

# Waimakariri District Council

# Agenda

Wednesday 29 October 2025

9.00am

Council Chamber  
215 High Street  
Rangiora

**Members:**

Mayor Dan Gordon

Cr Tim Bartle

Cr Brent Cairns

Cr Wendt Doody

Cr Tim Fulton

Cr Jason Goldsworthy

Cr Bruce McLaren

Cr Niki Mealings

Cr Shona Powell

Cr Philip Redmond

Cr Joan Ward



WAIMAKARIRI  
DISTRICT COUNCIL

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The Mayor and Councillors Elect  
**WAIMAKARIRI DISTRICT COUNCIL**

The first meeting of the thirteenth term of the WAIMAKARIRI DISTRICT COUNCIL will be held in the COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA on **WEDNESDAY, 29 OCTOBER 2025** at **9AM**.

Sarah Nichols  
GOVERNANCE MANAGER

*For this, the inaugural meeting of the 13<sup>th</sup> Waimakariri District Council, members of the public are asked to be seated in the public gallery in the Chambers just prior to the meeting commencement. The Mayor and Councillors are asked to gather in the foyer, ahead of being called collectively into the Council Chamber.*

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

**BUSINESS**

*At the commencement of the meeting, Chief Executive Jeff Millward will take the Chair.*

**1. APOLOGIES**

**2. MAYORAL DECLARATION**

*The Waimakariri District Council adheres to the following legislation with regard to the swearing in of the Mayor.*

**2.1 Local Government Act 2002 – Schedule 7 – Clause 21: First meeting of local authority following triennial general election of members**

- (4) The Chief Executive (or, in the absence of the Chief Executive, a nominee of that officer) must chair the meeting until the Mayor has made and attested the declaration required under Clause 14.

*The Chief Executive to invite Mayor Dan Gordon to read and sign the Mayoral declaration.*

*The Chief Executive will then present the Mayoral Chains and vacate the chair in favour of Mayor Dan Gordon.*

**MAYORAL COMMENT**

Mayor Dan Gordon will say a few words before Councillors declare their Oath.

### 3. **COUNCILLORS' DECLARATIONS**

*The Waimakariri District Council adheres to the following legislation with regard to the swearing in of elected members*

#### 3.1 **Local Government Act 2002 - Schedule 7 – Clause 14: Declaration by Member**

- (1) A person may not act as a member of a local authority until—
  - (a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
  - (b) a written version of the declaration has been attested as provided under subclause
- (2) The written declaration must be signed by the member and witnessed by—
  - (a) the chairperson; or
  - (b) the mayor; or
  - (c) a member of the local authority; or
  - (d) the chief executive of the local authority; or
  - (e) in the absence of the chief executive, some other officer appointed by the chief executive.
- (3) The form of the declaration must consist of the following elements:

#### **Declaration by Mayor or Councillor member**

*"I, (name), 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 Waimakariri District, the powers, authorities, and duties vested in, or imposed upon, me as Councillor of the Waimakariri District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.*

*Dated at: Rangiora, 29 October 2025*

*Signature:*

*Signed in the presence of:*

*[Mayor and Chief Executive of local authority]"*.

*The Mayor will receive and witness Councillor declarations from:*

- Tim Bartle
- Brent Cairns
- Wendy Doody
- Tim Fulton
- Jason Goldsworthy
- Bruce McLaren
- Niki Mealings
- Shona Powell
- Philip Redmond
- Joan Ward

#### 4. **CONFLICTS OF INTEREST**

*Conflicts of interest (if any) to be reported for minuting.*

#### 5. **REPORTS**

##### 5.1 **Local Government Act – First Meeting Following the Triennial General Election Requirements** – Jeff Millward (Chief Executive)

*RECOMMENDATION*

*13 – 29*

**THAT** the Council:

- (a) **Receives** report No. 250805143520.
- (b) **Receives** legislative material in relation to explanation of Statutory Requirements of an elected member, that has been circulated.
- (c) **Notes** that, under the Health and Safety at Work Act 2015, Officers (Councillors and the Chief Executive) are required to undertake due diligence activities to discharge their responsibilities under the Act and to ensure the Council has effective health and safety processes, procedures and culture in place.

##### 5.2 **Elected Members Code of Conduct and Standing Orders** – Sarah Nichols (Governance Manager)

*RECOMMENDATION*

*30 – 140*

**THAT** the Council:

- (a) **Receives** report No. 250805143556.
- (b) **Receives and Adopts** the Elected Members Code of Conduct document (Trim 230918145779).
- (c) **Receives and Adopts** the 2025 Council Standing Orders (Trim 250818151937).
- (d) **Notes** that the Council will review both the Code of Conduct and Standing Orders during 2026, subject to legislative changes.

##### 5.3 **Appointment of Deputy Mayor** – Mayor Dan Gordon

*RECOMMENDATION*

*141 – 144*

**THAT** the Council:

- (a) **Receives** report No 250805143652.
- (b) **Appoints** Councillor Philip Redmond as Deputy Mayor of the Waimakariri District Council from 29 October 2025 to 30 April 2027.
- (c) **Appoints** Councillor Niki Mealings as Deputy Mayor of the Waimakariri District Council from 1 May 2027 to 14 October 2028, being the end of the 2025-28 triennium.

5.4 **Ward Appointments to Rangiora-Ashley, Oxford-Ohoka, Woodend-Sefton and Kaiapoi-Tuahiwi Community Boards – Jeff Millward (Chief Executive)**

RECOMMENDATION

145 – 153

**THAT** the Council:

- (a) **Receives** report No. 250805143711.
- (b) **Appoints** Councillors Wendy Doody, Jason Goldsworthy, Bruce McLaren and Joan Ward to the Rangiora-Ashley Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (c) **Appoints** Councillors Tim Fulton and Niki Mealings to the Oxford-Ohoka Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (d) **Appoints** Councillors Brent Cairns and Shona Powell to the Woodend-Sefton Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (e) **Appoints** Councillors Tim Bartle and Philip Redmond to the Kaiapoi-Tuahiwi Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (f) **Approves** the delegations for the Community Boards (S-DM 1041), (Trim 191017145497).
- (g) **Notes** that the delegations for Community Boards can be further reviewed by the Council in the future.

5.5 **Committee Structure and appointments – Mayor Dan Gordon**

RECOMMENDATION

154 – 172

**THAT** the Council:

- (a) **Receives** report No. 250805143732.
- (b) **Notes** under section 41A of the Local Government Act, the Mayor has the power to establish Committees of the Council and to appoint the Chairperson of each Committee and may make the appointment before the other members of the Committee are determined and may appoint him/herself.
- (c) **Notes** Mayor Gordon is ex-officio on all Committee and sub-committees of the Council pursuant to the Local Government 2002 Act.
- (d) **Establishes** the following Standing Committees:
  - (i) Audit and Risk (Standing Committee)
  - (ii) Community and Recreation (Standing Committee)
  - (iii) District Planning and Regulation (Standing Committee)
  - (iv) Utilities and Roading (Standing Committee)

- (e) **Approves** the delegations for the following Committees:
  - (i) Audit and Risk (Trim 190828120273)
  - (ii) District Planning and Regulation (Trim 190828120276)
  - (iii) Community and Recreation (Trim 190828120296)
  - (iv) Utilities and Roading (Trim 190828120303)
  - (v) District Licensing Committee (Trim 190828120307)
- (f) **Retains** the rotation of Chairperson for the Audit and Risk, Community and Recreation, District Planning and Regulation, and the Utilities and Roading Committees.
- (g) **Appoints** five (5) Councillors T Bartle, T Fulton, J Goldsworthy, B McLaren and J Ward to the Audit and Risk Committee.
- (h) **Appoints** six (6) Councillors B Cairns, W Doody, B McLaren, N Mealings, S Powell, and P Redmond to the Community and Recreation Committee.
- (i) **Appoints** five (5) Councillors B Cairns, T Fulton, J Goldsworthy, N Mealings and P Redmond to the District Planning and Regulation Committee.
- (j) **Appoints five** (5) Councillors T Bartle, T Fulton, N Mealings, P Redmond and J Ward to the Utilities and Roading Committee.
- (k) **Appoints** Councillor J Goldsworthy as the First Chair of the Audit and Risk Committee to 31 October 2026.
- (l) **Appoints** Councillor B McLaren as Second Chair of the Audit and Risk Committee from 1 November 2026 to 31 October 2027.
- (m) **Appoints** Councillor J Ward as Third Chair of the Audit and Risk Committee from 1 November 2027 to 14 October 2028 being the end of the triennium term.
- (n) **Appoints** Councillor B Cairns as First Chair of the Community and Recreation Committee to 31 October 2026.
- (o) **Appoints** Councillor S Powell as Second Chair of the Community and Recreation Committee from 1 November 2026 to 31 October 2027.
- (p) **Appoints** Councillor W Doody as Third Chair of the Community and Recreation Committee from 1 November 2027 to 14 October 2028 being the end of the triennium term.
- (q) **Appoints** Councillor N Mealings as First Chair of the District Planning and Regulation Committee to 30 April 2027.
- (r) **Appoints** Councillor T Fulton as Second Chair of the District Planning and Regulation Committee from 1 May 2027 to the end of the triennium term on 14 October 2028.
- (s) **Appoints** Councillor P Redmond as First Chair of the Utilities and Roading Committee to 30 April 2027.
- (t) **Appoints** Councillor T Bartle as Second Chair of the Utilities and Roading Committee from 1 May 2027 to 14 October 2028 being the end of the triennium term.

- (u) **Establishes** the following Committees:
  - (i) Hearings Committee for Hearings, other than RMA Hearings
  - (ii) Code of Conduct Committee
  - (iii) Chief Executive Review Committee
  - (iv) District Licensing Committee
- (v) **Appoints** Councillors T Bartle, B Cairns, W Doody, T Fulton, J Goldsworthy, B McLaren, N Mealings, S Powell, P Redmond and J Ward to the Hearings Committee (other than RMA Hearings).
- (w) **Appoints** Councillor P Redmond as Chairperson, and Councillors B Cairns, W Doody, N Mealings and J Ward to the Code of Conduct Committee.
- (x) **Appoints** Mayor D Gordon as Chairperson, and Councillors J Goldsworthy, N Mealings, P Redmond and J Ward to the Chief Executive Review Committee.
- (y) **Notes** the Council decision of 3 September 2024 to reappoint Neville Atkinson as Commissioner and Chairperson to the District Licencing Committee (DLC), and to reappoint Councillors Philip Redmond and Mr Jim Gerard as Commissioners.
- (z) **Notes** that the Commissioners' appointments are for five years or a lesser time by Council resolution at any time. Therefore, the District Licensing Committee will continue with membership of Commissioners until review in mid-2027.
- (aa) **Notes** the resignation of Paul Williams from the District Licencing Committee, effective from 21 October 2025 and acknowledges his contribution to the Committee.
- (bb) **Appoints** Councillors T Bartle, W Doody, J Goldsworthy, B McLaren, N Mealings to the District Licencing Committee.
- (cc) **Appoints** Mayor D Gordon to the Canterbury Civil Defence Emergency Management Group (CDEM) Joint Standing Committee.
- (dd) **Appoints** Mayor D Gordon, Councillors N Mealings and P Redmond to the Greater Christchurch Partnership.
- (ee) **Appoints** Mayor D Gordon to the Greater Christchurch Public Transport Joint Committee.
- (ff) **Appoints** Mayor D Gordon, Councillors N Mealings and P Redmond to Whakawhanake Kainga Committee; Urban Growth Partnership for Greater Christchurch.
- (gg) **Notes** Council-appointed Trustee positions remain in place for the balance of their term.
- (hh) **Notes** Membership to outside council groups, advisory and working parties will be subject to a separate report to Council in November/December 2025.



5.6 **Appointment of Portfolio Holders – Mayor Dan Gordon**

*RECOMMENDATION*

173 – 177

**THAT** the Council:

- (a) **Receives** report No. 251024203467.
- (b) **Establishes** Portfolios for Councillors and **notes** the generic Portfolio Holder Role Description, with specific parameters to be defined by February 2026.
- (c) **Appoints** Mayor Gordon as Portfolio Holder of Iwi Relationships.
- (d) **Appoints** Mayor Gordon as Portfolio Holder of Government Reform.
- (e) **Appoints** Mayor Gordon as Portfolio Holder of Greater Christchurch Partnership.
- (f) **Appoints** Mayor Gordon as Portfolio Holder of Transport.
- (g) **Appoints** Councillor P Redmond as Portfolio Holder of Property.
- (h) **Appoints** Councillor W Doody as Portfolio of Housing.
- (i) **Appoints** the Deputy Mayor of the time as Portfolio Holder of International Relationships.
- (j) **Appoints** Councillor B Cairns as Portfolio Holder of Arts and Culture.
- (k) **Appoints** Councillor Mealings as Portfolio Holder of Climate Change and Sustainability.
- (l) **Appoints** Councillor N Mealings as Portfolio Holder of Solid Waste.
- (m) **Appoints** Councillor J Ward as Portfolio Holder of Audit, Risk, Annual/Long Term Plans.
- (n) **Appoints** Councillor S Powell as Portfolio Holder of Communications.
- (o) **Appoints** Councillor W Doody as Portfolio Holder of Customer Service.
- (p) **Appoints** Councillor B Cairns as Portfolio Holder of Greenspace (Parks, Reserves and Sports Grounds).
- (q) **Appoints** Councillor B McLaren as Portfolio Holder of Community Facilities (including Aquatic Centres, Multi-use Sports Stadium, Libraries/Service Centres, Town Halls, and Museums).
- (r) **Appoints** Councillor S Powell as Portfolio Holder of Community Development and Wellbeing.
- (s) **Appoints** Councillor B Cairns as Portfolio Holder of Business, Promotion and Town Centres.
- (t) **Appoints** Councillor T Bartle as Portfolio Holder of Mixed use and Business and Kaiapoi Development.

- (u) **Appoints** Councillor N Mealings as Portfolio Holder of District Planning.
- (v) **Appoints** Councillor J Goldsworthy as Portfolio Holder of Civil Defence and Regulation.
- (w) **Appoints** Councillor P Redmond as Portfolio Holder of Roothing.
- (x) **Appoints** Councillor T Fulton as Portfolio Holder of Drainage and Stockwater and Three Waters (Drinking Water, Sewer and Stormwater).
- (y) **Appoints** Councillor T Bartle as Portfolio Holder of Procurement (Efficiencies and Savings).
- (z) **Notes** that appointments and portfolios may be reviewed in November 2026 by the Council or at the discretion of the Mayor.
- (aa) **Circulates** a copy the outcome of this report to the Community Boards for their reference.

5.7 **Council Meeting Schedule November 2025 – December 2026 – Sarah Nichols (Governance Manager)**

*RECOMMENDATION*

178 – 181

**THAT** the Council:

- (a) **Receives** report No 251026203484.
- (b) **Adopts** the following meeting schedule for the period from 1 November 2025 to 22 December 2026 (as outlined in Trim 251018198430).
- (c) Ordinary Council Meeting Dates commencing at 9am, generally on the first Tuesday of the month:

4 November 2025	2 December 2025		
3 February 2026	3 March 2026	31 March 2026	5 May 2026
2 June 2026	7 July 2026	4 August 2026	1 September 2026
6 October 2026	3 November 2026	1 December 2026	

Council meetings relating to (Draft) Annual Plan and Annual Report including submissions and hearings:

27 and 28 January 2026 (Budgets)	17 February 2026 (Approval to Consult)	6 and 7 May 2026 (Hearings)
26 and 27 May 2026 (Deliberations)	16 June 2026 (Adoption Annual Plan)	23 June 2026 (Reserve Adoption)
6 October 2026 (Annual Report)	20 October 2026 (Reserve Annual Report)	26-29 January 2027 (LTP Budget)

- (d) **Adopts** the following meeting schedule for the period from 1 November 2025 to 22 December 2026 for Committees:
- (i) Audit and Risk Committee commencing at 9am on Tuesdays:
- |                  |                |                 |
|------------------|----------------|-----------------|
| 18 November 2025 |                |                 |
| 17 February 2026 | 17 March 2026  | 19 May 2026     |
| 16 June 2026     | 18 August 2026 | 20 October 2026 |
| 15 December      |                |                 |
- (ii) Utilities and Roading Committee generally at 9am on Tuesdays:
- |                  |                       |                 |
|------------------|-----------------------|-----------------|
| 25 November 2025 | 9 December 2025 (1pm) |                 |
| 10 February 2026 | 10 March 2026         | 14 April 2026   |
| 12 May 2026      | 9 June 2026           | 14 July 2026    |
| 11 August 2026   | 8 September 2026      | 13 October 2026 |
| 17 November 2026 | 8 December 2026       |                 |
- (iii) District Planning and Regulation Committee generally at 1pm on Tuesdays:
- |                  |                        |                 |
|------------------|------------------------|-----------------|
| 25 November 2025 | 16 December 2025 (9am) |                 |
| 10 February 2026 | 14 April 2026          | 9 June 2026     |
| 14 July 2026     | 11 August 2026         | 13 October 2026 |
| 15 December 2026 |                        |                 |
- (iv) Community and Recreation Committee at 1pm on Tuesdays:
- |                  |                   |                  |
|------------------|-------------------|------------------|
| 16 December 2025 |                   |                  |
| 17 February 2026 | 21 April 2026     | 16 June 2026     |
| 18 August 2026   | 15 September 2026 | 24 November 2026 |
- (v) Waimakariri District Licensing Committee at 9am generally on Mondays
- |                 |                  |                |                   |
|-----------------|------------------|----------------|-------------------|
| 3 November 2025 | 1 December 2025  |                |                   |
| 2 February 2026 | 2 March 2026     | 30 March 2026  | 4 May 2026        |
| 29 June 2026    | 27 July 2026     | 31 August 2026 | 28 September 2026 |
| 2 November 2026 | 30 November 2026 |                |                   |
- (e) **Notes** that this timetable does not precluded additional meetings being scheduled if required for matters of urgency, which will be advertised on the Council website.
- (f) **Notes** that workshops will be scheduled during 2026, on Tuesdays each month, as required and will be advertised on the Council website. Furthermore each Committee may hold workshops at the conclusion of its scheduled meeting, if required, with topics listed in the Committee agenda.
- (g) **Notes** the Community Boards will adopt their own timetable at their meetings held during their inaugural meetings in October/November 2025.
- (h) **Notes** that no formal meetings are currently scheduled for Councillors on the weeks of 3 to 12 April, 27 June to 5 July, 24 October to 1 November, 7 November to 15 November and from 18 December 2026 to 24 January 2027.
- (i) **Circulates** a copy of the finalised meeting times to Ngāi Tūāhuriri partners and the Community Boards for their reference.

6. **QUESTIONS**

Refer Standing Orders Clause 3.21.

7. **URGENT GENERAL BUSINESS**

Refer Standing Orders Clause 3.75.

8. **NEXT COUNCIL MEETING**

The next scheduled Council meeting will be held on **Tuesday 4 November** 2025, commencing at **9am** in the Council Chambers, Rangiora Service Centre, 215 High Street, Rangiora.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INFORMATION****FILE NO and TRIM NO:** GOV-33 / 250805143520**REPORT TO:** COUNCIL**DATE OF MEETING:** 29 October 2025**AUTHOR(S):** Jeff Millward, Chief Executive**SUBJECT:** Local Government Act – First Meeting Following the Triennial General Election Requirements – Explanation of Statutory Requirements**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

Governance Manager



Chief Executive

**1. SUMMARY**

- 1.1. The purpose of this report is to outline statutory legislation which members need to be aware of. The Local Government Act 2002 (Clause 21 (5)(c), Schedule 7, part 1) requires that at the first meeting of a local authority following a triennial general election, an explanation be provided to the Council of the appropriate provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA), appropriate provisions of the Local Authority (Members' Interests) Act 1968, the Crimes Act 1961 (Section 99, 105 and 105a), the Secret Commissions Act 1910, the Financial Markets Conduct Act 2013 and the Health and Safety at Work Act 2015.

**Attachments:**

- i. Extract from Crimes Act 1961
- ii. Extract from Local Government Act 2002 – Members indemnified; Members may be liable for loss.
- iii. Secret Commissions Act 1910.
- iv. Health and Safety at Work Act 2015
- v. Auditor General Quick Guide to Conflicts
- vi. Auditor General Local Authorities (Members' Interests) Act 1968: A guide for members of local authorities on managing financial conflicts of interest. (circulated separately).

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** report No. 250805143520.
- (b) **Receives** legislative material in relation to explanation of Statutory Requirements of an elected member, that has been circulated.
- (c) **Notes** that, under the Health and Safety at Work Act 2015, Officers (Councillors and the Chief Executive) are required to undertake due diligence activities to discharge their responsibilities under the Act and to ensure the Council has effective health and safety processes, procedures and culture in place.

### 3. **BACKGROUND**

- 3.1 Elected members are required to be aware of legislation that relates to their conduct and business interactions. A copy of the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002 was provided to all elected members in induction packs, along with key legislation referenced in this report. An Auditor General publication entitled 'A guide for members of local authorities on managing financial conflicts of interest' and an Auditor General Quick Guide to Conflicts has been circulated to members to aid their understanding.
- 3.2 Members can refer to [www.legislation.nz](http://www.legislation.nz) anytime, however in the first instance to direct any questions about the legislation to the Governance Manager, General Manager of Finance and Business Support or the Chief Executive.
- 3.3 Matters relating to the Disclosure of Pecuniary Interests Register are subject to a separate report in December 2025.

### 4. **ISSUES AND OPTIONS**

#### 4.1 **Crimes Act 1961**

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

#### 4.2 **Secret Commissions Act 1910 (SCA)**

As the name suggests, this Act prohibits secret commissions and is based on the principle that a person in a position of trust should not profit from that office. Every Council officer or member is deemed to be an agent of the Council for the purposes of the Act, which provides that:

- An agent who corruptly accepts or obtains or agrees or offers to accept or attempts to obtain or solicits any gift or other consideration as an inducement or reward for doing, or not doing, something or showing favour or disfavour to any person in relation to the Council's affairs or business, is guilty of an offence.
- An agent is guilty of an offence if he or she enters into a contract on behalf of the Council and fails to disclose the existence of any pecuniary interest the agent has in the contract.
- An offence is committed if an agent provides the Council with a receipt, invoice, or account (or similar document) in relation to the business or affairs of the Council which the agent knows to be materially false or defective, or likely to mislead the Council, and which omits to state the fact of any commission, or other consideration having been received by or promised to the agent.
- "Consideration" means valuable consideration of any kind, and particularly includes discounts, commissions, rebates, bonuses, deductions, percentages, employment, payment of money (whether by way of loan, gift, or otherwise), and forbearance to demand any money or valuable thing.

#### 4.3 The Local Authorities Members' Interests Act 1968 (LAMIA)

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

There are two specific rules - members may not enter into contracts with the Council worth more than \$25,000 (GST inclusive) in a financial year (the limit is based on the value of all payments made under all contracts in which the member has an interest during the financial year)<sup>18</sup>, or participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public.<sup>19</sup> A member is required to declare any pecuniary interest at relevant meetings and for the minutes to record that declaration of interest.

The Act does not define the term 'pecuniary interest'. The courts have considered its meaning from time to time. The test used is ... whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or a loss of money for the member concerned.

Section 3 states that a member shall not enter into contracts with the Council in any one financial year for a total amount exceeding \$25,000, including GST. In addition, the section clarifies who is deemed a member and in what circumstances exceptions are permitted. Should the value of contracts entered exceed \$25,000, and Audit Office approval has not been granted, then the member is deemed to no longer be a member of the Council.

Section 6 states that a member shall not vote on or take part in the discussion of any matter before the appropriate committee or the Council in which the member has a direct or indirect pecuniary interest.

Section 8 places the onus on the Audit Office to investigate and if necessary, institute appropriate proceedings against a member.

Councillors who may have a pecuniary interest in any matter that the Council deals with should seek the advice of the Governance Manager, Chief Executive or Audit Office.

The Act also refers to indirect pecuniary interests which means that if a member's spouse or partner has a pecuniary interest in a matter before the Council, then the member is deemed to have the same interest. This applies if:

- the pecuniary interest is through a company in which the member, and/or their spouse or partner owns 10% or more of the shares, or is general manager or managing director;
- the member, and/or their spouse or partner is a member of a company controlling the company having a pecuniary interest, or is general manager or managing director of the company having a pecuniary interest.

