

# Standing Orders

For Community Boards

Adopted by the Community Boards in June 2023



## PREFACE

Standing Orders contain rules for the conduct of the proceedings of local authorities, Committees, Subcommittees, and subordinate decision-making bodies. 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 by LGNZ specifically for local authorities, their Committees, Subcommittees, and subordinate decision-making bodies. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Please note Standing Orders do not apply to advisory, steering or working groups, briefings and workshops unless incorporated in their specific terms of reference.

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

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

<b>PREFACE</b>	<b>1</b>
<b>1 Introduction</b>	<b>8</b>
1.1 Principles	8
1.2 Statutory References	9
1.3 Acronyms	9
1.4 Application	9
<b>2 Definitions /</b>	<b>10</b>
<b>GENERAL MATTERS</b>	<b>15</b>
<b>3 Standing Orders</b>	<b>15</b>
3.1 Obligation to adopt Standing Orders	15
3.2 Process for adoption and alteration of Standing Orders	15
3.3 Members must obey Standing Orders	15
3.4 Application of Standing Orders	15
3.5 Temporary suspension of Standing Orders	15
3.6 Exclusions for meetings at which no Resolutions or Decisions are made	16
3.7 Quasi-judicial Proceedings	16
3.8 Physical address of members	16
<b>4 Meetings</b>	<b>16</b>
4.1 Legal requirement to hold meetings	16
4.2 Meeting Duration	16
4.3 Language	17
4.4 Webcasting Meetings	17
4.5 First Meeting (Inaugural)	17
4.6 Requirements for the first meeting	17
<b>5 Appointments and elections</b>	<b>18</b>
5.1 Elections of Chairperson and Deputy Chairperson	18
5.2 Voting system for Chairperson and Deputy Chairperson	18
<b>6 Delegations</b>	<b>19</b>
6.1 Limits on Delegations	19
6.2 Community Boards may delegate	19
6.3 Use of Delegated Powers	19
6.4 Decisions made under Delegated Authority cannot be rescinded or amended	20
6.5 Committees and Subcommittees subject to the direction of the local authority	20
6.6 Duty to consider Delegations to Community Boards	20
6.7 Delegations related to Bylaws and other Regulatory Matters	20

<b>7</b>	<b>Committees</b>	<b>20</b>
7.1	Appointment of Committees and Subcommittees	20
7.2	Discharge or reconstitution of Committees and Subcommittees	21
7.3	Appointment or discharge of Committee members and Subcommittee members	21
7.4	Committees and subordinate decision-making bodies subject to direction of Community Board	21
7.5	Elected members on Committees and Subcommittees	22
7.6	Community Board may replace members if Committee not discharged	22
7.7	Minimum numbers on Committees and Subcommittees	22
7.8	Ex Officio Member	22
7.9	Decision not invalid despite irregularity in membership	23
7.10	Appointment of Joint Committees	23
7.11	Status of Joint Committees	23
7.12	Power to appoint or discharge individual members of a Joint Committee	23
	<b>PRE-MEETING</b>	<b>24</b>
<b>8</b>	<b>Giving notice</b>	<b>24</b>
8.1	Public notice – Ordinary Meetings	24
8.2	Notice to members - Ordinary Meetings	24
8.3	Extraordinary meeting may be called	24
8.4	Notice to members - Extraordinary Meetings	24
8.5	Emergency meetings may be called	25
8.6	Process for calling an Emergency Meeting	25
8.7	Public notice – Emergency and Extraordinary meeting	25
8.8	Chief Executive may make other arrangements	25
8.9	Meetings not invalid	26
8.10	Resolutions passed at an Extraordinary or Emergency Meeting	26
8.11	Meeting schedules	26
8.12	Non-receipt of notice to members	26
8.13	Meeting cancellations	27
<b>9</b>	<b>Meeting Agenda</b>	<b>27</b>
9.1	Preparation of the Agenda	27
9.2	Process for raising matters for a decision	27
9.3	Chief Executive may delay or refuse request	27
9.4	Order of Business	27
9.5	Chairperson's Recommendation	28
9.6	Chairperson's Report	28
9.7	Public availability of the Agenda	28
9.8	Public inspection of Agenda	28
9.9	Agenda to be made available to public who are at meetings	28
9.10	List of Community Board members publicly available	29
9.11	Withdrawal of Agenda items	29
9.12	Distribution of the Agenda	29
9.13	Status of Agenda	29
9.14	Items of business not on the Agenda which cannot be delayed	29
9.15	Discussion of minor matters not on the Agenda	29
9.16	Public excluded business on the Agenda	30
9.17	Qualified privilege relating to Agenda and Minutes	30



