currently hold to its community board(s) and as a consequence proposes an increase to the remuneration of its community board members, the additional funds will come out of the governance remuneration pool for your council. If this is the case please contact the Authority for further information on the process to be followed.

### Remuneration for Councillors

Schedule 2 of the above determination provides the minimum allowable remuneration rate payable to councillors on and from the day after the date on which the official result of the 2019 election is declared for your council. Your councillors cannot be paid below that rate.

The governance remuneration pool shown in the explanatory memorandum to the above determination covers the remuneration payable to your councillors. Your council's pool includes the remuneration for your base councillor position and the remuneration for your councillors who hold positions of additional responsibility (eg: deputy mayor, chair of a council committee).

Following the 2019 local elections, your council is invited to provide the Authority with proposals/recommendations on how the pool should be distributed among the council members. The council's recommendations **must** include a remuneration rate for the base councillor position and rates for all positions that hold additional responsibility. The entire pool must be allocated. The Authority will then consider the council's proposals before determining the remuneration payable to councillors.

An Excel workbook has been prepared for each council to complete their remuneration proposals and return to the Authority. Attached to the email containing this guidance is your council's workbook.

The workbook contains three main worksheets:

- **Instructions** for calculating the distribution of the pool;
- **Worksheet 1** – either use this worksheet to enter the dollar amounts to calculate your councillor's remuneration; or alternately use
- **Worksheet 2** – to enter the ratios to calculate the remuneration of your councillors.

## Attachment 1

Note in both cases the entire remuneration pool must be allocated.

On opening your workbook, please read the instructions and check that the base information is correct ie:

- number of councillors (excluding mayor or regional chair);
- your council's remuneration pool (ie: it matches the amount shown in the determination);
- your councillor's minimum remuneration rate (see schedule 2 of the determination).

If the base information is incorrect let us know and we will issue a revised workbook.

Please let us know if your council proposes an increase to the remuneration of its community board members as a result of delegating significant other responsibilities than they currently hold to them. In this case, the Authority will need to be advised and a revised workbook reflecting the reduced remuneration pool will be issued.

**Return to the Authority ([info@remauthority.govt.nz](mailto:info@remauthority.govt.nz)) the attached form (*information about important dates and positions of responsibility*) and your completed workbook together with a brief description of each position of additional responsibility and their effective date (day after the date that the council confirms the recommendation) by either of the dates shown below (shaded boxes).**

#### Timeline

Action	By Whom	Date
Familiarisation by elected members and staff with the new regime and process	Councils	Up till remuneration proposals submitted
<b>Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 1)</b>	<b>Councils</b>	<b>Proposals submitted by <u>Wednesday 20 November 2019</u> to meet deadline for the first amending determination</b>
Remuneration Authority consider councils' proposals	Remuneration Authority	From 13 October to 22 November 2019
Drafting of first amending determination	Parliamentary Counsel Office	From 24 November to 11 December 2019
First amending determination is gazetted	Remuneration Authority	Thursday 19 December 2019
<b>Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 2)</b>	<b>Councils</b>	<b>Proposals submitted by <u>Friday 24 January 2020</u> to meet deadline for second amending determination</b>
Remuneration Authority consider councils' proposals	Remuneration Authority	From 13 January to 29 January 2020
Drafting of second amending determination	Parliamentary Counsel Office	From 3 February to 21 February 2020
Second amending determination is gazetted	Remuneration Authority	Late February/early March 2020

Your council will need to wait until the amending determination which contains its new remuneration rates is gazetted by the Authority before it can pay the new remuneration rates for positions of

## Attachment 1

responsibility and the new base councillor rate. However, it is important to note that councillors' remuneration will be backdated.

The new base remuneration rate approved by the Authority for a councillor will take effect from the day after the date on which the official results for the council were declared by public notice. Approved remuneration rates for the positions of responsibility will be backdated to the day after the council formally voted to confirm its recommendation(s).

If you have any questions about the process or the timeline please send an email to [info@remauthority.govt.nz](mailto:info@remauthority.govt.nz).