The disqualification does not apply if the member's interest arises as an administrator or trustee of an estate or trust (as long as the member is not a beneficiary), and a manager appointed under the Protection of Personal and Property Rights Act 1988.

Members must recognise that when a matter reaches the stage where it can reasonably be expected to affect the member's interests, they should no longer take part in the decision-making process. Failure to do so is an offence and the member is liable on conviction to a fine not exceeding \$100.

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

No person can become, or continue to be, an elected member if they are "concerned or interested" in contracts with the Council and the total payments made, or to be made, by the Council exceed the financial limit imposed by the Act. As previously noted, the limit relates to the value of payments made for all contracts, it does not apply separately to each contract.

Even if the contract is between the Council and another person, an elected member will still have an interest in it if they have a personal connection with that person or could benefit from the contract (an indirect pecuniary interest).

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

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.

#### 4.4 **Local Government (Pecuniary Interests Register) Amendment Act 2022**

The Act came into force in November 2022. It inserts a new set of requirements and obligations into the Local Government Act and requires elected members to make an annual declaration (with a prescribed content) of their pecuniary interests within 120 days after the elected member comes into office. The register will be subject to a separate report to the December Council meeting.

The requirements are for the Council to keep a register of elected members' pecuniary interests and make a summary of it publicly available (on the Council website). Members are obliged to provide annual returns, which are included on the registers. Any failure to comply with the obligations amounts to an offence. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000 and prosecution.

#### 4.5 **Financial Markets Conduct Act 2013 (FMCA)**

The primary purpose of this Act is to promote the confident and informed participation of businesses, investors, and consumers in the financial markets and to promote and facilitate the development of fair, efficient, and transparent financial markets.

The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the Act's requirements are not met in relation to offers of financial products.

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

The introduction to the Act states, "The Act is to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes." Official information' is any information held by a local authority (the Council). This can include hard copies of documents, electronic/digital data and audio and audio-visual recordings.

Section 4 of the Act states:

*The purposes of the Act are*

4(a) *To provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order -*

(1) *To enable more effective participation by the public in the actions and decisions of local authorities; and*



- (2) *To promote the accountability of local authority members and officials,*
- 4(b) *To provide for proper access by each person to official information relating to that person;*
- 4(c) *To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.*

The fundamental principle of the Act is that information must be made available 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. Sections 6, 7 and 8 of the Act provide reasons for withholding Official Information. The principle of the Act is that information held shall be made available unless there is a good reason for withholding it. Reasons for withholding are outlined in sections 6 and 7, where making the information available would be likely to prejudice the maintenance of the law; endanger the safety of any person; protect the privacy of natural persons; and carry out commercial activities, as examples of some of the reasons.

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

Section 46 lays down requirements for all meetings of local authorities to be publicly notified. Further, it provides that agendas and reports are available before all meetings and as public documents.

Section 48 gives a local authority the right to exclude the public from a meeting when business is being discussed, provided that the decision is based on one of the statutory grounds set out in Section 48. The meeting needs to consider each report, which should be done with the public excluded, and decide if the reasons given are appropriate. The reasons are similar to some of the examples outlined in Sections 6, 7 and 8. In most cases, matters being considered with the public excluded are considered the last item on the agenda.

#### **4.7 Local Government Act 2002**

##### Members of the local authority are liable for loss

If the Council incurs a loss as outlined in section 44 (1) (a), (b), (c) and (d), the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally. Whilst not aware of any case where this has occurred, members need to be mindful of the possibility and that these actions or omissions cannot be insured.

#### **4.8 Local Government Act 2002 Amendment Act 2014**

##### Certain Members Indemnified

The Local Government Act provides for members to be indemnified as outlined in section 48 (f). This will include members appointed to a Committee, Community Board (Councillors appointed to the Community Boards), or other subordinate decision-making bodies of the Waimakariri District Council. This gives the effect that members will not be responsible for costs, provided they act in good faith and come within the provisions of the section outlined. It will be the responsibility of the Council to meet the costs or to claim from the appropriate parties.

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

The Health and Safety at Work Act 2015 places additional obligations on Councillors as they are considered 'Officers' under the legislation.

As officers under the legislation, Councillors and the Chief Executive have specific positive due diligence duties that are non-delegable. Hence, staff will report monthly to the Council on health and safety matters and to the Audit Committee on less time-sensitive health and safety matters.

While Councillors are not liable for prosecution in their role as officers, they still have a responsibility to discharge those duties. Management of the Council will support officers in discharging those duties.

#### Officers Responsibilities:

4.9.1 Under the Health and Safety at Work Act 2015, Officers have a positive due diligence responsibility and must ensure that they discharge their duties as 'Officers' under the legislation.

4.9.2 Councillors and the Chief Executive are considered to be Officers in terms of the legislation, as they hold significant influence over the allocation of resources within the Council.

4.9.3. There are six primary responsibilities of an Officer, and the table below outlines how staff intend to support Officers to discharge those responsibilities.

OFFICER DUTIES	EXAMPLES OF ACTIVITIES TO SUPPORT DISCHARGE OF DUTIES	FREQUENCY
<b>KNOW</b>  (To acquire, and keep up to date, knowledge of work health and safety matters)	<ul style="list-style-type: none"> <li>• Updates on new activities/major contracts</li> <li>• Council reports to include Health and Safety advice as relevant</li> <li>• Audit Committee to receive minutes of Health and Safety Committee meetings</li> <li>• Update on legislation and best practice changes to Audit Committee</li> </ul>	Various Committee reports Monthly, as required  Quarterly  As required
<b>UNDERSTAND</b>  (To gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations)	<ul style="list-style-type: none"> <li>• Induction of new Council through tour of District and ongoing site visits.</li> <li>• H&amp;S Risk register to Audit Committee</li> <li>• Training on H&amp;S legislation and best practices updates</li> <li>• CCO activities reported to the Audit Committee</li> </ul>	Start of each new term and as required Six monthly, or where major change At least annually At least annually
<b>RESOURCES</b>  (To ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking)	<ul style="list-style-type: none"> <li>• LTP or Annual Plan to have a specific report on H&amp;S resources</li> <li>• Reports to Committees will outline H&amp;S issues and resourcing, as appropriate</li> </ul>	Annually  As required

OFFICER DUTIES	EXAMPLES OF ACTIVITIES TO SUPPORT DISCHARGE OF DUTIES	FREQUENCY
<b>MONITOR</b>  (To ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information)	<ul style="list-style-type: none"> <li>Report to every Council meeting – standing agenda item to include Dashboard Update and any major developments</li> <li>Risk register review by Audit Committee</li> </ul>	Monthly  Six monthly, or where major change
<b>COMPLY</b>  (To ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act)	<ul style="list-style-type: none"> <li>Programme of H&amp;S internal work received by Audit Committee</li> <li>Internal Audit reports to Audit Committee</li> <li>Incident Investigations reported Audit Committee</li> <li>Worksafe review of incidents/ accidents reported to Audit Committee</li> </ul>	Annually  As completed As required As required
<b>VERIFY</b>  (To verify the provision and use of the resources and processes)	<ul style="list-style-type: none"> <li>Receive any external audit results and remedial actions (if any) reported to Audit Committee</li> <li>Worksafe audits, if undertaken</li> <li>Self-assessment against Canterbury Safety Charter and/or SafePlus reported to the Audit Committee</li> </ul>	Two yearly  As completed As completed

#### 4.10. **Implications for Community Wellbeing**

The issues and options in this report have no social and cultural implications for community well-being.

4.11 The Management Team has reviewed this report and supports the recommendations.

## 5. **COMMUNITY VIEWS**

### 5.1 **Mana whenua**

Te Ngāi Tūāhuriri hapū is not likely to be affected by or have an interest in the subject matter of this report.

### 5.2 **Groups and Organisations**

No other groups or organisations besides those who requested information will likely be affected by or interested in this report's subject matter.

### 5.3 **Wider Community**

The wider community is unlikely to be affected by or interested in this report's subject matter. However, the structure of the Council needs to be clear and provide certainty as to how the community can engage with the Council and its elected members.

## **6. OTHER IMPLICATIONS AND RISK MANAGEMENT**

### **6.1 Financial Implications**

Elected members are not indemnified by insurance for such breaches, and associated costs for violations of legislation could fall on an individual elected member.

### **6.2 Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

### **6.3 Risk Management**

6.3.1 Reputational risk of the Council if elected members were non-compliant with legislation.

6.3.2 There is a risk to individual elected members whereby non-compliance to Acts of legislation such as the Crimes Act 1961 may include imprisonment for up to seven years for corruptly accepting a bribe and the Local Government Act 2002 whereby if the Council incurs a loss as outlined in section 44 (1)(a),(b),(c) and (d) the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally. Elected members must always give full respect to the law.

### **6.4 Health and Safety**

The risks around Health and Safety are many and varied, and the legislation places a greater onus on businesses and those responsible for ensuring a culture of health and safety exists.

## **7. CONTEXT**

### **7.1 Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2 Authorising Legislation**

- Crimes Act 1961
- Secret Commissions Act 1910
- Local Authorities (Members' Interests) Act 1968
- Local Government Official Information and Meetings Act 1987
- Local Government Act 2002 Schedule 7
- Financial Markets Conduct Act 2013
- Local Government Act 2002 Amendment Act 2014
- Health & Safety at Work Act 2015

### **7.3. Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

### **7.4 Authorising Delegations**

None. Requirements of the Local Government Act 2002.

## Appendix 1

### Extract from Crimes Act 1961

#### Part 6

#### **99. Interpretation—**

In this part of this Act, unless the context otherwise requires,—

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

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

History

“Judicial officer”: the words “District Court Judge” have been substituted for the word “Magistrate”, as from 1 April 1980, pursuant to s 18 District Courts Amendment Act 1979 (1979 No 125).

“Judicial officer”: this definition was amended, as from 30 June 1998, by s 4 Crimes Amendment Act (No 2) 1998 (1998 No 79) by substituting the words “Justice of the Peace, or Community Magistrate” for the words “or Justice of the Peace”.

[Click here to see the historical text. 01 Apr 1980 to 29 Jun 1998.](#)

“Law enforcement officer” means any constable, or any person employed in the detection or prosecution or punishment of offenders:

“Official” means any person in the service of Her Majesty in right of New Zealand (whether that service is honorary or not, and whether it is within or outside New Zealand), or any member or employee of any local authority or public body, or any person employed in the Education service within the meaning of the [State Sector Act 1988].

History

“Official”: the words “Government Superannuation Fund Act 1956” were substituted for the words “Superannuation Act 1956”, as from 1 November 1976, pursuant to s 3(3) Government Superannuation Fund Amendment Act 1976.

#### Part 7

#### **2. 105 Corruption and bribery of official—**

- (1) Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by him in his official capacity.
- (2) Every one is liable to imprisonment for a term not exceeding [7 years] who corruptly gives or offers or agrees to give any bribe to any person with intent to influence any official in respect of any act or omission by him in his official capacity. Criminal Code (1954), s 102 (Canada).

#### **105A. Corrupt use of official information—**

Every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly uses [[or discloses]] any information, acquired by him in his official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or any other person.]

## Appendix 2

### Extract from Local Government Act 2002 Part 4

#### 43. Certain members indemnified—

- (1) A member of a local authority (or a committee, community board, or other subordinate decision-making body of that local authority) is indemnified by that local authority, whether or not that member was elected to that local authority or community board under the Local Electoral Act 2001 or appointed by the local authority, for—
  - (a) costs and damages for any civil liability arising from any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the local authority (or committee, community board, or other subordinate decision-making body of that local authority); and
  - (b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.
- (2) Subsection (1) does not apply to a member's liability for a loss under section 46.
- (3) To avoid doubt, a local authority may not indemnify a director of a council-controlled organisation for any liability arising from that director's acts or omissions in relation to that council-controlled organisation.

#### 44. Report by Auditor-General on loss incurred by local authority—

- (1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
  - (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
  - (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
  - (c) a liability has been unlawfully incurred by the local authority; or
  - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.
- (2) If the Auditor-General is satisfied that a local authority has incurred a loss, the Auditor-General may make a report on the loss to the local authority, and may include in the report any recommendations in relation to the recovery of the loss or the prevention of further loss that the Auditor-General thinks fit.
- (3) The Auditor-General must send copies of the report to the Minister and every member of the local authority.

#### 45. Local authority to respond to Auditor-General—

- (1) On receipt of a report from the Auditor-General, the local authority must, within 28 days, respond in writing to the Auditor-General, and send a copy of the response to the Minister.
- (2) The local authority's response must—
  - (a) respond to each of the Auditor-General's recommendations; and
  - (b) include a statement as to what action, if any, the local authority intends to take in respect of the loss.
- (3) The Minister may extend the period of time within which the local authority must forward its response.
- (4) An individual member of the local authority may respond to the Auditor-General—
  - (a) by making a separate response to the Auditor-General, and sending a copy to the local authority and the Minister, within the time required for the local authority's response; or
  - (b) with the consent of the local authority, by incorporating that member's response in the local authority's response.

- (5) The local authority must, as soon as practicable after the expiry of the time for forwarding its response, table in a meeting of the local authority that is open to the public a copy of the Auditor-General's report, the local authority's response, and any response of an individual member of the local authority not incorporated in the local authority's response.

46. Members of local authority liable for loss—

- (1) If the Auditor-General has made a report on a loss to a local authority under section 44, then, without limiting any other person's liability for the loss, the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally.
- (2) If the members of the local authority or any other person or persons do not pay the amount of the loss to the Crown or the local authority within a reasonable time, the Crown may commence proceedings to recover the loss from any or all of those members.
- (3) Any amount recovered by the Crown under subsection (2), less all costs incurred by the Crown in respect of the recovery, must be paid by the Crown to the local authority concerned.
- (4) It is a defence to any proceedings under subsection (2) if the defendant proves that the act or failure to act resulting in the loss occurred—
  - (a) without the defendant's knowledge; or
  - (b) with the defendant's knowledge but against the defendant's protest made at or before the time when the loss occurred; or
  - (c) contrary to the manner in which the defendant voted on the issue at a meeting of the local authority; or
  - (d) in circumstances where, although being a party to the act or failure to act, the defendant acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any of the following persons:
    - (i) an employee of the local authority whom the defendant believed on reasonable grounds to be reliable and competent in relation to the matters concerned:
    - (ii) a professional adviser or expert in relation to matters that the defendant believed on reasonable grounds to be within the person's professional or expert competence.

47. Members may be required to pay costs of proceeding in certain cases—

- (1) This section applies if, in a proceeding commenced by the Attorney-General, the local authority is—
  - (a) held to have—
    - (i) disposed of, or dealt with, any of its property wrongfully or illegally; or
    - (ii) applied its property to any unlawful purpose; or
    - (iii) permitted the reserves that it must manage to be used for purposes not authorised by law; or
  - (b) restrained from acting in the ways referred to in paragraph (a).
- (2) If subsection (1) applies, costs and other expenses arising out of the proceeding or incurred in doing the things to which the proceeding relates—
  - (a) must not be paid out of general revenues by the local authority; and
  - (b) must be paid, by order of the Court, by the members of the local authority who, by voting or otherwise, assented to the acts concerned.
- (3) The Court must not make an order under subsection (2) against a member of the local authority if the member proves that, in doing the act concerned,—
  - (a) the member acted in good faith and in accordance with the written advice of the solicitor to the local authority; or
  - (b) the member acted honestly and reasonably and, having regard to all the circumstances of the case, the member ought fairly to be excused.

## Appendix 3

### Extract from Secret Commissions Act 1910

#### 4 Acceptance of such gifts by agent an offence

- (1) Every agent is guilty of an offence who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, or solicits from any person, for himself or for any other person, any gift or other consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the principal's affairs or business (whether such act is within the scope of the agent's authority or the course of his employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal's affairs or business.
- (2) Every agent who diverts, obstructs, or interferes with the proper course of the affairs or business of his principal, or fails to use due diligence in the prosecution of such affairs or business, with intent to obtain for himself or for any other person any gift or other consideration from any person interested in such affairs or business, shall be deemed to have corruptly solicited a consideration within the meaning of this section.

#### 5 Duty of agent to disclose pecuniary interest in contract

- (1) Every agent is guilty of an offence who makes a contract on behalf of his principal and fails to disclose to his principal, at the time of making the contract or as soon as possible thereafter, the existence of any pecuniary interest which the agent has in the making of the contract, unless to the knowledge of the agent the existence of such pecuniary interest is already known to his principal.
- (2) For the purposes of this section any pecuniary interest which a parent, husband, wife, [civil union partner, de facto partner,] child, or partner of the agent has in the making of the contract shall be deemed to be the pecuniary interest of the agent, unless he proves that he had no knowledge of that interest at the time when he made the contract.
- (3) For the purposes of this section an agent shall not be deemed to have any pecuniary interest in the making of a contract by reason merely of the fact that he or any person mentioned in the last preceding subsection is a shareholder in an incorporated company having more than 20 members.

#### 8 Receiving secret reward for procuring contracts an offence

- (1) Every person is guilty of an offence who advises any person to enter into a contract with a third person and receives or agrees to receive from that third person, without the knowledge and consent of the person so advised, any gift or consideration as an inducement or reward for the giving of that advice or the procuring of that contract, unless the person giving that advice himself acts as the agent of the third person in entering into the contract, or is to the knowledge of the person so advised the agent of that third person.
- (2) For the purposes of this section a person shall be deemed to advise another person to enter into a contract if he makes to that other person any statement or suggestion with intent to induce him to enter into the contract.

#### 16 Persons deemed to be agents within the meaning of this Act

- (1) For the purposes of this Act—
  - (a) Every officer of a corporation and every member of a governing body of a corporation shall be deemed to be an agent of the corporation:
  - (b) Every officer or member of any local authority, Board, Council, committee, or other body of persons, whether incorporated or unincorporated, charged by statute with any public functions shall be deemed to be an agent of that local authority, Board, Council, committee, or other body:



- (c) Every person in the service of the Crown, or acting for or on behalf of the Crown, or holding any office in the public service, shall be deemed to be an agent of the Crown:
- (d) Every partner in a firm shall be deemed to be an agent of the firm:
- (e) An executor, administrator, or trustee shall be deemed to be an agent of the beneficiaries under the will, intestacy, or trust:
- (f) The committee of the estate of a person of unsound mind shall be deemed to be the agent of that person:
- (g) An arbitrator, umpire, or valuer shall be deemed to be an agent of every party to the arbitration or valuation:
- (h) A liquidator of a company shall be deemed to be an agent of the company.
- (2) If by virtue of the provisions of this Act any agent is deemed to be the agent of 2 or more principals in respect of the same matter, this Act shall apply to each of those principals in the same manner as if he was the sole principal.
- (3) Nothing in this section shall be so construed as to restrict in any manner the meaning of the terms “agent” or “principal” as used in this Act.

## Appendix 4

### Extract from Health and Safety at Work Act 2015

#### Key extracts from Legislation

Key extracts from the Health and Safety at Work Act 2015 are:

#### **S 18      Meaning of officer**

In this Act, unless the context otherwise requires, **officer**, in relation to a PCBU,—

(a) means, if the PCBU is—

(i) a company, any person occupying the position of a director of the company by whatever name called:

(ii) a partnership (other than a limited partnership), any partner:

(iii) a limited partnership, any general partner:

(iv) a body corporate or an unincorporated body, other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company; and

(b) includes any other person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking (for example, a chief executive); but

(c) does not include a Minister of the Crown acting in that capacity; and

(d) to avoid doubt, does not include a person who merely advises or makes recommendations to a person referred to in paragraph (a) or (b).

#### **S 30 Management of risks**

(1) A duty imposed on a person by or under this Act requires the person—

(a) to eliminate risks to health and safety, so far as is reasonably practicable; and

(b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.

(2) A person must comply with subsection (1) to the extent to which the person has, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate.

#### **S 31 Duties not transferable**

A duty imposed on a person by or under this Act may not be transferred to another person.

#### **S 44 Duty of officers**

(1) If a PCBU has a duty or an obligation under this Act, an officer of the PCBU must exercise due diligence to ensure that the PCBU complies with that duty or obligation.

(2) For the purposes of subsection (1), an officer of a PCBU must exercise the care, diligence, and skill that a reasonable officer would exercise in the same circumstances, taking into account (without limitation)—

(a) the nature of the business or undertaking; and

(b) the position of the officer and the nature of the responsibilities undertaken by the officer.

(3) Despite subsection (1), a member of the governing body of a territorial authority or regional council elected in accordance with the Local Electoral Act 2001 does not have a duty to exercise due diligence to ensure that any council-controlled organisation (as defined in section 6 of the Local Government Act 2002) complies with its duties or obligations under this Act unless that member is also an officer of that council-controlled organisation.

(4) In this section, **due diligence** includes taking reasonable steps—

(a) to acquire, and keep up to date, knowledge of work health and safety matters; and

(b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the hazards and risks associated with those operations; and

(c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and

(d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and

(e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and

(f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

#### **S 52 Liability of certain office holders**

(1) An office holder listed in subsection (2), when acting in that capacity, does not commit an offence under section 47, 48, or 49 for a failure to comply with the duty imposed by section 44 (duties of officers).

(2) The office holders are—

(a) a member of the governing body of a territorial authority or regional council elected in accordance with the Local Electoral Act 2001:

(b) a member of a local board elected or appointed under the Local Electoral Act 2001:

(c) a member of a community board elected or appointed in accordance with the Local Electoral Act 2001:

(d) a trustee of a board of a school appointed or elected under the Education Act 1989.

(3) In this section,—

**board** and **trustee**, in relation to a school, have the same meanings as in section 92(1) of the Education Act 1989

**community board** means a board established under section 49(1) of the Local Government Act 2002

**local authority** and **local board** have the same meanings as in section 5(1) of the Local Government Act 2002.

# Managing conflicts of interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life.

Having a conflict of interest does not necessarily mean you have done anything wrong. It all depends on how you manage it.

You need to ask yourself not just whether the interest or relationship means you are biased, but also whether someone looking in from the outside could have reasonable grounds to think you might be.

The “rules” for managing conflicts of interest in the public sector are generally stricter than in the private sector. If you work for a public organisation, the public needs to have confidence that any decisions you make:

- are made impartially and for the right reasons; and
- are not influenced by personal interests or ulterior motives.

Any decisions about conflicts of interest should take into account the core public service values:

- integrity;
- impartiality
- trustworthiness;
- respect; and
- responsiveness.

## Tips for managing conflicts

- Make sure you know what rules apply to you, whether in your employment contract, contract for services, terms of appointment, or any internal policies of the entity you work for.
- Declare any interests you have that might pose a conflict. This shows you are being open. It will also help the entity you work for avoid putting you in a situation where a conflict might arise, or to manage a conflict if one arises.
- Follow any rules or guidance provided by the entity you work for when deciding how to manage a conflict.

- As a minimum, declare any conflicts you have as soon as you become aware of them, preferably in writing.
- Think about what else you might need to do to manage the conflict. Get advice if you need to. Talk to your manager, or if you are on a board, the chairperson.
- You need to consider ethics as well as legal rules. Just because it’s not unlawful to participate, that does not necessarily mean it would be appropriate to participate.

If in doubt, stay out.

