

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2019

## **Council**

Thursday 24 October 2019

.....

Time: 10.30am

Venue: Council Chamber,  
200 Tuam Street, Christchurch



# **Council**

## **Membership**

### **Membership**

Cr Tane Apanui  
Cr Phil Clearwater  
Cr Grant Edge  
Cr Megan Hands  
Cr Jenny Hughey  
Cr Ian Mackenzie  
Cr Nicole Marshall  
Cr Claire McKay  
Cr Elizabeth McKenzie  
Cr Craig Pauling  
Cr Lan Pham  
Cr Peter Scott  
Cr Vicky Southworth  
Cr John Sunckell



# Council Meeting

## Table of Contents

<b>1. Karakia .....</b>	<b>6</b>
<b>2. Apologies .....</b>	<b>6</b>
<b>3. Conflicts of Interest .....</b>	<b>6</b>
<b>4. Matters for Council Decision .....</b>	<b>7</b>
4.1. Local Government Election results for the Canterbury Regional Council .....	7
4.2. Declaration by Councillors .....	12
4.3. Election of Chair and Deputy Chair .....	13
4.4. General explanation of statutory obligations .....	16
4.5. Adoption of Standing Orders .....	23
4.6. Fixing the Date and Time of the First Council meeting .....	97
<b>5. Other Business .....</b>	<b>98</b>
<b>6. Notices of Motion .....</b>	<b>98</b>
<b>7. Questions .....</b>	<b>98</b>
<b>8. Next Meeting .....</b>	<b>98</b>
<b>9. Closing Karakia .....</b>	<b>98</b>

**1. Karakia**

**2. Apologies**

**3. Conflicts of Interest**

## 4. Matters for Council Decision

### 4.1. Local Government Election results for the Canterbury Regional Council

#### Council report

---

<b>Date of meeting</b>	24 October 2019
<b>Author</b>	Siân Daly, Special Projects Manager – Elections
<b>Responsible Director</b>	Miles McConway, Director Finance and Corporate Services

#### Purpose

1. To present the final declaration of election results and confirm the appointment of members to the Canterbury Regional Council.

#### Background

2. The final declaration of results is attached.
3. All seven of the constituencies were contested.
4. The official result was received by the Council on 17 October 2019 and appeared in the major newspapers in the Canterbury region on Monday 21 October 2019 and other provincial papers between Tuesday 22 October and Thursday 24 October. The results will also be published in the Selwyn Times on Tuesday 29 October 2019.

### Final declaration of results of election to Canterbury Regional Council

#### 5. Mid-Canterbury/Ōpakihi Constituency (2 vacancies) **Votes Received**

MACKENZIE, Ian		13,836
SUNCKELL, John		11,633
WALTERS, Sarah	Striving for Better	10,807
LIM, Allen	Independent	10,686

**Ian MACKENZIE and John SUNCKELL** are declared elected.

The voter return percentage was 46.48%, being 28,867 votes, excluding special votes.

**6. South Canterbury/Ōtuhituhi Constituency (2 vacancies) Votes Received**

MCKENZIE, Elizabeth	Independent	8,920
SCOTT, Peter J	Independent	6,939
ROSS, Jared	Independent	6,650
MCILRAITH, Peter	Independent	5,923
ULRICH, Herstatt		5,705
DRIVER, Phil		5,614

**Elizabeth MCKENZIE and Peter J SCOTT are declared elected.**

The voter return percentage was 54.75%, being 23,586 votes, excluding special votes.

**7. Christchurch South/Ōwhanga Constituency (2 vacancies) Votes Received**

SOUTHWORTH, Vicky	Independent for Positive Change	11,802
CLEARWATER, Phil	The People's Choice - Labour	10,476
DANN, James Macbeth	The People's Choice - Labour	8,175
PLATT, Lincoln	Independent Citizens	5,769
KEOWN, Hamish	Independent	4,442
TINDALL, Rik	CommunityVoice .NZ independent	3,456

**Phil CLEARWATER and Vicky SOUTHWORTH are declared elected.**

The voter return percentage was 44.85%, being 25,468 votes, excluding special votes.

**8. North Canterbury/Ōpukepuke Constituency (2 vacancies) Votes Received**

MCKAY, Claire		11,310
EDGE, Grant	Independent	7,508
FAULKNER, John	Independent	6,274
JACKSON, Garry		5,435
BYRNES, Greg		5,386
DOWLE, Bill		4,937

**Grant EDGE and Claire MCKAY are declared elected.**

The voter return percentage was 48.87%, being 26,211 votes, excluding special votes.



9. **Christchurch West/Ōpuna Constituency (2 vacancies)** **Votes Received**

HANDS, Megan	Independent	12,250
PAULING, Craig	The People's Choice	9,325
CULLINANE, Rod	Independent Citizens	8,894
CAMPBELL, Aaron	Water: Time's Up	8,269
HORN, Chrys	The People's Choice	7,984
KINGI-PATTERSON, Drucilla Denise		985

**Megan HANDS and Craig PAULING are declared elected.**

The voter return percentage was 42.2%, being 28,056 votes, excluding special votes.

10. **Christchurch North East/Ōrei Constituency (2 vacancies)** **Votes Received**

HUGHEY, Jenny	The People's Choice – Labour	12,903
APANUI, Tane	Rail and Water	11,402
KNIGHT, Roy		11,046
CRANWELL, Iaeen	The People's Choice	6,666

**Tane APANUI and Jenny HUGHEY are declared elected.**

The voter return percentage was 39.75%, being 25,825 votes, excluding special votes.

11. **Christchurch Central/Ōhoko Constituency (2 vacancies)** **Votes Received**

PHAM, Lan	The Common Good - Independent	8,486
MARSHALL, Nicole	Labour - The People's Choice	7,264
MCMAHON, Paul	Labour - The People's Choice	5,797
PRICE, Felicity	Independent Citizens	5,627
WILKE, Axel	The Common Good - Independent	5,323
HARRIS, Evan	Independent Citizens	4,947
CHOW, Alan		2,444

**Nicole MARSHALL and Lan PHAM are declared elected.**

The voter return percentage was 37.69%, being 22,616 votes, excluding special votes.

## Attachments

Environment Canterbury 2019 Triennial Elections Declaration of Result

<b>Legal review</b>	Catherine Schache
<b>Peer reviewers</b>	Louise McDonald



## Environment Canterbury

### 2019 Triennial Elections

#### DECLARATION OF RESULT

The final result for the Environment Canterbury elections held on Saturday 12th October is as follows.

Mid-Canterbury/Opakihi Regional Constituency (2 vacancies)		Votes Received
MACKENZIE, Ian		13,836
SUNCKELL, John		11,633
WALTERS, Sarah	Striving for Better	10,807
LIM, Allen	Independent	10,686
INFORMAL		213
BLANK VOTING PAPERS		2,337

**Ian MACKENZIE and John SUNCKELL are declared elected.**

The voter return percentage was 46.48%, being 28,867 votes, excluding special votes.

South Canterbury/Otuhituhi Regional Constituency (2 vacancies)		Votes Received
MCKENZIE, Elizabeth	Independent	8,920
SCOTT, Peter J	Independent	6,939
ROSS, Jared	Independent	6,650
MCILRAITH, Peter	Independent	5,923
ULRICH, Herstatt		5,705
DRIVER, Phil		5,614
INFORMAL		54
BLANK VOTING PAPERS		2,152

**Elizabeth MCKENZIE and Peter J SCOTT are declared elected.**

The voter return percentage was 54.75%, being 23,586 votes, excluding special votes.

Christchurch South/Owhanga Regional Constituency (2 vacancies)		Votes Received
SOUTHWORTH, Vicky	Independent for Positive Change	11,802
CLEARWATER, Phil	The People's Choice - Labour	10,476
DANN, James Macbeth	The People's Choice - Labour	8,175
PLATT, Lincoln	Independent Citizens	5,769
KEOWN, Hamish	Independent	4,442
TINDALL, Rik	CommunityVoice .NZ independent	3,456
INFORMAL		32
BLANK VOTING PAPERS		1,719

**Phil CLEARWATER and Vicky SOUTHWORTH are declared elected.**

The voter return percentage was 44.85%, being 25,488 votes, excluding special votes.

North Canterbury/Opukepuke Regional Constituency (2 vacancies)		Votes Received
MCKAY, Claire		11,310

EDGE, Grant	Independent	7,508
FAULKNER, John	Independent	6,274
JACKSON, Garry		5,435
BYRNES, Greg		5,386
DOWLE, Bill		4,937
INFORMAL		81
BLANK VOTING PAPERS		3,699

**Grant EDGE and Claire MCKAY are declared elected.**

The voter return percentage was 48.87%, being 26,211 votes, excluding special votes.

<b>Christchurch West/Opuna Regional Constituency (2 vacancies)</b>		<b>Votes Received</b>
HANDS, Megan	Independent	12,250
PAULING, Craig	The People's Choice	9,325
CULLINANE, Rod	Independent Citizens	8,894
CAMPBELL, Aaron	Water: Time's Up	8,269
HORN, Chrys	The People's Choice	7,984
KINGI-PATTERSON, Drucilla Denise		985
INFORMAL		24
BLANK VOTING PAPERS		2,282

**Megan HANDS and Craig PAULING are declared elected.**

The voter return percentage was 42.2%, being 28,056 votes, excluding special votes.

<b>Christchurch North East/Orei Regional Constituency (2 vacancies)</b>		<b>Votes Received</b>
HUGHEY, Jenny	The People's Choice - Labour	12,903
APANUI, Tane	Rail and Water	11,402
KNIGHT, Roy		11,046
CRANWELL, Iaeen	The People's Choice	6,666
INFORMAL		5
BLANK VOTING PAPERS		2,201

**Tane APANUI and Jenny HUGHEY are declared elected.**

The voter return percentage was 39.75%, being 25,825 votes, excluding special votes.