## Appendix 2

**Portfolio A job description**

- Combines responsibilities as a Councillor, Deputy Chair or Chair of a Subcommittee and Portfolio responsibilities.
- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council

**Portfolio B job description**

- Combines responsibilities as a Councillor, Community Board and Portfolio responsibilities.
- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council

## **Local Government Members (2019/20) Determination 2019**

<http://www.legislation.govt.nz/regulation/public/2019/0135/latest/whole.html>

**8.6 DRAFT CALENDAR OF MEETINGS 2019-20**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

- 1 Council is asked to approve a meeting schedule for 2019-20.

**DELEGATION**

- 2 Council has the authority to consider this matter.

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

- 3 Following the exercise of mayoral powers to establish committees, and the Council's ensuing approval of delegations (elsewhere in this agenda), the Council can now consider an associated meeting cycle and calendar of meetings for 2019-20.
- 4 A monthly cycle of meetings for Council, twice monthly cycle of meeting for the Strategy and Operations Committee, and a six weekly cycle for Community Boards is proposed (see Appendices 1 and 2).
- 5 This cycle allows for substantial progression of issues. Statutory requirements indicate that meeting agendas must be received by meeting participants at least two clear working days ahead of the meeting date – a standard which is exceeded in order to give Elected Members as much time as possible to consider the reports and associated information.
- 6 A number of Keep-Free spots in the calendar allow for breaks over statutory and school holiday periods.
- 7 Reports going forward to any Council, Committee, Subcommittee or Community Board meeting undergo an internal review process to ensure that the information, advice and options provided are of high quality. The processes, both statutory and operational, add to the lead time required for the comprehensive consideration of issues.
- 8 Elected Members are invited to consider the following points in respect of the proposed calendar of meetings.

*Meeting start times*

- 9 Council, Committee and Subcommittee meetings to take place on a Thursday beginning at 9.30am. This is a change to the previous Triennium where meetings usually began at 10am.
- 10 All Community Board meetings are currently scheduled to take place on Tuesday evenings beginning at 7.00pm.
- 11 The Council is free to decide on a different day and time for its meetings. Community Boards are free to set their own meeting dates.

*Briefings*

- 12 Briefings in the last Triennium were usually scheduled on a Thursday. In the 2019 – 2022 Triennium it is proposed that briefings take place on Tuesdays. Briefings are primarily intended to keep Elected Members up to date with key projects and issues.

*Other meetings*

- 13 The Appeals Hearing Committee and District Licensing Committee meet as required.
- 14 The draft calendar also features meeting dates for Te Whakaminenga o Kāpiti.



- 15 The Calendar of Meetings features meeting dates for bodies which administer grants. These are the Grants Allocation Committee and the Campe Estate Subcommittee.

*Changes to the calendar*

- 16 From time to time meetings have to be re-scheduled or cancelled for unavoidable reasons and if this has to be done, the matter is discussed initially with the Mayor or Chair of each Committee before Elected Members are informed as to proposed alternative dates. Any changes to meeting schedules are publicly advertised, and notified in the Calendar of Meetings found in the Elected Members Bulletin circulated each Friday to Elected Members. Cancellation notices include the reasons for cancelling.

## CONSIDERATIONS

### Policy considerations

- 17 There are no policy considerations.

### Legal considerations

- 18 There is no statutory requirement to set a calendar of meetings but it is practical to do so to fulfil the requirement under the Local Government Official Information and Meetings Act 1987 (section 46) to publicly notify meetings.

### Financial considerations

- 19 If Council decided to hold meetings at a different time such as in the evening there would be additional costs associated with catering and staff attendance.

### Tāngata whenua considerations

- 20 There are no tāngata whenua considerations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

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

### Consultation

- 22 The draft calendar 2019-20 will be formally circulated to all four Community Boards.



### Publicity

- 23 Meetings are publicly advertised in advance each month in the local newspapers as required by the Local Government Official Information and Meetings Act 1987.