## When you have to make a decision, ask yourself:

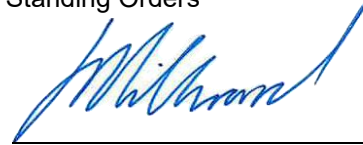
FINANCIAL	<p>Do you stand to gain or lose financially from the decision?</p> <p>Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?</p>	<p>A situation does not need to involve cash changing hands to be considered a financial interest. A financial interest could, for example, relate to an effect on the value of property.</p> <p>A financial interest might be direct or indirect. In situations that someone close to you or a business you are involved with has a financial interest, you might be considered to share their interest.</p> <p>Financial interests are generally treated more strictly than other types of interest. If you have a financial conflict of interest, the law presumes you are biased. This is why you should automatically treat a financial conflict of interest seriously, even if it seems trivial to you.</p> <p>For some entities in the public sector, there are specific statutory requirements that apply to managing the financial conflicts of interest, which you need to be aware of.</p>
NON-FINANCIAL	<p>Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?</p> <p>If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?</p>	<p>If you have a conflict of interest, but not one from which you stand to gain or lose financially, the law does not automatically assume you are biased.</p> <p>This does not necessarily mean a non-financial conflict is less serious than a financial conflict – but there is generally more room for judgement about whether it is acceptable for you to participate.</p> <p>Questions you need to think about include:</p> <ul style="list-style-type: none"> <li>How close is your relationship with this other person or organisation?</li> <li>Will they be directly affected by the decision?</li> <li>How seriously will they be affected?</li> </ul>
CONFLICT OF ROLES	<p>Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?</p> <p>If so:</p> <ul style="list-style-type: none"> <li>Is there a risk that you will be seen to be acting in the interests of entity B rather than entity A?</li> <li>If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?</li> </ul>	<p>The issue with a conflict of roles is not so much whether you personally have a conflict, but whether the interests of the two organisations conflict.</p> <p>If you have a conflict of roles, you will need to consider whether it is appropriate for you to participate in the decision-making process “on both sides of the table”. You will also need to think about whether you are going to be in a position to fulfil your obligations to both entities at the same time.</p> <p>If there is a risk that there might be conflicts at some point during the decision-making process, you should discuss your situation with both entities. This gives each an opportunity to consider the risks from their perspective and decide whether they are comfortable with you participating on both sides.</p>
PRE-DETERMINATION	<p>Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?</p>	<p>It is accepted that people working for public entities will have their own views on many matters, and, in many cases, might already have views on what the “right answer” to an issue is.</p> <p>You are not required to approach every decision as though you have given it no prior thought, or have no existing knowledge or opinion. However, you are required to keep an open mind, and you must be prepared to change or adjust your views if the evidence or arguments warrant it.</p> <p>That means you need to take care that what you do or say does not make it look like you have already made your decision before you have considered all the relevant information and evidence.</p>

## Where to read more

FINANCIAL	NON-FINANCIAL	CONFLICT OF ROLES	PRE-DETERMINATION
Paragraphs 3.7-3.11      Scenarios 3, 5  If you are an elected member of a local council, or a member of the governing body of any other entity to which the Local Authorities (Members’ Interests) Act 1968 applies, please also read our Guide on that Act.	Paragraphs 3.12-3.24  Scenarios 1, 2, 3, 9, 11	Paragraphs 3.25-3.31  Scenarios 8, 10	Paragraphs 3.32-3.40  Scenarios 4, 7

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INFORMATION****FILE NO and TRIM NO:** GOV-33 / 250805143556**REPORT TO:** Council**DATE OF MEETING:** 29 October 2025**AUTHOR(S):** Sarah Nichols, Governance Manager**SUBJECT:** Elected Member Code of Conduct and Standing Orders**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

Governance Manager



Chief Executive

**1. SUMMARY**

- 1.1 The purpose of this report is for the Council to receive the Code of Conduct and Standing Orders. The Code and Standing Orders remain in force from the previous Council; however, they may be amended as required by the Council.

**Attachments:**

- i. Local Government Act 2002, clause 15 (schedule 7, part 1)
- ii. Code of Conduct (Trim 230918145779)
- iii. Council Standing Orders adopted by Council in September 2025 (Trim 250818151937)

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** report No. 250805143556.
- (b) **Receives and Adopts** the Elected Members Code of Conduct document (Trim 230918145779).
- (c) **Receives and Adopts** the 2025 Council Standing Orders (Trim 250818151937).
- (d) **Notes** that the Council will review both the Code of Conduct and Standing Orders during 2026, subject to legislative changes.

**3. BACKGROUND**

- 3.1 The previous Council adopted a Code of Conduct, and it remains in force. The Council may make changes to the Code. However, the Council is required under legislation to have a Code in force from its inaugural meeting.
- 3.2 A Council is required to operate with Standing Orders for the conduct of all of its meetings being the meetings of Council, Committees, Sub-Committees and Hearing Panels. Community Boards must also adopt Standing Orders. Standing Orders must not contravene any Act. Standing Orders are not applicable during workshops or briefings, however the structure of good meeting protocol is maintained through the chairperson.
- 3.3 Amendments to the Code of Conduct and Standing Orders require a resolution supported by 75% or more of the Councillors present.

- 3.4 The Code of Conduct (the Code) has been based on the Local Government New Zealand (LGNZ) template, which was updated in 2022 to incorporate legislative change, new approaches to good governance and provide better advice for councils having to deal with alleged breaches. The Code sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards. Good Governance helps establish trust and respect, and the greater ability to enlist the support of the community and other agencies to improve outcomes and meet strategic goals.
- 3.5 The previous Council adopted the current Code on 7 November 2023 and applies to Councillors in their dealings with Council officers, the public and the media.

## **4. ISSUES AND OPTIONS**

### **4.1 Code of Conduct**

#### **4.1.1 The purpose of the Code is:**

- enhance the effectiveness of the local authority and the provision of good governance of the Waimakariri community and district.
- promote effective decision-making and community engagement.
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the elected members of the local authority and between the elected members and management.
- 

#### **4.1.4 Community Boards**

The current Code was adopted in accordance with clause 15 of schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all elected members, including those of any Community Boards.

The Community Boards adopted the current Code in October 2022 to ensure a consistent approach to behaviour and the handling of potential breaches.

#### **4.1.5 Alleged Breaches**

In previous terms, where issues have occasionally arisen, an approach seeking early low-level resolution has often proved successful and is always encouraged in the first instance. However, more serious breaches of the Code of Conduct were dealt with by the Code of Conduct Committee.

#### **4.1.6 The Government is proposing to issue standardised Codes of Conduct which will apply to all councils under the proposed Local Government (Systems Improvements) Amendment Bill. According to the Government, this will provide greater certainty and greater consistency about behavioural standards across local government, reduce costs for councils, and ensure Councillors are fully informed to make decisions. Amended legislation is anticipated in 2026, therefore the Code of Conduct will be reviewed following new directives becoming advised.**

### **4.2 Standing Orders**

#### **4.2.1 The outgoing Council reviewed and amended the May 2023 document of the Standing Orders in September 2025 to:**

- To ensure everyone can understand them.
- Incorporate legislative changes.
- Make the design more user-friendly.
- Strengthen the principles underpinning the Standing Orders and give them more prominence.

- 4.2.3 The Government is also proposing to issue standardised Standing Orders which will apply to all councils under the proposed Local Government (Systems Improvements) Amendment Bill. It is therefore also anticipated that the Standing Orders will be reviewed during 2026.

4.3 **Implications for Community Wellbeing**

The issues and options in this report have no social and cultural implications for community well-being.

- 4.4 The Chief Executive has reviewed this report and supports the recommendations.

## 5. **COMMUNITY VIEWS**

5.1 **Mana whenua**

Te Ngāi Tūāhuriri hapū is not likely to be affected by or have an interest in the subject matter of this report.

5.2 **Groups and Organisations**

No other groups or organisations besides those who requested information will likely be affected by or interested in this report's subject matter.

5.3 **Wider Community**

The wider community is not likely to be affected by, or to have an interest in, the subject matter of this report.

## 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1 **Financial Implications**

There are no financial implications of the decisions sought by this report.

6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

The Council is required to have the Code of Conduct and Standing Orders in place at all times.

6.4 **Health and Safety**

The Code and Standing Orders support the Council's responsibilities as a good employer, raising awareness of unacceptable behaviour such as bullying and sexual harassment, and outlining the process for potential behavioural breaches.

## 7. **CONTEXT**

7.1 **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

7.2 **Authorising Legislation**

- Local Government Act 2002 clause 15 – Code of Conduct.
- Local Government Act 2002 clause 27 – Standing Orders.

7.3 **Community Outcomes**

There are wide-ranging opportunities for people to contribute to the decision-making by public organisations that affect our District.

7.4 **Authorising Delegations**

Not applicable as the Council is required, by legislation, to have a Code of Conduct and Standing Orders operable at all times.



**ATTACHMENT 1****Extract from Local Government Act 2002, schedule 7 part 1****15. Code of conduct—**

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out—
  - (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
    - (i) behaviour toward one another, staff, and the public; and
    - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
      - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
      - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
  - (b) a general explanation of—
    - (i) the Local Government Official Information and Meetings Act 1987; and
    - (ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

**16 Members to abide by standing orders**

- (1) A member of a local authority must abide by the standing orders adopted under clause 27.

**27 Standing orders**

- (1) A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees.
- (2) The standing orders of a local authority must not contravene this Act, the Local Government Official Information and Meetings Act 1987, or any other Act.
- (3) After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.
- (4) 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.



**WAIMAKARIRI DISTRICT COUNCIL**

# **Elected Member Code of Conduct**

**Adopted on 7 November 2023**

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## 1. Introduction and Purpose

The Waimakariri Council Code of Conduct (the Code) has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

The purpose of the Code is to:

- enhance the effectiveness of the local authority and the provision of good governance of the Waimakariri community and district;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the elected members of the local authority and between the elected members and management.

The Code sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of elected members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

## 2. Members' Commitment

These commitments apply when conducting the business of the Council as its representative, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

- treat all people fairly,
- treat all other members, staff, and members of the public, with respect,
- share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
- make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
- take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
- not bully, harass, or discriminate unlawfully against any person,
- not bring the local authority into disrepute,
- not use their position to improperly advantage themselves or anyone else or disadvantage another person,

- not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
- not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

A failure to act in accordance with these commitments may result in a complaint being taken against you.

### 3. Principles of Good Governance

**The Code is designed to give effect to the following principles of good governance:**

1. **Public interest:** members should act solely in the public interest.
2. **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
3. **Accountability:** members should be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
4. **Objectivity:** members should act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. This includes matters like appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing
6. **Stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
7. **Honesty:** members should be truthful and not misleading.
8. **Leadership:** members should not only exhibit the principles listed above in their own behavior, but also be willing to challenge poor behaviour in others, wherever it occurs

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

Any enquiry into a potential breach of the Code will adhere to the concepts of natural justice and fairness and will apply in the determination of any complaints made under this Code. This is in line with the principle that justice should not only be done but should be seen to be done.

## 4. Behaviours

To promote good governance and build trust between the Council, its members, and citizens, members agree to the following standards of conduct when they are:

- conducting the business of the Council,
- acting as a representative of the Council,
- acting as a representative of their ward/district
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.<sup>2</sup>

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint for alleged breaches of this Code.

### 4.1 Respect

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

Members will conduct their dealings with each other in a manner that focuses on issues rather than personalities. They will avoid abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order.

In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the Chief Executive of the Council, the relevant social media provider or the police.

### 4.2 Bullying, harassment, and discrimination

Members will treat all people fairly and will not:

- bully any person,
- harass any person, or
- discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following:

- |                      |                              |                   |
|----------------------|------------------------------|-------------------|
| ○ age                | ○ skin, hair, or eye colour  | ○ race            |
| ○ disability         | ○ employment status          | ○ ethical belief  |
| ○ sex                | ○ family status              | ○ marital status  |
| ○ political opinion  | ○ religious belief           | ○ gender identity |
| ○ sexual orientation | ○ ethnic or national origin. |                   |

### 4.3 Disrepute

Members will not bring the local authority into disrepute. Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

### 4.4 Expressing views publicly

When speaking to the media elected members will abide by the following provisions:

#### Media contact on behalf of the Council

- the Mayor is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the Mayor is absent requests for comment will be referred to the Deputy Mayor or relevant standing committee chairperson or portfolio holder;
- operational questions should be referred to the Chief Executive and policy-related questions referred to the Mayor or the member with the appropriate delegated authority;
- the Mayor may refer any matter to the relevant committee chairperson, portfolio holder, community board chairperson or to the Chief Executive for their comment; and
- no other elected member may comment on behalf of the Council without having first obtained the approval of the Mayor, or his/her delegate.

### **Media comment on a member's own behalf**

Elected members are free to express a personal view in the media, at any time, provided the following rules are observed:

- they do not state or imply that they represent the views of the Council;
- comments which are contrary to a Council decision or policy must clearly state that they do not represent the views of the majority of elected members;
- comments must be consistent with the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff; and
- comments must not be misleading and should be accurate within the bounds of reasonableness.

## **4.5 Information**

Elected members will disclose to other elected members and, where appropriate the Chief Executive, any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless they have the consent of a person to give it,

- they are required by law to do so,
- the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or
- the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.



## 4.6 Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Elected members must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Elected members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner contracts with the authority or has a pecuniary interest. Elected members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately. Elected members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

## 4.7 Register of Interests

Elected members will be requested to make a bi-annual declaration of interest at the ordinary Council meeting held in June and December each year. These declarations are recorded in a Register of Interests pursuant to the Local Government (Pecuniary Interests Register) Act 2022 maintained by the Council and listed on the Council website.

**Please note:** Where a member's circumstances change, they must ensure that the Register of Interests is updated as soon as practicable by notifying the Governance Manager.

## 4.8 Ethical behaviour

Elected Members will seek to promote the highest standards of ethical conduct. Accordingly elected members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$500 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by elected members to comply with the provisions set out in this section represents a breach of this Code.

## 4.9 Creating a supportive and inclusive environment

In accordance with the purpose of the Code, elected members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which elected members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office and contribute to the good governance of the district or region.

## 5. Breaches of the Code

Elected members must comply with the provisions of this Code (LGA 2002, schedule 7, s.15). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of an elected member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

The process for the receipt of a complaint, assessment, investigation, decision making, and resolution is contained in **Appendix B**.

## 6. Review of Code

Once adopted, a Code of Conduct continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code (LGA 2002 Schedule 7 s.15). Once adopted, amendments to the Code require a resolution supported by 75 per cent of the elected members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

## 7. Disqualification of Elected Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

## Appendix A: Legislation which sets standards for ethical behaviour

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

### The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning Council decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,
8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

### The Local Government Official Information and Meetings Act 1987

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

**Conclusive reasons for withholding** – if making the information available would likely:

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

**Other reasons for withholding** – withholding the information is necessary to:

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these ‘other’ reasons, a public interest balancing test applies. In these cases the Council must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately organisation people within each Council, and elected members must work within the rules adopted by each Council.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

### The role of the Ombudsman

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman's primary role under the Ombudsmen Act 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

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

#### Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAIMA) and the participation rule (in section 6 of the LAIMA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- a person's spouse or partner is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person or their spouse or partner is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

However, in some situations outside the two listed in the Act a person can be "concerned or interested" in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the Council.

### **Non-pecuniary conflicts of interest**

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

The question is not limited to actual bias but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any conflicting interest or relationship, and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

### **Seeking exemption from the Auditor-General**

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member’s interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
  - a. the application of the rule would impede the transaction of business by the council; or
  - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General’s Guidance for members of local authorities about the law on conflicts of interest.

## **Protected Disclosures (Protection of Whistleblowers) Act 2022**

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, serious wrongdoing in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

- an offence
- a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of a public sector organisation or the Government

The Council need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an “appropriate authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

## **The Serious Fraud Office Act 1990**

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- Operations people with the right skills and experience in the relevant areas, with clear accountability lines.
- Risk mitigation to manage risks that can’t be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.

- Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).

### **The Local Government (Pecuniary Interests Register) Act 2022**

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.



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

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) – all involved in work, including elected members, are required to have a duty of care. Elected members are “officers” under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation’s culture, and
- getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- adopting a charter setting out the elected members’ role in leading health and safety – with your chief executive,
- publishing a safety vision and beliefs statement,
- establishing health and safety targets for the organisation with your chief executive,
- ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisation’s have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

## **The Harmful Digital Communications Act 2015**

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- disclose sensitive personal facts about an individual
- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence

- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](#).

## **Appendix B: Process for dealing with alleged breaches of the Code the determination and investigation of complaints**

### **Principles:**

The following principles will guide any processes for investigating and determining whether or not a breach of the Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
  - have a right to know that an investigation process is underway;
  - are given due notice and are provided with an opportunity to be heard;
  - have a right to seek appropriate advice and be represented; and
  - have their privacy respected.
- The presumption is that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

### **Step 1: Chief Executive receives complaint**

On receipt or initiation of a complaint under this Code of Conduct the Chief Executive will:

- acknowledge receipt of a complaint under the Code, and advise steps that will be taken;
- inform the Mayor (or Deputy Mayor if the complaint is against the Mayor);
- inform the respondent that a complaint has been made against them.

### **Step 2: Initial assessment**

On receipt of a complaint the Chief Executive, in conjunction with the Mayor (or Deputy Mayor if the complaint is against the Mayor<sup>1</sup>), will undertake a preliminary assessment to assess whether:

1. the complaint is frivolous or without substance;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material

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<sup>1</sup> In circumstances where a complaint directly involves the Mayor, the Deputy Mayor will work in conjunction with the Chief Executive in steps outlined in Schedule B (where CE and Mayor are referenced).

The Chief Executive and Mayor can also request from the complainant further information/evidence in support of the complaint and, and if considered appropriate, may also request a preliminary statement in response from the elected member against whom the complaint is lodged. They may also obtain and independent expert advice to assist them with this initial assessment.

The complaint may be dismissed if the Chief Executive in conjunction with the Mayor (or Deputy Mayor if the complaint is against the Mayor) finds the complaint to be trivial, vexatious, frivolous, or politically motivated.

If a complaint is not dismissed, the Chief Executive may take one of the following steps:

***Chief Executive and/or Mayor to address directly***

Where it is determined the matter to be a non-material (low level) breach, frivolous or without substance the Chief Executive and Mayor will inform the complainant and respondent directly; neither of which persons are open to challenge the decision. The Chief Executive and Mayor may inform other elected members (if there are no grounds for confidentiality) of the decision.

The Chief Executive and/or Mayor may meet with the member(s), and such a meeting may be regarded as sufficient to resolve the complaint. The Chief Executive and/or Mayor may recommend:

- That the member attends a relevant training course.
- That the member work with a mentor for a period.
- That the member tenders an apology.

***Refer to Mediation/Facilitation***

If the complaint concerns a dispute between two members, or between a member and another party, the Chief Executive and Mayor may recommend mediation or a facilitation. If mediation or facilitation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation or facilitation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation or facilitation.

**Step 3: Investigation**

Where the Chief Executive and Mayor finds through an initial assessment that the complaint is serious or no resolution can be reached and/or mediation or facilitation is refused, the Chief Executive will refer the complaint to the Code of Conduct Committee (Committee). The Committee, established at the start of each triennium, is responsible for overseeing alleged complaints that require independent investigation.

The Committee will determine the scope and terms of reference of any further enquiry or investigation required. The Committee may appoint an independent investigator (the Investigator) to inquire and report on the matter. The Chief Executive will provide guidance to the Committee as to suitably qualified independent investigators for consideration.

The Investigator will:

- determine whether a breach has occurred,
- if so, determine the seriousness and significance of the breach, and
- if requested, make recommendations as to actions that the local authority should take in response to the breach.

The Investigator will undertake an investigation appropriate to the scale of the allegations and prepare a report (the Report) which sets out the rationale for their findings.

In preparing the Report the Investigator may:

- consult with the complainant, respondent, and any affected parties,
- undertake interviews or a hearing with relevant parties, and/or
- request and refer to any relevant documents or information.

On completing an investigation of the allegation/complaint, the Investigator will furnish the Report to the Chief Executive, who in turn will report to the Code of Conduct Committee.

#### **Step 4: Process for considering the Investigator's Report**

On receiving the Report the Committee will meet to consider the findings (alongside any legal advisor that may be engaged by the Council to assist with the process) and take the following steps:

- Ensure that elected members with a direct interest in the proceedings, including the complainant and the respondent, do not take part in deliberation or discussion on the Report.
- Ensure that before making any decision in respect of the Report the Committee, and as necessary, the Council will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence.
- Where an Investigator determines that an allegation/complaint is frivolous or without substance, inform the Chief Executive and Mayor, who will in turn inform the complainant and respondent directly and inform other elected members (if there are no grounds for confidentiality) of the Investigator's decision.
- Where the Investigator finds that the allegation/complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive, the Mayor and both the complainant and respondent of the action.
- Where the Investigator finds a breach of the Code occurred, the Committee can accept the Investigator's recommendations or, if they believe it is justified, amend the Investigator's recommendations. As part of these considerations the complainant may be asked to appear before the Committee and answer questions from members.

- Consider and determine what action should be taken and make a recommendation in a report to the Chief Executive. The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in Step 5. This Committee Report will form the basis of a consequent report to the governing body (the Council) to inform them of the decision and the actions they may be required to take.
- The Council will consider the Report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

### **Step 5: Actions applied where a breach has been determined**

Where a complaint that the Code was breached has been upheld, any actions decided to be taken by the Council against the member found to be in breach should be consistent with the following principles.

- Actions should be commensurate with the seriousness of the breach.
- Actions should be applied in a manner that is appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code, one or more of the following could be selected (but are not limited to):

1. That no action is required.
2. That the member meets with the Chief Executive or Mayor (or Deputy Mayor if the complaint is against the Mayor) for advice.
3. That the member attends a relevant training course.
4. That the member agrees to cease the behaviour.
5. That the member work with a mentor for a period.
6. That the member tenders an apology.
7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
8. That the local authority sends a letter of censure to the member.
9. That the local authority passes a vote of no confidence in the member.
10. That the member loses certain Council-funded privileges (such as attendance at conferences).
11. That the member loses specific responsibilities, such as committee chair or portfolio holder.
12. That the member be subject to restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed).

13. That the member be subject to limitations on their dealings with Council staff, other than the chief executive or identified senior manager.
14. That the member be suspended from committees or other bodies to which the member has been appointed.
15. That the member be invited to consider resigning from the Council.

**The Council notes the membership of the Code of Conduct Committee was determined at the 3 October 2023 Council meeting and remains in place until the end of the Triennium in October 2025.**



# **Standing Orders**

## **For meetings of the Council, Committees, Subcommittees and Hearing Panels**

**Adopted by Council on 4 September 2025**





# Preface

Standing Orders contain rules for the conduct of the proceedings of local authorities, Committees, Subcommittees, and subordinate decision-making bodies. The Standing Orders meet the requirements of the Local Government Act 2002 (LGA 2002), and the Local Government Official Information and Meetings Act 1987 (LGOIMA 1987) in relation to the conduct of meetings.

In doing so, the application of Standing Orders contributes to greater public confidence in the quality of local governance and democracy in general. Although it is mandatory for councils to adopt Standing Orders for the conduct of their meetings, it is not necessary for them to be adopted every triennium. However, it is recommended that Standing Orders be reviewed within the first six months after an election. This is to ensure that they meet the needs of relevant bodies for running effective and inclusive meetings (see LGA 2002, sch 7 cl 27).

Please note that Standing Orders do not apply to Advisory, Steering, or Working Groups, Briefings, and Workshops unless incorporated explicitly into their terms of reference.

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

All members of a local authority must abide by Standing Orders.

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## 1. Introduction

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

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

- General Matters.
- Pre-meeting Procedures.
- Meeting Procedures.

The Appendix, which follows Part Three, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note that the Appendix is an attachment to the Standing Orders and not part of the Standing Orders themselves; consequently, amendments to the Appendix do not require the agreement of 75% of those present.

### 1.1. Principles

The Standing Orders provide rules for the Council and Committees to use when making decisions. Underpinning the Standing Orders are several principles, the most important being that councils and their members:

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

These principles are reinforced by the requirement that all local authorities act so that *“governance structures and processes are effective, open and transparent”* (LGA 2002, section 39).

In addition, the application of these Standing Orders must comply, as appropriate, with the decision-making provisions of part 6 of LGA 2002 and be consistent with section 39 of the LGA 2002, which states that “governance structures and processes are effective, open, and transparent” (LGA 2002, section 39).

## **1.2. Statutory References**

The Standing Orders consist of statutory provisions about meetings, along with guidance on how those provisions should be applied in practice.

It is essential to note that statutory references in the Standing Orders remain applicable throughout the duration of a meeting, regardless of whether the Standing Orders have been suspended.

## **1.3. Acronyms**

LGA 2002	Local Government Act 2002
LGOIMA 1987	Local Government Official Information and Meetings Act 1987
LAMIA 1968	Local Authorities (Members' Interests) Act 1968

## **1.4. Application**

For the removal of any doubt, these Standing Orders do not apply to workshops, briefings or meetings of working parties and advisory groups unless specifically included in their terms of reference.

## 2. Definitions

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

**Advisory group** refers to a group of people convened by the Council for the purpose of providing advice or information that is not a Committee or Subcommittee. These Standing Orders do not apply to such groups. This definition also applies to working parties, working groups, panels, forums, portfolio groups, and other similar bodies.

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

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

**Appointed member** is a member of a Committee, or subsidiary organisation of a Council, who is not elected.

**Audio link** refers to technology that enables audio communication between participants at a meeting when one or more of them are not physically present at the meeting location.

