

# Agenda

## Kaiapoi-Tuahiwī Community Board

Thursday 27 October 2022

1.30pm

Kaikanui Room  
Ruatanīwha Kaiapoi Civic Centre  
176 Williams Street, Kaiapoi

**Members:**

Neville Atkinson  
Al Blackie  
Tim Bartle  
Tracey Blair  
Russell Keetley  
Sandra Stewart  
Jackie Watson

**AGENDA FOR THE MEETING OF THE KAIAPOI-TUAHIWI COMMUNITY BOARD TO BE HELD AT THE RUATANIWHA KAIAPOI CIVIC CENTRE, 176 WILLIAMS STREET, KAIAPOI ON THURSDAY 27 OCTOBER 2022 AT 1.30PM.**

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**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS  
COUNCIL POLICY UNTIL ADOPTED BY THE COUNCIL**

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**BUSINESS**

PAGES

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

**1 APOLOGIES**

**2 CONFLICTS OF INTEREST**

**3 BOARD MEMBERS' 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).
- (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 chairperson or member.

"I, *[Full Legal Name]*, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Kaiapoi-Tuahwi Ward, the powers, authorities, and duties vested in or imposed upon me as Member of the Kaiapoi-Tuahwi Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at: *[place, date]*

Signature: Signed in the presence of: [*mayor or chairperson or member or chief executive of local authority*].

*The Chief Executive, or an appointed representative, will invite the Board members to read and sign declaration forms:*

Neville Atkinson  
Tim Bartle  
Alastair Blackie  
Tracey Blair  
Russell Keetley  
Sandra Stewart  
Jackie Watson

#### 4 **REPORTS**

##### 4.1 **Appointment of Chairperson and Deputy Chairperson – Kay Rabe (Governance Advisor)**

5-9

###### *RECOMMENDATION*

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** Report No: 221004171354.
- (b) **Resolves** to call for nominations of Chairperson and Deputy Chairperson and uses system (A) for voting in the event of more than one member being nominated.

**AND**

- (c) **Appoints** Board Member..... as Chairperson of the Kaiapoi-Tuahiwi Community Board to take immediate effect from 27 October 2022 until the end of the 2022-25 triennial term. In October 2025.
- (d) **Notes** remuneration will be appropriately adjusted for the Chairperson from 28 October 2022.

*The Chief Executive (or his appointee) will then vacate the Chair in favour of the elected Chairperson.*

**AND**

- (e) Appoints Board Member .....as Deputy Chairperson of the Kaiapoi-Tuahiwi Community Board to take immediate effect from 27 October 2022 until the end of the 2022-25 triennial term, in October 2025.

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

10-23

###### *RECOMMENDATION*

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No 221004171447.
- (b) **Receives** legislative material that has been circulated.

4.3 **Code of Conduct – Sarah Nichols (Governance Manager)**

24-125

*RECOMMENDATION*

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No. 221004171377.
- (b) **Receives** the 2022 Elected Members Code of Conduct document (Trim 190625089193).
- (c) **Receives** the 2022 Community Board Standing Orders (Trim 201007134141).
- (d) **Notes** that both the Code of Conduct and Standing Orders will be reviewed by the Board at its December 2022 meeting.

4.4 **Meeting and Workshop Dates for 2022/2023 – Thea Kunkel (Governance Team Leader)**

126-129

*RECOMMENDATION*

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No. 220727127585.
- (b) **Resolves** to hold Board meetings at the Ruataniwha Kaiapoi Civic Centre, Williams Street, Kaiapoi, commencing at 4pm, on the following dates:
  - Monday 21 November 2022
  - Monday 12 December 2022
  - Monday 20 February 2023
  - Monday 20 March 2023
  - Monday 17 April 2023
  - Monday 15 May 2023
  - Monday 19 June 2023
  - Monday 17 July 2023
  - Monday 21 August 2023
  - Monday 18 September 2023
  - Monday 16 October 2023
  - Monday 20 November 2023
  - Monday 11 December 2023

5 **QUESTIONS UNDER STANDING ORDERS**

6 **URGENT GENERAL BUSINESS UNDER STANDING ORDERS**

**NEXT MEETING**

The first ordinary meeting of the Kaiapoi-Tuahiwi Community Board is scheduled for 5pm, Monday 21 November at the Ruataniwha Kaiapoi Civic Centre.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION**

**FILE NO and TRIM NO:** GOV-26-08-06 / 221004171354

**REPORT TO:** KAIAPOI-TUAHIWI COMMUNITY BOARD


**DATE OF MEETING:** 27 October 2022

**AUTHOR(S):** Kay Rabe, Governance Advisor

**SUBJECT:** Appointment of Chairperson and Deputy Chairperson

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

\_\_\_\_\_ General Manager

\_\_\_\_\_  Acting Chief Executive

**1. SUMMARY**

The purpose of this report is to facilitate the appointment of the Chairperson and Deputy Chairperson of the Board. The Board is required to appoint a Chairperson in accordance with clause 37 of schedule 7, Part 2 of the Local Government Act, 2002.

**2. RECOMMENDATION**

THAT the Kaiapoi-Tuahwi Community Board:

- (a) **Receives** Report No: 221004171354.
- (b) **Resolves** to call for nominations of Chairperson and Deputy Chairperson and uses system (A) for voting in the event of more than one member being nominated.

**AND**

- (c) **Appoints** Board Member..... as Chairperson of the Kaiapoi-Tuahwi Community Board to take immediate effect from 27 October 2022 until the end of the 2022-25 triennial term. In October 2025.
- (d) **Notes** remuneration will be appropriately adjusted for the Chairperson from 28 October 2022.

*The Chief Executive (or his appointee) will then vacate the Chair in favour of the elected Chairperson.*

**AND**

- (e) **Appoints** Board Member .....as Deputy Chairperson of the Kaiapoi-Tuahwi Community Board to take immediate effect from 27 October 2022 until the end of the 2022-25 triennial term, in October 2025.

### 3. **BACKGROUND**

- 3.1 The Chairperson plays a central role in the effective functioning of a Community Board. They need to be able to guide Community Board meetings to ensure clear and fruitful outcomes.
- 3.2 The Chairperson should also provide leadership by developing a culture of good governance and should ensure that there is constant communication between the Board, Council Staff and the community.

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

- 4.1 The Board may elect a member immediately to serve as permanent Chairperson for the Triennial term of 2022-25.
- 4.2 However, staff acknowledge that Board members may find it difficult to choose a permanent Chairperson until they have worked together for some time, and thus had a chance to learn what each member could potentially bring to the role.
- 4.3 An option that therefore may be considered is, to select one of the elected Ward Councillors assigned to the Board to serve as interim Chairperson until such time as the Board members are ready to elect a permanent Chairperson. Ward Councillors have practice in chairing various meetings and the Board will therefore be able to continue its work, while weighing its options regarding a permanent Chairperson. If such an option was chosen then staff recommend the interim period of time of a Councillor acting as Chair not extend past the end of February 2023. This would enable three ordinary board meetings to occur and a decision on a permanent Chairperson to be appointed at the Boards February 2023 meeting.
- 4.4 During previous terms some of the Boards operated on an annual rotation system. Every twelve months the Deputy Chairperson became the Chairperson, and a new Deputy Chairperson was duly appointed. However, this system showed itself to be less effective in strengthening a Board when compared to those Boards who chose to elect one Chairperson for the entire triennial term. It is also confusing for the community who seek consistency. Therefore, staff would not recommend this option to the incoming Board members.
- 4.5 Whilst it is not a legal requirement that a Deputy Chairperson be appointed, it is highly recommended that one be appointed to act in place of the Chairperson as/if required.

#### 4.6 **Appointment Process**

Section 37 (Schedule 7, Part 2) of the Local Government Act 2002 states that:

**“37. Chairpersons of community boards—**

- (1) *A community board must have a chairperson.*
- (2) *Clause 25 applies to the election of chairpersons of community boards.”*

Should there be more than one nomination for the position of Chairperson or Deputy Chairperson, the procedure to be followed is outlined in section 25 (Schedule 7, Part 1) as follows:

**“25. Voting systems for certain appointments—**

- (1) *This clause applies to—*
  - (a) *the election or appointment of the chairperson and deputy chairperson of a regional council; and*
  - (b) *the election or appointment of the deputy mayor; and*
  - (c) *the election or appointment of the chairperson and deputy chairperson of a committee; and*
  - (d) *the election or appointment of a representative of a local authority.*

- (2) *If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:*
- (a) *the voting system in sub clause (3) (**system A**):*
  - (b) *the voting system in sub clause (4) (**system B**).*
- (3) *System A—*
- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
  - (b) *has the following characteristics:—*
    - (i) *there is a first round of voting for all candidates; and*
    - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
    - (iii) *if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
    - (iv) *in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*
- (4) *System B—*
- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
  - (b) *has the following characteristics:*
    - (i) *there is only 1 round of voting; and*
    - (ii) *if 2 or more candidates tie for the most votes, the tie is resolved by lot.”*

4.7 There are no implications on community wellbeing by the issues and options that are the subject matter of this report.