<b>MEETING PROCEDURES</b>	<b>30</b>
<b>10 Opening and Closing</b>	<b>30</b>
<b>11 Quorum</b>	<b>30</b>
11.1 Community Board meetings	30
11.2 Committees and Subcommittee meetings	31
11.3 Joint Committees	31
11.4 Requirement for a quorum	31
11.5 Meeting lapses where no quorum	31
11.6 Business from lapsed meetings	31
11.7 Exclusions for meetings at which no resolutions or decisions are made	31
<b>12 Public access and recording</b>	<b>32</b>
12.1 Meetings open to the public	32
12.2 Grounds for removing the public	32
12.3 Local authority may record meetings	32
12.4 Public may record meetings	32
<b>13 Attendance</b>	<b>32</b>
13.1 Members right to attend meetings	32
13.2 Attendance when a Committee is performing Judicial or Quasi-judicial functions	33
13.3 Leave of Absence	33
13.4 Apologies	33
13.5 Recording Apologies	33
13.6 Absent without leave	33
13.7 Right to attend by Audio or Audio-visual link	34
13.8 Member attend meetings by Electronic link's status: Quorum	34
13.9 Member attend meetings by Electronic link's status: Voting	34
13.10 Chairperson's duties regarding attendance by Electronic link	34
13.11 Conditions for attending by audio or audio-visual link	34
13.12 Request to attend by audio or audio-visual link	35
13.13 Chairperson may terminate link	35
13.14 Giving or showing a document	35
13.15 Link failure	35
13.16 Confidentiality	36
<b>14 Chairperson's role in meetings</b>	<b>36</b>
14.1 Community Board meetings	36
14.2 Other meetings	36
14.3 Addressing the Chairperson	36
14.4 Chairperson's Rulings	36
14.5 Chairperson standing	36
14.6 Member's right to speak	37
14.7 Chairperson may prioritise speakers	37
<b>15 Public Forums</b>	<b>37</b>
15.1 Time limits	37
15.2 Restrictions	37
15.3 Questions at Public Forums	38
15.4 No resolutions	38

<b>16</b>	<b>Deputations</b>	<b>38</b>
16.1	Deputations were heard	38
16.2	Urgency or major public interest	38
16.3	Time limits	38
16.4	Restrictions	38
16.5	Questions of a Deputation	39
16.6	Resolutions	39
<b>17</b>	<b>Petitions</b>	<b>39</b>
17.1	Form of Petitions	39
17.2	Petition presented by petitioner	39
17.3	Petition presented by member	40
<b>18</b>	<b>Exclusion of public</b>	<b>40</b>
18.1	Motions and Resolutions to exclude the public	40
18.2	Code of Conduct Committee	40
18.3	Specified people may remain	41
18.4	Public Excluded items	41
18.5	Non-disclosure of information	41
18.6	Release of information from public excluded session	41
<b>19</b>	<b>Voting</b>	<b>42</b>
19.1	Decisions by Majority Vote	42
19.2	Open voting	42
19.3	Chairperson does not have a casting vote	42
19.4	Method of voting	42
19.5	Calling for a division	42
19.6	Restating the motion	42
19.7	Request to have votes recorded	43
19.8	Members may abstain	43
<b>20</b>	<b>Conduct</b>	<b>43</b>
20.1	Calling to order	43
20.2	Behaviour consistent with Code of Conduct (Disrespect)	43
20.3	Retractions and apologies	43
20.4	Disorderly Conduct	43
20.5	Contempt	43
20.6	Removal from meeting	44
20.7	Financial conflicts of interests	44
20.8	Non-financial conflicts of interests	44
20.9	Qualified privilege for meeting proceedings	45
20.10	Qualified privilege additional to any other provisions	45
20.11	Electronic devices at meetings	45
<b>21</b>	<b>General Rules of Debate</b>	<b>45</b>
21.1	Chairperson may exercise discretion	45
21.2	Time limits on speakers	46
21.3	Questions to staff	46
21.4	Questions of clarification	46
21.5	Questions to be concise	46
21.6	Questions to be in writing	46
21.7	Questions may be deferred	46
21.8	Members may speak only once	46