**Audiovisual link** refers to technology that enables audio and audiovisual communication between participants at a meeting when one or more of them are not physically present at the meeting location.

**Briefing** (which has a specific meaning and is not the same as a Workshop) refers to any non-decision-making, information-sharing session, update for elected members provided by staff or other individuals, and which is specifically Public Excluded (PX) as per the provisions of section 7 of the LGOIMA1987.

**Casting Vote** is a second vote exercised by a Chairperson to break a tie vote.

**Chairperson** refers to the person in a position of authority in a meeting or other gathering, also known as the presiding member.

**Chief Executive** indicates the Chief Executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorised by the Chief Executive.

**Clear working days** refer to the number of working days (business hours) prescribed in these Standing Orders for giving notice and exclude the date of the meeting and the date on which the notice is served.

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

- (a) A Committee comprising all the members of that authority.
- (b) A standing Committee or special Committee appointed by that authority.

- (c) A Joint Committee appointed under schedule 7 clause 30A of the LGA 2002; and
- (d) Any Subcommittee of a Committee described in (a), (b) and (c) of this definition.

**Community Board** refers to a Community Board established under section 49 of the LGA 2002.

**Conflict of Interest** refers to any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee, or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

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

**Council** refers to, in the context of these Standing Orders, the governing body of a local authority.

**Deliberative Vote** is an ordinary vote of a member (as compared to the casting vote of a chairperson).

**Debate** refers to a discussion among members that occurs after a motion has been moved/seconded.

**Deputation** is a request from any person or group to make a presentation to the Council or Committee which is approved by the Chairperson, and which may be made in English, te reo Māori or New Zealand Sign Language, subject to Standing Orders 4.3.

**Division** refers to a formal vote at a Council, Committee or Subcommittee meeting whereby the names of those members present, including the Mayor/Chairperson, are formally recorded as abstaining or voting either for or against. This includes a vote where the names and votes are recorded electronically.

**Electronic link** refers to both an audio and an audiovisual link.

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

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

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

**Internet site** relates to the Council or other person or entity's Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

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

**Karakia timatanga** is an opening prayer.

**Karakia whakamutunga** is a closing prayer.

**Lawfully excluded** means an elected member who has been removed from a meeting due to behaviour that a chairperson has ruled to be contempt.

**Leave of absence** refers to a pre-approved absence for a specified period of time consistent with the Council policy, should one be in place.

**Local authority**, in the context of these Standing Orders, refers to any Community Boards, Local Boards, Committees or subordinate decision-making bodies established by the territorial authority.

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

**Meeting** refers to any first, inaugural, ordinary, extraordinary, or emergency meeting of the Council, subordinate and decision-making bodies of the Council convened under the provisions of LGOIMA 1987.

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

**Member of the Police** is a Constable of the New Zealand Police within the definition of section 4 of the Policing Act 2008.

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

**Minutes** refers to the record of the proceedings of any meeting of the local authority.

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

**Mover** refers to the member who initiates a motion.

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

**Non-elected member** See Appointed Member.

**Notice of motion** refers to a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these Standing Orders.

**Officer** refers to any person employed by the Council, either full or part-time, on a permanent, casual or contract basis.

**Open voting** refers to voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately after it has concluded. Secret ballots are specifically excluded.

**Order paper** is a list of items for consideration at a meeting, along with reports and other attachments related to those items, presented in the order in which they will be discussed. An order paper is also referred to as an agenda.

**Ordinary meeting** is any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA 1987.

**Original motion** refers to the first motion moved in a debate, before amendment (if any).

**Pecuniary Interest** includes any matter or activity of financial benefit to the member as set out in the provisions of the Local Authorities (Members' Interests) Act 1968 and the Local Government (Pecuniary Interests Register) Amendment Act 2022.

**Petition** refers to a request to a local authority which contains at least five signatures.

**Powhiri** is a formal welcome that involves a Karanga from the Tangata Whenua (the indigenous people), followed by formal speech-making. A Powhiri is generally used for formal occasions of the highest significance.

**Present** at the meeting to constitute a quorum means the member must either be physically present in the room or attend the meeting via audio/visual link, if permitted by these Standing Orders.

**Presiding** member refers to the Chairperson.

**Procedural motion** is a motion that is used to control the way in which a motion or the meeting is managed as specified in Standing Order 25.

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

- Any minutes (or portions of minutes) of public excluded sessions which the Council has not subsequently released; and
- Any other information which the Council has not released as publicly available information.

**Public excluded (PX)** session refers to those meetings or parts of meetings from which the public is excluded by the council as provided for in LGOIMA 1987. Also referred to as a confidential or in-committee session.

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

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

**Publicly notified** refers to notifying members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such

newspaper, by notice displayed in a public place. The notice may also be replicated on a Council's website.

**Qualified privilege** is the privilege conferred on a member by sections 52 and 53 of LGOIMA 1987.

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

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

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

**Right of reply** refers to the right of the mover of the substantive/original motion to reply to those who have spoken to the motion.

**Second** is the member who seconds a motion or amendment.

**Sub judice** refers to under judicial consideration and, therefore, is prohibited from public discussion elsewhere.

**Subordinate decision-making body** refers to Committees, Subcommittees, and any other bodies established by the Council that have decision-making authority, but not Community Boards or Joint Committees.

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

**Substantive resolution** refers to an original motion which has been amended by the meeting.

**Subcommittee** is a subordinate decision-making body established by a Council, or a Committee of a Council. See definition of "Committee".

**Working day** is a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday.
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between 20 December and 10 January of the following year, any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

**Working party** is a group set up by a local authority to achieve a specific objective that is not a Committee or Subcommittee and to which these Standing Orders do not apply.

**Workshop**, in the context of these Standing Orders, is a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members and are open to the public.



# General Matters

## 3. Standing Orders

### 3.1. Obligation to adopt Standing Orders

Councils are required to adopt a set of Standing Orders.

- Standing Orders set out how meetings are conducted.
- Standing Orders must not contravene any Act. If Standing Orders are inconsistent with a legal requirement, that requirement prevails over the Standing Orders.

This obligation applies to City and District Councils, Regional councils, local boards and Community Boards.

*LGA 2002, sch 7 cls 27(1) & (2).*

### 3.2. Process for adoption and alteration of Standing Orders

The adoption of Standing Orders and any amendment to Standing Orders must be made by the Council and by a vote of not less than 75% of the members present.

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

### 3.3. Members must obey Standing Orders

All members of the Council, including members of Committees and Subcommittees, Joint Committees and Hearing Panels, must obey these Standing Orders.

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

### 3.4. Application of Standing Orders

These Standing Orders apply to all meetings of the Council, its Committees, Subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public is excluded from.

### 3.5. Temporary suspension of Standing Orders

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

The meeting must suspend Standing Order(s) by resolution.

The meeting's motion to suspend a Standing Order(s), must include:

- The reason for suspending the Standing Order(s).
- The Standing Order(s) being suspended.

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

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

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

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. In the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

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

### **3.6. 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.

### **3.7. Quasi-judicial Proceedings**

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

Quasi-judicial proceedings are held to conduct hearings and/or consider disputes.

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

### **3.8. Physical address of members**

Every member of the Council must give to the Chief Executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within five working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act 2020, and permission of the individual elected member.

## **4. Meetings**

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

The Council must hold meetings for the good government of its district. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA 1987; and
- (c) These Standing Orders.

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

#### **4.2. Meeting duration**

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

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

#### **4.3. Language**

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

If a member intends to address the meeting in New Zealand Sign Language or te reo Māori, when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson at least two working days before the meeting.

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

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

#### **4.4. Webcasting meetings**

Webcast meetings can be provided in accordance with the protocols contained in [Appendix 5](#).

#### **4.5. First meeting (Inaugural)**

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

*LGA 2002, sch 7 cls 21(1)-(4).*

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

The Chief Executive (or, in the absence of the Chief Executive, their nominee) must chair the first meeting until the Mayor has made an oral declaration and attested the declaration (see LGA 2002, sch 7 cl 21(4)).

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

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

- (a) The making and attesting of the oral and written declarations required of the Mayor (if any) and members under LGA 2002, schedule 7 clause 14;
- (b) A general explanation, given or arranged by the Chief Executive, of:
  - i. LGOIMA 1987; and
  - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (c) The fixing of the date and time of the first meeting of the Council, or the adoption of a schedule of meetings; and
- (d) Where the Mayor has not appointed a Deputy Mayor (under section 41A(3)(a) of the LGA 2002) prior to the meeting, the election of the Deputy Mayor

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

**Note** the general explanation of Acts can also include the LGA 2002 provisions relating to the Register of members' pecuniary interests (sections 54A – 54I). The business that must be conducted at the first meeting will not include any business dealt with at that Urgent Meeting.

## 5. Appointments and Elections

### 5.1. Mayoral appointment of the Deputy Mayor, Committee Chairpersons and Members

A Mayor may appoint the Deputy Mayor, the Chairperson, and the members of each Committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the Council after the appointments are made. The Mayor may also appoint themselves.

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

### 5.2. Council discharge of a Mayoral appointment

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

If the Mayor declines to appoint a Deputy Mayor or Committee Chairpersons in accordance with LGA 2002, section 41A, the Council (or a Committee, if directed by the Council) must elect those positions in accordance with Standing Order 5.4.

*LGA 2002, sch 7 cl 31.*

### 5.3. Establishment of Committees by the Mayor

The Mayor may establish Committees of the Council. Where a Mayor exercises this right, a list of the Committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish Committees under LGA 2002, section 41A, then any decision to establish Committees must follow the processes set out in these Standing Orders.

Nothing, however, limits or prevents the Council from discharging or reconstituting, in accordance with LGA 2002, schedule 7 clause 30, a Committee established by the Mayor, or appointing more Committees in addition to any established by the Mayor.

**Note** that a Mayor is a member of every Committee unless specific legislation provides otherwise, such as a Committee established under section 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, ss 41A (3) and (4).

### 5.4. Elections Deputy Mayors and Deputy Chairpersons

The Council (or a Committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

- (a) the Deputy Mayor.
- (b) the Chairperson and Deputy Chairperson of a Committee; and
- (c) a representative of Council.

**Note:** This provision does not apply in situations where a Mayor has used their powers under LGA 2002, section 41A to appoint a Deputy Mayor, or Committee chairs. See [Appendix 7](#).

LGA 2002, sch 7 cl 25.

### 5.5. Removal of a Deputy Mayor

A Deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the Council, can only be removed in accordance with LGA 2002, schedule 7 clause 18. See [Appendix 7](#).

LGA 2002, sch 7 cl 18.

### 5.6. Voting system for Deputy Mayors and Committee Chairpersons

When electing a Deputy Mayor or a Committee Chairperson, the Council must resolve to use one of the following two voting systems.

#### System A

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

- (a) There is a first round of voting for all candidates.

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

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

### **System B**

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

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

*LGA 2002, sch 7 cl 25.*

## **6. Delegations**

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

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

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

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

### **6.2. Duty to consider delegations to Community Boards**

A Council that has Community Board(s) must consider whether to delegate to a Community Board if the delegation will enable the Community Board to achieve its role best.

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

### **6.3. Limits on Delegations**

Unless clearly stated in the LGA 2002 or any other Act, the Council may, for the purposes of efficiency and effectiveness, delegate to a Committee, Subcommittee, subordinate decision-making body, Community Board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate.
- (b) The power to make a bylaw.
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.

- (d) The power to adopt a long-term plan, annual plan, or annual report.
- (e) The power to appoint a Chief Executive.
- (f) The power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement.
- (g) The power to adopt a remuneration and employment policy.

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

#### **6.4. Committees may delegate**

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

*LGA 2002, sch 7 cls 32(2) & (3).*

#### **6.5. Use of Delegated Powers**

The Committee, Subcommittee, other subordinate decision-making body, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the Council, Committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

*LGA 2002, sch 7 cls 32(2), (3) & (4).*

#### **6.6. Bodies are subject to the direction of the Council**

A Committee, Subcommittee, or other subordinate decision-making body is subject to the control of the local authority or Committee that appointed it in all matters.

A Committee, Subcommittee or other subordinate decision-making body must carry out all general and special directions given to them by the Council or Committee.

*LGA 2002, sch 7 cls 30(3) & (4).*

## **7. Committees**

### **7.1. Appointment of Committees and Subcommittees**

The Council may appoint the Committees, Subcommittees, and other subordinate decision-making bodies that it considers appropriate. A Committee may appoint the Subcommittees that it deems appropriate unless it is prohibited from doing so by the Council.

*LGA 2002, sch 7 cls 30(1) & (2).*

## **7.2. Discharge or reconstitution of Committees and Subcommittees**

Unless expressly provided otherwise in legislation or regulation:

- (a) The Council may discharge or reconstitute a Committee or Subcommittee, or other subordinate decision-making body; and
- (b) A Committee may discharge or reconstitute a Subcommittee.
- (c) A Committee, Subcommittee, or other subordinate decision-making body is, unless the Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

*LGA 2002, sch 7 cls 30(5) & (7).*

**Note:** *The Civil Defence and Emergency Management Act 2002 section 12(2) states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. This also applies to the District Licensing Committee, subject to Council resolution, section 193 of LGA 2002 and the Sale and Supply of Alcohol Act 2012.*

## **7.3. Appointment or discharge of Committee members and Subcommittee members**

The Council may appoint or discharge any member of a Committee and, if established by the Council, a Subcommittee. A Committee may appoint or discharge any member of a Subcommittee appointed by the Committee unless directed otherwise by the Council.

*LGA 2002, sch 7 cls 31(1) & (2).*

## **7.4. Elected members' membership of Committees and Subcommittees**

A Council or Committee may appoint non-elected members (appointed members) to a Committee or Subcommittee. At least one member of a Committee must be an elected member. The Council or a Committee may appoint a person who is not a member of the Council to a Committee or Subcommittee if, in the opinion of the Council or Committee, the person has the skills, attributes or knowledge to assist the Committee or Subcommittee. A staff member of the local authority, in the course of their employment, can be a member of a Subcommittee but not a Committee.

*LGA 2002, sch 7 cls 31(1), (3) & (4).*

## **7.5. The Council may replace members if Committee is not discharged**

If the Council resolves that a Committee, Subcommittee or other subordinate decision-making body is not to be discharged under LGA 2002, schedule 7 clause 30(7) the Council may replace the members of that Committee, Subcommittee or subordinate decision-making body after the next triennial general election of members.

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



## **7.6. Minimum numbers on Committees and Subcommittees**

Committees may set the quorum for their Subcommittees by resolution, if it is not less than two members.

*LGA 2002, sch 7 cl 31(6)*

## **7.7. Membership of the Mayor**

The Mayor is a member of every Committee of Council unless specific legislation provides otherwise, such as a Committee established under section 189 of the Sale and Supply of Alcohol Act 2012.

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

## **7.8. Ex Officio Member**

The portfolio holder or any member of the Council may be appointed an ex-officio member of any Committee other than a Community Board or a Quasi-judicial Committee.

**Note:** *The Council Portfolio holder can attend any workshop and/or briefing relating to their portfolio.*

## **7.9. Decision not invalid despite irregularity in membership**

For the purpose of these Standing Orders, a decision of the Council or Committees is not invalidated if:

- (a) There is a vacancy in the membership of the Council or Committee, at the time of the decision; or
- (b) Following the decision, some defect in the election or appointment process is discovered and/or that the membership of a person on the Committee at the time is found to have been ineligible.

*LGA 2002, sch 7 cl 29.*

## **7.10. Appointment of Joint Committees**

The Council may appoint a Joint Committee with another local authority or other public body if it has reached an agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint.
- (b) How the Chairperson and Deputy Chairperson are to be appointed.
- (c) The terms of reference of the Committee.
- (d) What responsibilities, if any, are to be delegated to the Committee by each party;

- (e) How the agreement may be varied; and
- (f) The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the Committee agreed by the parties.

*LGA 2002, sch 7 cls 30A(1)-(3).*

**Note:** *A Mayor who is a member of a joint committee by virtue of LGA 2002, section 41A(5), is not counted as part of the quorum of that joint committee.*

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

### **7.11. Status of Joint Committees**

A Joint Committee is deemed both a Committee of the Council and a Committee of each other participating local authority or public body.

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

### **7.12. Power to appoint or discharge individual members of a Joint Committee**

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

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

# Pre-Meeting

## 8. Giving notice

### 8.1. Public notice – Ordinary Meetings

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

*LGOIMA 1987, s 46.*

### 8.2. Public notice/publicly notified means:

- (a) publicly available on the council's internet site; and
- (b) published in at least:
  - i. 1 daily newspaper which circulates in the region or district of the Council; or
  - ii. 1 or more other newspapers that have a combined circulation equivalent to the newspaper in i) above.

*LGA 2002 s 5 and LGOIMA 1987, ss 2 & 46.*

### 8.3. Notice to members - Ordinary Meetings

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

*LGA 2002, sch 7 cl 19(5).*

### 8.4. Extraordinary meeting may be called

An extraordinary Council meeting may be called by:

- (a) Resolution of the Council, or
- (b) A requisition in writing delivered to the Chief Executive, which is signed by:
  - i. The Mayor; or
  - ii. Not less than one third of the total membership of the Council (including vacancies).

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

### **8.5. Notice to members - Extraordinary meetings**

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

*LGA 2002, sch 7 cl 22.*

### **8.6. Emergency meetings may be called**

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

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the Chief Executive.

*LGA 2002, sch 7 cl 22A(1).*

### **8.7. Process for calling an Emergency meeting**

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

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

*LGA 2002, sch 7 cl 22A(2).*

### **8.8. Public notice – Emergency and Extraordinary meeting**

Where an emergency or extraordinary meeting of the Council is called but the notice of the meeting is inconsistent with these Standing Orders, due to the manner in which it was called, the Council must cause that meeting and the general nature of business to be transacted at that meeting:

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

*LGOIMA 1987, s 46(3).*

### 8.9. An urgent meeting may be called

The Chief Executive may call an urgent meeting of the Council before candidates to be declared elected after a recount are known if:

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

*LGA 2002, sch 7 cls 21A(1)-(2).*

### 8.10. Process for calling an urgent meeting

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

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

Notice must be given to each of those persons:

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

The notice must specify:

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

*LGA 2002, sch 7 cls 21A(3) & (5).*

### 8.11. Public notice – Urgent meetings

Where an urgent meeting is called and the public notice requirements of LGOIMA 1987 and/or these Standing Orders cannot be met, the council must still publicly notify the meeting.

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

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

*LGA 2002, sch7 cl 21A(4) and LGOIMA 1987, s 46(3).*

### 8.12. Conduct of urgent meetings

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

- (a) In respect of the persons described in LGA 2002, schedule 7 clause 21A(3)(a), the oral and written declarations of the Mayor (if any) and members (under clause 14).
- (b) A general explanation of LGOIMA 1987 and other laws affecting members, including the appropriate provisions of LAMIA 1968; The Crimes Act 1961 (sections 99, 105, and 105A); the Secret Commissions Act 1910; the Financial Markets Conduct Act 2013, and the LGA 2002 provisions relating to the register of members' pecuniary interests (sections 54A – 54I).
- (c) The matter in respect of which the Urgent meeting has been called.
- (d) The election of a member to preside at the Urgent meeting (if required).
- (e) The Council cannot consider any items other than those specified above.
- (f) If multiple urgent meetings are required, the items outlined in (a) and (b) (above) may be omitted from the business to be conducted if they have previously been dealt with.
- (g) The Chief Executive (or their nominee in the Chief Executive's absence) must chair the Urgent meeting until:
  - i. the Mayor (if any) has made their oral and written declarations; or
  - ii. the members that are present have:
    - made their oral and written declarations; and
    - elected one of their number to preside at the urgent meeting.
- (h) An affected candidate cannot participate in the meeting but may attend the meeting if it is open to the public.

*LGA 2002, sch 7 cl 21B.*

### 8.13. Meetings not invalid

The failure to notify a public meeting under these Standing Orders does not, in itself, make that meeting invalid. However, where the Council becomes aware that a meeting has been incorrectly notified, it must, as soon as practicable, give public notice stating:

- (a) That the meeting occurred without proper notification.
- (b) The general nature of the business transacted; and
- (c) The reasons why the meeting was not properly notified.

*LGOIMA 1987, s 46(6).*

#### **8.14. Resolutions passed at an Extraordinary or Emergency meeting**

The Council must, as soon as practicable, publicly notify any resolution passed at an extraordinary or emergency meeting of the Council unless:

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

*LGOIMA 1987, s 51A.*

#### **8.15. Meeting schedules**

Where the Council adopts a meeting schedule, it may cover any period that the Council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA 1987 to notify each meeting publicly.

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

#### **8.16. Non-receipt of notice to members**

A meeting of the Council is not invalid if notice of that meeting was not received, or not received in due time, by a member of the Council 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 the Council may waive the need to be given notice of a meeting.

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

#### **8.17. Meeting cancellations**

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

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

### **9. Meeting Agenda**

#### **9.1. Preparation of the Agenda**

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

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

The agenda must:

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

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

Requests for reports may be made by a resolution of the Council, Committee, Subcommittee, and subordinate decision-making body, and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations.

## **9.3. Chief Executive may delay or refuse request**

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

Where a Chief Executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

## **9.4. Order of Business**

At the meeting, the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson or the meeting decides otherwise. An example of a default order of business is set out in [Appendix 9](#).

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

## **9.5. Chairperson's Recommendation**

A Chairperson may, at the meeting, include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of part 6 of the LGA 2002.

## **9.6. Chairperson's Report**

The Chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter, which falls within the responsibilities of that meeting, as described in its terms of reference.

*For clarity, any recommendation must comply with the decision-making requirements of part 6 of the LGA 2002.*



### **9.7. Public availability of the Agenda**

All information provided to members at Council or Committee meetings must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

*LGOIMA 1987, ss 5 & 46A.*

### **9.8. Public inspection of Agenda**

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

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

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

- (a) It is sufficient for the documents to be available for electronic inspection.
- (b) No charge can be imposed for the inspection of the agendas (including reports).

*LGOIMA 1987, s 46A(1)-(3).*

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

Additional copies of the summary 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 free of charge.

*LGOIMA 1987, s 49.*

### **9.10. Withdrawal of Agenda items**

If justified by circumstances, an agenda item may be withdrawn by the Chief Executive or his/her delegate. In the event of an item being withdrawn, the Chief Executive should inform the Chairperson.

### 9.11. Distribution of the Agenda

The Chief Executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The Chief Executive may send the agenda, and other materials relating to the meeting or other Council business, to members by electronic means.

### 9.12. Status of Agenda

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

### 9.13. Items of business not on the Agenda which cannot be delayed

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

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

*LGOIMA 1987, s 46A(7).*

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

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

### 9.14. Discussion of minor matters not on the Agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision, or recommendation about the item, except to refer it to a subsequent meeting for further discussion. All formal decisions must be supported by a staff report.

*LGOIMA 1987, s 46A(7A).*

### 9.15. Public excluded business on the Agenda

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

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

- (a) the matter is expected to be discussed with the public excluded.

- (b) the general subject of any items to be considered while the public is excluded;
- (c) the reasons for passing a resolution (with reference to the particular provision relied on for each matter); and
- (d) the actual grounds in LGOIMA 1987, s 48(1) relied on to exclude the public.

*LGOIMA 1987, ss 46A(8)-(9) and 48(3).*

**Note:** *The Ombudsman advises that the reason for passing a resolution should contain specific details about the harm the Council is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA 1987.*

#### **9.16. Qualified privilege relating to Agenda and Minutes**

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

*LGOIMA 1987, s 52.*

# Meeting Procedures

## 10. Opening and closing

The Council and Committees may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

## 11. Quorum

### 11.1. Council meetings

The quorum for a meeting of the Council is:

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

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

### 11.2. Committees and Subcommittee meetings

A Council sets the quorum for its Committees and Subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their Subcommittees by resolution if it is not less than two members.

In the case of Subcommittees, the quorum will be two members unless otherwise stated. In the case of Committees, at least one member of the quorum must be a member of the Council.

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

### 11.3. Joint Committees

The quorum at a meeting of a Joint Committee must be consistent with Standing Order 11.1. Local authorities participating in the Joint Committee may decide, by agreement, whether the quorum includes one or more members appointed by each local authority or any party.