<b>Christchurch Central/Ohoko Regional Constituency (2 vacancies)</b>		<b>Votes Received</b>
PHAM, Lan	The Common Good - Independent	8,486
MARSHALL, Nicole	Labour - The People's Choice	7,264
MCPAHON, Paul	Labour - The People's Choice	5,797
PRICE, Felicity	Independent Citizens	5,627
WILKE, Axel	The Common Good - Independent	5,323
HARRIS, Evan	Independent Citizens	4,947
CHOW, Alan		2,444
INFORMAL		12
BLANK VOTING PAPERS		1,661

**Nicole MARSHALL and Lan PHAM are declared elected.**

The voter return percentage was 37.69%, being 22,616 votes, excluding special votes.

**Anthony Morton**  
**Electoral Officer**  
**Environment Canterbury**  
**17 October 2019**

## 4.2. Declaration by Councillors

### Council report

---

Date of meeting	25 October 2019
Author	
Responsible Director	Miles McConway, Director Finance & Corporate Services

### Purpose

1. For Councillors to make the declaration required by clause 14 of Schedule 7 of the Local Government Act 2002.

### Declaration

2. Councillors are invited to come forward in alphabetical order to make the following declaration:

#### *Declaration by Member*

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

*Dated at Christchurch this 24th day of October 2019.*

#### *Te whakapuakitanga a ia Kaikaunihera*

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

*He mea whakaū tēnei i Ōtautahi i tēnei rā 24 o Hiringa-ā-nuku i te tau 2019.*

## 4.3. Election of Chair and Deputy Chair

### Council report

---

Date of meeting	24 October 2019
Author	Louise McDonald, Senior Committee Advisor
Responsible Director	Miles McConway, Director Finance and Corporate Services

### Purpose

1. To advise the Council of the procedure to elect the Council Chairperson and Deputy Chairperson.

### Recommendations

#### *That the Council:*

1. ***Chooses either***
  - a. ***voting system A (election by the majority of members) OR***
  - b. ***voting system B (election by the greatest number of votes)******for the election of the Council Chairperson and Deputy Chairperson.***
2. ***Agrees that, in the event of a tie under voting system A, the candidate to be excluded from the next round of voting shall be resolved by lot as described in section 3.1 of this report.***
3. ***Agrees that, in the event of a tie under voting system B, the candidate to be elected shall be resolved by lot as described in section 3.1 of this report.***

### Background

2. Under Schedule 7 of the Local Government Act 2001 (LGA), the Council must elect the Chairperson and Deputy Chairperson at the first meeting of the Council following the triennial general elections.
3. For each election the Council must choose one of two voting systems:
  - Election by the majority of members present and voting; or
  - Election by receiving a greater number of votes than any candidate.

## **Characteristics of election by majority (voting system A)**

4. The person who is elected receives the votes of a majority of the members of the Council.
  - There is a first round of voting for all candidates.
  - If no candidate is elected in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded.
  - If no candidate is successful in the second round there is a third, and so on. Each time the candidate with the fewest votes in the previous round is excluded.
  - If, in any round, two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
  - Rounds of voting will only be required where there are more than two candidates.

## **Characteristics of election by greatest number of votes (voting system B)**

5. A person is elected if they receive more votes than any other candidate.
  - There is only one round of voting
  - If two or more candidates tie for the most vote, the tie is resolved by lot.

## **Comment**

6. The Council can choose either of the two voting systems described above to elect the Chairperson and Deputy Chairperson. The Council is entitled to adopt different systems for the election of the Chairperson and Deputy Chairperson. However, for reasons of ease and practicality, it is suggested that Council adopt the same procedure for the election of both the Chairperson and Deputy Chairperson.

## **Determining by 'lot' when there is a tie**

7. Both voting systems require a resolution by 'lot' if two candidates receive an equal number of votes and no one else is elected. The most common procedure is for the names of the candidates with the same number of votes to be placed in a container and the name of the person drawn out by an independent person is deemed the winner, i.e. elected or not excluded from the next round. It is recommended that this process be used in the event that there is a tie between candidates.

## Which voting system is best?

8. If Council wants to guarantee that the Chairperson and Deputy Chairperson receive the votes of a majority of the members of Council it should adopt voting system (A), i.e. election by majority. This is because the alternative voting procedure, where a candidate is elected by receiving the greatest number of votes, does not ensure that the winning candidate has the support of more than half the members of Council in every instance.

## New Chairperson to take the chair before Deputy Chairperson is elected

9. Once the voting procedure has been decided the Chief Executive will call for nominations for the office of Council Chairperson. Once elected, the Chairperson must make and attest to the declaration required under clause 14 of Schedule 7 of the Act. After making the declaration, the newly-elected Chairperson shall take the chair for the rest of the meeting.

<b>Legal review</b>	Catherine Schache, General Counsel
<b>Peer reviewer</b>	Siân Daly, Special Projects Manager Elections

## 4.4. General explanation of statutory obligations

### Council report

---

<b>Date of meeting</b>	24 October 2019
<b>Author</b>	Catherine Schache, General Counsel
<b>Responsible Director</b>	Miles McConway, Director Finance & Corporate Services

### Purpose

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

### Recommendations

#### That the Council:

1. **Receives this explanation of the Local Government Official Information & Meetings Act 1987 and other statutes affecting members.**

### Background

3. Clause 9 of Schedule 7 of the Local Government Act 2002 requires the Chief Executive to include, as part of the agenda of the inaugural meeting of the Council, a general explanation of certain statutes that impose duties and obligations on Councillors.
4. Those statutes are:
  - a. the Local Government Official Information Act 1987
  - b. the appropriate provisions of the Local Authorities (Members' Interests) Act 1968
  - c. Sections 99, 105, and 105A of the Crimes Act 1961
  - d. the Secret Commissions Act 1910
  - e. the Financial Markets Conduct Act 2013
  - f. other laws affecting Councillors, which staff consider includes the Health & Safety at Work Act 2015.
5. A general explanation of those statutes is attached as Appendix 1 (this information is also included in the Councillors' induction folder).



## Attachments

Summary of Statutes affecting Councillors 17 October 2019

<b>Legal review</b>	Catherine Schache
<b>Peer reviewers</b>	Adrienne Lomax, Sian Daly

## **Local Government Official Information and Meetings Act 1987 (LGOIMA)**

The stated purposes of the LGOIMA are to:

- make official information held by local authorities more freely available
- provide for proper access by each person to official information relating to that person which is held by local authorities
- provide for the admission of the public to meetings of local authorities
- protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

'Official information' is any information held by a local authority. This can include hard copies of documents (including emails), electronic/digital data and audio and audio-visual recordings.

The fundamental principle of availability is that information must be released unless there is good reason under the Act to withhold it and, where good reason exists, the withholding of the information is not outweighed by the public interest in making it available.

Reasons for refusing a request are set out in the Act. These include withholding information in order to:

- protect an individual's privacy
- prevent unreasonable prejudice to the commercial position of a person
- protect information which is subject to an obligation of confidence
- maintain the effective conduct of public affairs through the free and frank expression of opinions between elected members and between elected members and staff
- maintain legal professional privilege
- enable the Council to carry out commercial activities or conduct negotiations without prejudice or disadvantage.

The Council may also refuse a request on a number of administrative grounds, including that the information requested cannot be made available without substantial collation or research, or it will soon be publicly available.

Anyone may make a request for information. Where the information is held by the Council, a decision on the request must be made within 20 working days of it being received. If the Council does not hold the information, but believes it knows who does, it has 10 working days in which to transfer the request to another organisation.

The Ombudsman is authorised to investigate and review a decision to refuse a request. The outcome of the investigation may be a recommendation that the Council release the information requested in which case, if the Council refuses, the recommendation will be published in the Gazette along with the Council's reasons for its decision.

The Act requires meetings of the Council, its committees and its subcommittees, to be publicly notified and for agendas and reports to be available to the public at least two working days before every meeting. Anyone may attend meetings, but the Council has the right to exclude the public for the whole or any part of the proceedings. The reasons for doing so are set out in the Act, and are similar to the reasons for withholding information.

The Act also contains provisions that apply when a meeting is open to the public, including the maintenance of order. If the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting, the chairperson has the right to require that person to leave.

Finally, the Act provides that written statements contained in agenda items, or made orally at meetings, are protected by privilege unless the statements are proven to be motivated by ill-will. This is known as qualified privilege and applies in situations where a person acting in good faith and without any improper motive makes a statement that is defamatory.

The rationale for this is that people who represent local government electors should be able to speak freely on any matter they believe affects the interests of their constituents. However, for privilege to apply there must be a positive belief in the truth of what is said or written and no suggestion of personal spite or ill-will.

### **Local Authorities (Members' Interests) Act 1968**

The main purposes of this Act are to ensure members are not affected by personal motives when they participate in Council decisions, and to prevent members with an interest in any contract with the Council from using their position to obtain preferential treatment.

There are two specific rules providing that Members may not:

- participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public
- enter into contracts with the Council worth more than \$25,000 (incl. GST) in a financial year.

### **Pecuniary interest**

A pecuniary interest is one that involves money. It can sometimes be difficult to decide whether an interest in a particular matter is pecuniary or some other kind of interest. The test currently used by the Auditor-General's office is whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or a loss of money for the member concerned.

The Act also refers to indirect pecuniary interests, which means that if a member's spouse or partner has a pecuniary interest in a matter before the Council, then the member is deemed to have the same interest. This also applies if the pecuniary interest is through a company in which the member, and/or his or her spouse or partner owns 10% or more of the shares, or is general manager or managing director.

It is important for members to recognise that when a matter reaches the stage where it can reasonably be expected to affect the member's interests, he or she should no longer take part in the decision-making process.

An exemption to this requirement may be granted if, in the opinion of the Auditor-General, application of the rule would impede the transaction of business by the Council, or it would be in the interests of electors for the rule not to apply.

### **Contracts over \$25,000**

Any member of Council or of a committee will be automatically disqualified from office if he or she is 'concerned or interested' in contracts with the Council and the total payments made, or to be made, by the Council exceed the financial limit imposed by the Act. The limit relates to the value of payments made for all contracts, it does not apply separately to each contract.