4.8 The Acting Chief Executive has reviewed this report and supports the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Mana whenua**

Taking into consideration the provisions of the Memorandum of Understanding between Te Ngāi Tūāhuriri Rūnanga and the Council, Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report.

### **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 directly affected by or be interested in this report's subject matter.

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

### 6.1 **Financial Implications**

6.1.1 Elected members' payments are set by the Remuneration Authority. The Remuneration Authority have set the Board Chairperson remuneration from 1 July 2022 to 30 June 2023 in two stages as follows:

<b>Position</b>	<b>Pre-election July –mid Oct 2022</b>	<b>Post-election mid-Oct – June 2023</b>
Kaiapoi-Tuahiwi Community Board Chair	\$17,991	\$17,991

6.1.2 Councillors do not receive additional remuneration when attending Community Board meetings, however attendance to Board meetings is mandatory. If a Councillor is appointed as interim Chair, then no additional remuneration is payable.

### 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**

Everything we do at Waimakariri District Council is guided by the Health and Safety at Work Act 2015

The Health and Safety at Work Act ensures everyone has a role to play (duties), makes everyone's responsibilities clear and focuses on managing work risk. Any elected member is considered to be a 'worker' under the Health and Safety at Work Act.

The meaning of workers under the Health and Safety at Work Act:

- A worker is an individual who carries out work in any capacity for a business or undertaking, including: employees, contractors or sub-contractors

Workers and others in a workplace must:

- take reasonable care of their own health and safety and reasonable care that others are not harmed by something they do or don't do
- follow any reasonable health and safety instructions given to them by the organisation.
- cooperate with any reasonable organisational policy or procedure relating to the workplace's health and safety.

*Note: Workers have the right to stop work if they believe it is unhealthy or unsafe.*

An 'officer' under the Health and Safety at Work Act is a person who has a position that allows them to exercise significant influence over the management of a business. At Council, our Councillors and our Chief Executive are officers. Members of Community Boards are not officers under the Health and Safety at Work Act.

The role of an officer is to exercise due diligence to ensure that the business meets its health and safety obligations under HSWA.



## 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 – Schedule 7, Part 1 clauses 17 and 25 (2004 amendment); Part 2 clause 25. Clause 54 of the Local Government Act 2002, provides the application of provisions to Community Boards, with all the necessary modifications, as if they were Local Authorities.

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

Council appointments contribute to the achievement of all community outcomes.

### 7.4 **Authorising Delegations**

Boards have the delegation to appoint a Chairperson and Deputy Chair for the 2022-25 triennial.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INFORMATION**

**FILE NO and TRIM NO:** GOV-26-08-06 / 221004171447

**REPORT TO:** KAIAPOI-TUAHIWI COMMUNITY BOARD

**DATE OF MEETING:** 27 October 2022

**AUTHOR(S):** Jeff Millward, Acting Chief Executive

**SUBJECT:** Local Government Act – First Meeting Following the Triennial General Election Requirements

**SIGNED BY:**  
(for Reports to Council, Committees or Boards)

\_\_\_\_\_ General Manager

 \_\_\_\_\_ Acting Chief Executive

**1. SUMMARY**

1.1 The purpose of this report is to outline legislation, which members need to be aware of. Clause 21 (5)(c), Schedule 7, part 1 of the Local Government Act 2002 requires that at the first meeting of a local authority following a triennial general election, an explanation be provided to elected members of the appropriate provisions of the Local Government Official Information and Meetings Act 1987, appropriate provisions of the Local Authority (Members' Interests) Act 1968, Section 99, 105 and 105a of the Crimes Act 1961, Securities Act 1978, and the Secret Commissions Act 1910. An additional extract has been attached dealing with the indemnification of Members and the situation where Members could be liable for loss.

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

**2. RECOMMENDATION**

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No 221004171447.
- (b) **Receives** legislative material that has been circulated.

**3. BACKGROUND**

3.1 An Audit Office publication entitled "A Guide to the Local Authorities (Members Interests) Act 1968 and non-pecuniary Conflicts of Interest" has been provided to elected members. Elected Members have been asked to familiarise themselves with the above legislation. Elected Members have also been asked to direct any questions about the legislation to the Governance Manager.

3.2 There has been no legislative change, with the current status quo for the new triennium general requirements following an election.

- 3.3 Matters relating to the Disclosure of Interest Register are subject to a separate report in November 2022.
- 3.4 A copy of the Local Government Official Information and Meetings Act 1987 was provided to all elected members.

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

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

Sections 105 and 105A of the Crimes Act draw attention to the fact that an employee or any member of a local authority may be imprisoned for up to seven years for corruptly accepting a bribe.

##### **4.2 Secret Commissions Act 1910**

Section 4 of this Act states that it is an offence, under certain circumstances, to accept gifts.

Section 5 imposes a requirement to disclose pecuniary interests.

Section 8 discusses secret rewards for procuring contracts.

Section 16 describes who is deemed to be an agent.

##### **4.3 The Local Authorities Members' Interests Act 1968**

Section 3 states that a member shall not enter 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.

Elected members who may have a pecuniary interest in any matter that the Council deals with should seek the advice of the Audit Office.

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

The Act will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act.

Moving forward, the Council will be required to keep a register of elected members' pecuniary interests and make a summary of it publicly available. Members are obliged to provide annual returns, which are to be included on the registers. Any failure to comply with the new 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 prosecutions.

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

The introduction to the Act states this is "An Act 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."

Section 4 of the Act states:

*“The purposes of the Act are*

*4(a) To increase progressively 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,*

*And thereby to enhance respect for the law and to promote good local government in New Zealand.*

*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.”*

Sections 6, 7 and 8 of the Act provides reasons for withholding Official Information. The principle of the Act is that information held shall be made available unless there is good reason for withholding it. Reasons for withholding are the 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 to carry out commercial activities, as examples of some of the reasons.

Section 27 of the Act gives the Ombudsman certain investigative and review powers about the decision of the local authority not to provide Official Information.

Section 46 lays down requirements for all meetings of local authorities to be publicly notified, and further provides that agendas and reports are to be available prior to all meetings and are available 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 decision is based on one of the statutory grounds set out in section 48. The meeting needs to consider each report, which is recommended to be considered with the public excluded, and decide if the reasons given are appropriate. The reasons are similar to some of the examples outlined under sections 6, 7 and 8. In the majority of cases, matters being considered with the public excluded are considered as the last item on the agenda.

#### **4.6 Local Government Act 2002**

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 I am not aware of any case where this has occurred, members need to be aware of the possibility and that these actions or omissions are not able to be insured.

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

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, and it will be the responsibility of the Council to meet the costs or to claim from the appropriate parties.

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

Everything we do at Waimakariri District Council is guided by the Health and Safety at Work Act 2015

The Health and Safety at Work Act ensures everyone has a role to play (duties), makes everyone's responsibilities clear and focuses on managing work risk. Any elected Community Board member is considered to be a 'worker' under the Health and Safety at Work Act.

The meaning of workers under the Health and Safety at Work Act:

- A worker is an individual who carries out work in any capacity for a business or undertaking, including: employees, contractors or sub-contractors

Workers and others in a workplace must:

- take reasonable care of their own health and safety and reasonable care that others are not harmed by something they do or don't do
- follow any reasonable health and safety instructions given to them by the organisation.
- cooperate with any reasonable organisational policy or procedure relating to the workplace's health and safety.

*Note: Workers have the right to stop work if they believe it is unhealthy or unsafe.*

An 'officer' under the Health and Safety at Work Act is a person who has a position that allows them to exercise significant influence over the management of a business. At Council, our Councillors and our Chief Executive are officers. Members of Community Boards are not officers under the Health and Safety at Work Act.

The role of an officer is to exercise due diligence to ensure that the business meets its health and safety obligations under HSWA.

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

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.

4.10 There are no implications on community wellbeing by the issues and options that are the subject matter of this report.

4.11 The Acting Chief Executive has reviewed this report and supports the recommendations.

## 5. **COMMUNITY VIEWS**

### 5.1 **Mana whenua**

Taking into consideration the provisions of the Memorandum of Understanding between Te Ngāi Tūāhuriri Rūnanga and the Council, Te Ngāi Tūāhuriri hapū are 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 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.