**RECOMMENDATIONS**

- 24 That the Council approves the calendar of meeting 2019-20 as detailed in Appendix 1 of this Draft Calendar of Meetings 2019-20 report, noting that Council, Committee and Subcommittee meetings are generally scheduled on a Thursday and start at 9.30am.

**APPENDICES**

1. Draft calendar of meetings 2019 [↓](#) 
2. Draft calendar of meetings 2020 [↓](#) 

		November		December
SAT				
SUN				
MON			2	
TUE			3	PCB
WED			4	
THU			5	STRATEGY / OPERATIONS
FRI	1		6	
SAT				
SUN				
MON	4		9	
TUE	5		10	PRCB
WED	6	ZONE 4	11	
THU	7	COUNCIL	12	COUNCIL
FRI	8		13	
SAT				
SUN				
MON	11		16	
TUE	12	OCB	17	
WED	13		18	
THU	14		19	
FRI	15		20	
SAT				
SUN				
MON	18		23	
TUE	19	WCB	24	
WED	20		25	XMAS
THU	21	RURAL PROVINCIAL	26	
FRI	22	RURAL PROVINCIAL	27	XMAS
SAT				
SUN				
MON	25		30	
TUE	26	TWOK	31	
WED	27			
THU	28	TWOK		
FRI	29			
SAT				
SUN				
MON				
TUE				
		November		December

Calendar For New Triennium Meetings 2019 -2022																								
		January		February		March		April		May		June		July		August		September		October		November		December
SAT															1									
SUN					1										2						1			
MON					2					1	QUEEN'S BIRTHDAY				3						2			
TUE					3					2					4	OCB	1				3		1	PCB
WED	1	NEW YEAR			4		1			3		1		5			2				4		2	
THU	2				5	STRATEGY & OPERATIONS	2	STRATEGY & OPERATIONS		4	STRATEGY & OPERATIONS	2	STRATEGY & OPERATIONS	6	STRATEGY & OPERATIONS	3	STRATEGY & OPERATIONS	1	STRATEGY & OPERATIONS	5	STRATEGY & OPERATIONS	3	TWOK	
FRI	3				6		3		1	5		3		7			4		2		6		4	
SAT	4		1		7		4		2	6		4		8			5		3		7		5	
SUN	5		2		8		5		3	7		5		9			6		4		7		6	
MON	6		3		9		6		4	8		6		10			7		5		9		7	
TUE	7		4	WCB	10	OCB	7		5	WCB	9		7	11	WCB	8		6	PRCB	10	OCB	8		
		KEEP FREE																						
WED	8		5		11		8		6	10		8		12			9		7		11		9	
THU	9		6	WAITANGI DAY	12	TWOK	9	GAC (CCNZ)	7	STRATEGY & OPERATIONS	11	TWOK	9	KEEP FREE	13	AUDIT RISK	10	TWOK	8	GAC (Comm Grants)	12	GAC (Waste Levy)	10	COUNCIL
											CAMPE													
FRI	10		7		13		10	EASTER	8	12		10		14			11		9		13	ZONE 4	11	
SAT	11		8		14		11		9	13		11		15			12		10		14		12	
SUN	12		9		15		12		10	14		12		16			13		11		15		13	
MON	13		10		16		13	EASTER	11	15		13		17			14		12		16		14	
TUE	14		11	PRCB	17	WCB	14		12	PRCB	16	OCB	14		18	PRCB	15		13	PCB	17	WCB	15	
		KEEP FREE						KEEP						KEEP										
WED	15		12		18		15	FREE	13		17		15	FREE	19		16		14		18		16	
THU	16		13	STRATEGY & OPERATIONS	19	GAC (DWFHR)	16	KEEP	14	AUDIT RISK	18	STRATEGY & OPERATIONS	16	LGNZ CONF	20	STRATEGY & OPERATIONS	17	GAC (Creative Communities)	15	CEPEC	19	AUDIT RISK	17	
FRI	17		14		20	GAC (Waste Levy)	17		15	19		17	LGNZ CONF	21	ZONE 4	18		16		20		18		
SAT	18		15		21		18		16	20		18	LGNZ CONF	22		19		17		21		19		
SUN	19		16		22		19		17	21		19		23		20		18		22		20		
MON	20	WELLINGTON ANNIVERSARY	17		23		20		18	22		20		24		21		19		23		21		
TUE	21		18	PCB	24	PRCB	21	KEEP	19	PCB	23	WCB	21	PCB	25	PCB	22	OCB	20		24	PRCB	22	KEEP
								FREE															FREE	
WED	22		19		25		22		20	24		22		26			23		21		25		23	
THU	23	COUNCIL	20	AUDIT RISK	26	COUNCIL	23	KEEP	21	CEPEC	25	COUNCIL	23	TWOK	27	COUNCIL	24	COUNCIL	22	TWOK	26	COUNCIL	24	
				GAC (Heritage Fund)				FREE									AUDIT RISK							
FRI	24		21		27		24		22	ZONE 4	26		24		28		25		23		27		25	XMAS
SAT	25		22		28		25	ANZAC DAY	23		27		25		29		26		24		28		26	
SUN	26		23		29		26		24		28		26		30		27		25		29		27	
MON	27		24		30		27		25		29		27		31		28		26	LABOUR DAY	30		28	
TUE	28	OCB	25		31	PCB	28	OCB	26		30	PRCB	28				29	WCB	27				29	XMAS
WED	29		26				29		27				29				30		28				30	XMAS
THU	30	TWOK	27	COUNCIL			30	TWOK	28	COUNCIL		30	COUNCIL						29	COUNCIL			31	
FRI	31		28	ZONE 4					29			31							30					
SAT			29						30										31					
SUN									31															
		January		February		March		April		May		June		July		August		September		October		November		December