Even if the contract is between the Council and another person, an elected member will still have an interest in it if he or she has a personal connection with that person, or could benefit from the contract. For example, where a spouse or partner is personally involved, or the contract is between the Council and a company in which the member and/or his or her spouse or partner own 10% or more of the shares, or is general manager or managing director (an indirect pecuniary interest as referred to earlier).

The Auditor-General's office may grant an exemption to the Act's requirements and approve contracts that would otherwise exceed the \$25,000 limit. Criteria to be considered will include whether the reasons for the Council awarding the contract are justifiable and the process followed is fair and transparent.

The Auditor-General's role also includes providing guidance for elected members and Council staff to assist with any compliance issues in particular situations and investigating and prosecuting alleged offences against the Act. The Auditor-General has published a useful guide on this issue, which is available on its website at

<https://www.oag.govt.nz/good-practice/conflicts-of-interest/for-councillors>.

Penalties for breach are immediate loss of office and the possibility of a fine.

### **Crimes Act 1961, sections 99, 105 and 105A**

Section 99 of the Crimes Act provides a definition of 'official', which includes any member or employee of a local authority.

Sections 105 and 105A create offences for corruption and corrupt use of information.

Section 105 provides that it is unlawful for an official to corruptly accept a bribe for acting or not acting in relation to the business of Council. Section 105A provides that it is unlawful for an official to use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Councillors convicted of these offences will also be automatically ousted from office.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for a Councillor (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to seven years. A conviction therefore would trigger the ouster provisions of the Local Government Act and result in the removal of the Councillor from office.

### **Financial Markets Conduct Act 2013**

The Financial Markets Conduct Act 2013 imposes on Councillors the same responsibilities as those that are on company directors, whenever Council offers securities (debt or equity) to the public. Councillors may be personally liable if investment documents, such as a disclosure statement, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Clearly, professional advice, both internally and externally, would be sourced and provided before the Council considered and made any decisions on disclosure statements. However, elected members should be aware they may be personally liable and at risk of criminal prosecution if the requirements of the Act are not met.

The Act also prohibits any Councillor who has information about a listed company that is not generally available to the market from trading in that company's shares or from disclosing that information.

The penalties for certain offences under this Act (false or misleading statements in disclosure documents – 10 years; or insider trading – five years) are such that if a Councillor were convicted, that conviction would result in being ousted from office.

### **Health and Safety at Work Act 2015**

The Health and Safety at Work Act (HSWA) places a duty of 'due diligence' on Councillors as Officers of the Council under the Act.

Exercising due diligence as an officer means taking reasonable steps to:

- continuously learn about, and keep up-to-date with, work health and safety issues
- understand the work of the organisation

- know the risks that workers, volunteers, and any other people who could be affected by the organisation's actions may face
- check the organisation has processes:
  - and appropriate resources to eliminate or minimise risks to health and safety, and uses them
  - to communicate and consider information about work health and safety, and to respond to that information
  - to comply with any duties and requirements under HSWA, and uses them.

While the due diligence requirements fully apply, members of a governing body of a territorial authority or regional council are expressly excluded from liability for offences under sections 47, 48 and 49 of the Act for failing to comply with a duty imposed on officers under section 44 (duties of officers).

In essence, this means elected members of local authorities are responsible but not accountable for a due diligence failure. Councillors are responsible and accountable under the Act for ensuring the safety of themselves while undertaking their duties as a Councillor and that his or her acts or omissions do not adversely affect the health and safety of other persons.

## 4.5. Adoption of Standing Orders

### Council report

---

<b>Date of meeting</b>	24 October 2019
<b>Author</b>	Louise McDonald, Senior Committee Advisor
<b>Responsible Director</b>	Miles McConway, Director Finance and Corporate Services

### Purpose

1. The report presents the current standing orders that have been adopted by Canterbury Regional Council.
2. Local Government New Zealand has prepared a new template for councils' standing orders. It is proposed that the Council consider a review of the current Standing Orders as early as practicable in 2020 with the intention of adopting updated Standing Orders.

### Recommendations

That the Council:

1. **Notes the Canterbury Regional Council Standing Orders (May 2016) appended to this report.**
2. **Notes that the Local Government Act (clause 16 of Schedule 7) requires members to comply with the Council's Standing Orders.**
3. **Notes that there will be an opportunity to review and, if Council considers appropriate, to adopt new Standing Orders early in 2020.**

### Background

1. Standing Orders outline rules for the conduct of meetings of the Council and its committees. They must not contravene the Local Government Act 2002 (LGA), the Local Government Official Information and Meetings Act 1987, or any other Act.
2. Councils are required to adopt a set of standing orders as per clause 27, Schedule 7 of the LGA. Standing Orders also provide a set of agreed principles and rules for how meeting will be conducted and for how members should behave in meetings.

### Standing Orders

3. Environment Canterbury reviewed and adopted its Standing Orders in May 2016. The Standing Orders were amended at that time following changes to the Local Government Act 2002 that permitted attendance at meetings by audio or audio-visual link (Parts 2.19 & 2.20).

4. Once adopted, a Council's Standing Orders continue in existence and force until they are replaced or altered in accordance with schedule 7 of the LGA 2002. The current Standing Order therefore continue to apply to all meetings of this Council and its committees.
5. The adoption or amendment of standing orders by a Council requires a vote of not less than 75% of the members present. The Council may also temporarily suspend Standing Orders during a meeting where not less than 75% of the members present and voting agree to do so.

## Attachments

Standing Orders adopted 7 November 2007, amended 19 May 2016

<b>Legal review</b>	Catherine Schache, General Counsel
<b>Peer reviewers</b>	Siân Daly, Special Projects Manager Elections



---

# Standing Orders

Sets down standing orders for the conduct of proceedings  
at meetings of the Council, it's Committees and Sub-Committees.

**Adopted 7 November 2007**  
**Amended 19 May 2016**

Environment Canterbury is the trading name of the  
Canterbury Regional Council

The content in this document includes and/or has been derived from NZS 9202:2003 (Model Standing Orders for Meetings of Local Authorities and Community Boards) and the NZS 9201 Suite (Model general bylaw parts) with the permission of Standards New Zealand.



## CONTENTS

---

<b>Referenced Documents .....</b>	<b>5</b>
<b>Forward .....</b>	<b>6</b>
<b>Part 1 GENERAL .....</b>	<b>7</b>
1.1 Scope and General.....	7
1.2 Interpretation .....	7
1.3 Definitions .....	7
<b>Part 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS .....</b>	<b>10</b>
2.1 Introduction .....	10
2.2 First Meeting of the Local Authority Following Election.....	10
2.3 Chairperson of Meetings .....	11
2.4 Quorum at Meetings .....	12
2.5 Voting at Meetings .....	13
2.6 Voting Systems for Certain Appointments.....	14
2.7 Appointment of Committees and Other Subordinate Decision-Making Bodies .....	15
2.8 Joint Committees .....	16
2.9 Membership of Committees and Subcommittees .....	17
2.10 Powers of Delegation.....	18
2.11 Proceedings Not Invalidated by Vacancies or Irregularities .....	19
2.12 General Provisions as to Meetings.....	19
2.13 Notification of Ordinary Meetings to Members.....	20
2.14 Extraordinary Meetings .....	21
2.15 Public at Meetings, Access to Agendas etc .....	22
2.16 Reasons to Exclude Public.....	25
2.17 Application of Standing Orders to Public Excluded Session.....	26
2.18 Use of Public Excluded Information .....	26
2.19 Attendance at Meetings by Members of the Council or of Any Committee of the Council by Audio Link or Audiovisual Link .....	27
2.20 Attendance at Meetings by Members of the Public at Meetings of the Council or of Any Committee of the Local Authority by Audio Link or Audiovisual Link .....	30
<b>Part 3 MEETING PROCEDURES .....</b>	<b>34</b>
3.1 Application of Standing Orders .....	34
3.2 Suspension of Standing Orders .....	34
3.3 Conduct of Meetings .....	35
3.4 Quorum at Meetings .....	37
3.5 Failure of a Quorum.....	38
3.6 Leave of Absence and Apologies.....	39
3.7 Order of Business.....	39
3.8 Rules of Debate .....	41
3.9 Motions and Amendments.....	43
3.10 Notices of Motion.....	46
3.11 Repeat Notices of Motion .....	47
3.12 Procedural Motions to Terminate or Adjourn Debate .....	47
3.13 Points of Order.....	49

3.14	Voting .....	50
3.15	Qualified Privilege .....	52
3.16	Maintenance of Public Order at Meetings .....	53
3.17	Minutes of Proceedings.....	53
3.18	Minute Books .....	54
3.19	Deputations and Presentations .....	54
3.20	Petitions .....	55
3.21	Questions .....	56
<b>APPENDICES .....</b>		<b>58</b>
APPENDIX A GROUNDS TO EXCLUDE THE PUBLIC FROM MEETINGS IN TERMS OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 ( <i>Normative</i> ) .....		58
APPENDIX B SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC ( <i>Informative</i> ) .....		60
APPENDIX C POWERS OF THE CHAIRPERSON ( <i>Normative</i> ).....		61
APPENDIX D MOTIONS AND AMENDMENTS ( <i>Normative</i> ) .....		66
APPENDIX F PUBLIC FORUM ( <i>Informative</i> ).....		69
APPENDIX G ADDITIONAL PROVISIONS FOR TANGATA WHENUA ( <i>Informative</i> )....		70
APPENDIX H PROVISION FOR CASTING VOTE ( <i>Normative</i> ) .....		71
<b>INDEX.....</b>		<b>72</b>

## **Referenced Documents**

---

### **New Zealand Legislation:**

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

## **Forward**

---

To meet the requirement to comply with Part 4 and Schedule 7 of the Local Government Act 2002 and Part VII of the Local Government Official Information Meetings Act 1987

These Standing Orders were adopted by Environment Canterbury at a meeting held on 19 May 2016 to incorporate changes to the Act to permit attendance by audio or audio-visual link.

Standing Orders apply to all meetings of this Council, its committees and subcommittees.