21.9	Limits on number of speakers	47
21.10	Seconder may reserve speech	47
21.11	Speaking only to relevant matters	47
21.12	Reading of speeches	47
21.13	Personal explanation	47
21.14	Explanation of previous speech	47
21.15	Restating motions	47
21.16	Criticism of Resolutions	47
21.17	Objecting to Words	48
21.18	Right of reply	48
21.19	No other member may speak	48
21.20	Adjournment motions	48
21.21	Chairperson's acceptance of closure motions	49
<b>22</b>	<b>General procedures for speaking and moving motions</b>	<b>49</b>
22.1	Options for speaking and moving	49
22.2	Procedure if no resolution reached	49
<b>23</b>	<b>Motions and Amendments</b>	<b>49</b>
23.1	Proposing and seconding motions	49
23.2	Motions in writing	50
23.3	Motions expressed in parts	50
23.4	Substituted motion	50
23.5	Amendments to be relevant and not direct negatives	50
23.6	Foreshadowed Amendments	50
23.7	Lost amendments	50
23.8	Carried amendments	51
23.9	Where a motion is lost	51
23.10	Withdrawal of motions and amendments	51
23.11	No speakers after reply or motion has been put	51
23.12	Amendment once moved	51
23.13	Procedure until resolution	51
<b>24</b>	<b>Revocation or Alteration of Resolutions</b>	<b>52</b>
24.1	Member may move revocation of a decision	52
24.2	Revocation must be made by the body responsible for the decision	52
24.3	Restrictions on actions under the affected resolution	53
24.4	Revocation or alteration by resolution at same meeting	53
24.5	Revocation or alteration by recommendation in report	53
<b>25</b>	<b>Procedural motions</b>	<b>53</b>
25.1	Procedural motions must be taken immediately	53
25.2	Procedural motions to close or adjourn a debate	54
25.3	Closure motion on amendment	54
25.4	Voting on procedural motions	54
25.5	Debate on adjourned items	54
25.6	Remaining business at adjourned meetings	54
25.7	Other business not superseded	54
25.8	Business referred to the Community Board or Committee	54
25.9	Other types of procedural motions	55

<b>26</b>	<b>Points of order</b>	<b>55</b>
26.1	Members may raise points of order	55
26.2	Subjects for points of order	55
26.3	Contradictions	55
26.4	Point of order during division	55
26.5	Chairperson's decision on points of order	55
<b>27</b>	<b>Notices of motion</b>	<b>56</b>
27.1	Notice of intended motion to be in writing	56
27.2	Refusal of notice of motion	56
27.3	Mover of notice of motion	56
27.4	Alteration of notice of motion	56
27.5	When notices of motion lapse	57
27.6	Referral of notices of motion	57
27.7	Repeat notices of motion	57
27.8	Second repeat where notice of motion rejected	57
<b>28</b>	<b>Minutes</b>	<b>57</b>
28.1	Minutes to be evidence of proceedings	57
28.2	Matters recorded in Minutes	57
28.3	No discussion on Minutes	58
28.4	Minutes of last meeting before election	58
<b>29</b>	<b>Keeping a record</b>	<b>59</b>
29.1	Maintaining accurate records	59
29.2	Method for maintaining records	59
29.3	Inspection	59
29.4	Inspection of public excluded matters	59
	<b>Reference Documents</b>	<b>60</b>
<b>Appendix 1:</b>	Grounds to exclude the public	61
<b>Appendix 2:</b>	Sample resolution to exclude the public	64
<b>Appendix 3:</b>	Motions and amendments (WDC)	67
<b>Appendix 4:</b>	Table of procedural motions	68
<b>Appendix 5:</b>	Webcasting protocols	70
<b>Appendix 6:</b>	Powers of a Chairperson	71
<b>Appendix 7:</b>	Workshops/Briefings	76
<b>Appendix 8:</b>	Sample order of business	78
<b>Appendix 9:</b>	Process for raising matters for a decision	79



# 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.

The Appendix, which follows Part three, provides 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 Community Board 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 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 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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

## **1.2. Statutory References**

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. 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 statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether 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 Authorities (Members’ Interests) Act 1968
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 unless specifically included in their terms of reference.

## 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, working parties, working group, panels, forums, portfolio groups, 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.

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

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

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

**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 as per the provisions of Section 7 of LGOIMA, 1989.

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

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

**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 cl 30A of sch 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.

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

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

**Covid** refers to the Novel Coronavirus, formally known as 2019-nCoV.

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

**Debate** means discussion by members that occurs once a motion has been moved / seconded.

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

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

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

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

**Extraordinary meeting** has the same meaning as defined in cl 22 of sch 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.

**Item** means a substantive matter for discussion at a meeting.

**Leave of the meeting** means agreement without a single member present dissenting.

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Petition** 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, subject to clause 13.8 of the Standing Orders.