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

### 6.1 **Financial Implications**

Elected members are not indemnified by insurance for such breaches and associated costs for breaches 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

### 7.1 **Consistency with Community Outcomes**

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

### 7.2 **Authorising Delegations**

None.

## Appendix 1

### Extract from Crimes Act 1961

Part 6

#### 99. Interpretation—

In this Part, 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

**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 the Sovereign 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.

#### 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 herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in his or her 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 or her in his or her official capacity.

#### 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 or her in his or her official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself 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:
- (2)
  - (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.

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** GOV-26-08-06 / 221004171377**REPORT TO:** KAIAPOI-TUAHIWI COMMUNITY BOARD**DATE OF MEETING:** 27 October 2022**AUTHOR(S):** Sarah Nichols, Governance Manager**SUBJECT:** Elected Member Code of Conduct and Standing Orders**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)\_\_\_\_\_  
General Manager  
\_\_\_\_\_  
Acting Chief Executive**1. SUMMARY**

- 1.1 The purpose of this report is for the Kaiapoi-Tuahiwi Community Board (the Board) to receive the Code of Conduct and Standing Orders. The Code and Standing Orders remain in force from the previous Board, however, may be amended as required by the Board.

Attachments:

- i. Local Government Act 2002 clause 15 (schedule 7, part 1)
- ii. Code of Conduct adopted by Board in October 2019. (Trim 190625089193)
- iii. Standing Orders adopted by the Board in October 2020 (Trim 201007134141)

**2. RECOMMENDATION****THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No. 221004171377.
- (b) **Receives** the 2022 Elected Members Code of Conduct document (Trim 190625089193).
- (c) **Receives** the 2022 Community Board Standing Orders (Trim 201007134141).
- (d) **Notes** that both the Code of Conduct and Standing Orders will be reviewed by the Board at its December 2022 meeting.

**3. BACKGROUND**

- 3.1 A Code of Conduct was adopted by the previous Board and remains in force. The Board may make changes to the Code. However, the Board is required under legislation to have a Code in force from its inaugural meeting.
- 3.2 A local authority is required to operate with Standing Orders for the conduct of its meetings and the meetings of Council, Committees, Sub-Committees and Hearing Panels. Community Boards must also adopt Standing Orders. Standing Orders must not contravene any Act.
- 3.3 Amendments to the Code of Conduct and Standing Orders require a resolution supported by 75% or more of the Board members present.



## 4. **ISSUES AND OPTIONS**

### 4.1 **Code of Conduct**

- 4.1.2 The Code of Conduct (the Code) has been based on the Local Government New Zealand (LGNZ) template, which was updated in 2019 to incorporate legislative change, new approaches to good governance and provide better advice for councils/ community boards having to deal with alleged breaches. The Code's focus was widened from not only controlling poor behaviour but also promoting an inclusive and positive governance culture. Good governance assists with being trusted and respected and the greater ability to enlist the support of the community and other agencies to improve outcomes and meet strategic goals.
- 4.1.2 The current Code was adopted by the previous Board on 31 October 2019 and applies to Board members in their dealings with Council officers, the public and the media.
- 4.1.3 The current Code has four objectives:
- to enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region.
  - to promote effective decision-making and community engagement.
  - to enhance the credibility and accountability of the local authority to its communities.
  - to develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.
- 4.1.4 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 the elected members of any Community Boards.
- 4.1.4 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.
- 4.1.5 The Code of Conduct is under review following updated information from LGNZ and therefore an updated Code of Conduct will be presented to the Board at its December 2022 meeting for consideration and adoption.

### 4.2 **Standing Orders**

- 4.2.1 The current Standing Orders applicable for Community Boards were adopted by the on 19 October 2020. At which time the previous Standing Orders were updated to incorporate the flexibility of using remote audio-visual technology for members to participate in meetings to enable the Board to continue operating during the National Covid-19 Lockdown.
- 4.2.2 LGNZ recently released a new Standing Orders Guide. An assessment is currently being undertaken of the 2022 amendments proposed by LGNZ to ensure consistency and relevance as well as to identify any areas of significant difference. Therefore, an updated Standing Orders document will be presented to the Board at its December 2022 meeting for consideration and adoption.

- 4.3 There are no implications on community wellbeing by the issues and options that are the subject matter of this report.
- 4.4 The Management Team has reviewed this report and supports the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1 Mana whenua**

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

### **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 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 Board 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 raises awareness of unacceptable behaviour such as bullying and sexual harassment and outlining the process on 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 Board is required, by legislation, to have a Code of Conduct and Standing Orders operable at all times.

**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 by the Waimakariri District Council on 7 May 2019

Adopted on by the Oxford-Ohoka Community Board on 4 July 2019

Adopted on by the Wooded-Sefton Community Board on 8 July 2019

Adopted on by the Rangiora-Ashley Community Board on 10 July 2019

Adopted on by the Kaiapoi-Tuahiwi Community Board on 15 July 2019

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## 1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the 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.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in this Code.

## 2. Scope

The Code has been adopted in accordance with clause 15 of schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all elected members, including the elected members of any Community Boards that have agreed to adopt it. The Code is designed to deal with the behaviour(s) of elected members towards:

- each other;
- the Chief Executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that elected members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

This 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 Community Boards' Standing Orders.

### 3. Principles

The Code is designed to give effect to the following values:

1. **An elected member will act in the public interest:** elected members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **An elected member will build public trust:** elected members, in order to foster community confidence and trust in their Council/Community Board, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **An elected member will behave ethically:** elected members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
4. **An elected member will consider matters objectively:** elected members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **An elected member will show respect for others:** will treat people, including other elected members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Elected members will respect the impartiality and integrity of officials.
6. **An elected member has a duty to uphold the law:** elected members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **An elected member will make an equitable contribution:** elected members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **An elected member will demonstrate leadership:** elected members will actively promote and support these values and ensure they are reflected in the way in which the Council/Community Board operates, including a regular review and assessment of the Council's collective performance.

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.

## 4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council/Community Board and those responsible for advice and the implementation of Council/Community Board decisions. The key roles are:

### 4.1 Elected Members

The role of the governing body includes:

- representing the interests of the people of the district;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the Council's resources;
- employing and monitoring the performance of the Chief Executive;
- ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015; and
- ensuring that the Principles, Values and Behaviours described in the Council's Ta Matou Mauri are embodied in all interactions.

### 4.2 Chief Executive

The role of the Chief Executive includes:

- providing policy advice to the Council/Community Boards and implementing the decisions of the Council/Community Boards;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the Council/Community Boards; and
- employing staff on behalf of the Council (including negotiation of the terms of employment for those staff).



Under s.42 of the LGA 2002 the Chief Executive is the only person *directly* employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

## **5. Relationships**

This section of the Code sets out agreed standards of behaviour between elected members; elected members and staff; and elected members and the public.

### **5.1 Relationships between elected members**

Given the importance of relationships to the effective performance of the Council/Community Board, elected members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language; and
- avoid any form of bullying or harassment.

Any failure by elected members to act in the manner described above represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the Council/Community Board as long as it is conducted in a respectful and insightful manner.

### **5.2 Relationships with staff**

An important element of good governance involves the relationship between the Council/Community Board and its Chief Executive. Elected members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the Chief Executive;
- raise any concerns about the performance or behaviour of the Chief Executive with the Mayor or the Chairperson of the Chief Executive Performance Review Committee (however described);

- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- avoid aggressive, offensive or abusive conduct towards any employee; and
- avoid any form of bullying or harassment;
- observe any protocols put in place by the Chief Executive concerning contact between elected members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by elected members to act in the manner described above represents a breach of this Code.

**Please note:** Elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's audit.

### **5.3 Relationship with members of the public**

Given that the performance of the Council/Community Board requires the trust and respect of individual citizens, elected members will:

- interact with members of the public and all elected members in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests of members of the public and elected members when participating in debate and making decisions;
- treat members of the public and elected members in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Any failure by elected member to act in the manner described above represents a breach of this Code.

## 6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council.

From time to time individual elected members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. When responding to the media elected members must be mindful that 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. i.e. portfolio holder or Chair of Standing Committee.

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

### 6.1 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;
- 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.

### 6.2 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:

- media comments must not state or imply that they represent the views of the Council;
- media 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;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; and

- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by elected members to meet the standards set out above represents a breach of this Code.

## **7. Information**

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

### **7.1 Confidential information**

In the course of their duties elected members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, elected members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Elected members should be aware that failure to observe these provisions could impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act or civil litigation.