## NEW ZEALAND STANDARD

# MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

### Part 1 GENERAL

---

#### 1.1 Scope and General

This document sets out standing orders for the conduct of proceedings at meetings of Canterbury Regional Council (Environment Canterbury). It incorporates new provisions in the Local Government Act 2002 as they affect the provisions of the standing orders.

These Standing Orders are presented in three parts. Part 1 is the general introduction. Part 2 covers constitutional and legislative matters, and Part 3 relates to meeting procedures.

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

#### 1.2 Interpretation

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

In these Standing Orders the word "shall" identifies a mandatory requirement for compliance with these Standing Orders. The word "should" refers to practices which are advised or recommended.

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

#### 1.3 Definitions

In these standing orders, unless inconsistent with the context:

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

**Audio link** means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting.

**Audiovisual link** means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting.

**Chairperson** means the chairperson of Environment Canterbury including any person acting as the chairperson of Environment Canterbury, and any person presiding at any meeting of a committee or subcommittee of Environment Canterbury.

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

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

**Committee** includes, in relation to the Council:

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

**Council in these standing orders** means Environment Canterbury (the promotional name of Canterbury Regional Council), being a Council as defined in section 5 of the Local Government Act 2002.

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

**Emergency** means a sudden unforeseen or abnormal situation that requires immediate action.

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

**Leave** means permission to do something that is granted without a dissentient voice.

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

**Meeting** means any first, ordinary, or extraordinary meeting of the Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Council. At any meeting of the Council, or of any committee or subcommittee of the Council, at which no resolutions or decisions are made, the



provisions of these standing orders regarding public access and notification need not apply.

**Member** means any person elected or appointed to the Council or to any committee or subcommittee of the Council, and includes the chairperson of the Council or of any committee or subcommittee of the Council.

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

**Ordinary meeting** means any meeting publicly notified by the Council in accordance with sections 46( 1) and (2) of the Local Government Official Information and Meetings Act 1987.

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

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

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

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

**Status Quo** means the state of things as they are or, the current state of affairs or, current position.

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

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

## **Part 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS**

---

### **2.1 Introduction**

#### **2.1.1 Requirement for adoption of standing orders**

"A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act."

[cl.27(1) & (2), Schedule 7, LGA]

#### **2.1.2 Alteration of standing orders**

"After the adoption of the first standing orders of a local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present."

[cl.27(3), Schedule 7, LGA]

#### **2.1.3 Temporary suspension of standing orders**

"A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension."

[cl. 27(4), Schedule 7, LGA]  
(See Standing Order 3.2.1)

#### **2.1.4 All members to abide by standing orders**

"A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."

[cl. 16(1), Schedule 7, LGA]  
(See Standing Order 3.1.1)

### **2.2 First Meeting of the Local Authority Following Election**

#### **2.2.1 Meeting called by chief executive**

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

meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act]."

[cl. 21(1)-(4), Schedule 7, LGA]

#### **2.2.2 Business to be conducted**

"The business that must be conducted at the meeting must include -

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

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

#### **2.2.3 Members to give notice of addresses**

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

### **2.3 Chairperson of Meetings**

#### **2.3.1 Chairperson of a local authority to preside**

"The chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the chairperson vacates the chair for a particular meeting... If the chairperson of a local authority ... is absent from a meeting, the deputy chairperson (if any) of the local authority

must preside... If a deputy chairperson has not been appointed, or if the deputy chairperson is also absent, the members of the local authority ... that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties and powers of the chairperson."

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

### **2.3.2 Chairperson of committee to preside**

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

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

## **2.4 Quorum at Meetings**

### **2.4.1 Requirement for a quorum**

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

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

### **2.4.2 Quorum to be present throughout meeting**

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

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

### **2.4.3 Definition of quorum for local authority meeting**

"The quorum at any meeting of -

a) a local authority or joint committee consists of -

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

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

#### **2.4.4 Definition of quorum for committee meetings**

"The quorum at a meeting of –

[...b) a committee –

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

[cl.23(3), Schedule 7, LGA]  
(see Standing Order 3.4)

### **2.5 Voting at Meetings**

#### **2.5.1 Acts and decisions of the local authority by majority vote at meetings**

- 1) "The acts of a local authority must be done, and the questions before a local authority must be decided, at a meeting by:
  - a) vote; and
  - b) the majority of members that are present and voting."

##### **Casting vote**

- 2) "For the purposes of [2.5.1(1)], the chairperson or other person presiding at the meeting:
  - a) Has a deliberative vote; and
  - b) 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)."

NOTE – This is based on the legislative default position of there being no casting vote. Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this section. When adopting, amending or suspending Standing Orders to provide for a casting vote clause 27, schedule 7 of the Local Government Act 2002 applies.

##### **Open voting**

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

##### **Mandatory requirements**

- (f) ) and (2) apply unless the Local Government Act 2002 provides otherwise.

[cl.24(1), Schedule 7, LGA]

## **2.6 Voting Systems for Certain Appointments**

### **2.6.1 Provisions for election or appointment of chairpersons and deputy chairpersons of local authority authorities and committees, and representatives of the local authority**

"[This Standing Order applies to] -

- a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
- b)
- c) the election or appointment of the chairperson and deputy chairperson of a committee; and
- d) the election or appointment of a representative of a local authority.

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

- a) [system A];
- b) [system BJ

System A

- a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- b) has the following characteristics:
  - i. there is a first round of voting for all candidates; and
  - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
  - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
  - iv. in any round of voting, if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B

- a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b) has the following characteristics:
  - i. there is only 1 round of voting; and
  - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot."

[cl.25, Schedule 7, LGA]

## **2.7 Appointment of Committees and Other Subordinate Decision-Making Bodies**

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

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

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

### **2.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies**

"Unless expressly provided otherwise in an Act, -

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

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

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

### **2.7.3 Committees and subordinate decision-making bodies subject to direction of Council**

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

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

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

## **2.8 Joint Committees**

### **2.8.1 Appointment of joint committees**

"A local authority may appoint ... a joint committee with another local authority or other public body in accordance with clause 30A"

[cl.30A(1-4), Schedule 7, LGA]

### **2.8.2 Status of joint committees**

"A joint committee ... is deemed to be both a committee of the local authority and a committee of the appointing local and a committee of each other local authority or public body that has appointed members to the committee."

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

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

"This Part applies to a joint committee except that -

- a) the powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and
- b) the quorum at a meeting consists of -
  - i. half of the members if the number of members (including vacancies) is an even number; or
  - ii. a majority of members if the number of members (including vacancies) is an odd number; and

the following matters may be varied by an agreement under subclause (1):

- i. the procedure by which the chairperson and deputy chairperson are to be appointed;
- ii. the procedure by which the chairperson or deputy chairperson may be removed from that office;
- iii. whether a quorum must include 1 or more members appointed by each party, or any party;
- iv. the extent to which the standing orders of any local authority or public body apply to meetings of the joint committee"



[cl.30A(6), Schedule 7, LGA]

## **2.9 Membership of Committees and Subcommittees**

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

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

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

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

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

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

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

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

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

### **2.9.4 Minimum numbers on committees and subcommittees**

"The minimum number of members is three for a committee, and is two for a subcommittee."

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

### **2.9.5 Chairperson of local authority as an ex-officio member**

The chairperson of the Council may be appointed an ex-officio member of any committee other than a quasi-judicial committee.

## **2.10 Powers of Delegation**

### **2.10.1 Delegations to committees, subcommittees, subordinate decision-making bodies, members and officers**

- 1) "Unless expressly provided otherwise in [the Local Government Act], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, or member or officer of the local authority any of its responsibilities, duties, or powers except –
  - a) the power to make a rate; or
  - b) the power to make a bylaw; or
  - c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
  - d) the power to adopt a long-term plan, annual plan or annual report; or
  - e) the power to appoint a chief executive; or
  - f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act] in association with the long-term council community plan or developed for the purpose of the local governance statement; or
  - g) *[Repealed]*
  - h) the power to adopt a remuneration and employment policy.
- 2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in... [(a) – (h) above].
- 3) A committee or other subordinate decision-making body, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation."

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

### **2.10.2 Use of delegated powers**

"A committee, subcommittee, other subordinate decision-making body, or member or officer of the local authority to which or to whom any responsibilities, powers or duties are delegated may, without

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

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

### **2.10.3 Delegations related to bylaws and other regulatory matters**

"A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters."

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

## **2.11 Proceedings Not Invalidated by Vacancies or Irregularities**

### **2.11.1 Proceedings not invalidated by vacancies or irregularities**

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

[cl.29, Schedule 7, LGA]

## **2.12 General Provisions as to Meetings**

### **2.12.1 Meetings to be held**

"A local authority must hold the meetings that are necessary for the good government of its region or district."

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

### **2.12.2 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]

### **2.12.3 Calling, public notification and conduct of meetings**

"A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority."

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

#### **2.12.4 Agenda to be sent to members**

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

#### **2.12.5 Meetings not invalid because notice not received**

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

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

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

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

#### **2.12.6 Minutes of proceedings**

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

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

- a) The minutes and proceedings of every meeting shall be circulated to members and considered at the next meeting succeeding, and if approved by that meeting, or when amended as directed by that meeting, shall be signed by the Chairperson of such succeeding meeting.
- b) The minutes of the Regulatory Hearings Committee shall be circulated to members of that meeting, and subject to amendment agreed by those members, shall be signed by the Chairperson of that meeting.

### **2.13 Notification of Ordinary Meetings to Members**

#### **2.13.1 Period for notice in writing**

"The chief executive must give notice in writing to each member of the time and place of the ordinary meeting –

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

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

#### **2.13.2 Schedule of ordinary meetings**

"If a local authority adopts a schedule of meetings, -

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

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

#### **2.13.3 Cancellation of scheduled meetings**

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

### **2.14 Extraordinary Meetings**

#### **2.14.1 Extraordinary meetings may be called**

"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by -

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

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

#### **2.14.2 Notification of extraordinary meetings to members**

"Notice in writing of the time and place of the meeting called under [Standing Order 2.14. 1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if

the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."

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

#### **2.14.3 Calling of extraordinary meetings at earlier time**

"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the chairperson; or if the chairperson is not available, the chief executive."