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

#### **11.4. Mayor as a member of a Joint Committee**

A Mayor is a member of all Joint Committees.

If the Mayor is a member solely due to LGA 2002, section 41A(5), the Mayor is not counted as a member of the Committee for determining:

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

*LGA 2002, s 41A(5) and LGA 2002, sch 7 cl 30A(6A).*

#### **11.5. Requirement for a quorum**

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

*LGA 2002, sch 7 cl 23(1)-(2).*

#### **11.6. Meeting lapses where no quorum**

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

No business may be conducted while waiting for the quorum to be reached.

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

#### **11.7. Business from lapsed meetings**

Where meetings lapse, the remaining business will be adjourned and placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting, and the Chief Executive notifies this.

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

For the avoidance of doubt, these Standing Orders only apply to decision-making meetings and do not apply to any non-decision-making meeting of the Council and Committees, which has been properly constituted as a meeting under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

## **12. Public access and recording**

### **12.1. Meetings open to the public**

Except as otherwise provided by part 7 of LGOIMA 1987, every meeting of the Council authority, its Committees, and Subcommittees, must be open to the public.

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

*LGOIMA 1987, ss 47 & 49(a).*

## 12.2. Grounds for removing the public

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

*LGOIMA 1987, s 50(1).*

## 12.3. The Council may record meetings

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

## 12.4. Public may record meetings

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

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

# 13. Attendance

## 13.1. Members' right to attend meetings

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

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

If a member of the Council is not an appointed member of the meeting, which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the Chairperson, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of section 48 of LGOIMA 1987. Consequently, if the meeting resolves to exclude the public, then any members of the Council who are present may remain, unless they are lawfully excluded.

**Note** *this section does not confer any rights to non-elected members appointed to Committees of a local authority.*

## 13.2. Attendance when a Committee is performing Judicial or Quasi-judicial functions

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

### **13.3. Leave of Absence**

A Council/Committee may grant a member leave of absence following an application from that member. The Council/Committee may delegate the power to grant a leave of absence to the Mayor/Chairperson to protect a members' privacy, and the Council/Committee may approve an application from the Mayor/Chairperson. The Mayor/Chairperson will advise all members of the Council/Committee whenever a member has been granted leave of absence under delegated authority. Meeting Minutes will record that a member has leave of absence as an apology for that meeting.

### **13.4. Apologies**

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Mayor (or Chairperson) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on Council business where their absence is a result of a commitment made on behalf of the Council.

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

### **13.5. Recording apologies**

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

### **13.6. Absent without leave**

Where a member is absent from four consecutive meetings of the Council, or Committees without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

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

### **13.7. Right to attend by audio or audiovisual link**

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the Council and its Committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

### **13.8. Member attending meetings by electronic link's status: Quorum**

Members who participate in the meetings by electronic link will be counted as present for the purposes of a quorum.

*LGA 2002, sch 7 cl 25A(4).*

### **13.9. Member attending meetings by electronic link's status: Voting**

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

### **13.10. Chairperson's duties regarding attendance by electronic link**

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

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
  - i. Everyone participating in the meeting can hear each other.
  - ii. The member's attendance by audio or audiovisual link does not reduce their accountability or accessibility of that person in relation to the meeting.
  - iii. The requirements of part 7 of LGOIMA 1987 are met; and
  - iv. The requirements in these Standing Orders are met.

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

### **13.11. Conditions for attending by audio or audiovisual link**

Noting Standing Order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

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

### **13.12. Request to attend by audio or audiovisual link**

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

Where such a request is made and the technology is available, the Chief Executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the Council has no obligation to make the technology for an audio or audiovisual link available.

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



### 13.13. Chairperson may terminate link

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting.
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members.
- (c) It is distracting to the members who are physically present at the meeting.
- (d) The quality of the link is no longer suitable.
- (e) Information classified as confidential may be compromised (see also Standing Order 13.16).

### 13.14. Giving or showing a document

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

- (a) Transmitting it electronically; or
- (b) Using the audiovisual link; or
- (c) Any other manner that the Chairperson thinks fit.

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

### 13.15. Link failure

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

### 13.16. Confidentiality

A member who is attending a meeting by audio or audiovisual link must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the Chairperson is not satisfied by the explanation, they may terminate the link.

## 14. Chairperson's role in meetings

### 14.1. Council meetings

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

*LGA 2002, sch 7 cls 26(1), (5) & (6).*

#### **14.2. Other meetings**

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

*LGA 2002, sch 7 cls 26(2), (5) & (6).*

#### **14.3. Addressing the Chairperson**

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

#### **14.4. Chairperson's rulings**

The Chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where a point of order questions the Chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see Standing Order 20.5).

#### **14.5. Chairperson standing**

Whenever the Chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

#### **14.6. Member's right to speak**

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

#### **14.7. Chairperson may prioritise speakers**

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

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the Chairperson to permit the member a special request.

## 15. Public forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input.

Public forums are designed to enable members of the public to bring matters of their choice, not necessarily on the meeting's agenda, to the attention of the Council.

In the case of a Committee, or Subcommittee, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body. Any matter raised in a public forum that requires a decision must be considered at a meeting, accompanied by a report.

### 15.1. Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, may be available for the public forum at each scheduled Council meeting.

Speakers can speak for up to ten minutes.

No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds six in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

Requests to speak at a public forum must be:

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

The Chairperson has discretion to:

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

### 15.2. Restrictions

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

- (a) A speaker is repeating views presented by an earlier speaker at the same public forum.
- (b) The speaker is criticising elected members and/or staff.
- (c) The speaker is being repetitious, disrespectful, or offensive.
- (d) The speaker has previously spoken on the same issue.

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

### **15.3. Questions at public forums**

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers.

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

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

### **15.4. No resolutions**

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

## **16. Deputations**

### **16.1. Receiving deputations**

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 or Governance Staff at least two clear working days before the date of the meeting concerned and has been subsequently approved by the Chairperson. The Chairperson may refuse requests for deputations which are repetitive or offensive.

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, two clear working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

### **16.2. Urgency or major public interest**

Notwithstanding Standing Order 16.1 where in the opinion of the Chairperson the matter, which is the subject of a deputation, is one of urgency or significant public interest, the Chairperson may determine that the deputation be received.

### **16.3. Time limits**

Unless the chairperson has restricted the speaking time under Standing Order 15.1:

- (a) speakers can speak for up to five minutes (excluding questions); and

- (b) no more than two speakers can speak on behalf of a deputation.

#### **16.4. Restrictions**

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

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

#### **16.5. Questions of a deputation**

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

#### **16.6. Resolutions**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded. Any matter raised in a deputation requiring a decision must be considered at a meeting with an accompanying report.

### **17. Petitions**

#### **17.1. Form of petitions**

Petitions may be presented to the Council or any of its Committees provided the subject matter falls within the terms of reference of the intended meeting.

Petitions must:

- (a) Petitions must contain at least five signatures and consist of fewer than 150 words (not including signatories) and be of serious intent.
- (b) Be received by the Chief Executive at least five clear working days before the meeting at which they will be presented. The Chairperson may waive the requirement that petitions be filed five working days before the meeting.
- (c) Must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege).

- (d) May be written in English or te reo Māori. Petitioners planning to present a petition in te reo Māori or sign language should notify the relevant Chief Executive at least five clear working days prior to the meeting to allow for translation and reprinting, if necessary.

### 17.2. Petition presented by petitioner

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

### 17.3. Petition presented by a member

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

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

## 18. Exclusion of public

### 18.1. Motions and Resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA 1987 (see [Appendix 1](#)).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA 1987 (see [Appendix 2](#)). The resolution must state:

- (a) The general subject of each matter to be excluded.
- (b) The reason for passing the resolution in relation to that matter.
- (c) The grounds on which the resolution is based.
- (d) The resolution will form part of the meeting's Minutes.

**Note:** LGOIMA 1987 ss 7(2)(f) and (i) (free and frank expression) cannot be used as a ground to exclude the public from meetings.

LGOIMA 1987, s 48.

## 18.2. Code of Conduct Committee

Should a Code of Conduct Committee be called, the Chairperson has the right to exclude elected members who are not directly involved in the Committee, based on LGOIMA 1987 reasons related to the privacy of natural persons.

*ie, The only persons recommended to be present at a Code of Conduct Committee are the Committee Panel (consisting of four elected members), the elected member whom any complaint has been laid against and the Chief Executive and minute taker. It is the discretion of the Committee Chairperson as to the presence of the Mayor or any other elected member for specific portions of the meeting that may directly relate to specific aspects of the hearing.*

## 18.3. Specified people may remain

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

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

*LGOIMA 1987, s 48(6).*

## 18.4. Public Excluded items

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

*LGOIMA 1987, s 46A(8).*

## 18.5. Non-disclosure of information

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

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

- (a) There are no grounds under LGOIMA 1987 for withholding the information; and
- (b) The information is no longer confidential.

## **18.6. Release of information from public excluded session**

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

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

## **19. Voting**

### **19.1. Decisions by majority vote**

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, the Council must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

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

### **19.2. Open voting**

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

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

### **19.3. Chairperson does NOT have a casting vote**

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has no casting vote.

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

### **19.4. Method of voting**

The method of voting must be as follows:

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



### **19.5. Calling for a division**

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

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

### **19.6. Restating the motion**

The Chairperson may, immediately before any vote being taken, request the Chief Executive or the minute taker to restate the motion upon which the vote is to be taken.

### **19.7. Request to have votes recorded**

If requested by a member, immediately after a vote, the Minutes must record the member's vote or abstention. Recording any other matters, such as a member's reason for their vote or abstention, is not permitted.

### **19.8. Members may abstain**

Any member may abstain from voting.

## **20. Conduct**

### **20.1. Calling to order**

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

### **20.2. Behaviour consistent with Code of Conduct (disrespect)**

At a meeting, no member may act inconsistently with the Elected Members Code of Conduct or speak or act in a manner which is disrespectful of other members, staff, or the public.

### **20.3. Retractions and apologies**

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

## **20.4. Disorderly conduct**

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

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

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

## **20.5. Contempt**

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

A member, who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

## **20.6. Removal from meeting**

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

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

## **20.7. Financial conflicts of interests**

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in section 6 LAMIA 1968 applies to them, or the Auditor-General has granted them an exemption or declaration under LAIMA 1968, section 6 (noting such exemption or declaration is valid for a period no longer than 12-months at a time).

Members with a financial interest should physically withdraw from the table. It is recommended that members should leave the room until the item has been concluded.

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

*LAMIA 1968, ss 6 & 7.*

## 20.8. Non-financial conflicts of interest

Non-financial interests involve questions about whether the judgment of a member of a Council could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member should physically withdraw from the table when the matter is considered. It is recommended that members should leave the room until the item has been concluded. The Minutes must record the declaration, reason why and member's subsequent abstention from discussion and voting.

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

**Note:** *A Register of Interests (covering both financial and non-financial aspects) will be kept by the Chief Executive (or delegate) and reviewed at least six monthly for the Council, the Waimakariri Water Zone Committee, and all Community Boards.*

## 20.9. Qualified privilege for meeting proceedings

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

*LGOIMA 1987, s 53.*

## 20.10. Qualified privilege additional to any other provisions

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

*LGOIMA 1987, s 53.*

## 20.11. Electronic devices at meetings

Electronic devices and phones should only be used to support the business of the meeting. Where personal use is unforeseen prior to the meeting, members should seek permission from the Chairperson to leave the meeting to deal with such matters. It is not deemed good practice or indeed appropriate to convey any aspect of meeting content or decision via personal electronic devices prior to the conclusion of the meeting.

A Chairperson may require that an electronic device be switched off if:

- (a) its use is likely to distract a meeting from achieving its business; or,
- (b) a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

## **21. General rules of debate**

### **21.1. Chairperson may exercise discretion**

The application of any procedural matters in this section of the Standing Orders, such as the number of times a member may speak or when a Chairperson can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

### **21.2. Time limits on speakers**

The following time limits apply to members speaking at meetings:

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

Time limits can be extended by:

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

### **21.3. Questions to staff**

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

### **21.4. Questions of clarification during debate**

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

### **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.

### **21.6. Questions to be in writing**

Questions that are not directly related to a specific matter (report) on the agenda shall be in writing and handed to the Chairperson prior to the commencement of the meeting at which they are to be asked and in time for an appropriate answer to be prepared.

### **21.7. 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 following Council/Committee meeting.

### **21.8. Members may speak only once**

A member may not speak more than once to a motion at a meeting of Council, except with permission of the Chairperson. Movers of the original motion may speak once to each amendment. Members can speak more than once to a motion at a Committee or Subcommittee meeting with the Chairperson's permission.

### **21.9. Limits on the number of speakers**

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

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

### **21.10. Seconder may reserve speech**

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

### **21.11. Speaking only to relevant matters**

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

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

### **21.12. 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.

### **21.13. Personal explanation**

Notwithstanding Standing Order 20.5, members may make a personal explanation with the permission of the Chairperson, provided that the matter is personal to the member, deals with a fact and is not derogatory in nature. Such matters may not be debated.

### **21.14. 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.

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

### **21.15. Restating motions**

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

### **21.16. Criticism of resolutions**

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

### **21.17. Objecting to words**

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

**Note:** *This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.*

### **21.18. Right of reply**

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

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

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

### **21.19. No other member may speak**

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

- (a) After the mover has started their reply.
- (b) After the mover has indicated that they want to forego this right; and

- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

## **21.20. Adjournment motions**

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

## **21.21. Chairperson's acceptance of closure motions**

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

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

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

### **22.1. Options for speaking and moving**

- (a) The mover and seconder of a motion cannot move or second an amendment. *(This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend a matter in the report. In this case, the original mover or seconder may also move or second the amendment.)*
- (b) Only members who have not spoken to the original, substituted or substantive motion may move or second an amendment to it.
- (c) The mover or seconder of an amendment, whether it is carried *(in which case it becomes the substantive motion)* or lost, cannot move or second a subsequent amendment.
- (d) Members can speak to any amendment. The meeting may reword a motion provided that:
  - i. the mover and seconder agree to the rewording; and
  - ii. the majority of members agree to the rewording.

### **22.2. Procedure if no resolution reached**

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

## 23. Motions and amendments

### 23.1. Proposing and seconding motions

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

Amendments and motions that are not seconded are recorded in the Minutes as lapsed.

**Note:** *Members who move or second a motion are not required to be present for the entirety of the debate.*

### 23.2. Motions in writing

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

### 23.3. Motions expressed in parts

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

### 23.4. Substituted motion

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

### 23.5. Amendments to be relevant and not direct negatives

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

- (a) Not directly relevant
- (b) In conflict with a carried amendment
- (c) Similar to a lost amendment
- (d) Would negate a Committee decision if made under delegated authority
- (e) In conflict with a motion referred to the governing body by that meeting
- (f) Direct negative.

**Note** *that amendments that are significantly different must comply with the decision-making provisions of part 6 of the LGA 2002.*



### **23.6. Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

### **23.7. Lost amendments**

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

### **23.8. Carried amendments**

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

### **23.9. Where a motion is lost**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment, provided that they have not moved or seconded the original motion or a previous amendment. If a motion is lost the status quo will remain.

### **23.10. Withdrawal of motions and amendments**

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

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

### **23.11. No speakers after the reply or motion have been put**

A member may not speak to any motion once:

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

### **23.12. 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, provided that they have not moved or seconded the original motion or a previous amendment. 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.

### **23.13. Procedure until resolution**

The procedures in Standing Orders 23.12 and 23.6 must be repeated until a resolution is adopted.

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

### **24.1. Member may move revocation of a decision**

A member may give the Chief Executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council, or subordinate body. The notice must set out:

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

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

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

If a resolution is made under delegated authority by a Committee, Subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or Community Board.

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

### **24.3. Restrictions on actions under the affected resolution**

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

Exceptions apply where, in the opinion of the Chairperson:

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

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

#### **24.4. Revocation or alteration by resolution at same meeting**

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

#### **24.5. Revocation or alteration by recommendation in report**

The Council, on a recommendation in a report by the Chairperson, Chief Executive, or any Committee or Subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The Chief Executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

### **25. Procedural motions**

#### **25.1. Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded, the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the Chairperson's opinion, it is reasonable to accept the closure motion.

#### **25.2. Procedural motions to close or adjourn a debate**

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

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place).
- (b) that the motion under debate should now be put (a closure motion).
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting.

- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant Committee or Community Board.

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

### **25.3. 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.

### **25.4. Voting on procedural motions**

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

### **25.5. Debate on adjourned items**

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

### **25.6. Remaining business at adjourned meetings**

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

### **25.7. 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.

### **25.8. Business referred to the Council, Committee or Community Board**

Where an item of business is referred (*or referred back*) to a Committee or Community Board, the Committee or Board will consider the item at its next meeting unless the meeting resolves otherwise.

### **25.9. Other types of procedural motions**

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

## 26. Points of Order

### 26.1. Members may raise points of order

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

### 26.2. Subjects for points of order

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

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the Chairperson that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the Chairperson of a misrepresentation in a statement made by a member, an officer or a Council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach;
- (f) Recording of words – to request that the Minutes record any words that have been the subject of an objection.

### 26.3. Contradictions

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

### 26.4. Point of order during division

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

### 26.5. Chairperson's decision on points of order

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

Should a point of order concern the performance of the Chairperson, then the Chairperson will refer the point of order to the Deputy Chairperson or, if there is no Deputy, another member to hear arguments and make a ruling.

## 27. Notices of Motion

### 27.1. Notice of intended motion to be in writing

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

Once the motion is received, the Chief Executive must give members notice in writing of the intended motion at least two clear working days' notice of the date of the meeting at which it will be considered.

### 27.2. 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 contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a Committee to the meeting concerned; or
- (e) Fails to include sufficient information to satisfy the decision-making provisions of the LGA 2002, sections 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chief Executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or Community Board.

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

### 27.3. Mover of notice of motion

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

## **27.4. Alteration of notice of motion**

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

## **27.5. When notices of motion lapse**

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

## **27.6. Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a Committee of Council or Community Board must be referred to that Committee or Board by the Chief Executive.

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

## **27.7. Repeat notices of motion**

When a motion has been considered and rejected by the Council or a Committee:

- (a) No similar notice of motion, which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one-third of all members, including vacancies.
- (b) Where the Council has adopted a notice of motion, no other notice of motion which, in the opinion of the Chairperson, has the same effect, may be put while the original motion stands.

# **28. Minutes**

## **28.1. Minutes to be evidence of proceedings**

The Council, its Committees, and Subcommittees must keep Minutes of their proceedings. These Minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Note that the Waimakariri District Council has decided that Minutes will be kept electronically, rather than in hard copy, from October 2019 onwards.

*LGA 2002, sch 7 cl 28.*

## **28.2. Matters recorded in Minutes**

The Chief Executive must keep the Minutes of meetings. The Minutes must record:

- (a) The date, time and venue of the meeting.
- (b) The names of the members present.
- (c) The Chairperson.

- (d) Any apologies or leaves of absences.
- (e) Members absent without apology or leave of absence.
- (f) Members absent on Council business.
- (g) The arrival and departure times of members.
- (h) Any failure of a quorum.
- (i) A list of any external speakers and the topics they addressed.
- (j) A list of the items considered.
- (k) Items tabled at the meeting.
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders.
- (m) The names of all movers, and seconders.
- (n) Any objections made to words used.
- (o) All divisions taken and, if taken, a record of each member's vote.
- (p) The names of any members requesting that their vote or abstention be recorded.
- (q) Any declarations of financial or non-financial conflicts of interest.
- (r) The contempt, censure, and removal of any members.
- (s) Any resolutions to exclude members of the public.
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

**Note:** *Hearings under the Resource Management Act 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for Minute taking.*

### **28.3. No discussion on Minutes**

The only topic that may be discussed at a subsequent meeting, with respect to the Minutes, prior to the Minutes confirmation, is their correctness. However, members may provide updates or request updates on matters arising from the minutes, after approval, however, no discussion may occur.

### **28.4. Minutes of last meeting before election**

The Chief Executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the Minutes of the last meeting of the Council and Committees before the next election of members.



## 29. Keeping a record

### 29.1. Maintaining accurate records

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

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

*Public Records Act 2005, s 17.*

### 29.2. Method for maintaining records

If Minutes are stored electronically, the repository in which they are kept must meet the following requirements:

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

- (a) The information is readily accessible to be usable for subsequent reference.
- (b) Contract and Commercial Law Act 2017, section 229(1).

### 29.3. Inspection

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

*LGOIMA 1987, s 51.*

### 29.4. Inspection of public excluded matters

The Chief Executive must consider any request for the Minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

# Referenced Documents

- Civil Defence Emergency Management Act 2002
- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Commercial Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA 1968)
- Local Electoral Act 2001 (LEA 2001)
- Local Government Act 1974 and 2002 (LGA 2002)
- Local Government Official Information and Meetings Act 1987 (LGOIMA 1987)
- Local Government (Pecuniary Interests Register) Amendment Act 2022
- Public Records Act 2005
- Resource Management Act 1991 (RMA 1991)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Financial Markets (Repeals and Amendments) Act 2013.
- Privacy Act 2020
- Dog Control Act 1996
- Policing Act 2008
- Marine Farming Act 1971.