### **7.2 Information received in capacity as an elected member**

Elected members will disclose to other elected members and, where appropriate the Chief Executive, any information received in their capacity as an elected member that concerns the Council's ability to give effect to its responsibilities.

Elected members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by elected members to act in the manner described above represents a breach of this Code.

**Please note:** failure to observe these provisions may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation.

## 8. 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 therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Elected members will not participate in any Council/Community Board 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.

**Please note:** Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the Council/Community Board. Failure to observe these requirements could also leave the elected member open to prosecution (***see Appendix A***). In the event of a conviction, elected members can be ousted from office.

If elected members have a non-pecuniary interest in a matter for decision and for which a member of the public may perceive bias this should be carefully considered by the member as to whether it should also be declared. (***see Appendix A for a further explanation***).

## 9. 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 maintained by the Council and listed on the Council website. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the elected member or the members' spouse/partner for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse/partner is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse/partner is:
  - a tenant; or
  - the land is tenanted by a firm in which the member or spouse/partner is a partner, a company of which the member or spouse/partner is a director, or a trust of which the member or spouse/partner is a trustee;
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive)

**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.

## **10. 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 \$100 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.

### **10.1 Undischarged bankrupt**

In accordance with clause 15(5) of schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy. This Council believes that bankruptcy does raise questions about the soundness of a person’s financial management skills and their judgement in general.

### **10.2 Disqualification from office**

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more year’s 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.

## **11. 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 fulfill their Declaration of Office and contribute to the good governance of the district or region.

## **12. Breaches of the Code**

Elected members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). 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.

### **12.1 Principles:**

The following principles will guide any processes for investigating and determining whether or not a breach under this 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.



## **12.2 Complaints**

All complaints made under this Code must be made in writing, making specific reference to any allegation of breach and forwarded to the Chief Executive. On receipt of a complaint from an elected member, member of the public or a staff member, the Chief Executive will consult with the Mayor (or if the complaint is against the Mayor, the Chief Executive will consult with the Deputy Mayor) and undertake a preliminary assessment to determine, prima facie, the level of seriousness, as outlined in this Code.

## **12.3 Investigation, advice and decision**

The Code of Conduct Committee, established at the start of each triennium, is responsible for overseeing alleged complaints that are considered material, as outlined in clause 12.4.

The Committee may seek advice from the Chief Executive, Mayor, or whomever it considers would assist it in its decision making.

The process, following receipt of a complaint, is outlined in **Appendix B**.

## **12.4 Materiality**

An alleged breach under this Code is material if, in the opinion of the Chief Executive and/or Mayor, it would, if proven, bring a member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.

An alleged breach under this Code is non-material if, in the opinion of the Chief Executive and/or Mayor, that it does not warrant an investigation then clause 13.3 applies.

## **13. Penalties and actions**

Where a complaint is determined to be material and referred to the Council/Community Board the nature of any penalty or action will depend on the seriousness of the breach.

### **13.1 Material breaches**

In the case of material breaches of this Code, the Code of Conduct Committee which holds delegated authority to investigate a material breach, may recommend to the Council one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain Council-funded privileges (such as attendance at conferences);

5. restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with Council staff so that they are confined to the Chief Executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the Council/Community Board.

The Council, or Code of Conduct Committee, may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two elected members); and/or
- tender an apology.

The process is based on the presumption 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.

### **13.2 Statutory breaches**

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to elected members' interests (where elected members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

### **13.3 Non-material breaches**

Either following the Chief Executive and Mayoral assessment or initial feedback from an independent investigator the breach may be considered non-material. In that event, low level resolution of the matter may be pursued including a meeting of the parties, an apology or other courses of action considered appropriate by the Mayor.

## **14. Review**

Once adopted, a Code continues in force until amended by the Council/Community Board. The Code can be amended at any time but cannot be revoked unless the Council/Community Board 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/Community Board present at a Council/Community Board meeting where the amendment is considered.

Council/Community Board 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/Community Board in regard to potential changes for improving the Code.

## **15. 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 bearing on the role and conduct of elected members**

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

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

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about elected members discussing and voting on matters in which they have a pecuniary interest and about contracts between elected members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or 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.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

### **Determining whether a pecuniary interest exists**

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

*"...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 loss of money for the member concerned."* (OAG, 2001)

*LAMIA – Section 6*

“Member of local authority or committee not to discuss or vote on question in which he/she has pecuniary interest;

- (1) A member of a local authority or of a committee thereof shall not vote on or take part in the discussion of any matter before the governing body of that local authority or before that committee in which he has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.
- (2) For the purposes of subsection (1), where an incorporated company has, directly or indirectly, a pecuniary interest in a matter before the governing body of a local authority or before a committee thereof, a member of the local authority or, as the case may be, of the committee shall be deemed to have a pecuniary interest in the matter, if—
  - (a) the member or his spouse or partner singly or between them own, whether directly or through a nominee, 10% or more of the issued capital of the company or of any other company controlling that company;

In deciding whether you have a pecuniary interest, elected members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Elected members may seek assistance from the Mayor or other person such as the Chief Executive to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists elected members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Elected members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council’s Standing Orders.)

### **The contracting rule**

A member is disqualified from office if he or she is “concerned or interested” in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

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

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not elected members need to ask:

*“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 reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not elected members believe they are not biased is irrelevant.

Elected members should focus be on the nature of the 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:

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

In determining whether or not they might be perceived as biased, elected members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

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

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another Councilor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the Council, other elected members (including community board members), any employee of the Council or any member of the public.

*See Standing Orders for more detail.*

## **Secret Commissions Act 1910**

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

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1,000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

## **Crimes Act 1961**

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be elected members.

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

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

### **The Local Government Act 2002**

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

#### **Personal liability of elected members**

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor-General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered 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.

Elected members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation elected members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).



## **Appendix B: Process for the determination and investigation of complaints**

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

On receipt 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: Chief Executive and Mayor undertakes preliminary assessment**

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

1. the complaint is frivolous or without substance and should be dismissed;
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; or
4. the complaint is material and a full investigation is required.

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.

### **Step 3: Non-material breach**

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

The Mayor may determine a low level resolution be pursued including a meeting of the parties, an apology or other courses of action considered appropriate by the Mayor (ie attendance of courses or programmes to increase their knowledge and understanding of the matters leading to the complaint). Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

#### **Step 4: Complaint is redirected**

Where it is determined the complaint is considered outside the scope of the Code and should be redirected to another agency or process or a full investigation is required then the matter will be referred to an independent investigator<sup>1</sup> selected from a panel agreed at the start of the triennium.

The Chief Executive will:

- Inform the complainant that the complaint has been referred to the independent investigator, the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that the complaint made against them has been referred to an independent investigator, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

#### **Step 5: Material Allegation/Complaint: Code of Conduct Committee Oversees Investigation**

If a material allegation/complaint is received the Code of Conduct Committee will receive a report from the Chief Executive and/or Mayor with recommendations as to the approach the Committee may wish to consider.

The Committee will determine the scope and terms of reference of any further enquiry or investigation required.

On completing an investigation of the allegation/complaint, the investigator will furnish the Code of Conduct Committee the full written report of the investigation including conclusions and any recommendations.

On receiving the investigator's assessment the Code of Conduct Committee will:

1. in cases where an investigator determines that an allegation/complaint is frivolous or without substance, inform the Mayor, complainant and respondent directly and inform other elected members (if there are no grounds for confidentiality) of the investigator's decision; *(Refer to Step 3)*.
2. in cases 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 both the complainant and respondent of the action.

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<sup>1</sup> On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for this purpose of undertaking an investigation and assessment. The Chief Executive may prepare a list specifically for his/her Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

### **Step 6: Actions where a breach is found to be material**

The findings and conclusions of the investigator's report will be reported to the Code of Conduct Committee, and the complainant and respondent will be informed. The Committee will then determine what action should be taken and make a recommendation to the Council.

The Code of Conduct Committee will consider the Chief Executive's report and/or investigator's 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.

Before making any decision in respect of the investigator's report the Code of Conduct 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.

Elected members with a direct interest in the proceedings, including the complainant and the respondent, may not take part in the deliberation sections of the proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

**The Council notes the Code of Conduct Committee determined at the beginning of the 2016-19 triennium consists of the following panel:**

**Deputy Mayor Felstead (Chair), Councillor Atkinson, Councillor Brine and Councillor Doody.**

# Waimakariri District Council

## Standing Orders

for meetings of the  
Kaiapoi-Tuahiwi Community Board  
Oxford-Ohoka Community Board  
Rangiora- Ashley Community Board  
Woodend-Sefton Community Board

# 2020

Adopted:

Woodend-Sefton Community Board – 12 October 2020

Rangiora- Ashley Community Board – 14 October 2020

Kaiapoi-Tuahiwi Community Board – 19 October 2020

Oxford-Ohoka Community Board – 4 November 2020

## **Preface: Local Government New Zealand**

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

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

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

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

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

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

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

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## 1. Introduction

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

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

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

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present).