**Presiding** member means the Chairperson.

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

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

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information, which has not been released by the local authority as publicly available information.
- Public excluded session also referred to as confidential or in-committee session refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

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

**Public notice** 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 website. In addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district, which is at least equivalent to that of a daily newspaper circulating in that region, or district.

**Publicly notified** 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 the substantive/ original motion to reply to those who have spoken to the motion.

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

**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 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. See definition of "Committee".

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

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

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

## GENERAL MATTERS

### 3. Standing Orders

#### 3.1. Obligation to adopt Standing Orders

Community Boards are 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.

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

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

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

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

#### 3.3. Members must obey Standing Orders

All members of the Community Board, including members of its Committees and Subcommittees, and Joint Committees, must obey these Standing Orders.

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

#### 3.4. Application of Standing Orders

These Standing Orders apply to all meetings of the 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 the Community Board, its Committee, Subcommittee and subordinate body, may move a motion to suspend specified 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 % of the members present and voting must support the motion for it to be carried.

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

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

### **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 Council may amend meeting procedures. For example, Committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

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

Every member of the 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 five working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act, 2020, and permission of the individual elected member.

## **4. Meetings**

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

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

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

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

### **4.2. Meeting duration**

A meeting cannot continue more than ten hours from when it starts (including any adjournments) or after 10.30pm unless the meeting resolves to continue. If there is no such resolution, then any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting, or transferred 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 two 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 two 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 the 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 seven days' notice of the meeting. However, in the event of an emergency the Chief Executive may give notice of the meeting as soon as practicable.

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

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

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

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 LGA 2002, sch 7, cl14;
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under LGA 2002, sch 7, cl 14;
- (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 ss 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 Deputy Chairperson in accordance with the LGA 2002, sch7, cl 17.

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

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**

The Community Board (or a Committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.2) when electing people to the following positions:

- the Chairperson.
- the Deputy Chairperson; and
- a representative of the Community Board.

*LGA 2002, sch 7, cl 25.*

### **5.2. Voting system for Chairpersons and Deputy Chairpersons**

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

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

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

## **System B**

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

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

*LGA 2002, sch 7, cl 25.*

## **6. Delegations**

### **6.1. Limits on Delegations**

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

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

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

### **6.2. Community Boards may delegate**

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

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

### **6.3. Use of Delegated Powers**

The Community Board, Committee, Subcommittee, other subordinate decision-making body, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the Community Board, Council, Committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them. *LGA 2002, sch 7, cl 32(2),(3), and (4).*

#### **6.4. Decisions made under Delegated Authority cannot be rescinded or amended**

Nothing in these Standing Orders allows the Council, Committee, Subcommittee and Community Boards to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

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

#### **6.5. Committees and Subcommittees subject to the direction of the local authority**

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

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

#### **6.6. Duty to consider Delegations to Community Boards**

The Council of a territorial authority must, at the commencement of each term, consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role.

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

#### **6.7. Delegations related to Bylaws and other Regulatory Matters**

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

*LGA 2022, sch 7, cl. 32(5).*

**Note:** *A Council is advised to delegate a range of decision-making responsibilities to its Chief Executive to cover the period from the day following the Electoral Office's declaration until the new Council is sworn in. See the 2019 Guide to Standing Orders for further information.*

## **7. Committees**

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

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

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

## **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 Community Board may discharge or reconstitute a Subcommittee.

A Committee, Subcommittee, or other subordinate decision-making body is, unless the Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

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

**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. This also applies to the District Licensing Committee, subject to Council resolution, Section 193 of LGA and the Sale and Supply of Alcohol Act 2012.*

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

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

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

## **7.4. Committees and subordinate decision-making bodies subject to direction of Community Board**

A Committee or other subordinate decision-making body is subject in all things to the control of the Community Board and must carry out all general and special directions of the Community Board 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 Community Board or Committee to rescind or amend a decision made under a delegation authorising the making of a decision by a Committee, a Subcommittee, or another subordinate decision-making body.

*LGA 2002, sch 7, cl. 30(3), (4) & (6).*

### **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. The Community Board or a Committee may appoint a person who is not a member of the local authority to a Committee or Subcommittee if, in the opinion of the Community Board or Committee, the person has the skills, attributes or knowledge to assist the Committee or Subcommittee.

A staff member of the local authority, in the course of their employment, can be a member of a Subcommittee but not a Committee.

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

### **7.6. Community Board may replace members if Committee not discharged**

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

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

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

The minimum number of members is three for both Committees and Subcommittees.