# Appendices

## Appendix 1: Grounds to exclude the public

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

### **LGOIMA 1987, section 5**

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

### **LGOIMA 1987, section 6**

That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

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

### **LGOIMA 1987, section 7**

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

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information would:
  - i. disclose a trade secret; or
  - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
- (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
  - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - ii. be likely otherwise to damage the public interest; 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)(ii) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

#### **LGOIMA 1989, section 48**

- (1) Provided that where the above section (section 7) 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.
  - (b) 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:
    - (i) Be contrary to the provisions of a specified enactment; or
    - (ii) Constitute contempt of Court or of the House of Representatives.
  - (c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of LGOIMA 1987 (in the case of a Council named or specified in schedule 1 to this Act).
  - (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- (2) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where:
    - (i) A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
    - (ii) The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

## Appendix 2: Sample resolution to exclude the public

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

That the public is excluded from:

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

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:

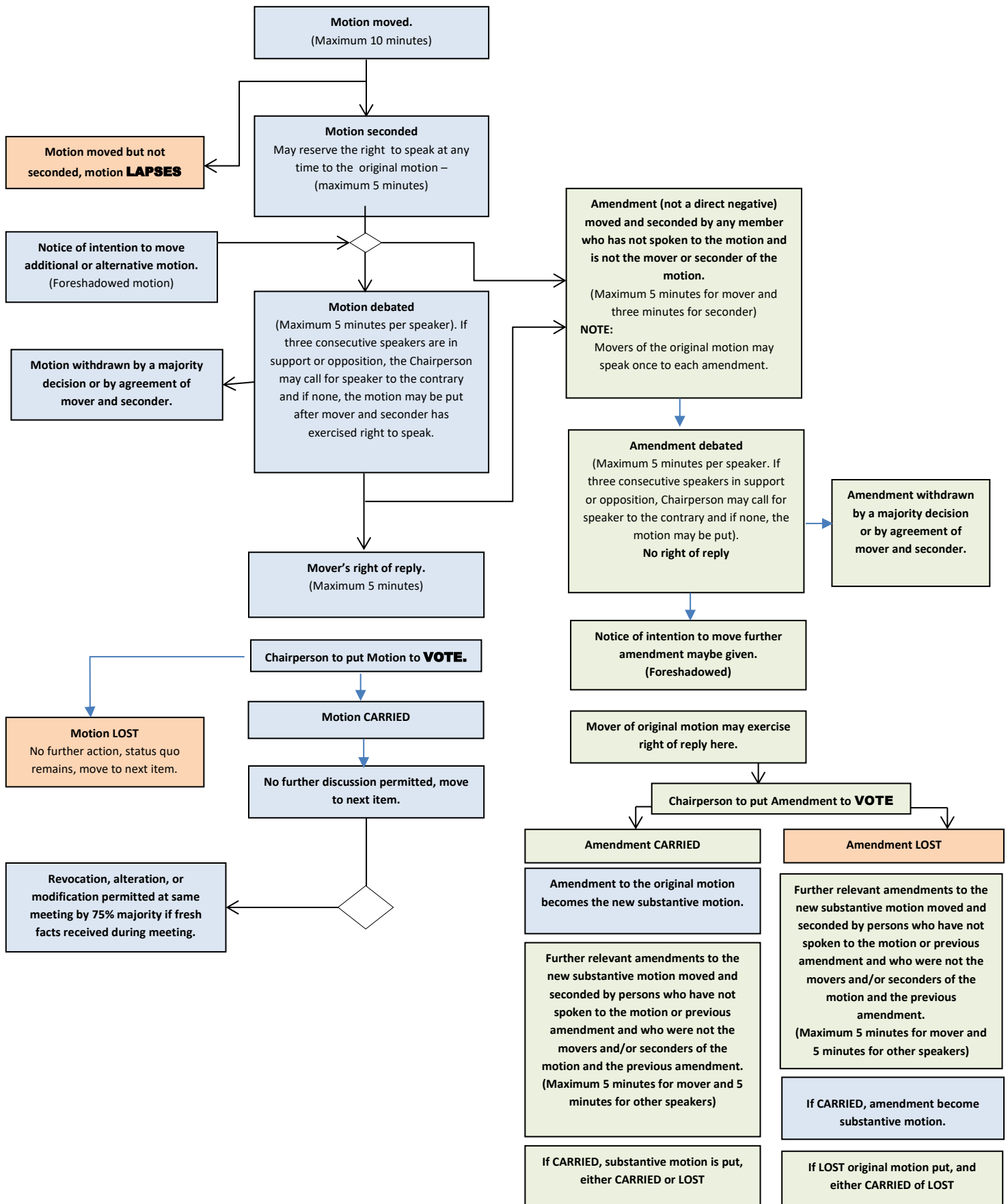
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> <li>i. be contrary to the provisions of a specified enactment; or</li> <li>ii. Constitute contempt of court or of the House of Representatives (<i>LGOIMA 1987, s 48(1)(b)</i>).</li> </ul>
		To consider a recommendation made by an Ombudsman ( <i>LGOIMA 1987, s 48(1)(c)</i> ).
		To deliberate in private on any proceedings where: <ul style="list-style-type: none"> <li>i. a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</li> <li>ii. the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (<i>LGOIMA 1987, s 48(1)(d)</i>).</li> </ul>
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971. ( <i>LGOIMA 1987, s 48(2)(d)</i> ).
		To protect the privacy of natural persons, including that of deceased natural persons. ( <i>LGOIMA 1987, s 7(2)(a)</i> ).
		To protect information which if public would; <ul style="list-style-type: none"> <li>i. disclose a trade secret; or</li> <li>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. (<i>LGOIMA 1987, s 7(2)(b)</i>).</li> </ul>
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the Resource Management Act 1991 for; <ul style="list-style-type: none"> <li>• a resource consent, or</li> <li>• a water conservation order, or</li> <li>• a requirement for a designation or</li> <li>• an heritage order.</li> </ul> ( <i>LGOIMA 1987, s 7(2)(ba)</i> ).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> <li>i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</li> </ul> would be likely otherwise to damage the public interest ( <i>LGOIMA 1987, s 7(2)(c)</i> ).
		To avoid prejudice to measures protecting the health or safety of members of the public ( <i>LGOIMA 1987, s 7(2)(d)</i> ).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public ( <i>LGOIMA 1987, s 7(2)(e)</i> ).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment ( <i>LGOIMA 1987, s 7(2)(f)(ii)</i> ).
		To maintain legal professional privilege ( <i>LGOIMA 1987, s 7(2)(g)</i> ).
		To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities ( <i>LGOIMA 1987, s 7(2)(h)</i> ).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) ( <i>LGOIMA 1987, s 7(2)(i)</i> ).
		To prevent the disclosure or use of official information for improper gain or advantage ( <i>LGOIMA 1987, s. 7(2)(j)</i> ).

That **(name of person(s))** is permitted to remain at this meeting after the public has been excluded because of their knowledge of **(specify topic under discussion)**. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because **(specify)**. *(Delete if not applicable.)*

## Appendix 3: Motions and amendments (WDC)

### Motions without amendments Motions with amendments



## Appendix 4: Table of Procedural Motions

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



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

## Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

- The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in the meeting, including staff members when providing advice and members of the public during the public input time.
- Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
- PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
- Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
- Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

## Appendix 6: Powers of a Chairperson

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

### (1) 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.

### (2) 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.

### (3) Items not on the Agenda

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

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

### (4) Chairperson's Report (Verbal or Written)

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

### (5) 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.

### (6) Chairperson's Voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has NO casting vote.

### (7) Motion in writing

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

**(8) Motion in parts**

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

**(9) Notice of motion**

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

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

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

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

**(10) Action on previous resolutions**

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

**(11) Repeat notice of motion**

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

**(12) Revocation or alteration of previous resolution**

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

**(13) Chairperson may call a meeting**

The Chairperson:

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

**(14) Irrelevant matter and needless repetition**

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

**(15) 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.

**(16) 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.

**(17) 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.

**(18) Members may leave places**

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

**(19) Priority of speakers**

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

**(20) Minutes**

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

**(21) Questions of speakers**

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

**(22) Withdrawal of offensive or malicious expressions**

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

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

**(23) 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.

**(24) Disorderly behaviour**

The Chairperson may:

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

**(25) Failure to leave the meeting**

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

**(26) Audio or audiovisual attendance**

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

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
  - i. Everyone participating in the meeting can hear each other.
  - ii. The member's attendance by audio or audiovisual link does not reduce their accountability or accessibility in relation to the meeting.
  - iii. The requirements of part 7 of LGOIMA 1987 are met; and
  - iv. The requirements in these Standing Orders are met.

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

## Appendix 7: Mayor's powers to appoint under section 41A of the LGA 2002

**(1) The role of a Mayor is:**

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

**(2) The Mayor has the authority to:**

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

**(3) The Council retains the ability to:**

- (a) Remove a Deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a Committee established by the Mayor.
- (c) Discharge a Committee Chairperson who the Mayor has appointed.

**(4) The Mayor is a member of each Committee of the Council.**

## Appendix 8: Process for removing a Deputy Mayor from office

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

*LGA 2002, sch 7 cl 18.*



## Appendix 9: Workshops/briefings

### (1) Definition of briefing session

Briefing sessions provide a valuable opportunity to enhance the understanding of matters and to sound out potential options that will assist with informing future staff reports that the Council will consider in their future decision-making process. The briefing sessions are a forum for the Chief Executive and Council staff to address any elected member questions and provide additional background on matters of interest to the Council. **No decision-making or voting takes place at briefing meetings.**

**Briefing sessions are public excluded meetings**, whereby the discussion is restricted to the parties in the Chamber/room. Briefing sessions occur with consideration given to LGOIMA 1987 and reasons for excluding the public.

### (2) Definition of workshop session

Workshop sessions are a process for elected members, staff and where required, external parties to collaborate and develop or advance proposals such as masterplans with the organisation on topics of strategic importance and collectively develop proposals prior to the formal decision-making process commencing. **Workshop sessions are open to the public.**

### (3) Application of Standing Orders to workshops and briefings

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

### (4) Calling a workshop/briefing

Workshops, briefings (PX) and working parties may be called by:

- (a) a resolution of the local authority or its Committees
- (b) the Mayor
- (c) a committee Chairperson
- (d) the Chief Executive
- (e) by member or staff request.

### (5) Process for calling workshops/briefings

Regular Council briefings and workshops shall be held in accordance with the Waimakariri District Council Meeting Schedule monthly with the Council. Community Board briefings and workshops shall be held on an 'as-needed' basis and included on formal agendas. Notification and diary commitments will be provided to Councillors with the agenda.

The Mayor or Chief Executive may call additional briefing and workshop sessions for the Council as deemed necessary for the discussion of emerging matters, in consultation with the General Manager of the department with expertise. The Chairperson or Senior Manager may call for additional briefing or workshop sessions if required. Scheduling of such additional meetings will be undertaken by the Governance team.

The Chief Executive or Governance staff will give at least 24 hours' notice of the time and place of the workshop/briefing and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop or briefing (Public Excluded)
- (b) Advise the date, time and place
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

#### **(6) Advertising workshops/briefings**

Briefing sessions are not advertised in newspapers.

Workshops will be advised via an agenda of a formal meeting (when time permits) and listed on the Council website under the meeting schedules, however, will not be advertised in newspapers. Notification of a workshop may occur in an agenda if the workshop immediately follows the conclusion of a formal meeting.

#### **(7) Record of workshop**

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

- (a) The name of each elected member who attended the meeting.
- (b) Other persons (e.g. members of the public, Council staff) who attended the meeting,
- (c) Other than elected members.
- (d) The matters discussed at the meeting.
- (e) Any conflicts of interest declared.
- (f) A copy of presentation material provided during the briefing (including slide decks, handouts etc. but not confidential documents); and
- (g) Any matters arising as a result of the discussion.

## Appendix 10: Sample Order of Business

### Council: Open section

- (1) Apologies
- (2) Declarations/conflicts of interest
- (3) Acknowledgements and tributes
- (4) Confirmation of Minutes
- (5) Matters Arising
- (6) Public Forum
- (7) Deputations and Presentations
- (8) Petitions
- (9) Adjourned Business
- (10) Reports (**PART A**)
- (11) Reports from the Waimakariri Water Services Unit (**PART B**)
- (12) Matters to be considered with the public excluded

### Public excluded section

- (13) Apologies
- (14) Declarations/conflicts of interest
- (15) Confirmation of Minutes
- (16) Matters Arising
- (17) Reports from the Waimakariri Water Services Unit (**PART B**)
- (18) Reports (**PART A**)
- (19) Reports referred from Committees and/or Community Boards
- (20) Resolutions of matters considered in public excluded

### Council: Open section

- (21) Matters referred from Committees
- (22) Matters referred from Community Boards
- (23) Health & Safety (CE Report every month)
- (24) Committee Minutes for Information
- (25) Community Board Minutes for Information
- (26) Correspondence
- (27) Mayor's Diary
- (28) Council Portfolio Updates.
- (29) Questions Under Standing Orders
- (30) Urgent General Business Under Standing Orders
- (31) Date and Venue for next meeting

### Standing Committees

*Same order as above*

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

Matters requiring a decision at a meeting may be placed on the meeting's agenda by a:

- (a) Report of the Chief Executive;
- (b) Report of the Chairperson;
- (c) Report of a Committee;
- (d) Report of a Community Board; or
- (e) Notice of motion from a member.

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

- (a) Report of the Chief Executive; or
- (b) Report of the Chairperson.

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

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION**

**FILE NO & TRIM NO:** GOV-33 / 250805143652

**REPORT TO:** COUNCIL

**DATE OF MEETING:** 29 October 2025

**AUTHOR(S):** Mayor Dan Gordon

**SUBJECT:** Appointment of Deputy Mayor

**ENDORSED BY:**  
(for Reports to  
Council, Committees  
or Boards)

  
\_\_\_\_\_  
Chief Executive

  
\_\_\_\_\_  
Mayor Dan Gordon

**1. SUMMARY**

- 1.1. The purpose of this report is to confirm the appointment of a Deputy Mayor to the Waimakariri District Council. It is proposed that the role be shared across the term through two separate appointments, each serving an 18month period.

Attachments:

- i. Local Government Act 2002 (41A).

**2. RECOMMENDATION**

**THAT** the Council:

- (a) **Receives** report No 250805143652.
- (b) **Appoints** Councillor Philip Redmond as Deputy Mayor of the Waimakariri District Council from 29 October 2025 to 30 April 2027.
- (c) **Appoints** Councillor Niki Mealings as Deputy Mayor of the Waimakariri District Council from 1 May 2027 to 14 October 2028, being the end of the 2025-28 triennium.

**3. BACKGROUND**

- 3.1 Under the Local Government Act 2002, the Mayor has the authority to appoint a Deputy Mayor, and this appointment must occur at the first meeting of the new Council term. The legislation does not allow for the Deputy Mayor role to be shared simultaneously by two Councillors. However, it is permissible for two Councillors to hold the position at different times during the election cycle, each for a defined time period.

- 3.2 This approach to role sharing is not new to Waimakariri. For example, the four standing committees operate with rotating chairpersons throughout the term, and the Oxford-Ohoka Community Board has also appointed chairpersons for set periods. This model promotes the sharing and development of experience across the Council and ensures consistent support for the Mayor, particularly during absences or scheduling conflicts.
- 3.3 Removal of the Deputy Mayor from office is by resolution of the Council.

#### **4. ISSUES AND OPTIONS**

- 4.1 In accordance with Schedule 7, Clause 21 of the Local Government Act 2002, the appointment of a Deputy Mayor must take place at the first meeting of the new Council term. As part of this process, Councillors have been interviewed regarding their preferences for roles. The Mayor has carefully considered these preferences, along with other relevant factors, to determine who is best placed to support him throughout the term—particularly in instances where he may be unavailable or face scheduling conflicts.
- 4.2 After careful consideration, Mayor Gordon has decided to divide the Deputy Mayor role into two consecutive 18-month terms. This decision reflects a collaborative approach, taking into account experience, ward representation, demographic diversity, and availability to meet the demands of this busy role. Accordingly, Mayor Gordon intends to appoint Councillor Philip Redmond as Deputy Mayor for the first 18-month period, followed by Councillor Niki Mealings for the second term.
- 4.3 **Implications for Community Wellbeing**
- There are no implications on community wellbeing by the issues and options that are the subject matter of this report.
- 4.4 The Chief Executive has reviewed this report.

#### **5. COMMUNITY VIEWS**

- 5.1 **Mana whenua**
- Te Ngāi Tūāhuriri hapū is not likely to be affected by or have an interest in the subject matter of this report, however they will be notified of the decision.
- 5.2 **Groups and Organisations**
- No other groups or organisations besides those who requested information will likely be affected by or interested in this report's subject matter.
- 5.3 **Wider Community**
- The wider community is not likely to be affected by, or to have an interest in, the subject matter of this report.

## 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

### 6.1 **Financial Implications**

6.1.1 The Remuneration Authority has advised that new salary levels for the elected members for Waimakariri District Council will take effect after the October 2025 election. The outgoing Council has provisionally set the remuneration pool distribution for the period from mid-October to June 2026, which the incoming Council will confirm. It is anticipated that the Deputy Mayor will receive remuneration of \$91,271pa. The previous Deputy Mayor was paid \$74,674pa between 1 July 2025 and the election.

6.1.2 The final remuneration of the Deputy Mayor will be subject to a separate report to the Council at its first ordinary meeting of 4 November 2025. Until then the base councillor remuneration of \$56,193pa will be paid from 17 October 2025 (being the day after election results were declared) and adjusted retrospectively to the Deputy Mayor position.

### 6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

### 6.3 **Risk Management**

The Council require a Deputy Mayor to assist in duties in circumstances that the Mayor is unavailable.

### 6.4 **Health and Safety**

Councillors understand their responsibilities under the Health and Safety at Work Act 2015.

## 7. **CONTEXT**

### 7.1 **Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2 **Authorising Legislation**

Local Government Act schedule 7, clauses 17, 21 and 25.  
Local Government Act Section 41A clause 3  
Remuneration Authority Determination 2025/26.

### 7.1 **Consistency with Community Outcomes**

Council appointments contribute to the achievement of all community outcomes.

### 7.2 **Authorising Delegations**

The Mayor appoints the Deputy Mayor through a legislative delegation; however, the Mayor seeks the endorsement of the whole Council.


**“41A Role and powers of mayors**

- “(1) The role of a mayor is to provide leadership to—
  - “(a) the other members of the territorial authority; and
  - “(b) the people in the district of the territorial authority.
- “(2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority’s plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- “(3) For the purposes of subsections (1) and (2), a mayor has the following powers:
  - “(a) to appoint the deputy mayor:
  - “(b) to establish committees of the territorial authority:
  - “(c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—
    - “(i) may make the appointment before the other members of the committee are determined; and
    - “(ii) may appoint himself or herself.
- “(4) However, nothing in subsection (3) limits or prevents a territorial authority from—
  - “(a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or
  - “(b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or
  - “(c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or
  - “(d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).
- “(5) A mayor is a member of each committee of a territorial authority.
- “(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).
- “(7) To avoid doubt,—
  - “(a) clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):
  - “(b) clauses 25 and 26(3) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.”



**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-33 / 250805143711**REPORT TO:** COUNCIL**DATE OF MEETING:** 29 October 2025**AUTHOR(S):** Jeff Millward, Chief Executive**SUBJECT:** Ward Appointments to Rangiora-Ashley, Oxford-Ohoka, Woodend-Sefton and Kaiapoi-Tuahiwi Community Boards**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

Governance Manager



Chief Executive

**1 SUMMARY**

The purpose of this report is to consider the appointment of the Ward members to the Rangiora-Ashley, Oxford-Ohoka, Woodend-Sefton and Kaiapoi-Tuahiwi Community Boards and to adopt the delegations to the Community Boards.

Attachments:

- i. Extract from Local Electoral Act 2001 – section 19F.
- ii. Extract from Local Government Act 2002 – sections 49 – 53
- iii. Delegations to Community Boards. S-DM 1041 (Trim 191017145497).

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** report No. 250805143711.
- (b) **Appoints** Councillors Wendy Doody, Jason Goldsworthy, Bruce McLaren and Joan Ward to the Rangiora-Ashley Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (c) **Appoints** Councillors Tim Fulton and Niki Mealings to the Oxford-Ohoka Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (d) **Appoints** Councillors Brent Cairns and Shona Powell to the Woodend-Sefton Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (e) **Appoints** Councillors Tim Bartle and Philip Redmond to the Kaiapoi-Tuahiwi Community Board in accordance with Section 19F of the Local Electoral Act 2001.
- (f) **Approves** the delegations for the Community Boards (S-DM 1041), (Trim 191017145497).
- (g) **Notes** that the delegations for Community Boards can be further reviewed by the Council in the future.
- (h) **Notes** a copy of this report is circulated to all Community Boards for their reference.

### **3. BACKGROUND**

- 3.1 Community Boards are not part of the Council, nor are they Committees of the Council. Instead, the Boards work collectively with the Council to achieve community goals. The Boards are also responsible for any areas delegated to them by the Council.
- 3.2 The Local Government Act (2002) states that the role of a Community Board is to represent and advocate for the interests of its community. Furthermore, Councillors have no special role on Community Boards – they act as a Board member and are equal to other members.
- 3.3 The Local Electoral Act 2001 (LEA) sets out the requirement for local authorities to review the arrangements for Council elections at least once every six years. During the last Representation Review, it was agreed that the Rangiora-Ashley Community Board would be comprised of eight elected members (six members from the Rangiora Subdivision and two members from the Ashley Subdivision) and four members of the Waimakariri District Council.
- 3.4 It was determined by the Local Government Commission (LGC) in April 2016 that five elected (Board) members and two appointed (Councillors) members of the Waimakariri District Council would form the Woodend-Sefton and Kaiapoi-Tuahiwi Community Boards, respectively.
- 3.5 The Local Electoral Act 2001 states that the number of members appointed by the Council is to be less than half the total number of up to 12 members. Therefore, with six members being elected to the Kaiapoi-Tuahiwi and Woodend-Sefton Community Boards, the Council shall appoint two members for each Board; however, they must represent the Ward in which the Board is situated.
- 3.6 During the previous two terms, the Kaiapoi-Tuahiwi Community Board resolved that the two appointed Councillors from the Woodend-Sefton Community Board held speaking rights but not voting rights at the Community Board. Legislatively, voting rights are only applicable to the two Councillors appointed to the Community Board. Members believed this enabled the whole ward area to be well represented with information sharing and enhanced the Kaiapoi-Tuahiwi Community Board. The Woodend-Sefton Community Board declined this option in the previous terms. The matter of non-appointed Councillors representing the ward at the two Community Board tables of the Kaiapoi-Woodend Ward will be considered at the individual Community Board inaugural meetings. It is anticipated that all four Ward Councillors will have full speaking rights at the respective Board tables this term.

### **4. ISSUES AND OPTIONS**

- 4.1 The appointment of Councillors to the two Community Boards within the Eastern Ward of Kaiapoi-Woodend has been mutually and informally discussed, with a focus on ensuring the best outcomes for residents across the ward. Over the next three years, the ward is expected to face several significant issues, including the impacts of the Woodend Bypass on both community areas. It is therefore essential that all four ward councillors are actively engaged and represented at both Community Board tables.
- 4.2 The ward comprises two returning councillors and two newly elected councillors. To ensure a balanced sharing of local knowledge and experience in Council matters, it is recommended that:
  - Councillors Redmond and Bartle be formally appointed to the Kaiapoi-Tuahiwi Community Board with full voting rights.
  - Councillors Cairns and Powell attend Kaiapoi-Tuahiwi Community Board meetings with speaking rights only, in accordance with the Local Government Act (LGA) and Local Government Commission (LGC) requirements.
  - Councillors Cairns and Powell be formally appointed to the Woodend-Sefton Community Board with full voting rights.

- Councillors Redmond and Bartle attend Woodend-Sefton Community Board meetings with speaking rights only, in accordance with the Local Government Act (LGA) and Local Government Commission (LGC) requirements.

This arrangement ensures that the collective voice of all ward Councillors is present across both Community Boards, supporting informed decision-making and strong representation for the Eastern Ward communities.

- 4.3 The delegations to Community Boards remain unchanged from the 2022-25 term; however, the Council can review these at any time. Delegation related to the Rangiora Airfield remains with the Manager, Community and Recreation to meet Civil Aviation Authority requirements.

4.4 **Implications for Community Wellbeing**

The issues and options in this report have no social and cultural implications for community well-being.

- 4.5 The Chief Executive has reviewed this report and supports the recommendations.

## 5. **COMMUNITY VIEWS**

5.1 **Mana whenua**

Te Ngāi Tūāhuriri hapū is not likely to be affected by or have an interest in the subject matter of this report.

5.2 **Groups and Organisations**

No other groups or organisations besides those who requested information will likely be affected by or interested in this report's subject matter.

5.3 **Wider Community**

The wider community is not likely to be affected by, or to have an interest in, the subject matter of this report.

## 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

6.1 **Financial Implications**

There are no financial implications of the decisions sought by this report. Councillors' remuneration includes attendance at Community Board meetings, and no additional remuneration is payable. Elected member remuneration is administered from the Governance budgets.

6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

6.3 **Risk Management**

There are no risks arising from the adoption/implementation of the recommendations in this report.

6.4 **Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## 7. **CONTEXT**

### 7.1 **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2 **Authorising Legislation**

- Local Government Act 2002, (Clause 32 Schedule 7)
- Waimakariri Harbour Act 1946
- Local Electoral Act 2001 – section 19F
- Local Government Act 2002 – section 50.

### 7.3 **Community Outcomes**

There are wide ranging opportunities for people to contribute to the decision-making by public organisations that affect our District.

### 7.4 **Authorising Delegations**

Community Boards are an unincorporated body and are not a local authority nor a committee of the Waimakariri District Council. All powers to Community Boards are delegated directly from the Council. A territorial authority must consider delegating to a Community Board a delegation if it would enable the Community Board to best achieve its role:

- S-DM 1041 Delegation to Community Boards. (191017145497).

**Extract Local Electoral Act 2001 – Section 19F****1. Membership of community boards**

- (1) Every community board—
  - (a) is to consist of not fewer than 4 members nor more than 12 members; and
  - (b) is to include at least 4 elected members; and
  - (c) may include appointed members.
- (2) The number of appointed members is to be less than half the total number of members.
- (3) The persons who are appointed under subsection (1)(c) as members of the community board must—
  - (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and
  - (b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.

## Extract Local Government Act 2002 – Sections 46-53

### 49 Establishment of community boards

- (1) A community board must be established for each community constituted, in accordance with [Schedule 6](#), by—
  - (a) an Order in Council made under [section 25](#); or
  - (b) a resolution made by the territorial authority within whose district the community will be situated as a result of a proposal by electors to establish a community; or
  - (c) a resolution made by the territorial authority within whose district the community will be situated as a result of the territorial authority’s review of representation arrangements.
- (2) The community board must be described as the “[*name of community*] Community Board”.

### 50 Membership of community boards

The membership of a community board consists of—

- (a) members elected under the [Local Electoral Act 2001](#); and
- (b) members (if any) of, and appointed in accordance with the [Local Electoral Act 2001](#) by, the territorial authority in whose district the relevant community is situated.

### 51 Status of community boards

A community board—

- (a) is an unincorporated body; and
- (b) is not a local authority; and
- (c) is not a committee of the relevant territorial authority.