**8.7 ADOPTION OF STANDING ORDERS - 2019-2022 TRIENNIUM**

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

**Authoriser:** Wayne Maxwell, Chief Executive

**PURPOSE OF REPORT**

- 1 This report asks Council to adopt its set of Standing Orders for the 2019-2022 Triennium.

**DELEGATION**

- 2 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. They 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.
- 5 This Council's Standing Orders were originally based on the Standards New Zealand set but in 2016 Local Government New Zealand (LGNZ) revised them, responding to requests for greater clarity (especially around legislative changes), alignment with 21<sup>st</sup> century meeting practice (technological advancements) and the inclusion of bicultural provisions. This final document was released to councils in September 2016 and was adopted by this Council, with some customised amendments relating to remote meeting attendance, and a specific option for debating protocol.
- 6 Leading up to the triennial transition LGNZ has amended the document further but the changes this time are minor (and will be discussed in more detail below).
- 7 Council is asked to consider adopting the amended version at Attachment 1 to apply throughout the 2019-2022 Triennium; The adoption will require a 75% majority vote (9 out of 11). The 75% rule does not apply to the Appendices to the document.
- 8 LGNZ has produced a version of the document specifically for Community Boards and this will be presented to the Boards at their inaugural meetings. The content is the same as in the document presented today by the wording refers specifically to community boards.
- 9 It is the officer recommendation that Council adopts the document at Attachment 1 as amended.

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

- 10 The following table discusses the proposed amendments to the existing Council document.

Section/Clause	Amendment
Section 2	A number of new definitions are proposed to further reflect and clarify actual meeting practice, with the exception of LGNZ's reference to an audio visual link which this Council does not currently provide
Section 8, clauses 8.5, 8.6 and 8.7	These clauses relating to the types of and requirements for notifying emergency and extraordinary meetings are included to clarify the processes