### 1.1 Principles

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

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

These are reinforced by the requirement that all Community Boards act so that “governance structures and processes are effective, open and transparent” (s. 39 LGA 2002).

### 1.2 Statutory references

The standing orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

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

### 1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authority Members’ Interests Act 1968
Covid-19	Novel Coronavirus, formally known as 2019-nCoV
Alert Level 1-4	National Alert System and associated restrictions
EPA 2006	Epidemic Preparedness Act 2006

### 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.

## 2. Definitions

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

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

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

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

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

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

**Briefing** ( this has a specific meaning and is NOT the same as a Workshop) it is any non-decision making, information sharing session, update for elected members by staff or other individuals and which is specifically Public Excluded.

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

**Chief Executive** means the chief executive of a territorial authority appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

**Clear working days** means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

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

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

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

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

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

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

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

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

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

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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



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

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

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

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

**Member** means any person elected or appointed to the Community Board.

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

**Minutes** means the record of the proceedings of any meeting of the Community Board.

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

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

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

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

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

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

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

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

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

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

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

**Procedural motion** means a motion that is used to control the way in which a motion or the meeting is managed as specified in Standing Orders 24.1 – 24.8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Subcommittee means** a subordinate decision-making body established by a council, or a committee of a council or Community Board. See definition of “Committee”.

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

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, 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 the 20<sup>th</sup> of December and the 10<sup>th</sup> of 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** means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

**Workshop** (this is NOT a Briefing and can be open to the public) means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the Community Board at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members and could be attended by the public. See definition of “advisory group”.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

A Community Board is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

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

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

The adoption of standing orders and any amendment to standing orders must be made by the Community Board and by a vote of not less than 75 % of the members present. Any amendments also requires a vote of not less than 75% of the members of the specific Board).

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

#### 3.3 Members must obey standing orders

All members of the Community Board, including members of committees, subcommittees and joint committees, and hearing panels must obey these standing orders.

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

#### 3.4 Application of standing orders

These standing orders apply to all meetings of the Community Board, its committees, subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

#### 3.5 Temporary suspension of standing orders

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

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

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

### **3.6 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 Community Board or of any committee or subcommittee or other subordinate decision-making body of the Community Board 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**

For quasi-judicial proceedings the Community Board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

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

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

## **4. Meetings**

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

The Community Board must hold meetings for the good government of their communities. Meetings must be called and conducted in accordance with:

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

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

### **4.2 Meeting duration**

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

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

### 4.3 Language

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

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

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

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

### 4.6 Requirements for the first meeting

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

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

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

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

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

## **5. Appointments and elections**

### **5.1 Elections of Chairperson and Deputy Chairperson**

When electing a Chairperson or Deputy Chairperson the Community Board (or a committee making the appointment) must decide by resolution to use one of two voting systems set out in Standing Order 5.2.

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

### **5.2 Voting system for Chairperson and Deputy Chairperson**

When electing a Chairperson or Deputy Chairperson, a Community Board 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 Community Board who are present and voting. This system has the following characteristics:

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

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

#### **System B**

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

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

*cl. 25 Schedule 7, LGA 2002.*

## 6. Delegations

### 6.1 Community Boards may delegate

A Community Board may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

### 6.2 Use of delegated powers

The subcommittee or person to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the Community Board, exercise or perform them in the like manner and with the same effect as the Community Board could itself have exercised or performed them.

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

### 6.3 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a Community Board to rescind or amend a lawfully made decision of a committee, subcommittee or person carried out under a delegation authorising the making of that decision.

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

### 6.4 Committees and sub committees subject to the direction of the Local Authority

A committee, subcommittee or person is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

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

## 7. Committees

### 7.1 Appointment of committees and subcommittees

A Community Board may appoint the committees and subcommittees that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the Community Board.

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



## 7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a Community Board may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

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

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

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

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

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

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

## 7.4 Committees and subordinate decision-making bodies subject to direction of the Local authority

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

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

## 7.5 Elected members on committees and subcommittees

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

At least one member of a committee must be an elected member of the Community Board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

## **7.6 Local Authority may replace members if committee not discharged**

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

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

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

The minimum number of members is two for both committees and subcommittees.

*(cl. 31(6), Schedule 7, LGA) (Note previously three, but reduced to two due to operational functionality during Covid-19 event.*

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

For the purpose of these standing orders a decision of a Community Board is not invalidated if:

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

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

## **7.9 Appointment of joint committees**

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

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

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

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

## 7.10 Status of joint committees

A joint committee is deemed to be both a committee of the each other participating Community Board or public body.

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

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

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

- (a) The meeting quorum is as outlined in 10.3 and
- (b) The committee may appoint and remove its own Chairperson or Deputy Chairperson.

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

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

*s. 46, LGOIMA.*

#### 8.2 Notice to members - ordinary meetings

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

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

#### 8.3 Extraordinary meeting may be called

An extraordinary Community Board meeting may be called by:

- (a) resolution of the Community Board, or
- (b) a requisition in writing delivered to the Chief Executive which is signed by:
  - i. the Chairperson, or

- ii. no less than one third of the total membership of the Community Board (including vacancies).

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

## **8.4 Notice to members - extraordinary meetings**

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

*cl. 22 (3), Schedule 7, LGA 2002.*

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

If the business a Community Board 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 Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

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

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

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

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

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

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

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

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

*s. 46 (3) LGOIMA.*

## **8.8 Chief Executive may make other arrangements**

The Chief Executive is to make any other arrangement for the notification of meetings, including extraordinary and emergency meetings, as the Community Board may, from time to time, determine.

*s. 46(5) LGOIMA.*

## **8.9 Meetings not invalid**

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a Community Board becomes aware that a meeting has been incorrectly notified it;

- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

*s. 46 (6), LGOIMA.*

## **8.10 Resolutions passed at an extraordinary or emergency meeting**

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

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

*s. 51A, LGOIMA.*

## **8.11 Meeting schedules**

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

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

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

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

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

A member of a Community Board may waive the need to be given notice of a meeting.

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

### **8.13 Meeting cancellations**

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

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

## **9. Meeting agenda**

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

It is the Chief Executive's responsibility (or his/her delegate) to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the Chief Executive should consult the Chairperson.

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

Requests for reports may be made by a resolution of the Community Board and must fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 10.

### **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 Community Board that made the request. In such cases the Chief Executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

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

### **9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 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, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson’s recommendation varies significantly from an officer’s recommendation the reason for the variation must be explained.

## **9.6 Chairperson’s report**

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

## **9.7 Public availability of the agenda**

All information provided to members at a Community Board meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

*s. 5 & 46A & 46B, LGOIMA.*

## **9.8 Public inspection of agenda**

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

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

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

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

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them free of charge.

(s. 49, LGOIMA)

## **9.10 List of Community Board members publicly available**

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

### **9.11 Withdrawal of agenda items**

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

### **9.12 Distribution of the agenda**

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

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

### **9.13 Status of agenda**

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

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

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

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

*s. 46A (7), LGOIMA*

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

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

### **9.15 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.  
*s. 46A (7A), LGOIMA.*

### **9.16 Public excluded business on the agenda**

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The Chief Executive, however, may exclude public access to any



reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.  
s. 46A (9), LGOIMA.

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

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.  
s. 52, LGOIMA.

## **Meeting Procedures**

### **Opening and closing**

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

## **10. Quorum**

### **10.1 Community Board meetings**

The quorum for a meeting of the Community Board is:

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

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

### **10.2 Committees and subcommittees**

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

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the Community Board.

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

### **10.3 Joint Committees**

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

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

### **10.4 Requirement for a quorum**

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

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

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

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 15 minutes of the advertised start of the meeting.

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

### **10.6 Business from lapsed meetings**

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

### **10.7 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 Community Board which has been properly constituted as a meeting under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

## **11 Public access and recording**

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

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Community Board, must be open to the public.

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

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

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

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

## **11.3 Community Board may record meetings**

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

## **11.4 Public may record meetings**

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

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

## **12. Attendance**

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

A member of a Community Board, has, unless lawfully excluded, the right to attend any meeting of the Community Board.

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

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

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

### **12.2 Leave of absence**

A Community Board may grant a member leave of absence following an application from that member.

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

be recorded as absent on council business where their absence is a result of a commitment made on behalf of the Council.