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

#### **2.14.4 Notification of extraordinary meetings held at earlier time**

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

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

#### **2.14.5 Public notice of resolutions of extraordinary meetings**

- 1) 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.
- 2) For the purpose of this section, **resolution** means the resolution on the matter or matters for which the extraordinary meeting was held.

[s. 51A, LGOIMA]

### **2.15 Public at Meetings, Access to Agendas etc.**

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

"Except as otherwise provided by [Part 7 of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part 7 of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a

meeting for the purpose of reporting the proceedings for any news media."

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

#### **2.15.2 Information to be available to public**

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

[s. 46A & 49, LGOIMA]

#### **2.15.3 Public notification about ordinary meetings**

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

[s. 46, LGOIMA]

#### **2.15.4 Public notification about extraordinary meetings**

"Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances".

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

#### **2.15.5 Public notification additional requirements**

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

#### **2.15.6 Meetings not invalid because not publicly notified**

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

[s. 46(5), LGOIMA]

#### **2.15.7 Public notice of meetings not notified**

"Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice-

- a) state the general nature of the business transacted at that meeting; and
- b) give the reasons why that meeting was not so notified."

[s. 46(6), LGOIMA]

#### **2.15.8 Availability of agendas and reports**

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

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

...The associated reports shall be available for inspection at the public offices of a local authority.

Any member of the public may take notes from any agenda or report inspected by that member of the public...

Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable.

Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances."

[s. 46A(1)-(6), LGOIMA]

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

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



#### **2.15.10**

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

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

[s. 49, LGOIMA]

##### **2.15.12 List of committee members publicly available**

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

##### **2.15.13 Public entitled to inspect minutes**

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

[s. 51, LGOIMA]

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

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

[s. 51, LGOIMA]

#### **2.16 Reasons to Exclude Public**

##### **2.16.1 Lawful reasons to exclude public**

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

(s. 48, LGOIMA)

##### **2.16.2 Form of resolutions to exclude public**

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

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

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

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

[s. 48(4), LGOIMA]

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

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

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

#### **2.16.5 Release of public excluded information**

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

### **2.17 Application of Standing Orders to Public Excluded Session**

#### **2.17.1 Standing orders to apply**

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

### **2.18 Use of Public Excluded Information**

#### **2.18.1 Public excluded business not to be disclosed**

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

219 Attendance at Meetings by Members of the Council or of Any Committee  
of the Council by Audio Link or Audiovisual Link

**2.19.1 Statutory provision for attendance at meetings by audio link or audiovisual link**

"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 by means of audio link or audiovisual link if ... the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders in relation to attendance at that meeting by means of audio link or audiovisual link are met."

[Clauses 25A(1) and 27(5)(a), Schedule 7, LGA]

**2.19.2 Definitions for the purposes of this Standing Order**

" 'audio link' means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting

" 'audiovisual' link means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting."

[Clause 25A(7), Schedule 7, LGA]

**2.19.3 Meetings to which Standing Order 2.19 applies**

Subject to the provisos below the presiding member may permit attendance by a member at meetings of the Council or of the committee by means of audio link or audiovisual link either generally or for specified meetings:

- a) If the member is representing the Council at some place which makes the member's physical presence at the meeting impossible or impracticable,
- b) If the member lives more than 75 kilometres by road from the place of the meeting, or
- c) If the member is temporarily absent from the member's usual place of residence and more than 75 kilometres by road from the place of the meeting, or
- d) To accommodate the member's illness or infirmity, or
- e) To accommodate unforeseen circumstances such that physical attendance is not possible.

Provided however that Standing Order 2.19 does not apply to meetings in the nature of hearings (for instance, hearings under the Local Government Act 2002 or the Resource Management Act 1991), and

Provided that the necessary audio or audiovisual technology is available to facilitate the member's request.

[Clause 25A(1), Schedule 7, LGA]

**2.19.4 Prior arrangements to enable a member of the Council, or of a committee of the Council to attend any meeting of the Council or committee by means of audio link or audiovisual link under Standing Order 2.19**

- a) Where it is possible to do so, a member of the Council or of any committee shall give the chairperson and the chief executive not less than two clear working days' written notice of the member's desire to attend a meeting of the Council or of the committee by means of audio link or audiovisual link for specified meetings.
- b) Where, because of the member's illness or infirmity or some emergency, it is not possible for a member to give the chairperson and chief executive not less than two working days' written notice of the member's desire to attending a meeting of the Council or of the committee by means of audio link or audiovisual link the member may give less than two working days' written notice.
- c) The chief executive shall take reasonable steps to seek to facilitate a member's desire to attend a meeting of the Council or of the committee by means of audio link or audiovisual link.
- d) An act or proceeding of the Council or committee is not invalidated if a member's request under this Standing Order 2.19 is not accommodated or if there is any technological failure or defect in any audio link or audiovisual link for a meeting.

[Clauses 25A(1) and 27(5), Schedule 7, LGA]

**2.19.5 Duties of the person presiding where a member of the Council, or of a committee, participates in a meeting under Standing Order 2.19**

- a) Where a member of the Council, or of a committee of the Council attends any meeting of the Council or committee by means of audio link or audiovisual link the "person presiding must ... ensure that –
  - i. Technology for the audio link or audiovisual link is available and is of suitable quality; and
  - ii. The procedure for the use of that technology in all the circumstances of the particular meeting will ensure that –
    - a. All those participating in the meeting can hear and be heard by each other; and
    - b. In relation to [Standing Order 2.19.1], the attendance of a member by means of audio link or audiovisual link does not reduce the

- accountability or accessibility of that person in relation to the meeting; and
- c. The requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met."

- b) Where a member of the Council, or of a committee of the Council, participates in a meeting under this Standing Order the chairperson may direct that the audio link or audiovisual link be terminated after taking into account relevant factors including:
  - i. That having people participating by audio link or audiovisual link has unreasonably increased or may unreasonably increase the length of the meeting,
  - ii. The behaviour of the people participating by audio link or audiovisual link,
  - iii. The style, degree and extent of inter-action between the different people participating by audio link or audiovisual link,
  - iv. Any distraction to those physically present at the meeting caused as a result of having people participating by audio link or audiovisual link.

[Clause 25A(1) and (3), Schedule 7, LGA]

**2.19.6 Member not physically present at meeting not be counted as present for the purposes of the quorum**

- a) "Despite [Standing Order 2.20.1], a member of the local authority who is not physically present at the meeting is not to be counted as present for the purposes of clause 23[of Schedule 7 of the Local Government Act 2002]."

[Clause 25A(4), Schedule 7, LGA]

**2.19.7 Council not required to make technology for an audio link or audiovisual link available**

"Nothing in this [Standing Order] requires [the] Council to make technology for an audio link or audiovisual link available"

[Clause 25A(5), Schedule 7, LGA]

**2.19.8 Giving or showing documents to a person appearing at a meeting by way of audio link or audiovisual link**

"A document may be given or shown to, or by, a person appearing at a meeting by way of audio link or audiovisual link –

- a) By transmitting it electronically; or

- b) By use of audiovisual link (if the person is appearing by audiovisual link); or
- c) By any other manner that the person presiding thinks fit."

[Clause 25A(6), Schedule 7, LGA]

#### **2.19.9 Council not responsible for the failure of any audio link or audiovisual link**

"The Council is not responsible for the consequences of any inadequacies or any failure of an audio link or audiovisual link, but if any member ceases to be able to participate in a meeting by reason of any technological failure or defect in any audio link or audiovisual link for the meeting that member shall be deemed to have ceased to be in attendance at the meeting."

[Clause 25A(1), Schedule 7, LGA]

### **2.20 Attendance at Meetings by Members of the Public at Meetings of the Council or of Any Committee of the Local Authority by Audio Link or Audiovisual Link**

#### **2.20.1 Statutory provision for attendance at meetings by audio link or audiovisual link**

"A person other than a member of a local authority, or committee, may participate in a meeting of the local authority or committee by means of audio link or audiovisual link if ... the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders are met in relation to –

- i. Participation at that meeting by persons other than members; and
- ii. The use of audio link or audiovisual link for that participation."

[Clause 25A(2) and 27(5)(a), Schedule 7, LGA]

#### **2.20.2 Definitions for the purposes of this Standing Order**

" 'audio link' means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting

" 'audiovisual' link means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting."

[Clause 25A(7), Schedule 7, LGA]

### **2.20.3 Meetings to which Standing Order 2.20 applies**

Subject to the provisos below the presiding member may permit a person other than a member of the Council or committee, to participate in a meeting by means of audio link or audiovisual link for specified meetings. When considering whether or not to grant such permission the presiding member may take into account factors such as:

- a) The likely length of the meeting and the possibility that having people participating by audio link or audiovisual link may unreasonably increase the length of the meeting,
- b) The potential behaviour of people participating by audio link or audiovisual link,
- c) The likely style, degree and extent of inter-action between the different people participating by audio link or audiovisual link, and
- d) The potential that having people participating by audio link or audiovisual link may have to distract those physically present at the meeting

[Clause 25A(2), Schedule 7, LGA]

### **2.20.4 Prior arrangements to enable a person other than a member of the Council or committee to participate in a meeting under Standing Order 2.20**

- a) A person other than a member of the Council or committee shall give the chairperson and the chief executive not less than two clear working days' written notice of that person's desire to participate in a specified meeting of that person's desire to participate in a specified meeting of the Council or of the committee by means of audio link or audiovisual link.
- b) The Council shall take reasonable steps to seek to facilitate that person's desire to participate in a specified meeting of the Council or of the committee by means of audio link or audiovisual link.
- c) An act or proceeding of the Council or committee is not invalidated if that person's request under this Standing Order 2.20 is not accommodated or if there is any technological failure or defect in any audio link or audiovisual link for a meeting.