Section 9, clause 9.16	The current section on 9.16 decisions on water assets and services is proposed to be retained.
Section 13, clauses 13.1 and 13.2	These clauses relating to the Chairing of meetings explain the various scenarios more clearly without changing the substance.
Section 14	<p>This section deals with Public Speaking Time. LGNZ proposed replacing this with the term 'Public Forum'. Given that Council has an informal pre-meeting public forum it is recommended that Council retain the reference 'Public Speaking Time' in Standing Orders to avoid confusion.</p> <p>The LGNZ template also suggests that items in the Public Speaking Timeslots at committee, subcommittee or community board meetings should be within the terms of reference of that body.</p>
Section 16	This section on petitions contains some proposed amendments which tighten up the process for receiving petitions ie they must be received by the chief executive at least 5 working days before the meeting date. This has not been the practice of this Council where petitions could be accepted unannounced at any meeting.
Section 18, clause 18.3	Previous councils have voted for the Chairperson to have a casting vote; however members today may make a different decision.
Section 19, clause 19.2	This change deals with elected member behavior at meetings, bringing it into line with the Council Code of Conduct.
Section 20, clause 20.5	This change clarifies that members may speak more than once only with the Chairperson's permission at any meeting.
Section 22, clause 22.5 and 22.6	<p>An additional note is proposed that 'Amendments which are significantly different must comply with the decision-making provisions of Part 6 of the LGA 2002', that is, around transparency and consultation.</p> <p>Clause 22.6 proposes an additional power for the Chairperson to include an amendment, if desired, in a motion for the adoption of a recommendation from a subordinate decision-making body, thus streamlining the process.</p>
Sections 27 and 28	Several changes are proposed to these sections to reflect modern meeting practice (electronic records), allowing the keeping and authorising of minutes in hard or electronic copy and clarifying the requirements around the latter. The Public Records Act 2005 and the Contract and Commercial Law Act 2017 are cited in support.
Appendix 1, clause A5	This section has been rearranged for clarity without changing the substance.
Appendix 2	The LGNZ version replaces the current version as the former is clearer.
Appendix 3,	These are charts outlining the flow of motions and amendments under the various debating options (A, B or C – see section 21). Given that members can agree at any meeting as to which option is used for that meeting it is useful to include all three charts.
Appendix 5	This has been amended to reflect Council's intent to increase the availability of meeting records to the public by capturing meeting footage in video format uploaded to the Council website for future reference.
Appendix 9	This appendix on workshops contains an additional clause to reflect current practice around recording discussions.

**CONSIDERATIONS****Policy considerations**

- 11 There are no additional policy considerations.

**Legal considerations**

- 12 There are no additional legal considerations.

**Financial considerations**

- 13 There are no financial considerations.

**Tāngata whenua considerations**

- 14 Bicultural considerations are included in the document. For example karakia may be used to open and close a meeting, the term pōwhiri is included in the definitions section, and members may use te reo Māori.

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

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

**Engagement planning**

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

**Publicity**

- 17 The document once adopted will be made available on the Council website.

**RECOMMENDATIONS**

- 18 That Council adopt the set of Standing Orders as at Attachment 1 of report 'Adoption of Standing Orders – 2019-2022 Triennium' with any additional amendments.

**APPENDICES**

1. Standing Orders with proposed amendments [!\[\]\(57134200e042c5784522d4f74054d599\_img.jpg\) !\[\]\(75dbeb46822477f54d6fb53bc5c7cce8\_img.jpg\)](#)



# **Standing Orders**

**for meetings of Council**

As adopted by Council on 7 November 2019



## 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.

**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 an audio 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**

here 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>2</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>2</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**

Provided the conditions in these standing orders are met members of the local authority or its committees 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 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 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 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 link. Should, due to illness or emergency, this is not possible the member may give less notice.

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

n 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**

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 Seconder 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

he 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.

*s 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.

PWhere 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)).