### **12.3 Apologies**

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

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

### **12.4 Recording apologies**

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

### **12.5 Absent without leave**

Where a member is absent from the Community Board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy. *cl. 5 (d) Schedule 7, LGA 2002.*

### **12.6 Right to attend by audio or audio visual link**

Provided the conditions in Standing Orders 13.11 and 13.12 are met members of the Community Board (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.

*cl. 25A (1) & 25B, Schedule 7, LGA 2002.*

### **12.7 Member's status: quorum**

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

*cl. 25A (4) & 25B, Schedule 7, LGA 2002.*

### **12.8 Member's status: voting**

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

### **12.9 Chairperson's duties**

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

- (a) The technology for the link is available and of suitable quality; 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 audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
  - iii. The requirements of Part 7 of LGOIMA are met; and
  - iv. The requirements in these standing orders are met.

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

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

## **12.10 Conditions for attending by audio or audio visual 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.

When Epidemic Notice in force

*LGA clause 25B Modifications to clause 25A while epidemic notice in force for COVID-19*

- *(1) Sub clauses (2) to (4) apply instead of clause 25A(1).*
- *(2) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee by means of audio link or audio-visual link.*
- *(3) To that end, a member may attend a meeting by means of audio link or audio-visual link despite— (a) clause 27(5)(a); and (b) any limitation or condition on the use of an audio link or audio-visual link that is contained in the local authority's standing orders; and (c) anything else to the contrary in the local authority's standing orders.*
- *(4) For a Civil Defence Emergency Management Group, the reference in sub clause (3) to a local authority's standing orders includes any standing orders that apply to the Group under section 19 of the Civil Defence Emergency Management Act 2002.*
- *(5) Sub clause (6) applies instead of clause 25A(4).*
- *(6) A member of the local authority or committee who attends a meeting by means of audio link or audio-visual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.*
- *(7) This clause is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.*

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

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

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

### **12.12 Chairperson may terminate link**

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

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

### **12.13 Giving or showing a document**

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

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

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

### **12.14 Link failure**

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

### **12.15 Confidentiality**

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

## **13. Chairperson's role in meetings**

### **13.1 Community Board meetings**

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

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

### **13.2 Committee meetings**

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting 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 at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

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

### **13.3 Addressing the Chairperson**

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

### **13.4 Chairperson's rulings**

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

### **13.5 Chairperson standing**

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

### **13.6 Member's right to speak**

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

### **13.7 Chairperson may prioritise speakers**

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

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

## 14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the Community Board. Any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

### 14.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled Community Board meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 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 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

### 14.2 Restrictions

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

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

### 14.3 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.



## 14.4 No resolutions

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

## 15. Deputations

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

### 15.1 Deputations where heard

Deputations may be received by the Community Board provided an application for admission setting forth the subject has been lodged with the Chief Executive or Governance Staff at least two working days before the date of the meeting concerned, and has been subsequently approved by the Chairperson. The Chairperson may refuse requests for deputations which are repetitious or offensive.

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 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.

### 15.2 Urgency or major public interest

Notwithstanding Standing Order 15.1 where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received.

### 15.3 Time limits

Speakers can speak for up to 10 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

### 15.4 Restrictions

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

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

## **15.5 Questions of a deputation**

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

## **15.6 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.

## **16. Petitions**

### **16.1 Form of petitions**

Petitions may be presented to the Community Board. Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

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

A petitioner who presents a petition to the Community Board, may speak for 10 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

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

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

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

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

## 17. Exclusion of public

### 17.1 Motions and resolutions to exclude the public

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

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

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

The resolution will form part of the meeting's minutes.  
*s. 48 LGOIMA.*

#### 17.1 (A) Code of Conduct Committee

Should a Code of Conduct Committee be called, the Chairperson has the right to exclude elected members that are not directly involved in the Committee, based on LGOIMA reasons related to privacy of natural persons.

ie: The only persons recommended to be present at a Code of Conduct Committee is 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 chair 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.

### 17.2 Specified people may remain

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

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the Council for advice on the matter under consideration.  
*s.48 (6) LGOIMA.*

### 17.3 Public excluded items

The Chief Executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.  
*s.46A (8) LGOIMA.*

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

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

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

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

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

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

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

## **18. Voting**

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

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

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

### **18.2 Open voting**

An act or question coming before the Community Board must be done or decided by open voting.

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

### **18.3 Chairperson does not have a casting vote**

The 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.

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

### **18.4 Method of voting**

The method of voting must be as follows:

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

## **18.5 Calling for a division**

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

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

## **18.6 Restating the motion**

The Chairperson may, immediately prior to any vote being taken, request the Chief Executive or the minute taker to restate the motion upon which the vote is to be taken.

## **18.7 Request to have votes recorded**

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

## **18.8 Members may abstain**

Any member may abstain from voting.

# **19. Conduct**

## **19.1 Calling to order**

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

## **19.2 Disrespect**

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the Community Board's Code of Conduct at any meeting.

### **19.3 Retractions and apologies**

In the event of a member or speaker who has been disrespectful of another member or contravened the Community Board'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.

### **19.4 Disorderly conduct**

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

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

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

### **19.5 Contempt**

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

### **19.6 Removal from meeting**

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

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

### **19.7 Financial conflicts of interests**

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption \*\*or declaration under s.6. (noting such exemption or declaration is valid for a period not longer than 12months at a time)

Members with a financial interest should physically withdraw themselves from the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's absenteeism from the room during any discussion and voting on the matter.  
*s. 6 & 7 LAMIA.*

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

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a Community Board could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

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

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

**Notes** a Register of Interests (covering both financial and non-financial aspects) will be kept by the Chief Executive and reviewed at least six monthly for all Community Boards.

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

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

*s. 53, LGOIMA.*

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

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

*s. 53, LGOIMA.*

## **19.11 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 chair 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.

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

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

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

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

The following time limits apply to members speaking at meetings:

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

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

### **20.3 Questions to staff**

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

### **20.4 Questions to be in writing**

Questions 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.

### **20.5 Questions may be deferred**

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

### **20.6 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.

### **20.7 Questions of clarification**

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

### **20.8 Members may speak only once**

A member may not speak more than once to a motion at a meeting of a Community Board except with permission of the Chairperson.



## **20.9 Limits on number of speakers**

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

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

## **20.10 Secunder may reserve speech**

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

## **20.11 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.

## **20.12 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.

## **20.13 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 fact and not derogatory in nature. Such matters may not be debated.

## **20.14 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.

## **20.15 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.

## **20.16 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.

## **20.17 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.

## **20.18 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.

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

## **20.19 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;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

## **20.20 Adjournment motions**

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

## **20.21 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.

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

### **21.1 Speaking and moving**

- The mover and seconder of a motion cannot move or second an amendment.
- An amendment may only be moved and seconded by a member who has not spoken to the motion and is not a mover or seconder of the motion.
- Any further amendment may only be moved and seconded by a member who has not spoken to the motion or the previous amendment and is not a mover or seconder of the motion or the previous amendment.
- Members can speak to any amendment and, provided they have not spoken to the main motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **21.2 Procedure if no resolution reached**

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

## **22. Motions and amendments**

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

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

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

### **22.2 Motions in writing**

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

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

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

## **22.4 Substituted motion**

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

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

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

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

## **22.6 Foreshadowed amendments**

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

## **22.7 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.

## **22.8 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.

## **22.9 Where a motion is lost**

In a situation where a motion that recommends a course of action is lost a new motion may be proposed, subject to the agreement of a majority of members present and voting. The new motion must be on a matter that has been previously publicly notified, on the Agenda, for that meeting.

## **22.10 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.

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

A member may not speak to any motion once:

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

### **22.12 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.

### **22.13 Procedure until resolution**

The procedures in Standing Orders 22.12 and 22.6 must be repeated until a resolution is adopted.

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

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

A member may give the Chief Executive a Notice of Motion for the revocation or alteration of all or part of a previous resolution of the Community Board. The notice must set out:

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

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

A member must give notice to the Chief Executive at least five (5) working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the Community Board, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members.

The Chief Executive must then give members at least two clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such motion.

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

If a resolution is made under delegated authority by a Community Board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or Community Board.

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

## **23.3 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 Community Board or the committee that made the previous resolution.

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

## **23.4 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 per cent of the members present and voting must agree to the revocation or alteration.