[Clause 25A, Schedule 7, LGA]

### **2.20.5 Duties of the person presiding where a person other than a member of the Council or committee participates in a meeting under Standing Order 2.20**

- a) Where a person other than a member of the Council or committee participates in a meeting of the Council or committee by means of audio link or audiovisual link the "person presiding must ... ensure that –

- i. Technology for the audio link or audiovisual link is available and is of suitable quality; and
- ii. The procedure for the use of that technology in all the circumstances of the particular meeting will ensure that –
  - a. All those participating in the meeting can hear and be heard by each other; and
  - b. In relation to [Standing Order 2.10.1], the attendance of a member by means of audio link or audiovisual link does not reduce the accountability or accessibility of that person in relation to the meeting; and
  - c. The requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met."
- b) Where a person other than a member of the Council or committee participates in a meeting under this Standing Order the meeting may direct that the audio link or audiovisual link be terminated after taking into account relevant factors including:
  - i. That having people participating by audio link or audiovisual link has unreasonably increased or may unreasonably increase the length of the meeting,
  - ii. The behaviour of people participating by audio link or audiovisual link,
  - iii. The style, degree and extent of inter-action between the different people participating by audio link or audiovisual link, and
  - iv. Any distraction to those physically present at the meeting caused as a result of having people participating by audio link or audiovisual link.

[Clause 25A(2) and (3), Schedule 7, LGA]

**2.20.6 Council not required to make technology for an audio link or audiovisual link available**

"Nothing in this [Standing Order 2.20] requires [the] local authority to make technology for an audio link or audiovisual link available."

[Clause 25A(5), Schedule 7, LGA]

**2.20.7 Giving or showing documents to a person appearing at a meeting by way of audio link or audiovisual link**

"A document may be given or shown to, or by, a person appearing at a meeting by way of audio link or audiovisual link –

- a) By transmitting it electronically; or
- b) By use of audiovisual link (if the person is appearing by audiovisual link); or
- c) By any other manner that the person presiding thinks fit."

[Clause 25A(6), Schedule 7, LGA]



2.20.8 Council not responsible for the failure of any audio link or audiovisual link

"The Council is not responsible for the consequences of any technological failure or defect in any audio link or audiovisual link for a meeting."

[Clause 25A( 1), Schedule 7, LGA]

### **3.1 Application of Standing Orders**

#### **3.1.1 All members to abide by standing orders**

"A member of a local authority, committee or subcommittee must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."

[cl. 16(1), Schedule 7, LGA]  
(see Standing Order 2.1.4)

#### **3.1.2 Additional to or substitution of standing orders**

Notwithstanding the generality of Standing Order 3.1.1, for any quasi-judicial proceedings, the Council may adopt meeting procedures and practices additional to, or in substitution of, these standing orders for the conduct of the business to be transacted.

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

[s. 41, **RMA**]

#### **3.1.3 Exclusions for meetings at which no resolutions or decisions are made**

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

### **3.2 Suspension of Standing Orders**

#### **3.2.1 Temporary suspension**

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

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

### **3.3 Conduct of Meetings**

#### **3.3.1 Mode of address for chairperson**

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

#### **3.3.2 Chairperson to decide**

The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the chairperson shall be held guilty of contempt (see Standing Orders 3.1.1, 3.13.6 and Appendix C).

#### **3.3.3 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.

#### **3.3.4 Members to speak in places and address the chair**

Members granted the right to speak at meetings are to address the chairperson, and may not leave their place while speaking without the leave of the chairperson. Members may remain seated when speaking at meetings of the Council and at committee meetings.

#### **3.3.5 Priority of speakers**

When two or more members seek the right to speak, the chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:

- a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker;
- b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or
- c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.8.13).

#### **3.3.6 Speeches in English or Maori**

A member may address the chairperson in English or Maori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the chairperson if he or she intends to address the chairperson in Maori, when the normal business of the committee is conducted in English, or in English when the normal business of the committee is conducted in Maori.

### **3.3.7 Duration of meetings and time limits**

Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30pm, and any business on the agenda not dealt with must be adjourned to the next ordinary meeting or extraordinary meeting.

### **3.3.8 Reporting of meetings**

When a meeting of the Council is open to the public the following provisions shall apply:

- a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.

[s. 49(a) LGOIMA]

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

### **3.3.9 Disorderly members to withdraw**

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

### **3.3.10 Members not to be disrespectful**

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

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

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

### **3.3.12 Withdrawal from meeting**

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.

### **3.3.13 Disorder in meeting**

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

### **3.3.14 Adjournment of meeting following disorder**

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

### **3.3.15 Contempt to be recorded in minutes**

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

### **3.3.16 Removal from meeting**

"A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member-

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

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

## **3.4 Quorum at Meetings**

### **3.4.1 Requirement for a quorum**

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

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

### **3.4.2 Quorum to be present throughout meeting**

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

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

### **3.4.3 Definition of quorum for local authority meetings**

"The quorum at any meeting of –

a) a local authority consists of –

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

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

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

### **3.4.4 Definition of quorum for committee meetings**

"The quorum at a meeting of –

b) a committee –

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

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

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

(See Standing Order 2.4)

## **3.5 Failure of a Quorum**

### **3.5.1 Meeting lapses if no quorum**

If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 10 minutes, the chairperson is to vacate the chair and the meeting shall lapse.

### **3.5.2 Lapsed business**

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

### **3.5.3 Minutes to record failure of quorum**

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

### **3.6 Leave of Absence and Apologies**

#### **3.6.1 Granting leave of absence**

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

#### **3.6.2 Apologies at meetings**

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

#### **3.6.3 Recording of apologies**

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

#### **3.6.4 Absence without leave**

An extraordinary vacancy is created where any member is absent without leave of the Council from 4 consecutive meetings (other than extraordinary meetings) of the Council.

[cl. 5, Schedule 7, LGA]

### **3.7 Order of Business**

#### **3.7.1 Adoption of order of business**

The order of business is to be determined by the Council.

#### **3.7.2 Agenda**

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

#### **3.7.3 Public excluded items**

The chief executive must place on a public excluded agenda any matters for which he/she considers the Council, or committee of the Council, is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act

1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

#### **3.7.4 Chairperson's report**

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

#### **3.7.5 Items not on the agenda may be discussed**

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

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

[s. 46A(7), LGOIMA]

##### **3.7.5.1 Where an item is not on the agenda for a meeting, —**

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

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

#### **3.7.6 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.



### **3.8 Rules of Debate**

#### **3.8.1 Reserving speech**

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

#### **3.8.2 Irrelevant matter and needless repetition**

In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.

#### **3.8.3 Limitation on speakers**

If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the chairperson may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.

#### **3.8.4 Taking down words**

When any member objects to words used and desires his/her objection to be recorded in the minutes, the chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken (see Standing Order 3.13.4).

#### **3.8.5 Reading of speeches**

Members shall not read their speeches, except with the permission of the chairperson, but may refresh their memory by reference to notes.

#### **3.8.6 Time limits on speakers**

The following time limits apply to members speaking at Council and committee meetings, unless extended by a majority vote of members present:

- a) Movers of motions when speaking to the motion, ten minutes;
- b) Movers of motions, when exercising their right of reply, five minutes;
- c) Other members, not more than five minutes.

(See also Standing Order 3.19.6.)

#### **3.8.7 Member speaking more than once**

A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.

### **3.8.8 Restating of motion**

Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

### **3.8.9 Right of reply**

The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the chairperson has intimated his/her intention to put the motion, no other member of the Council may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.

### **3.8.10 When right of reply may be exercised**

The right of reply is governed as follows:

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

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

### **3.8.11 Speaking only to relevant matters**

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

### **3.8.12 Personal explanation**

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

### **3.8.13 Explanation of previous speech**

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

### **3.9 Motions and Amendments**

#### **3.9.1 Requirement for a seconder**

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

##### **3.9.1.1 A motion may be seconded pro forma**

This allows the mover to speak to the motion without the seconder expressing, at the outset, personal support for it. After the mover has spoken, the seconder may either second the motion or withdraw it. If other seconds are sought for the motion and a seconder is not found, then the motion lapses.

#### **3.9.2 Withdrawal of motions and amendments**

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

#### **3.9.3 Substituted motion by amendment**

The meeting may allow a motion, which is subject to an amendment to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

#### **3.9.4 Motions in writing**

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

#### **3.9.5 Motions expressed in parts**

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

#### **3.9.6 Amendment once moved**

When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.

### **3.9.7 Amendments and motions not seconded**

Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.

### **3.9.8 Further amendments**

No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.

### **3.9.9 Where amendment lost**

Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.

### **3.9.10 Where amendment carried**

Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

### **3.9.11 Amendments relevant**

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

### **3.9.12 Direct negatives not allowed**

No amendment which amounts to a direct negative is to be allowed which, if carried, would have the same effect as negating the motion.

### **3.9.13 Procedure until resolution**

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

### **3.9.14 Flow chart of motions and amendments**

A flow chart illustrating the process regarding motions and amendments is included in these standing orders as Appendix D.

### **3.9.15 Revocation or alteration of resolutions**

A notice of motion for the revocation or alteration of all or part of a previous resolution of the Council is to be given to the chief executive by the member intending to move such a motion.

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

#### **3.9.16 Restriction on action to be taken on previous resolution**

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

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

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

#### **3.9.17 Revocation or alteration of resolution at same meeting**

If, during the course of a meeting of the Council or committee, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.

#### **3.9.18 Council may revoke or alter any previous resolution**

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

#### **3.9.19 Restating the motion**

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

#### **3.9.20 No speakers after reply or question has been put**

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

#### **3.9.21 Reflections on resolutions**

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

### **3.10 Notices of Motion**

#### **3.10.1 Notices of motion to be in writing**

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

#### **3.10.2 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 Council; or
- c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or
- d) Is concerned with matters which are already 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.

#### **3.10.3 Mover of notice of motion**

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

#### **3.10.4 Alteration of notice of motion**

A notice of motion may be altered only by the mover with the consent of the meeting.

#### **3.10.5 When notices of motion lapse**

Notices of motion not moved on being called for by the chairperson, shall lapse.

#### **3.10.6 Referral of notices of motion to committees**

Any notice of motion referring to any matter ordinarily dealt with by a committee of the Council may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

### **3.11 Repeat Notices of Motion**

#### **3.11.1 First repeat where notice of motion rejected**

When a motion which is the subject of a notice of motion has been considered and rejected by the Council, no similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.