### 52 Role of community boards

The role of a community board is to—

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

### 53 Powers of community boards

- (1) A community board has the powers that are—
  - (a) delegated to it by the relevant territorial authority in accordance with [clause 32](#) of Schedule 7; or
  - (b) prescribed by the Order in Council constituting its community.
- (2) The powers of a community board prescribed by Order in Council expire at the close of 6 years after the order comes into force.  
Despite subsection (1), a community board may not—
  - (a) acquire, hold, or dispose of property; or
  - (b) appoint, suspend, or remove staff.

## DELEGATIONS

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### **Part 3**

### ***Delegation to Community Boards***

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#### **Jurisdiction of Community Boards - Kaiapoi-Tuahiwi, Rangiora-Ashley, Woodend-Sefton and Oxford-Ohoka**

The role of the Community Board is set out in the Local Government Act 2002 Clause 52

The Community Boards shall be responsible for—

1. Representing, and acting as an advocate for, the interests of its Community.
2. Consideration of and reporting on all matters referred to it by the Council or any matter of interest or concern to the Community Board.
3. Maintaining an overview of services provided by the Council such as road works, water supply, sewerage, stormwater drainage, parks, recreational facilities, community activities, and traffic management projects within the community.
4. After consultation with the community preparation of an annual submission to the budgetary process of the Council for expenditure within the community. (ie Annual Plan, Long Term Plan)
5. Communication with community organisations and special interest groups within the community.
6. Performing such other functions as the Waimakariri District Council may delegate to the Board.

The Powers of Community Boards are delegated to it by the Waimakariri District Council in accordance with Clause 32 of Schedule 7; however a Community Board may not acquire, hold or dispose of property or appoint, suspend or remove staff.

#### **Specific Jurisdiction**

7. To prepare and adopt an Annual Community Board Plan that highlights the key issues, priorities and actions that the Board proposes to advance during the year. This document is reviewed annually and the Chairperson annually reports back to the Council on progress.
8. To advise the Council and Standing Committees on local implications of such policies, projects and plans, which have district-wide impacts and are referred to the Board for comment.
9. To make a submission, prior to the Council adopting a draft Long Term Plan or Annual Plan, on the proposed Plan, as it relates to the Community Board.
10. To make recommendations on policy matters to the Chief Executive in respect of matters which affect the Board area. Such recommendations are formally conveyed by the Community Board Advocate through the Management Team via memo.
11. To lead public meetings/discussion, as part of consultation on projects within the Board area and where delegated make budgetary decisions.
12. To determine matters relative to the discretionary sum approved by the Council for the Community area. The apportioned rate to be at least \$0.50 per person and to be reviewed three yearly.
13. To receive a copy of the notification of notified applications for Resource Consents within the Board area and submit where appropriate.

## DELEGATIONS

### Part 3

### Delegation to Community Boards

#### **Jurisdiction of Community Boards - Kaiapoi-Tuahiwi, Rangiora-Ashley, Woodend-Sefton and Oxford-Ohoka**

14. To recommend to the Council:
  - Purchase of land within approved budgets for parks, reserves, waterways or other local purposes.
  - Sale of land where appropriate
15. Delegated authority on matters in the Community area in accordance with Council policies and guidelines in respect of the following matters —
  - Granting of new leases or licences on reserve land; excluding the airfield. (The Board also receives an annual report on existing reserve land leases). Any easements on existing recreational reserves for underground works/services is an operational matter under delegation of Community & Recreation staff.
  - Approving, on behalf of the Council as landowner, proposed developments or activities on parks, reserves and waterways and within existing budgets; Approving consultation plans for new developments on parks, reserves or waterways which may include planting plans and play equipment.
  - To consider writing a submission regarding an application for a liquor licence in the Board area; and noting the process of decision rests with the District Licensing Committee.
  - To consider writing a submission regarding any Gambling Venue Licence application in the Board area; noting the process of decision rests with the Hearing Committee.
  - Where referred to the Community Board granting of rights of way and other easements (over Council owned property); Where specifically delegated by the Council or a standing committee, assuming responsibility for implementing a project(s), within the approved Council budget and Council's policies and purchasing procedures.
  - Allocating discretionary and unspecified funding that the Council has budgeted for the Community Board relating to the improvement, enhancement or replacement of amenity, recreation and roading assets; through the utilisation of the Boards Landscape Budget. This can cover Community Board initiated projects.
  - Making, within approved budget limits, operational and funding decisions relating to Community Facility Groups, Reserve and Domain Advisory Groups in the Community area where the Group has made a recommendation to the Community Board;
  - Authorising, within approved budgets, Board member attendance at relevant conferences and/or training courses;
  - Approving control signs on streets (eg, stop, give way, etc);
  - Approving traffic control and constraint measures on streets, and recommending to Resource Management & Regulations Committee; matters relating to Council parking by-laws.



## DELEGATIONS

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### **Part 3**

### ***Delegation to Community Boards***

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#### **Jurisdiction of Community Boards - Kaiapoi-Tuahiwi, Rangiora-Ashley, Woodend-Sefton and Oxford-Ohoka**

- Approving design and location of neighbourhood improvements (in conjunction with bullet point 2)
  - Naming and re-naming of roads, streets and parks; (can be delegated to specific Board sub-committee)
  - Where referred to the Board, the authority to approve the removal of street and recreation reserve trees; unless deemed an urgent Health and Safety matter.
- 16 Appointment of member(s), after appropriate training, to the Council's Hearings Committee. Where a resource consent application relates to the Community area and the Council decides to have Council/Community Board membership of the hearing Panel, a non RMA accredited Community Board member could be invited to participate in the hearing and deliberation process, providing two accredited Councillors are appointed to the Hearing Panel.

#### **Community Board Specific Delegations**

##### **Kaiapoi-Tuahiwi Community Board**

1. Responsibility for all residual matters relating to the Waimakariri Harbour within the authority of the Waimakariri Harbour Act 1946 and in consultation with Environment Canterbury as the Regional Authority and Harbourmaster.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-33 / 250805143732**REPORT TO:** Council**DATE OF MEETING:** 29 October 2025**AUTHOR(S):** Mayor Dan Gordon**SUBJECT:** Committee Structure, Delegations and Chairpersons of Standing Committees**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)
  
 \_\_\_\_\_  
 Chief Executive

  
 \_\_\_\_\_  
 Mayor Gordon
**1. SUMMARY**

- 1.1 The purpose of this report is to approve the Committee structure, Delegations and appoint Chairpersons of the Standing Committees and essential Committees. Membership of the Portfolio holders is subject to a separate report being considered at the inaugural Council meeting.
- 1.2 The delegations of each Standing Committee continue from the previous term, although it should be noted these are currently under review and any amendments will come before the Council, via a report, to a later meeting.

Attachments:

- i. Existing Delegations – Standing Committees, Utilities and Roading Committee; Community and Recreation Committee, District Planning and Regulation Committee, Audit and Risk Committee and District Licensing Committee.

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** report No. 250805143732.
- (b) **Notes** under section 41A of the Local Government Act, the Mayor has the power to establish Committees of the Council and to appoint the Chairperson of each Committee and may make the appointment before the other members of the Committee are determined and may appoint him/herself.
- (c) **Notes** Mayor Gordon is ex-officio on all Committee and sub-committees of the Council pursuant to the Local Government 2002 Act.
- (d) **Establishes** the following Standing Committees:
- (i) Audit and Risk (Standing Committee)
  - (ii) Community and Recreation (Standing Committee)
  - (iii) District Planning and Regulation (Standing Committee)
  - (iv) Utilities and Roading (Standing Committee)

- (e) **Approves** the delegations for the following Committees:
  - (i) Audit and Risk (Trim 190828120273)
  - (ii) District Planning and Regulation (Trim 190828120276)
  - (iii) Community and Recreation (Trim 190828120296)
  - (iv) Utilities and Roading (Trim 190828120303)
  - (v) District Licensing Committee (Trim 190828120307)
- (f) **Retains** the rotation of Chairperson for the Audit and Risk, Community and Recreation, District Planning and Regulation, and the Utilities and Roading Committees.
- (g) **Appoints** five (5) Councillors T Bartle, T Fulton, J Goldsworthy, B McLaren and J Ward to the Audit and Risk Committee.
- (h) **Appoints** six (6) Councillors B Cairns, W Doody, B McLaren, N Mealings, S Powell, and P Redmond to the Community and Recreation Committee.
- (i) **Appoints** five (5) Councillors B Cairns, T Fulton, J Goldsworthy, N Mealings and P Redmond to the District Planning and Regulation Committee.
- (j) **Appoints five** (5) Councillors T Bartle, T Fulton, N Mealings, P Redmond and J Ward to the Utilities and Roading Committee.
- (k) **Appoints** Councillor J Goldsworthy as the First Chair of the Audit and Risk Committee to 31 October 2026.
- (l) **Appoints** Councillor B McLaren as Second Chair of the Audit and Risk Committee from 1 November 2026 to 31 October 2027.
- (m) **Appoints** Councillor J Ward as Third Chair of the Audit and Risk Committee from 1 November 2027 to 14 October 2028 being the end of the triennium term.
- (n) **Appoints** Councillor B Cairns as First Chair of the Community and Recreation Committee to 31 October 2026.
- (o) **Appoints** Councillor S Powell as Second Chair of the Community and Recreation Committee from 1 November 2026 to 31 October 2027.
- (p) **Appoints** Councillor W Doody as Third Chair of the Community and Recreation Committee from 1 November 2027 to 14 October 2028 being the end of the triennium term.
- (q) **Appoints** Councillor N Mealings as First Chair of the District Planning and Regulation Committee to 30 April 2027.
- (r) **Appoints** Councillor T Fulton as Second Chair of the District Planning and Regulation Committee from 1 May 2027 to the end of the triennium term on 14 October 2028.
- (s) **Appoints** Councillor P Redmond as First Chair of the Utilities and Roading Committee to 30 April 2027.
- (t) **Appoints** Councillor T Bartle as Second Chair of the Utilities and Roading Committee from 1 May 2027 to 14 October 2028 being the end of the triennium term.
- (u) **Establishes** the following Committees:
  - (i) Hearings Committee for Hearings, other than RMA Hearings
  - (ii) Code of Conduct Committee
  - (iii) Chief Executive Review Committee
  - (iv) District Licensing Committee

- (v) **Appoints** Councillors T Bartle, B Cairns, W Doody, T Fulton, J Goldsworthy, B McLaren, N Mealings, S Powell, P Redmond and J Ward to the Hearings Committee (other than RMA Hearings).
- (w) **Appoints** Councillor P Redmond as Chairperson, and Councillors B Cairns, W Doody, N Mealings and J Ward to the Code of Conduct Committee.
- (x) **Appoints** Mayor D Gordon as Chairperson, and Councillors J Goldsworthy, N Mealings, P Redmond and J Ward to the Chief Executive Review Committee.
- (y) **Notes** the Council decision of 3 September 2024 to reappoint Neville Atkinson as Commissioner and Chairperson to the District Licencing Committee (DLC), and to reappoint Councillors Philip Redmond and Mr Jim Gerard as Commissioners.
- (z) **Notes** that the Commissioners' appointments are for five years or a lesser time by Council resolution at any time. Therefore, the District Licensing Committee will continue with membership of Commissioners until review in mid-2027.
- (aa) **Notes** the resignation of Paul Williams from the District Licencing Committee, effective from 21 October 2025 and acknowledges his contribution to the Committee.
- (bb) **Appoints** Councillors T Bartle, W Doody, J Goldsworthy, B McLaren, N Mealings to the District Licencing Committee.
- (cc) **Appoints** Councillor N Mealings to the Canterbury Waste Joint Committee.
- (dd) **Appoints** Councillor N Mealings to the Canterbury Regional Landfill Joint Committee.
- (ee) **Appoints** Mayor D Gordon to the Canterbury Civil Defence Emergency Management Group (CDEM) Joint Standing Committee.
- (ff) **Appoints** Mayor D Gordon, Councillors N Mealings and P Redmond to the Greater Christchurch Partnership.
- (gg) **Appoints** Mayor D Gordon to the Greater Christchurch Public Transport Joint Committee.
- (hh) **Appoints** Mayor D Gordon, Councillors N Mealings and P Redmond to Whakawhanake Kainga Committee; Urban Growth Partnership for Greater Christchurch.
- (ii) **Notes** Council-appointed Trustee positions remain in place for the balance of their term.
- (jj) **Notes** Membership to outside council groups, advisory and working parties will be subject to a separate report to Council in November/December 2025.

### 3. **BACKGROUND**

- 3.1 Section 41A of the Local Government Act, 2002, allows the Mayor to establish Committees of the Council. Standing Committees composed of elected members recommend actions to the Council, make delegated decisions, effectively discharge specific responsibilities, and monitor the performance of activities delegated to that Committee.
- 3.2 Informal discussion has occurred with each Councillor, the Chief Executive and Mayor, as to areas of Councillor interest, experience and potential portfolios.

## 4. **ISSUES AND OPTIONS**

### 4.1 **Standing Committees**

It is proposed that for the 2025-28 term, the Council retain the existing arrangement of four Standing Committees, being:

- Audit and Risk (A&R)
- Community and Recreation (C&R)
- District Planning and Regulation (DP&R)
- Utilities and Roding (U&R)

The Mayor is a member of each committee of a territorial authority as per Section 41A of the Local Government Act 2002, with full voting rights. It is recommended that the A&R, DP&R and U&R Committees continue with five Councillors on each committee and that a quorum be three Councillors (excluding the Mayor). The Community & Recreation Committee continue with six Councillors on the committee and that a quorum be four Councillors (excluding the Mayor).

The Chairperson of each standing committee will be rotated on a 12- or 18-month basis to share the workload and assist Councillors in gaining a greater understanding of each area of the Council.

All Councillors are entitled to attend and speak at the Standing Committees, although only the appointed Councillors hold voting rights.

### 4.2 **Other Committees**

The Council will also require additional ad hoc committees and subcommittees during the 13<sup>th</sup> term of the Council, which will be subject to separate reports, as required.

A Mahi Tahi Joint Working Committee between Te Ngāi Tūāhuriri Runanga and Waimakariri District Council will be established during 2026 and will be subject to a separate report in due course.

### 4.3 **Councillor Portfolios**

It has proven successful during the previous four terms for each Councillor and the Mayor to hold various portfolios, which share the workload and knowledge.

Amendments to the portfolios are recommended for the 2025-28 term, and this is subject to a separate report at the inaugural meeting. Portfolios are determined through discussions with members and the Mayor. An elected member holds the same portfolio for the whole term, unless amended formally by the Council.

### 4.4 **Council Controlled Organisations (CCOs)**

Appointments to CCOs of Te Kōhaka o Tūhaitara Trust and Enterprise North Canterbury (ENC) will be considered during the term of the Council. Both the Mayors of Waimakariri and Hurunui District Councils are ex officio on the ENC Trust. Appointments will also be confirmed by the Council relating to Transwaste Canterbury at a future meeting.

### 4.5 **Working Parties and Steering Groups**

The 2025-28 Council will consider new Working Parties, via Standing Committees on an as-required basis. Working Parties and Steering Groups have Terms of Reference authorised by their reporting Committee.

Appointments will be considered at a Council meeting before the end of 2025, with some appointments also subject to Community Board appointments.

### 4.6 **Advisory Groups and appointments to outside organisations**

These groups and appointments will be considered at the December 2025 meeting of the Council and Community Boards.

Previously, Councillors have been appointed to organisations which have an alliance with the Committees they are appointed to. This will be considered when the Council consider the appointments prior to the end of December 2025. For some organisations, it will be appropriate for Community Board members to be appointed. In such instances, the appointment would be referred to the relevant Board for consideration.

#### 4.7 **Implications for Community Wellbeing**

The issues and options in this report have no social and cultural implications for community well-being.

4.8 The Chief Executive has reviewed this report.

### 5. **COMMUNITY VIEWS**

#### 5.1 **Mana whenua**

Te Ngāi Tūāhuriri hapū is not likely to be affected by or have an interest in the subject matter of this report. However, representatives of the Rūnanga serve on various committees and working groups and will be informed of any changes as they become known.

#### 5.2 **Groups and Organisations**

There are no groups or organisations likely to be affected by or to have an interest in the subject matter of this report.

#### 5.3 **Wider Community**

The wider community is unlikely to be affected by or interested in this report's subject matter. However, the structure of the Council needs to be clear and provide certainty as to how the community can engage with the Council and its elected members.

### 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

#### 6.1 **Financial Implications**

6.1.1 The Remuneration Authority has advised that new salary levels for the elected members for Waimakariri District Council will take effect after the October 2025 election. The previous Council had provisionally set the remuneration pool distribution for the period from mid-October to June 2026, for Councillor remuneration, which the incoming Council will confirm. The remuneration values currently stated include recognition of additional duties such as portfolio holder or committee chair responsibilities. Currently, all Councillors carry the responsibilities of portfolio holders and committee chairs. The process of Councillor remuneration will be finalised with the Remuneration Authority in late 2025. The Councillor remuneration is subject to a report at the 4 November 2025 Council meeting with adjustments made accordingly, if subject to timing. The Remuneration Authority will review decisions on additional remuneration and will be subject to change after the election.

6.1.2 Meetings are serviced by appropriate staff, and costs are met within existing Council budgets.

#### 6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

#### 6.3 **Risk Management**

There are no risks arising from the adoption/implementation of the recommendations in this report.

#### 6.4 **Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## **7. CONTEXT**

### **7.1 Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2 Authorising Legislation**

- Local Government Act 2002
- Local Government (Members' Interest) Act 1968.

### **7.3 Consistency with Community Outcomes**

There are wide-ranging opportunities for people to contribute to the decision-making by local, regional and national organisations that affect our District.

### **7.4 Authorising Delegations**

- Delegations – General and procedures – S-DM 1016
- Utilities and Roading Committee – S-DM 1024
- Community and Recreation Committee – S-DM 1023
- District Planning and Regulation Committee – S-DM 1026
- Audit and Risk Committee – S-DM 1022



## DELEGATIONS

### Part 3

### Delegation to Committees

#### 1. Standing Committees

Committee	Membership	Quorum
Audit and Risk	Chair, 4 Councillors, Mayor <i>ex officio</i>	3
Community and Recreation	Chair, 4 Councillors, Mayor <i>ex officio</i>	3
District Planning and Regulation	Chair, 4 Councillors, Mayor <i>ex officio</i>	3
Utilities and Roading	Chair, 4 Councillors, Mayor <i>ex officio</i>	3

#### 2. Delegation to Standing Committees

2.1 Unless expressly provided otherwise in this 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, community board, 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 council community plan; or
- (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
- (e) the power to appoint a chief executive; or
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement; or
- (g) the appointment of the Deputy Mayor, and standing committees;
- (h) the proposed remuneration of the Mayor and members of the Council;
- (i) expenditure where no provision is made in the Council's estimates for that year (except to the extent permitted in this Manual in regard to variations in departmental estimates or clause 2.1 (j) below);
- (j) expenditure of Council funds where estimates have not been finalised for the relevant year unless the expenditure relates to maintenance of an existing work or progress on a committed work or is in regard to an existing service for which provision is likely to be made in those estimates once finalised;





## DELEGATIONS

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### Part 3

### Delegation to Committees

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- (k) the cessation of any existing function or commencement of any new function;
- (l) formulation or amendment of Council's corporate goals and objectives;
- (m) submissions to central government where the function is not clearly the responsibility of another standing committee;
- (n) decisions on matters relating to economic development.

2.2 No officer may exercise the powers listed in clauses 2.1 (a)-(n) above.

*Note: Any policy matter not within the jurisdiction of other standing committees remains the business of the Council.*

### 3. Other Committees

3.1 Other Committees and Subcommittees shall exercise only such delegated authority as is granted to it from time to time by the Council or the relevant standing committee.

3.2 The primary purposes of subcommittees are:

- (a) to address matters which have been delegated to it;
- (b) to investigate and report, with recommendations if appropriate, on matters referred from another committee;
- (c) to act as a forum for communication between elected representatives, officers, and interested parties.

### 4. Variations of Estimates

4.1 In this clause "estimate" means the sum represented in the supporting documents to the Annual Plan and the Long Term Plan (LTP) adopted by the Council for that year.

4.2 A standing committee may, in regard to a matter within its jurisdiction vary any estimate by a sum not exceeding \$100,000 where the variation will allow the department concerned to better achieve the purpose or purposes for which the estimate was adopted. That variation must be funded from savings within that committee's budgets which are to be confirmed by the relevant Department Manager and the General Manager Finance and Business Support.

4.3 A Standing Committee may, in regard to a matter within its jurisdiction, authorise proposed over-expenditure of up to 20% in any Unit budget provided that the source of funding for the proposed over-expenditure is identified.

## DELEGATIONS

### Part 2

### Delegation to Committees

#### Jurisdiction of the Utilities and Roothing Committee

The Utilities and Roothing Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for the following activities:

1. Solid and hazardous waste management.
2. Roothing and Transportation (including road safety, multimodal transportation and traffic control)
3. Quarries.

**Note: Responsibilities related to the Waimakariri Water Services Unit for drinking water, wastewater, stormwater, rural land drainage, and stock water services were transferred to the Water Services Committee in late 2025. Related Council service units (e.g. Project Delivery Unit, Water Unit) will remain under the Utilities and Roothing Committee's reporting line.**

#### Specific Jurisdiction

1. Authority to develop goals and strategies, for activities the committee is responsible for.
2. Authority to develop policies relating to the activities that the committee is responsible for and recommend their adoption to the Council.
3. Generally (except where otherwise provided by delegation to another committee or council officers) the implementation of tasks identified in the Long Term Plan or Annual Plan for the committee's activities, as adopted by the Council from time to time, where financial provision has been made.
4. Authority to re-allocate funding already approved by the Council as part of the Annual Plan process, for the committee's activities provided that the re-allocation of funds does not increase the total expenditure within any targeted rate cost centre or within a significant activity of Council.
5. Administer bylaws for the committee's activities and to recommend to the Council any amendments, reviews, or new bylaws.
6. Recommends to the Council fees and charges for activities within the jurisdiction of the committee.
7. Authority to approve work programmes for works that the Council has budgeted a general level of expenditure for.
8. Authority to approve the extension and reduction of services subject to budgetary provision being available.
9. Authority to approve agreements and contracts within the budget limits approved by Council.

## DELEGATIONS

---

### **Part 2**

### ***Delegation to Committees***

---

#### **Jurisdiction of the Utilities and Roading Committee**

10. Authority to approve vesting and disposing of infrastructural assets, as a result of subdivision or capital works being undertaken.
11. Authority to establish subcommittees or working parties, and to delegate functions related to the committee's activities.
12. Authority to recommend to Council the purchase or sale of land, the stopping of roads or prohibition of vehicles, designations on private property, establishment of road or utilities reserves.
13. Authority to initiate a Special Consultative Procedure, or otherwise consult the community on matters related to the committee's activities and where the proposed consultation is not contrary to an established Council position.

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of the Community and Recreation Committee**

The Community and Recreation Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for the following activities:

1. Airfield
2. Cemeteries
3. Community halls and facilities
4. Community initiatives and events
5. Youth Development
6. Community Safety
7. Library services
8. Parks and reserves
9. Public conveniences
10. Public swimming pools
11. Sport and Recreation
12. Community Development
13. Walkways / Recreational Cycleways
14. Biodiversity

#### **Specific Jurisdiction**

1. Authority to develop goals and strategies, for activities the committee is responsible for.
2. Authority to develop policies relating to the activities that the committee is responsible for and recommend their adoption to the Council.
3. Generally (except where otherwise provided by delegation to another committee or council officers) the implementation of tasks identified in the Long Term Plan or Annual Plan for the committee's activities, as adopted by the Council from time to time, where financial provision has been made.
4. Authority to re-allocate funding already approved by the Council as part of the Annual Plan process, for the committee's activities provided that the re-allocation of funds does not increase the total expenditure within any targeted rate cost centre or within a significant activity of Council.
5. To administer bylaws for the committee's activities and to recommend to the Council any amendments, reviews, or new bylaws.
6. Recommends to the Council fees and charges for activities within the jurisdiction of the committee.
7. Authority to approve work programmes for works that the Council has budgeted a general level of expenditure for.

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

---

#### **Jurisdiction of the Community and Recreation Committee**

8. Authority to approve the extension and reduction of services subject to budgetary provision being available.
9. Authority to approve agreements and contracts within the budget limits approved by Council.
10. Authority to approve vesting and disposing of infrastructural assets, as a result of subdivision or capital works being undertaken.
11. Authority to establish subcommittees or working parties, and to delegate functions within this committee's fields of activities.
12. Authority to recommend to Council the purchase or sale of land.
13. Authority to initiate a Special Consultative Process, or otherwise consult the community on matters within this committee's fields of activities and where the proposed consultation is not contrary to an established Council position.