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

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

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

## **Procedural motions**

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

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

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

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

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

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

## **24.3 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.

## **24.4 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.

## **24.5 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.

## **24.6 Remaining business at adjourned meetings**

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

## **24.7 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.

## **24.8 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. Points of order

### 25.1 Members may raise points of order

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

### 25.2 Subjects for points of order

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

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

### 25.3 Contradictions

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

### 25.4 Point of order during division

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

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

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

## 26. Notices of motion

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

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



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

## **26.2 Refusal of notice of motion**

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the Community Board 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 as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or Community Board.

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

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

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

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

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

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

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

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

Any notice of motion received that refers to a matter ordinarily dealt with by a Community Board must be referred to that Community Board by the Chief Executive.

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

## 26.7 Repeat notices of motion

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

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

## 26.8 Second repeat where notice of motion rejected

If such a repeat notice of motion as provided for in Standing Order 26.7 is also rejected by the Community Board, any further notice prior to the expiration of the original period of six months must be signed by a majority of all members, including vacancies.

## 27. Minutes

### 27.1 Minutes to be evidence of proceedings

The Community Board, its committees, 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 decided that Minutes will be kept electronically rather than hard copy from October 2019, onwards.

*cl. 28 Schedule 7, LGA 2002.*

### 27.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;

- (n) any declarations of financial or non-financial conflicts of interests;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

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

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

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

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

The Chief Executive and the relevant Chairpersons must sign the minutes of the last meeting of the Community Board before the next election of members.

## **28. Minute books**

### **28.1 Inspection**

An electronic copy of the Community Board's minutes must be kept by the Chief Executive and be open for inspection by the public. The Community Board also complies with the Public Records Act 2005.

The public is entitled to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded free of charge.

*s. 51 & 51AA, LGOIMA*

### **28.2 Inspection of public excluded matters**

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

## Referenced documents

- Commissions of Inquiry Act 1908
- Sale and Supply of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA) Amended March 2015
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978
- Guides from Office of the Auditor General.

## Appendix 1: Grounds to exclude the public

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information would:
    - i. disclose a trade secret; or
    - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
  - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
  - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
    - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - ii. be likely otherwise to damage the public interest; or
  - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (h) Maintain legal professional privilege; or
  - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
  - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

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

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
  - (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
  
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
  
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where
    - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
    - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

## Appendix 2: Sample resolution to exclude the public

**THAT** the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)* .....

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

<p>4 <i>Hearings Committee</i></p>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>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/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <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.</li> </ul> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))



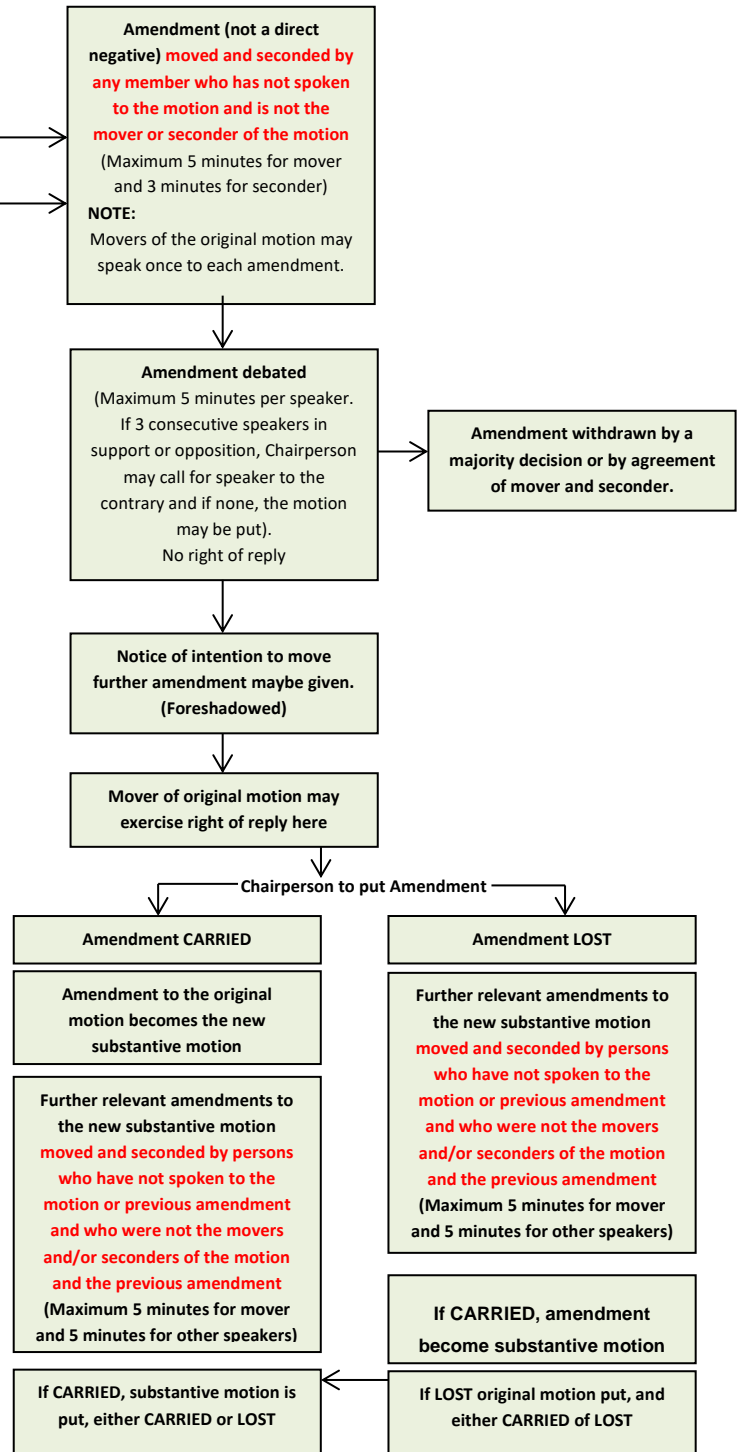
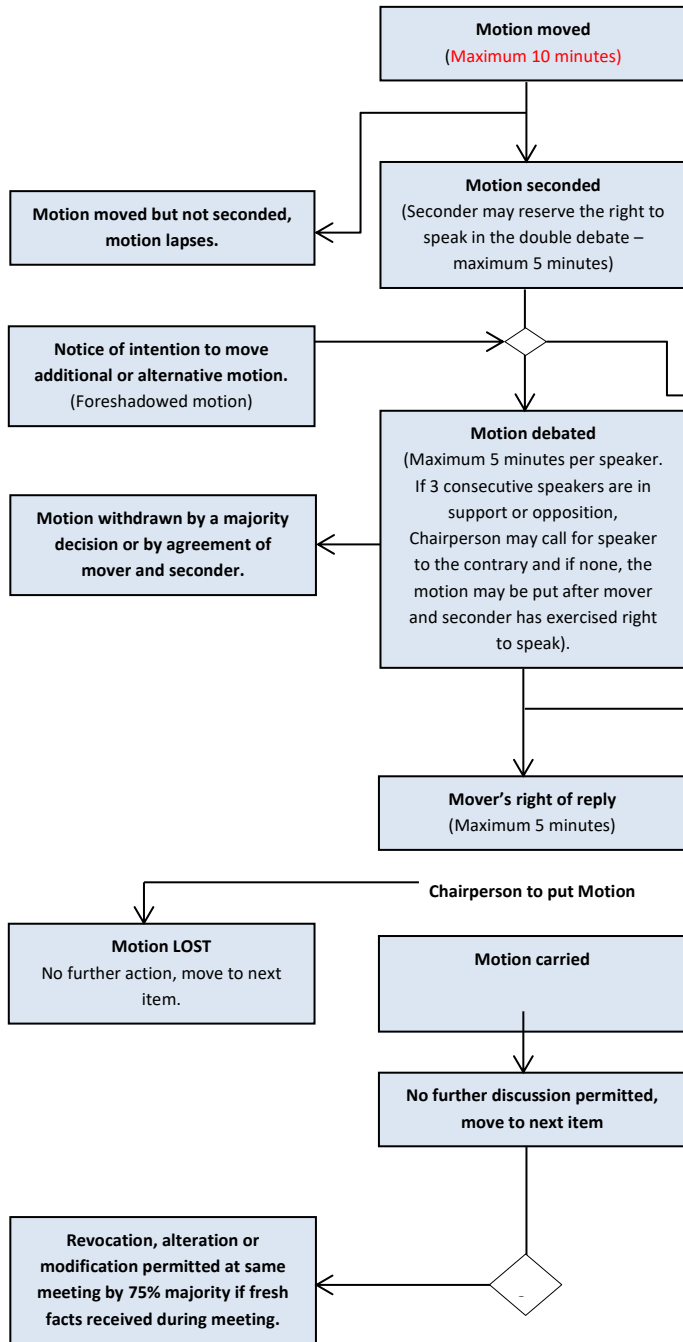
Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of 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 (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

**THAT** XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

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

### Motions without amendments

### Motions with amendments



## Appendix 4: Table of procedural motions

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

## Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. 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.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

## Appendix 6: Powers of a Chairperson

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

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

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

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

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

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

Major items not on the agenda may be dealt with at that meeting if so resolved by the Community Board 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 Community Board may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

### **Chairperson's report**

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

### **Chairperson's recommendation**

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

### **Chairperson's voting**

The Chairperson at any meeting has NO casting vote.