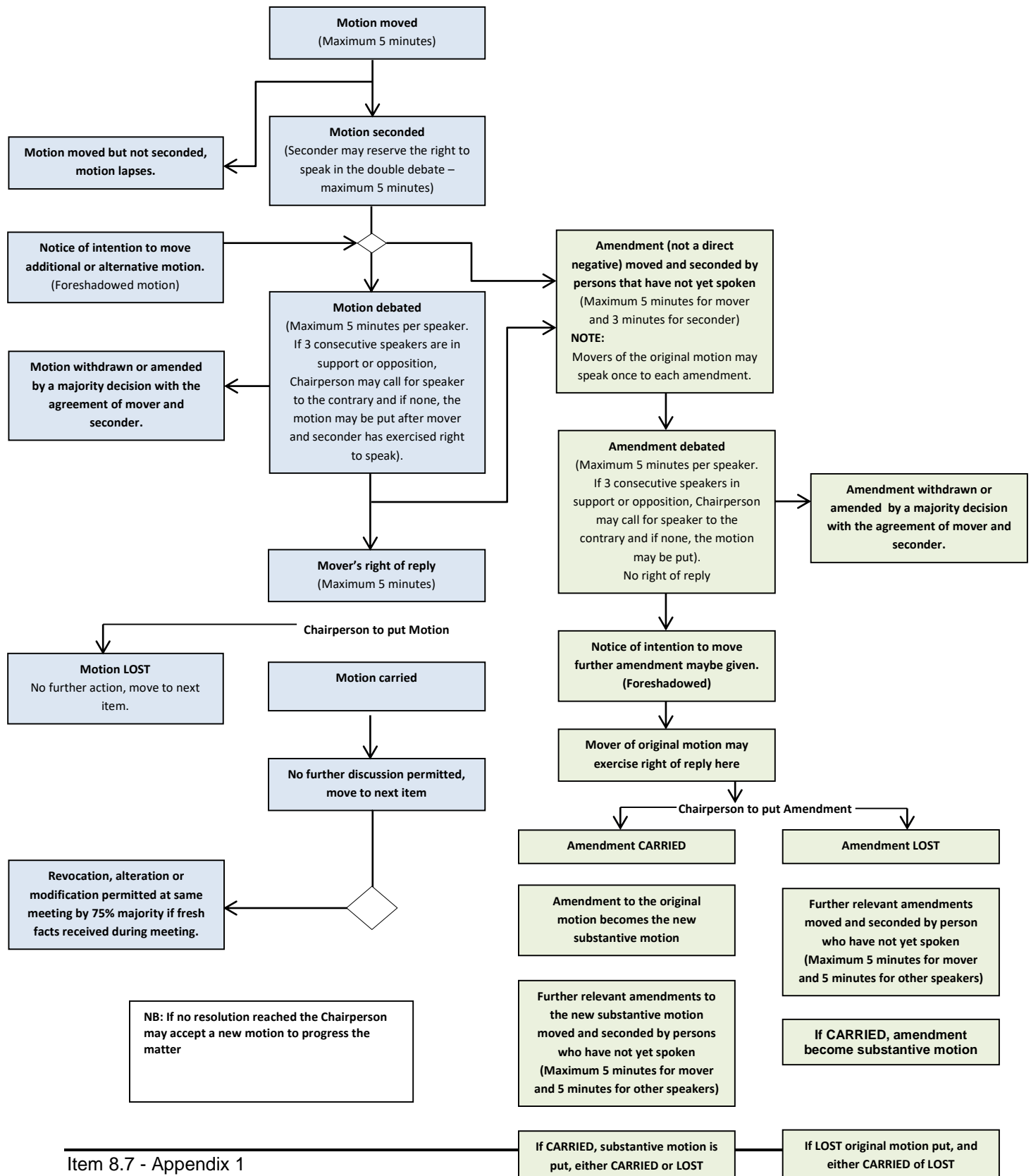
2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*.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