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of District Planning & Regulation Committee**

The District Planning and Regulation Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for the following activities:

1. Administration of bylaws other than those clearly under the jurisdiction of another standing committee
2. Building control
3. Civil Defence and Emergency Management
4. Contaminated Sites
5. Hazardous Substances and New Organisms
6. Dog registration and control
7. Environmental protection and health including licensing
8. Fees and charges for activities within the jurisdiction of the Committee.
9. Gambling venues
10. Impounding
11. Litter
12. Sale and Supply of Alcohol
13. Noise control
14. Nuisances (under the Health Act 1956)
15. Parking enforcement
16. Planning for growth, Development Strategies, Outline Development Plans
17. Pollution
18. Resource Management Responsibilities
19. Signs
20. Stock control

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of District Planning & Regulation Committee**

##### **Specific Jurisdiction**

1. The initiation of District Plan Changes or District Plan variations.
2. District Strategy Development and consultation with recommendations to the Council.
3. The approval of District Plan Changes or District Plan variations.
4. The initiation and processing of reviews of the District Plan
5. Authority for the lodging of submissions or appeals to other statutory bodies in respect of the Resource Management Act or any other Act dealing with resource management issues. Where insufficient time exists the Chairman and one other member of the committee can act on behalf of the committee.
6. The appointment of suitable persons to a list of approved Hearing Commissioners for Resource Management Act 1991 purposes.
7. Authority to approve agreements and contracts within the budget limits approved by Council.
8. Authority to establish subcommittees or working parties, and to delegate functions related to the committee's activities.
9. Authority to recommend to Council the purchase or sale of land, the stopping of roads or prohibition of vehicles, designations on private property, establishment of road or utilities reserves.
10. Authority to initiate a Special Consultative Procedure, or otherwise consult the community on matters related to the committee's activities and where the proposed consultation is not contrary to an established Council position.

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of the Audit and Risk Committee**

##### **Jurisdiction**

The Audit and Risk Committee shall enjoy all the powers granted to a standing committee under the Delegations Policy. It shall be responsible for the following activities:

1. Financial management and reporting
2. Liability management
3. Investment management
4. Revenue and Financing policy
5. Rating policy
6. Grants policy
7. Risk management
8. Statutory compliance and legal matters (where not covered by any other committees' delegations)
9. Economic development and district promotions policy and projects
10. Camping Grounds
11. Housing for the elderly and Council housing
12. Health and Safety

##### **Specific Jurisdiction**

###### **1. Financial Management and Reporting**

- (a) Monitor implementation of the Annual Plan quarterly (both financial and non-financial).
- (b) Review annual financial statements prior to the Council adoption and ensure disclosures are in accordance with statutory requirements and consistent with best practice.
- (c) Review and recommend changes to accounting policies as required.
- (d) Liaise with and manage the Council's relationship and arrangements with the Council's external auditors.
- (e) Receive and consider management reports and any other information received from the Council's external auditors.



## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of the Audit and Risk Committee**

##### **2. Oversight of Council Controlled Organisation and other council organisations**

- (a) Review draft Statements of Intent for Council controlled organisations and advise Council controlled organisations of any comments. When finalised, Statements of Intent are to be referred to Council for information.
- (b) Monitor performance of Council controlled organisations on a six monthly basis.
- (c) Receive the draft Annual Plan and the Annual Report for other council organisations where the Audit and Risk Committee considers this appropriate.
- (d) Monitor performance of other council organisations where the Audit and Risk Committee considers this appropriate.

##### **3. Investment and Liability Management**

- (a) Review Investment and Liability Management Policies and recommend changes to the Council.
- (b) Monitor performance against investment and liability management policies quarterly.
- (c) Monitor property and forestry investments
- (d) Recommend to the Council investment acquisition and disposal options where this has not been delegated to another standing committee

##### **4. Revenue and Financing Policy and Rating**

- (a) Review Revenue and Financing Policies as required and recommend changes to Council.
- (b) Review Rating Policies (including remissions and postponements) annually, and recommend changes to the Council where required.
- (c) Decide any appeal on an application that has been declined for remission of rates on Maori Freehold Land.
- (d) Decide any applications for remissions of rates or rates penalties in excess of \$5,000 in any one account.
- (e) Make a final decision on any appeal on an application for rates postponement on the grounds of financial hardship that has been declined.
- (f) Hear and consider appeals on applications for rates remissions that have been declined where such applications have been referred to the Committee by the General Manager Finance and Business Support.

## DELEGATIONS

### Part 2

### Delegation to Committees

#### Jurisdiction of the Audit and Risk Committee

##### 5. **Risk Management and Insurance**

- (a) Review corporate risk assessment and internal risk management practices.
- (b) Review insurance arrangements annually.
- (c) Monitor insurance claims.

##### 6. **Statutory Compliance and Legal Matters (where not covered by other committees' delegations)**

- (a) Review proposed changes to legislation or regulations or other legal obligations relating to any matters within the Audit and Risk Committee's jurisdiction.
- (b) Monitor any areas of statutory non-compliance where not covered by other committees' delegations and advise Council of steps being taken to ensure future compliance.
- (c) Monitor and review Health and Safety related matters.

##### 7. **Other**

- (a) Review grants policy as required and recommend changes to the Council, as required
- (b) Write off to bad debts sundry debtor accounts of \$10,000 or more.
- (c) Make recommendations to the Council in respect of emerging financial issues of which the Council needs to be informed.

##### 8. **Reviews of Significant Activities**

Review significant Council activities and expenditure, including Reviews under Section 17A of the Local Government Act 2002, and recommend to the Council any proposed changes to services, levels of service and the method of funding, or significant changes in the method of service delivery. The review programme will be agreed in advance with the Council.

Lead preparation and monitoring of the programme of Service Reviews giving effect to the requirements of S.17A and in particular S.17A(3)(b) in exercising discretion on behalf of the Council in relation to whether a review of a particular activity is justified and if so the priority and timing of that review.

## DELEGATIONS

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### **Part 2**

### ***Delegation to Committees***

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#### **Jurisdiction of the Audit and Risk Committee**

##### **9. Special Reviews**

- (a) Subject to the agreement of a majority of all members of the Committee, the Committee shall have the authority to nominate and undertake investigations that examine policies, administration and expenditure of the Council's programmes.
- (b) The Committee is authorised to appoint ad-hoc subcommittees from amongst its members for such specific investigations and prepare reports where it is considered appropriate to do so. Subcommittees shall consult with any relevant standing committees, where appropriate. Any reports prepared by an ad-hoc subcommittee shall be considered and approved by a publicly notified meeting of the Audit and Risk Committee before being submitted to the full Council for its consideration.

##### **10. Economic Development and District Promotions**

- (a) Development and review of the implementation of Council's policies guiding its economic development activities and in particular Policy S-CP1405 Council's Role in Economic Development.
- (b) Maintaining a broad monitoring oversight on behalf of the Council of the District's economic development, including liaison with key stakeholders such as business and promotional associations.
- (c) In addition to the Committee's monitoring responsibilities in relation to Enterprise North Canterbury as a CCO under Section 2 above, liaison with ENC and consideration and recommendation to the Council of ENC's Annual District Promotions Business Plan.
- (d) Oversight of and recommendation to the Council in relation to economic development projects



## DELEGATIONS

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### Part 4

### Delegation to other Committees

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#### Jurisdiction of the District Licensing Committee

##### 1. Scope of Activity

- To consider and determine applications for licences and manager's certificates; and
- To consider and determine applications for renewal of licences and manager's certificates; and
- to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
- to consider and determine applications for the variation, suspension, or cancellation of special licences;
- to consider and determine applications for the variation of licences (other than special licences); and
- with the leave of the Chairperson for the licensing authority, to refer applications to the licensing authority; and
- to conduct enquiries and to make reports as may be required of it by the licensing authority under section 175; and
- any other functions conferred on licensing committees by or under this Act of any other enactment.

##### 2. Specific Jurisdiction

###### *Sale and Supply of Alcohol Act 2012, s186-211*

A range of criteria will be considered when deciding licence applications under sections 105, 131 and 142 of the Act. Case law and guidance or practice directions issued by the Alcohol Regulatory and Licensing Authority (ARLA) will also influence District Licensing Committee decisions.

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO:** GOV-01-11 / 251024203467

**REPORT TO:** Council

**DATE OF MEETING:** 29 October 2025

**AUTHOR(S):** Mayor Dan Gordon

**SUBJECT:** Appointment of Portfolio Holders

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)



Chief Executive



Mayor D Gordon

**1. SUMMARY**

- 1.1 The purpose of this report is to recommend the establishment and appointment of the Portfolio Holders, for the Council.

**2. RECOMMENDATION**

**THAT** the Council:

- (a) **Receives** report No. 251024203467.
- (b) **Establishes** Portfolios for Councillors and **notes** the generic Portfolio Holder Role Description, with specific parameters to be defined by February 2026.
- (c) **Appoints** Mayor Gordon as Portfolio Holder of Iwi Relationships.
- (d) **Appoints** Mayor Gordon as Portfolio Holder of Government Reform.
- (e) **Appoints** Mayor Gordon as Portfolio Holder of Greater Christchurch Partnership.
- (f) **Appoints** Mayor Gordon as Portfolio Holder of Transport.
- (g) **Appoints** Councillor P Redmond as Portfolio Holder of Property.
- (h) **Appoints** Councillor W Doody as Portfolio of Housing.
- (i) **Appoints** the Deputy Mayor of the time as Portfolio Holder of International Relationships.
- (j) **Appoints** Councillor B Cairns as Portfolio Holder of Arts and Culture.
- (k) **Appoints** Councillor N Mealings as Portfolio Holder of Climate Change and Sustainability.
- (l) **Appoints** Councillor N Mealings as Portfolio Holder of Solid Waste.
- (m) **Appoints** Councillor J Ward as Portfolio Holder of Audit, Risk, Annual/Long Term Plans.

- (n) **Appoints** Councillor S Powell as Portfolio Holder of Communications.
- (o) **Appoints** Councillor W Doody as Portfolio Holder of Customer Service.
- (p) **Appoints** Councillor B Cairns as Portfolio Holder of Greenspace (Parks, Reserves and Sports Grounds).
- (q) **Appoints** Councillor B McLaren as Portfolio Holder of Community Facilities (including Aquatic Centres, Multi-use Sports Stadium, Libraries/Service Centres, Town Halls, and Museums).
- (r) **Appoints** Councillor S Powell as Portfolio Holder of Community Development and Wellbeing.
- (s) **Appoints** Councillor B Cairns as Portfolio Holder of Business, Promotion and Town Centres.
- (t) **Appoints** Councillor T Bartle as Portfolio Holder of Mixed use and Business and Kaiapoi Development.
- (u) **Appoints** Councillor N Mealings as Portfolio Holder of District Planning.
- (v) **Appoints** Councillor J Goldsworthy as Portfolio Holder of Civil Defence and Regulation.
- (w) **Appoints** Councillor P Redmond as Portfolio Holder of Roothing.
- (x) **Appoints** Councillor T Fulton as Portfolio Holder of Drainage and Stockwater and Three Waters (Drinking Water, Sewer and Stormwater).
- (y) **Appoints** Councillor T Bartle as Portfolio Holder of Procurement (Efficiencies and Savings).
- (z) **Notes** that appointments and portfolios may be reviewed in November 2026 by the Council or at the discretion of the Mayor.
- (aa) **Circulates** a copy the outcome of this report to the Community Boards for their reference.

### 3. BACKGROUND

- 3.1 The Council established four Standing Committees at its meeting of 29 October 2025; being Audit and Risk Committee, Community and Recreation Committee, District Planning and Regulation Committee and the Utilities and Roothing Committee.
- 3.2 Portfolio Holder positions were established at the beginning of the 2022-25 term to align with key Council and Committee matters. The previous Council made recommendations to this Council to continue with the practice of portfolios.

### 4. ISSUES AND OPTIONS

- 4.1 The portfolios have proven successful during the previous term as it allowed each Councillor and the Mayor to hold various portfolios that share the workload and knowledge. The general role description of a portfolio holder is set out at the end of this report. A more specific portfolio description will be considered in February 2026.
- 4.2 There are no implications on community wellbeing by the issues and options that are the subject matter of this report.
- 4.3 The Chief Executive has reviewed this report.

## 5. **COMMUNITY VIEWS**

### 5.1 **Mana whenua**

Te Ngāi Tūāhuriri hapū are likely to be affected by or have an interest in the subject matter of this report. However, representatives of the Rūnanga serve on various committees and working groups and will be informed of any changes as they become known.

### 5.2 **Groups and Organisations**

There are no groups and organisations likely to be affected by or to have an interest in the subject matter of this report.

### 5.3 **Wider Community**

The wider community is not likely to be affected by or be interested in this report's subject matter. However, the structure of the Council needs to be clear and provide certainty as to how the community can engage with the Council and its elected members.

Discussions have been held between each member of the Council and the Mayor.

## 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

### 6.1 **Financial Implications**

- (i) There are financial implications of the decisions sought by this report. Remuneration is set by the independent Remuneration Authority, who have previously accepted and approved all Waimakariri Councillors as holding portfolios. Councillors carrying portfolios therefore receive a higher remuneration than a base councillor remuneration to allow for the additional duties. During the term, the individual portfolio holders chair a Committee related to their portfolio and undertake additional duties with working groups and liaison with General Managers. No additional remuneration is provided for committee membership as that is seen as part of a Councillors normal duty.
- (ii) In July 2025, the Remuneration Authority set the remuneration for the elected members. The Councillors remuneration is a base rate from a funding pool set by the Authority. The remuneration pool for Councillors (including the Deputy Mayor) from the day after the date of which the official result of the 2025 election is declared is \$56,193.00pa. A rate higher than the base Councillor rate for all Councillors carrying high duties with portfolios and chairperson requirements will be determined at the 4 November 2025 Council meeting based on the Remuneration Authority funding pool. That rate is anticipated, applicable to all Councillors based on the previous Council recommendations is \$71,026.00pa.

### 6.2 **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

### 6.3 **Risk Management**

There are not risks arising from the adoption/implementation of the recommendations in this report.

### 6.4 **Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## 7. **CONTEXT**

### 7.1 **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

**7.2 Authorising Legislation**

Remuneration Authority 2025/26 Determination.

**7.3 Consistency with Community Outcomes**

There are wide ranging opportunities for people to contribute to the decision-making by public organisations that affect our District.

**7.4 Authorising Delegations**

The Council sets the structure of its Committees, as stipulated in the Local Government Act 2002. The Mayor has the delegation to set Portfolios.



**APPENDIX 1****General Description of Portfolio Holder Role (September 2022)**

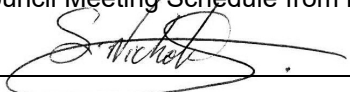
Each Portfolio Holder shall be a member of the Standing Committee to which the portfolio relates.

The purpose of the Portfolio Holder position is to:

- Provide leadership in respect of issues relating to the Portfolio.
- Work with key Council staff to develop Council priorities and provide input into the Long Term Plan (LTP) and Annual Plan processes.
- Work with key Council staff in the development of policy for Council and Committee consideration.
- Lead community engagement processes relating to the Portfolio.
- Act as the Council's spokesperson for matters relating to the Portfolio.

It is noted that the Portfolio Holders will meet regularly (at least monthly) with the Department Manager to discuss relevant matters in relation to their portfolio. This information will be discussed when the Department Manager and Chair of the relevant Standing Committee or Council who meet to discuss agenda matters in relation to upcoming meetings.

Portfolio positions may be reviewed by the Mayor twelve months after the beginning of the term and additional portfolios can be added or amended at any time at the discretion of the Mayor, in consultation with the Chief Executive.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** Gov-01-11 / 251026203484**REPORT TO:** Council**DATE OF MEETING:** 29 October 2025**AUTHOR(S):** Sarah Nichols, Governance Manager**SUBJECT:** Council Meeting Schedule from November 2025 to December 2026**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)
  
 Governance Manager

  
 Chief Executive
**1 SUMMARY**

The purpose of this report is to adopt a meeting schedule from November 2025 to December 2026 for the ordinary Council and Standing Committee meetings. The schedule is based on past timetabling patterns adopted and elected member feedback over recent times.

Attachments:

- i. Proposed Waimakariri District Council Meetings Calendar of 13th Term of Council – 1 November 2025 to 22 December 2026. (Trim 251018198430 circulated separately).

**2 RECOMMENDATION****THAT** the Council:

- (a) **Receives** report No 251026203484.
- (b) **Adopts** the following meeting schedule for the period from 1 November 2025 to 22 December 2026 (as outlined in Trim 251018198430).
- (c) (i) Ordinary Council Meeting Dates commencing at 9am, generally on the first Tuesday of the month:

4 November 2025	2 December 2025		
3 February 2026	3 March 2026	31 March 2026	5 May 2026
2 June 2026	7 July 2026	4 August 2026	1 September 2026
6 October 2026	3 November 2026	1 December 2026	

- (ii) Council meetings relating to (Draft) Annual Plan and Annual Report including submissions and hearings:

27 and 28 January 2026 (Budgets)	17 February 2026 (Approval to Consult)	6 and 7 May 2026 (Hearings)
26 and 27 May 2026 (Deliberations)	16 June 2026 (Adoption Annual Plan)	23 June 2026 (Reserve Adoption)
6 October 2026 (Annual Report)	20 October 2026 (Reserve Annual Report)	26 to 29 January 2027 (LTP Budget)

- (d) **Adopts** the following meeting schedule for the period from 1 November 2025 to 22 December 2026 for Committees:

- (i) Audit and Risk Committee commencing at 9am on Tuesdays:

18 November 2025		
17 February 2026	17 March 2026	19 May 2026
16 June 2026	18 August 2026	20 October 2026
15 December 2026		

- (i) Utilities and Roading Committee generally at 9am on Tuesdays:

25 November 2025	9 December 2025 (1pm)	
10 February 2026	10 March 2026	14 April 2026
12 May 2026	9 June 2026	14 July 2026
11 August 2026	8 September 2026	13 October 2026
17 November 2026	8 December 2026	

- (ii) District Planning and Regulation Committee generally at 1pm on Tuesdays:

25 November 2025	16 December 2025 (9am)	
10 February 2026	14 April 2026	9 June 2026
14 July 2026	11 August 2026	13 October 2026
15 December 2026		

- (iii) Community and Recreation Committee at 1pm on Tuesdays:

16 December 2025		
17 February 2026	21 April 2026	16 June 2026
18 August 2026	15 September 2026	24 November 2026

- (iv) Waimakariri District Licensing Committee at 9am generally on Mondays

3 November 2025	1 December 2025		
2 February 2026	2 March 2026	30 March 2026	4 May 2026
29 June 2026	27 July 2026	31 August 2026	28 September 2026
2 November 2026	30 November 2026		

- (e) **Notes** that this timetable does not precluded additional meetings being scheduled if required for matters of urgency, which will be advertised on the Council website.
- (f) **Notes** that workshops will be scheduled during 2026, on Tuesdays each month, as required and will be advertised on the Council website. Furthermore each Committee may hold workshops at the conclusion of its scheduled meeting, if required, with topics listed in the Committee agenda.
- (g) **Notes** the Community Boards will adopt their own timetable at their meetings held during their inaugural meetings in October/November 2025.
- (h) **Notes** that no formal meetings are currently scheduled for Councillors on the weeks of 3 to 12 April, 27 June to 5 July, 24 October to 1 November, 7 November to 15 November and from 18 December 2026 to 24 January 2027.
- (i) **Circulates** a copy of the finalised meeting times to Ngāi Tūāhuriri partners and the Community Boards for their reference.

### 3 **BACKGROUND**

- 3.1 The timetable is based on previous Council patterns and balancing the anticipated workloads of the various Committees and need to keep members informed through workshop sessions for such topics as government reforms, Three Waters matters and Long Term Budget Planning. It is deemed prudent to set the primary Council meeting schedule to enable good forward planning, including with partnerships and neighbouring councils whilst ensuring efficient use of members time.

- 3.2 During the first half of the previous term, ordinary Council meetings occurred at 1pm on the first Tuesday of the month, with the Standing Committees generally alternating in two pairs on the third Tuesday of each month. This scheduling worked well, however since the beginning of 2024 the Council commenced its ordinary meetings at 9am, which has proved more effective. The previous Council recommended that pattern continue.
- 3.3 Since July 2014, specific monthly non-decision making sessions relating to district-wide matters have been brought before Council. This has proven to be effective for both members and staff. It is therefore proposed that these specific briefing and/or workshop sessions continue during the 2025/28 term on an appropriate Tuesday, which will be scheduled from 2026. In addition, it is proposed that some specialist workshops and briefings will still occur after the related standing committee meetings. All workshops will be advertised on the Council website and align with the Council Workshop and Briefing Policy.

## **4 ISSUES AND OPTIONS**

- 4.1 2025-26 is proposed to be another busy year with ongoing 3Waters, Resource Management and Local Government reform related matters occurring throughout the year. Feedback has been received that it would be beneficial for the Council to have scheduled breaks from meeting commitments to balance members other community commitments. Therefore, it is prudent to factor into the proposed schedule, break weeks. No formal meetings have therefore been scheduled the weeks of 3 to 12, 27 Juen to 5 July, 24 October to 1 November and in mid-November, along with no meetings scheduled after 18 December 2026 for the year.
- 4.2 The Community Boards will set their 2025-26 meeting patterns at their inaugural meetings. The recommended timings dovetails with the timing of the Council and Committee meetings, ensuring the availability of Councillors and the flow of information between the two levels of governance.
- 4.3 There are no implications to community wellbeing by the issues and options that are the subject matter of this report.
- 4.4 The Chief Executive has reviewed this report and support the recommendations.

## **5 COMMUNITY VIEWS**

### **5.1 Mana whenua**

Te Ngāi Tūāhuriri hapū are likely to be affected by or have an interest in the subject matter of this report, as their representatives will be invited to attend some of the scheduled meetings. Information will be shared with Te Ngāi Tūāhuriri to ensure mutual meeting dates directly affecting the Runanga are agreed. Additional meetings may occur pending ongoing conversations with Te Ngāi Tūāhuriri.

### **5.2 Groups and Organisations**

Community views were not sought for the timetabling as there are no groups and organisations likely to be affected by or to have an interest in the subject matter of this report. However, the established pattern of Council and Community Board meetings has generally worked well for members, taking into account other community commitments.

Some members of the public may be disadvantaged with meetings being held during the day due to work or family commitments. Submission hearing timings and locations are considered prior to each consultation. The Annual Plan hearings will be scheduled over a mix of day and evening times to enable submitters the opportunity to speak over a wider timeframe.

### **5.3 Wider Community**

The wider community is not likely to be affected by or to have an interest in the subject matter of this report. However, the Waimakariri District Council has been holding the majority of its Council and Committee meetings on Tuesdays for a number of years, and it is known within the community.

The most appropriate way to ensure that the wider community is aware of the various meetings being held is to establish a meeting calendar. All Council, Standing Committees, Community Board meetings are also publicly advertised in compliance with the Local Government Official Information and Meetings Act 1987 (LGOIMA). Meetings are also advertised on the Council's website and at Service Centres on in-house television screens. Additional notification of Annual Plan submission and hearing dates and process occurs to maximise public awareness of Council meetings and the opportunity to contribute to the decision making process.

## **6 OTHER IMPLICATIONS AND RISK MANAGEMENT**

### **6.1 Financial Implications**

There are financial implications of the decisions sought by this report, as the servicing of Council, Committees and Community Boards are met within existing Council Governance Budgets.

### **6.2 Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

### **6.3 Risk Management**

There are no risks arising from the adoption/implementation of the recommendations in this report.

### **6.4 Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## **7 CONTEXT**

### **7.1 Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2 Authorising Legislation**

Local Government Act 2002 Schedule 7 clause 19 - *A Local Authority must hold the meetings that are necessary for the good government of its region or district.*

Meetings must be called and conducted in accordance with Local Government Official Information and Meetings Act 1987 (LGOIMA) and the Standing Orders of the Local Authority.

### **7.3 Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

### **7.4 Authorising Delegations**

The Council set meetings for Council and Committees. Each Community Board set individual meeting times.