**Motion in writing**

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

**Motion in parts**

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

**Notice of motion**

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

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

**Action on previous resolutions**

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

**Repeat notice of motion**

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

**Revocation or alteration of previous resolution**

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

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

The Chairperson:

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

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

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

### **Taking down words**

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

### **Explanations**

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

### **Chairperson rising**

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

### **Members may leave places**

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

### **Priority of speakers**

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

### **Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a Community Board prior to the next election of members.



### **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.

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

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

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

### **Chairperson's rulings**

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

### **Disorderly behaviour**

The Chairperson may:

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

### **Failure to leave meeting**

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

## Appendix 7: Process for removing a Chairperson or Deputy Chairperson

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

*cl. 18 Schedule 7, LGA 2002.*

## Appendix 8: Workshops/Briefings

### Definition of workshop/briefing

Workshops, however described, provide opportunities for members to discuss particular matters, receive information and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting. A briefing is specifically Public Excluded (PX).

### 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.

### Calling a workshop/briefing

Workshops, briefings (PX) and working parties may be called by:

- (a) a resolution of the Community Board or its committees
- (b) the Chairperson,
- (c) the Chief Executive
- (d) by member or staff request.

### Process for calling workshops/briefings

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.

Public notice of a workshop or briefing is not required.

Workshops can be open to the public whereas Briefings are specifically public excluded.

### Record of workshop

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

Time, date, location and duration of workshop;

Person present; and general subject matter covered.

## Appendix 9: Sample order of business

- 1 Apologies
- 2 Public Forum
- 3 Conflicts of interest
- 4 Confirmation of minutes
  - 4.1 Matters arising
- 5 Petitions
- 6 Deputations and Presentations
- 7 Adjourned Business
- 8 Notice(s) of Motion
- 9 Reports
  - Decision
  - Information
- 10 Matters referred for decision
- 11 Correspondence
- 12 Chairperson's report
- 13 Matters for Information
- 14 Elected members' reports (information)
- 15 Consultation projects
- 16 Regeneration projects
- 17 Board funding update
- 18 Media items
- 19 Questions under Standing Orders
- 20 Urgent general business under Standing Orders
- 21 Date and Venue for next meeting

## Appendix 10: Process for raising matters for a decision

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

- report of Chief Executive or his/her delegate
- report of a Chairperson
- report of a committee
- report of a Community Board
- notice of motion from a member.

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

- report of Chief Executive or his/her delegate
- Report of Chairperson.

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

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION**

**FILE NO and TRIM NO:** GOV-26-08-06 / 220727127585

**REPORT TO:** KAIAPOI-TUAHIWI COMMUNITY BOARD

**DATE OF MEETING:** 27 October 2022

**AUTHOR(S):** Kay Rabe, Governance Adviser

**SUBJECT:** Kaiapoi-Tuahiwi Community Board Meeting dates from November 2022 to December 2023

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

\_\_\_\_\_  
General Manager

  
\_\_\_\_\_  
Acting Chief Executive

**1. SUMMARY**

- 1.1 The purpose of this report is to adopt the Kaiapoi-Tuahiwi Community Board's schedule of meeting dates for the period from November 2022 to December 2023.
- 1.2 The dates are based on meeting each month on the third Monday of the month. The recommended meeting venue is the Kāikanui Room, Ruataniwha Kaiapoi Civic Centre; however, this does not preclude other venues within the community if the need arises.

**2. RECOMMENDATION**

**THAT** the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** report No. 220727127585.
- (b) **Resolves** to hold Board meetings at the Ruataniwha Kaiapoi Civic Centre, Williams Street, Kaiapoi, commencing at 4pm, on the following dates:
- Monday 21 November 2022
  - Monday 12 December 2022
  - Monday 20 February 2023
  - Monday 20 March 2023
  - Monday 17 April 2023
  - Monday 15 May 2023
  - Monday 19 June 2023
  - Monday 17 July 2023
  - Monday 21 August 2023
  - Monday 18 September 2023
  - Monday 16 October 2023
  - Monday 20 November 2023
  - Monday 11 December 2023

### 3. **BACKGROUND**

- 3.1 To promote more effective administration, the Local Government Act 2002 makes provision for the Board to adopt a schedule of meetings that may cover any period that the Board considers appropriate.
- 3.2 Notification of the schedule, or an amendment, will constitute notification to Board members of every meeting on the schedule or the amendment.
- 3.3 The meeting schedule does not preclude additional meetings, briefings and/or workshops being held during the year, as the Local Government Act 2002 also makes provision for extraordinary meetings.

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

- 4.1 In the past, the Board did not have meetings in January, and it is recommended that this continue. However, the Board may wish to consider having a briefing/workshop on the development of the Community Plan or other business in January 2023.
- 4.2 Briefings and workshops are generally held after a Board meeting where possible. However, if a significant timeframe is anticipated a separate meeting at a mutually agreed time will be scheduled.
- 4.3 Previously concerns have been raised regarding the low number of public attending Board meetings (other than specific deputations). Utilising a venue within the Board's geographical area will be more conducive to greater accessibility for the public and would give them the opportunity to observe democracy and transparency. It is therefore recommended that Board meetings be held in the Ruataniwha Kaiapoi Civic Centre, Williams Street, Kaiapoi. Nonetheless, with the agreement of the Board meetings can also be held in other areas of the community, should there be topical items of interest on the agenda.
- 4.5 In the event of insufficient business for any one month, the Board may wish to hold a workshop on topical matters. Only the Chairperson and the Chief Executive have the prerogative to cancel a Board meeting after consultation with Council staff. Meetings may also be cancelled for severe weather events or lack of a quorum.
- 4.6 There are no implications on community wellbeing by the issues and options that are the subject matter of this report.
- 4.7 The Acting Executive Manager has reviewed this report and supports the recommendations.

### 5. **COMMUNITY VIEWS**

#### 5.1 **Mana whenua**

Taking into consideration the provisions of the Memorandum of Understanding between Te Ngāi Tūāhuriri Rūnanga and the Council, Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report.

#### 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. However, the established pattern of Community Board meetings has generally worked well for members, considering other community commitments.

### 5.3 **Wider Community**

We are not aware of any adverse comments from the public on meeting times. However, there are some who may be disadvantaged with meeting times established during the day, due to work or family commitments.

The most appropriate way for giving notice of meetings is to establish a meetings calendar. All Council, Standing Committees, and Community Board meetings are publicly advertised in local newspapers in compliance with Local Government Official Information and Meetings Act 1987 (LGOMIA) and on the Council website.

## 6. **IMPLICATIONS AND RISKS**

### 6.1 **Financial Implications**

All meetings are serviced from existing Council budgets. Meeting venues are generally Council owned assets and there are no charges. The remuneration payable to the Board members for attending meetings is based on an annual sum set by the Remuneration Authority.

### 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**

Everything we do at Waimakariri District Council is guided by the Health and Safety at Work Act 2015

The Health and Safety at Work Act ensures everyone has a role to play (duties), makes everyone's responsibilities clear and focuses on managing work risk. Any elected member is considered to be a 'worker' under the Health and Safety at Work Act.

The meaning of workers under the Health and Safety at Work Act:

- A worker is an individual who carries out work in any capacity for a business or undertaking, including employees, contractors or sub-contractors

Workers and others in a workplace must:

- take reasonable care of their own health and safety and reasonable care that others are not harmed by something they do or don't do
- follow any reasonable health and safety instructions given to them by the organisation.
- cooperate with any reasonable organisational policy or procedure relating to the workplace's health and safety.

*Note: Workers have the right to stop work if they believe it is unhealthy or unsafe.*

An 'officer' under the Health and Safety at Work Act is a person who has a position that allows them to exercise significant influence over the management of a business. At Council, our Councillors and our Chief Executive are officers. Members of Community Boards are not officers under the Health and Safety at Work Act.

The role of an officer is to exercise due diligence to ensure that the business meets its health and safety obligations under HSWA.



## 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.

### 7.3 **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**

The Local Government Act 2002 makes provision for the Board to adopt a schedule of meetings that may cover any period that the Board considers appropriate.