#### **3.11.2 Second repeat where notice of motion rejected**

If such a repeat notice of motion as provided for in Standing Order 3.11.1 is also rejected by the Council, any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.

#### **3.11.3 No repeats where notice of motion adopted**

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

### **3.12 Procedural Motions to Terminate or Adjourn Debate**

#### **3.12.1 Members may move procedural motions to terminate or adjourn debate**

Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:

- a) That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or
- b) That the item of business being discussed be adjourned to a time and place to be stated; or
- c) That the motion under debate be now put (a "closure motion"); or
- d) That the meeting move directly to the next business, superseding the item under discussion; or
- e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or
- f) That the item of business being discussed be referred (or referred back) to the relevant committee of the Council.

#### **3.12.2 Chairperson may accept closure motions**

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

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

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

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

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

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

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

#### **3.12.6 Closure motion on amendment**

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

#### **3.12.7 Right of reply following closure**

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



#### **3.12.8 Debate on items previously adjourned**

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

#### **3.12.9 Adjourned items taken first**

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

#### **3.12.10 Other business not superseded**

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

#### **3.12.11 Referral or referred back to committee**

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

#### **3.12.12 Table of procedural motions**

A table of procedural motions is included in these standing orders as Appendix E.

### **3.13 Points of Order**

#### **3.13.1 Members rising to points of order**

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

#### **3.13.2 Stating subject matter of point of order**

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

#### **3.13.3 Points of order during division**

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

#### **3.13.4 Types of points of order**

The following are recognized as substance for points of order:

- a) Where disorder is drawn to the attention of the chairperson; or

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

#### **3.13.5 Contradiction not point of order**

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

#### **3.13.6 Decision of chairperson final**

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

### **3.14 Voting**

#### **3.14.1 Decisions to be decided by majority votes**

"Unless otherwise provided for in the Local Government Act or in these Standing Orders, the acts of a local authority must be done and the questions before the local authority must be decided at a meeting by vote and the majority of members that are present and voting".

[cl. 24, Schedule 7, LGA]  
(See Standing Order 2.5.1)

#### **3.14.2 Chairperson's voting**

The chairperson at any meeting has a deliberative vote and, in case of equality of votes, does not have a casting vote. To avoid doubt, in the case of the equality votes, the question is defeated and the status quo is preserved.

[cl. 24, Schedule 7, LGA]  
(See Standing order 2.5.2)

#### **3.14.3 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]

#### **3.14.4 Members may abstain**

Any member may abstain from voting.

#### **3.14.5 Members may have their votes recorded**

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

#### **3.14.6 Method of voting**

The method of voting shall be as follows:

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

#### **3.14.7 Division**

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

Any division sought on a vote at Council/Committee, with the exception of the Regional Land Transport Committee, be taken in random order of Members. The random order shall be determined by the use of a computer generated programme. [Council resolution, 3 March 2004]

#### **3.14.8 Second division**

The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

#### **3.14.9 Pecuniary interest**

No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.

[s. 6(1), Local Authorities (Members' Interests) Act]

#### **3.14.10 Declaration of pecuniary interest**

Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.

[s. 6(1), Local Authorities (Members' Interests) Act]

#### **3.14.11 Pecuniary interest a reason for leaving room**

Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.14.10 should consider leaving the meeting room for the full duration of discussion on such matters.

### **3.15 Qualified Privilege**

#### **3.15.1 Qualified privilege relating to agenda and minutes**

Where a meeting of the Council is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.

[s. 52, LGOIMA]

#### **3.15.2 Qualified privilege relating to oral statements**

Any oral statement made at any meeting of the Council in accordance with the rules that have been adopted by the Council for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

[s. 53, LGOIMA]

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

The privilege conferred by Standing Order 3.15.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of the Council.

### **3.16 Maintenance of Public Order at Meetings**

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

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

[s. 50, LGOIMA]

#### **3.16.2 Removal of members of public**

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

[s. 50, LGOIMA]

### **3.17 Minutes of Proceedings**

#### **3.17.1 Minutes to be evidence of proceedings**

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

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

[cl. 28, Schedule 7, **LGA**]

#### **3.17.2 Keeping of minutes**

The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; the names of those members attending the meeting by means of audio link or audiovisual link; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5, and 3.14.11).

### **3.17.3 No discussion on minutes**

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

## **3.18 Minute Books**

### **3.18.1 Inspection of minute books**

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

[s. 51, LGOIMA]

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

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

## **3.19 Deputations and Presentations**

### **3.19.1 Deputations where heard**

Deputations may be received by the Council or any of its committees provided an application for admission setting forth the subject, has been lodged with the chief executive at least 2 working days before the date of the meeting concerned and has been subsequently approved by the chairperson. The Chief Executive will take reasonable practical steps to advise members of deputations to be heard. The chairperson may refuse requests for deputations which are repetitious or offensive.

### **3.19.2 Urgency or major public interest**

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

### **3.19.3 Deputations and presentations in English or Maori**

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

#### **3.19.4 Procedures for deputations**

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

#### **3.19.5 Termination of presentation if disrespectful**

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

#### **3.19.6 Time limit on presentation**

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers. The Chair shall determine additional time for members to put questions to the deputation.

### **3.20 Petitions**

#### **3.20.1 Form of petitions**

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

#### **3.20.2 Petition where presented by members**

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

#### **3.20.3 Petition in English or Maori**

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

#### **3.20.4 Petition where presented by petitioner**

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

### **3.21 Questions**

#### **3.21.1 Question time at meeting**

Any member of the Council may at any ordinary meeting of the Council at the appointed time, put a question to the Chairperson, or through the Chairperson of the Council to the Chairperson of any standing or special committee, or to any officer of the Council concerning any matter relevant to the role or functions of the Council concerning any matter that does not appear on the agenda, nor arises from any committee report or recommendation submitted to that meeting.

#### **3.21.2 Members to try and obtain information beforehand**

Before putting a question, a member, in the first instance endeavour to obtain the relevant information from the appropriate Council officer or the Chairperson of the committee concerned. In the event of the information sought not being forthcoming, or the member not being satisfied with the answer, the member then has the right to raise the matter by way of a question at an ordinary meeting of the Council, provided that the Chairperson may refer a question to an appropriate committee.

#### **3.21.3 Questions to be in writing**

Where applicable, such questions shall be in writing and handed to the Chairperson prior to the commencement of the meeting at which they are to be asked.

#### **3.21.4 Questions may be deferred**

If an answer to the question cannot be given at that meeting it shall, at the discretion of the Chairperson, be placed on the agenda for the next Council meeting.

#### **3.21.5 Questions to be concise**

Questions and answers shall be submitted as briefly and concisely as possible. No discussion shall be allowed upon any question or upon the answer.



#### **3.21.6 Questions to officers during debate**

In the course of any debate at any Council meeting, any members may, at the Chairperson's discretion, ask any question of the relevant officer on any matter under debate. Such questions shall be directed through the chair.

## APPENDICES

---

### APPENDIX A

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

*(Normative)*

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

- A1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:
- a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - b) Protect information where the making available of the information:
    - i. Would disclose a trade secret; or
    - ii. Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
  - c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information -
    - i. Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. Would be likely otherwise to damage the public interest; or
  - d) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or

- f) Maintain the effective conduct of public affairs through -
  - i. The free and frank expression of opinions by, or between, or to members or officers or employees of the Council, or any persons to whom section 2(5) of the Local Government Official Information and Meetings Act 1987 applies, in the course of their duty; or
  - ii. The protection of such members, officers, employees, and persons from improper pressure or harassment; or
- g) Maintain legal professional privilege; or
- h) Enable the Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i) Enable the Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- j) Prevent the disclosure or use of official information for improper gain or improper advantage.

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

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

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

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

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

- a) Any proceedings before the 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
- c) Any proceedings of the Council in relation to any application or objection under the Marine Farming Act 1971.

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

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

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

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

Item No.	Minutes/Report of	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1	Report of the Chair of the Executive Leadership Committee	Appointment of Directors - Regional Council	Good reason to withhold exists under section 7	Section 48(1)(a)
2	Report of the Regional Transport Committee Meeting of 24/12/2015	Northern connection to motorway. Negotiations for purchase of Land	Good reason to withhold exists under section 7	Section 48(1 )(a)
3	Report of the Chairman of Performance, Audit & Risk Committee	Progress of internal audit recommendations	Good reason to withhold exists under section 7	Section 48(1 )(a)
4	Report of the Council Hearings Panel	Recommendation on Submissions to Variation 100 to Proposed Regional Plan	Good reason to withhold exists under section 7	Section 48(1)(a)

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

Item No.		
1	Protection of privacy of natural persons	(Section 7(2)(a))
2, 3	Conduct of negotiations	(Section 7(2)(i))
4	Prevention of improper advantage	(Section 7(2)(j))

**NOTE:**

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

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

**APPENDIX C**  
**POWERS OF THE CHAIRPERSON**  
**(Normative)**

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

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

**C1 Chairperson to decide all questions**

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

(See Standing Order 3.3.2)

**C2 Chairperson to decide points of order**

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

(See Standing Orders 3.13.3 and 3.13.6.)

**C3 Items not on the agenda may be discussed**

Items not on the agenda may be dealt with at that meeting if so resolved by the Council 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 Council 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 of the Council for further discussion.

(See Standing Orders 3.7.5 and 3.7.5.1.)

**C4 Chairperson's report**

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

(See Standing Order 3.7.4.)

**C5 Chairperson's recommendation**

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

(See Standing Order 3.7.6.)

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

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, does not have a casting vote.

(See Standing Order 2.5.2.)

#### **C7 Motion in writing**

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

(See Standing Order 3.9.4)

#### **CS Motion in parts**

The chairperson may require any motion expressed in parts to be decided part by part.  
(See Standing Order 3.9.5)

#### **C9 Notice of motion**

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the Council; 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 Council, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

(See Standing Orders 3.10.2 and 3.11.3)

#### **C10 Action on previous resolutions**

If in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, until the proposed notice of motion has been dealt with by the Council, 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 Council, action may be taken as though no such notice had been given.