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

### Motions without amendments

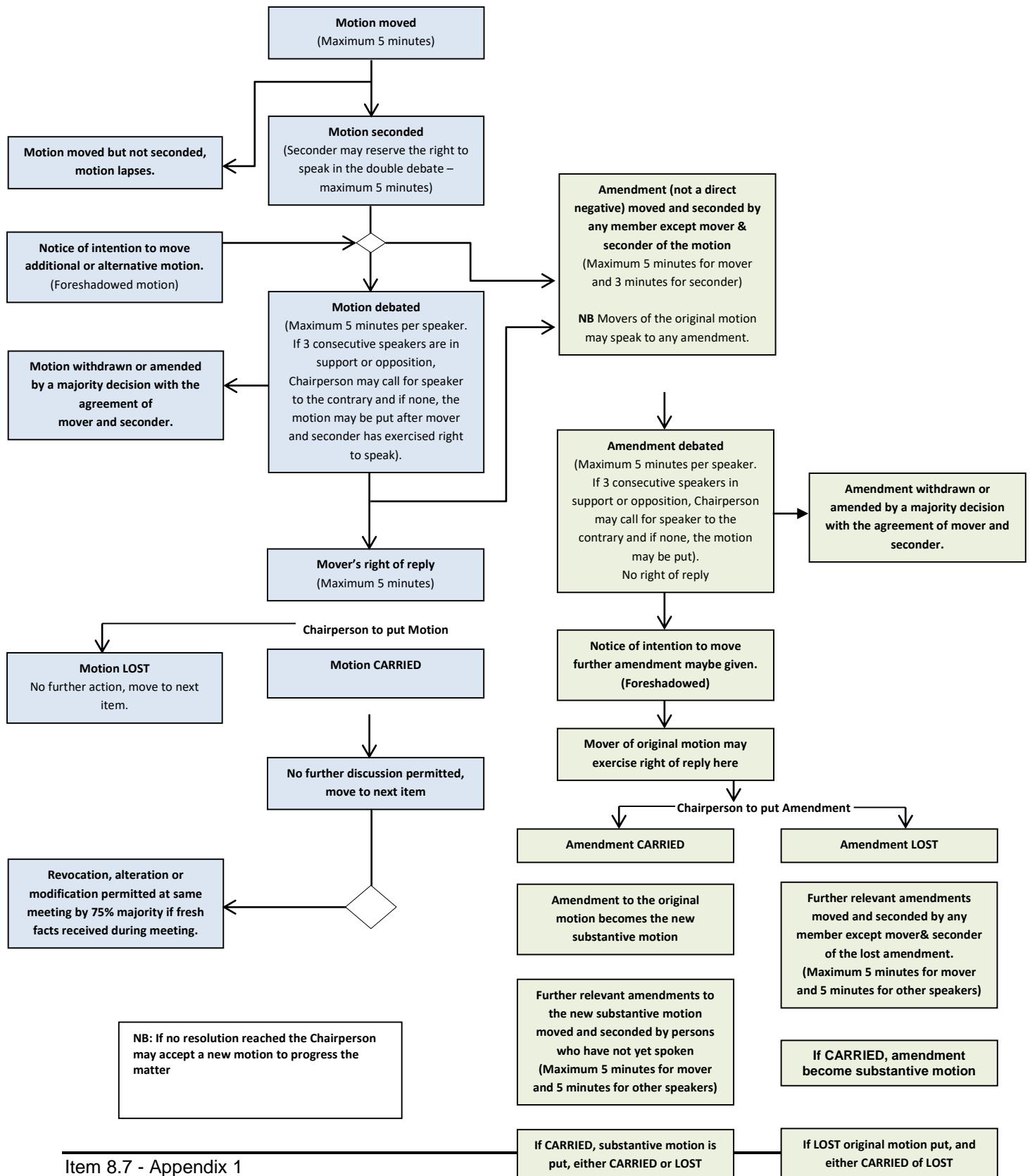
### Motions with amendments



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

### Motions without amendments

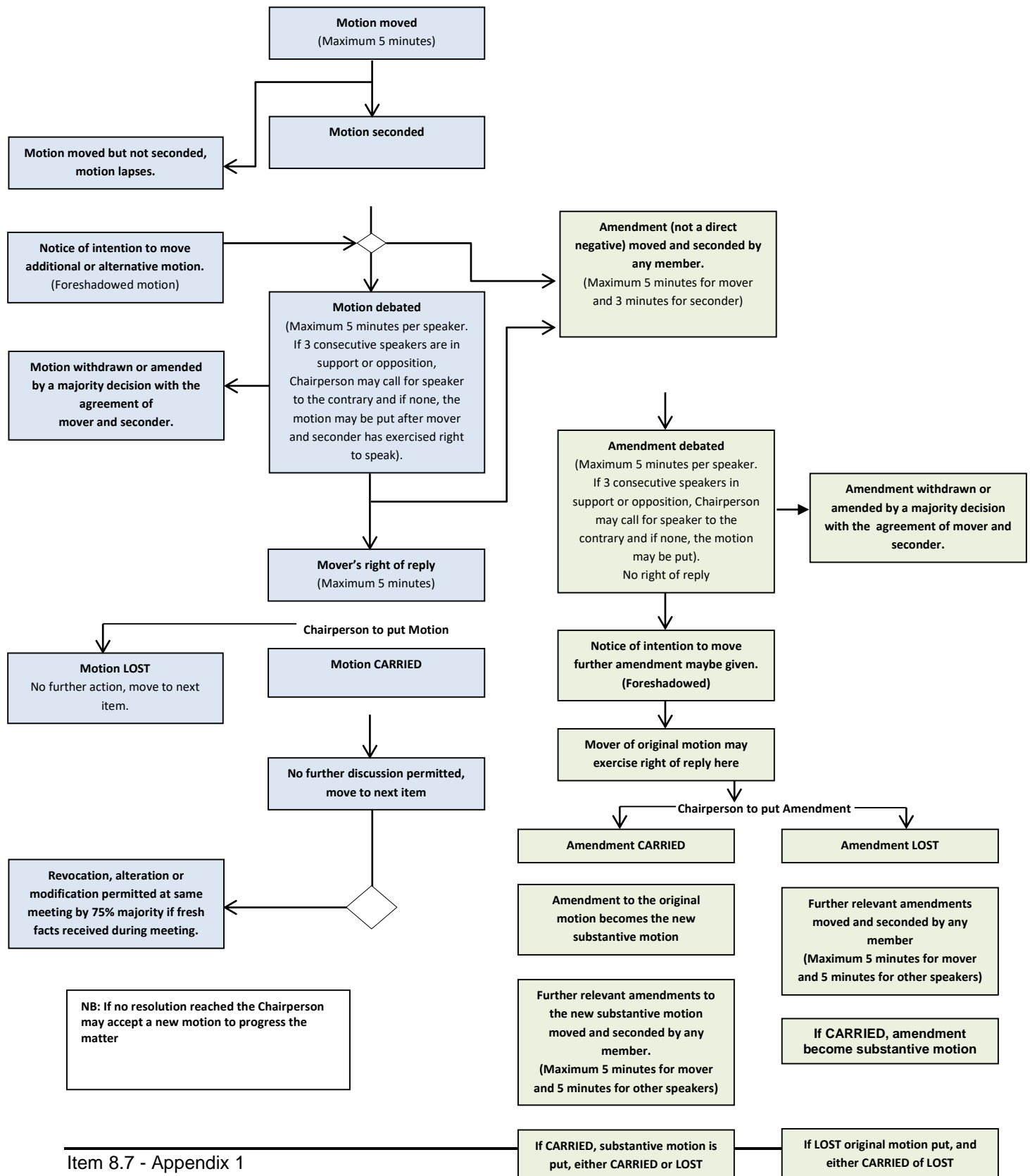
### Motions with amendments



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

Motion	Has the Chair discretion to refuse this Motion?	Is second 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 ~~not retained, edited or archived~~ captured in video format by Council and made publicly available on the Council website.
3. Meetings of Council and its ~~two~~ one major Standing Committees (Strategy and Policy Operations ~~and Operations and Finance~~) will be livestreamed (excluding any sessions held in public excluded).
4. The intent of livestreaming and video capture is to increase the accessibility of Council decision-making processes to the public.
5. Instructions on accessing livestreaming and video capture 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 attendance**

Where the technology is available and a member is attending a meeting by audio 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 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.



**9 CONFIRMATION OF MINUTES**

Nil

**10 PUBLIC SPEAKING TIME**

- Covering other items if required
- Public Speaking Time responses

**11 PUBLIC EXCLUDED REPORTS**

Nil