(See Standing Order 3.9.16)

#### **C11 Repeat notice of motion**

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the Council, 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 Council, including vacancies.

(See Standing Order 3.11.1)

#### **C12 Revocation or alteration of previous resolution**

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

(See Standing Order 3.9.18)

#### **C13 Chairperson may call a meeting**

The chairperson:

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

(See Standing Orders 3.5.2, 2.14.1 and 2.14.2)

#### **C14 Irrelevant matter and tedious repetition**

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

(See Standing Order 3.8.2)

#### **C15 Taking down words**

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

(See Standing Order 3.8.4)

#### **C16 Reading of speeches**

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

(See Standing Order 3.8.5)

#### **C17 Explanations**

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

(See Standing Orders 3.8.12 and 3.8.13)

#### **C18 Chairperson rising**

Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the chairperson may be heard without interruption. (See Standing Order 3.3.3)

#### **C19 Members may leave places**

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

(See Standing Order 3.3.4)

#### **C20 Priority of speakers**

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

(See Standing Order 3.3.5)

#### **C21 Minutes**

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

(Set Standing Orders 3.17.1 and 3.18.2.)

#### **C22 Questions of speakers**

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

(See Appendices F4 and GS)

#### **C23 Withdrawal of offensive or malicious expressions**

- a) The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologize for the expression.

(See Standing Order 3.3.11)

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

(See Standing Order 3.3.12)



#### **C24 Chairperson's rulings**

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

(See Standing Orders 3.1.1 and 3.3.2)

#### **C25 Disorderly behaviour**

The chairperson may:

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

(See Standing Orders 3.3.13 and 3.16.1)

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

(See Standing Orders 3.3.14 and 3.3.15)

#### **C26 Failure to leave meeting**

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

(See Standing Orders 3.3.16 and 3.16.2)

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

<b>MOTIONS WITHOUT AMENDMENTS</b>		<b>MOTIONS WITH AMENDMENTS</b>	
<hr/> <b>Motion proposed</b> <i>(maximum 10 minutes)</i> <hr/>			
<div> <div> <b>Motion seconded</b>  <i>(Maximum 5 minutes - seconder may reserve the right to speak later in the debate)</i> </div> </div> <hr/>			
<div> <div> <b>Motion discussed</b>  <i>(Maximum 5 minutes per speaker - if 3 consecutive speakers in support or opposition, Chairperson may call for speaker to the contrary and if none the motion shall be put)</i> </div> </div> <hr/>		<div> <div> <b>Motion withdrawn by majority decision</b> </div> </div> <hr/>	
<div> <div> <b>Mover's right of reply</b>  <i>(Maximum 5 minutes)</i> </div> </div> <hr/>		<div> <div> <b>Amendment (not direct negative) proposed and seconded by persons who have not yet spoken</b>  <i>(Maximum 10 minutes mover and 5 minutes seconder)</i> </div> </div> <hr/>	
<div> <div> <b>Chairperson to put motion</b> </div> </div> <hr/>		<div> <div> <b>Amendment discussed</b> <i>(Maximum 5 minutes per speaker - if 3 consecutive speakers in support or opposition, Chairperson may call for speaker to the contrar; and if none the motion shall be put)</i>  <b>No right of reply</b> </div> </div> <hr/>	
<div> <div> <b>Motion CARRIED or LOST</b> </div> </div> <hr/>		<div> <div> <b>Amendment withdrawn by a majority decision</b> </div> </div> <hr/>	
<div> <div> <b>No further discussion permitted</b> </div> </div> <hr/>		<div> <div> <b>Notice of Intention to move further amendment may be given</b> </div> </div> <hr/>	
<div> <div> Revocation, alteration or modification permitted at same meeting by 3/4 majority if fresh facts received during meeting </div> </div> <hr/>		<div> <div> <b>Mover of original motion may exercise right of reply here</b>  <i>(Maximum 5 minutes)</i> </div> </div> <hr/>	
		<div> <div> Chairperson to put amendment </div> </div> <hr/>	
		<div> <div> Amendment CARRIED </div> </div> <hr/>	
		<div> <div> Amendment LOST </div> </div> <hr/>	
		<div> <div> Becomes substantive motion </div> </div> <hr/>	
		<div> <div> <b>Further relevant amendments proposed and seconded by persons other than previous movers and seconders and discussed</b>  <i>(Maximum 10 minutes mover and 5 minutes other speakers)</i> </div> </div> <hr/>	
		<div> <div> <b>Further relevant amendments proposed and seconded by persons who have not yet spoken</b>  <i>(Maximum 10 minutes mover and 5 minutes other speakers)</i> </div> </div> <hr/>	
		<div> <div> If CARRIED substantive motion put and CARRIED or LOST </div> </div> <hr/>	
		<div> <div> If LOST original motion put and CARRIED or LOST </div> </div> <hr/>	

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

*(Normative)*

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

<b>Motion</b>	(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place."	(b) "That the item of business being discussed be adjourned to a stated time and place."	(c) "That the motion under debate be now put (closure motion)."	(d) "That the meeting move directly to the next business, superseding the item under discussion."	(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	(f) "That the item of business being discussed be referred to the relevant committee."	(g) "Points of order."
<b>Has the Chair discretion to refuse this motion?</b>	No	No	No	No	No	No	No – but may rule against
<b>Is seconder required?</b>	Yes	Yes	Yes	Yes	Yes	Yes	No
<b>Is discussion in order?</b>	No	No	No	No	No	No	Yes – at discretion of chairperson
<b>Are amendments in order?</b>	As to time and date only	As to time and date only	No	No	No	As to committee time for reporting back etc only	No
<b>Is mover of procedural motion entitled to reply?</b>	No	No	No	No	No	No	No
<b>Are previous participants in debate entitled to move this motion?</b>	No	No	No	No	No	No	Yes
<b>Can a speaker be interrupted by the mover of this motion?</b>	No	No	No	No	No	No	Yes
<b>If lost, can motion be moved after an interval?</b>	Yes – 15 minutes	Yes – 15 minutes	Yes – 15 minutes	Yes – 15 minutes	Yes – 15 minutes	Yes – 15 minutes	No

<b>Motion</b>	(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place."	(b) "That the item of business being discussed be adjourned to a stated time and place."	(c) "That the motion under debate be now put (closure motion)."	(d) "That the meeting move directly to the next business, superseding the item under discussion."	(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	(f) "That the item of business being discussed be referred to the relevant committee."	(g) "Points of order."
<b>Position if an amendment is already before the Chair</b>	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and amendment are adjourned	If carried, only the amendment is put	If carried, debate on the original motion and amendment are adjourned.	If carried, the original motion and amendment are both laid on the table.	If carried, the original motion and all amendments are referred to the committee.	Point of order takes precedence.
<b>Position if a procedural motion is already before the Chair</b>	If carried debate on the original motion and procedural motion are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	If carried, only the procedural motion is put.	If carried, debate on the original motion and procedural motion are adjourned.	Motion not in order.	If carried, the procedural motion is deemed disposed of.	Point of order takes precedence.
<b>Remarks</b>	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate <u>may not speak again</u> .		The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is out.				See Standing Orders 3.13.1 to 3.13.6

**APPENDIX F**  
**PUBLIC FORUM**  
*(Informative)*

**F1 Public forum**

A period of up to 30 minutes, or such other time as the Council may determine, will be set aside for a public forum at the commencement of ordinary meetings of the Council, committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting may speak for three minutes.

**F2 Time extension**

Standing orders may be suspended on a vote of not less than 75% of those present, to extend the period of public participation or the period any speaker is allowed to speak.

**F3 Subjects of public forum**

In respect of Council, committee and subcommittee meetings, the public forum is to be confined to those items falling within the terms of reference of that meeting, provided the matter is not sub-judice.

NOTE: The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the Council, committee or subcommittee sits in a quasi-judicial capacity.

**F4 Questions of speakers during public forum**

With the permission of the chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**APPENDIX G**  
**ADDITIONAL PROVISIONS FOR TANGATA WHENUA**  
*(Informative)*

**G1 Tangata whenua representation at meetings**

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

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

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

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

Where representatives of the tangata whenua have, in accordance with clause G1, identified items they wish to discuss at a meeting, they may be represented by such number of representatives as is equal to the number of permanent members of that committee or subcommittee who are present at that meeting.

**G4 Tangata whenua speaking time**

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

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

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

NOTE: The term "tangata whenua" is not mentioned in the Local Government Act 2002. The Act refers to "Maori" .

**APPENDIX H**  
**PROVISION FOR CASTING VOTE**  
*(Normative)*

Where a local authority wishes to have a casting vote **replace** Standing Order 3.14.2(b) with "in the case of equality of votes the chairperson has a casting vote."

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





## 4.6. Fixing the Date and Time of the First Council meeting

### Council report

---

<b>Date of meeting</b>	24 October 2019
<b>Author</b>	Louise McDonald, Senior Committee Advisor
<b>Responsible Director</b>	Miles McConway, Director Finance and Corporate Services

### Purpose

1. The purpose of this report is for the Council to fix the date and time of the first meeting of the Canterbury Regional Council.

### Recommendations

**That the first meeting of the Canterbury Regional Council be held on Thursday 14 November 2019 commencing at 11.00am.**

### Background

1. Clause 21(5)(d) of Schedule 7 of the Local Government Act 2002 (LGA) requires that the business of the inaugural meeting of the Council following a triennial general election of members shall include the fixing of the date and time of the first meeting of the Council.
2. It is therefore proposed that the first meeting of the Canterbury Regional Council be held on Thursday 14 November, commencing at 11am.
3. It is proposed that at the meeting on 14 November, the Council will consider a recommendation for meeting dates and times for the remainder of the year. The meeting schedule for 2020 may also be considered then or, if not, it will be considered at the December meeting.

<b>Legal review</b>	Catherine Schache, General Counsel
<b>Peer reviewers</b>	Siân Daly, Special Projects Manager Elections

**5. Other Business**

**6. Notices of Motion**

**7. Questions**

**8. Next Meeting**

**9. Closing Karakia**