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

### **7.8. Ex Officio Member**

The portfolio holder or any member of the Council may be appointed an ex-officio member of any Committee other than a Community Board or a Quasi-judicial Committee. Note the portfolio holder can attend any workshop and/or briefing relating to their portfolio.



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

For the purpose of these Standing Orders, a decision of the Community Board, and Committees, is not invalidated if:

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

*LGA 2002, sch 7, cl 29.*

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

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

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

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

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

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

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

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

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.

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

## PRE-MEETING

### 8. Giving notice

#### 8.1. Public notice – Ordinary Meetings

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

*LGOIMA 1987, s 46.*

#### 8.2. Notice to members - Ordinary Meetings

The Chief Executive must give notice in writing to each member of the Community Board of the date, 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.

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

#### 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. Not less than one third of the total membership of the Community Board (including vacancies).

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

#### 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 working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

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

If the business that the 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.

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

### **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.

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

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

Where an emergency or extraordinary meeting of the 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 website and in any other manner that is reasonable in the circumstances.

*LGOIMA 1987, s 46(3).*

### **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.

*LGOIMA 1987, s. 46(5).*

### **8.9. Meetings not invalid**

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

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

*LGOIMA 1987, s 46(6).*

### **8.10. Resolutions passed at an Extraordinary or Emergency Meeting**

A Community Board must, as soon as practicable, publicly notify any resolution passed at an extraordinary or emergency 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 or emergency meeting was publicly notified at least five working days before the day on which the meeting was held.

*LGOIMA 1987, s 51A.*

### **8.11. Meeting schedules**

Where the Community Board adopts a meeting schedule it may cover any period that the Community Board 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 publicly notify each meeting.

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

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

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

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

### **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 (or his / her delegate) should consult, unless impracticable, such as in the case of the inaugural meeting, the Chairperson, or the person acting as Chairperson for the coming meeting.

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

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

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

The Chief Executive may delay commissioning any reports that involve significant cost or are beyond the scope of the 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.

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

### **9.4. Order of Business**

At the meeting, the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in [Appendix 8](#).

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, at the meeting 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. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

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

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

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

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

All information provided to members at 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.

*LGOIMA 1987, ss 5 & 46A.*

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

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least two 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.

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

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

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

*LGOIMA 1987, s. 49*

#### **9.10. 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, or his / her delegate. 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 or an emergency meeting (see Standing Orders 8.4 and 8.10).

The Chief Executive may send the agenda, and other materials relating to the meeting or other 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 a 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.

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

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

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

#### **9.15. 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. All formal decisions must be supported by a staff report.

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

### **9.16. Public excluded business on the Agenda**

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including the general subject of the item. The Chief Executive, however, may exclude public access to any reports, or parts of reports, attachments of minutes which are reasonably expected to be discussed with the public excluded based on reasons or grounds outlined in LGOIMA sections 5, 6, 7 8 and 17.

*LGOIMA 1987, s 46A(9).*

### **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.

*LGOIMA 1987, s 52.*

## **MEETING PROCEDURES**

### **10. Opening and Closing**

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

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

### **11. Quorum**

#### **11.1. 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; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

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

## **11.2. Committees and Subcommittee meetings**

A 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 if it is not less than two members.

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

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

## **11.3. Joint Committees**

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

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

## **11.4. 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.

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

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

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

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.

## **11.6. Business from lapsed meetings**

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

## **11.7. 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.

## 12. Public access and recording

### 12.1. Meetings open to the public

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

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

### 12.2. Grounds for removing the public

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

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.

*LGOIMA 1987, s 50(1).*

### 12.3. The 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.

### 12.4. Public may record meetings

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

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

## 13. Attendance

### 13.1. Members right to attend meetings

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

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

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

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public, then any members of the Community Board who are present may remain, unless they are lawfully excluded.

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

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

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

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

A Community Board may grant a member leave of absence following an application from that member. The Community Board may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy and the Community Board may approve an application from the Chairperson. 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.

### **13.4. Apologies**

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

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

### **13.5. Recording Apologies**

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

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

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

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

### **13.7. Right to attend by Audio or Audio-visual link**

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

### **13.8. Member attend meetings by Electronic link's status: Quorum**

Members who attend meetings by electronic link will be counted as present for the purposes of a quorum. Subject to the activations of an Endemic Preparation Order or local state of emergency.

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

### **13.9. Member attend meetings by Electronic link's status: Voting**

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

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

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

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

### **13.11. 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.



### **13.12. Request to attend by audio or audio-visual link**

Where possible, a member will give the Chairperson and the Chief Executive at least two working days' notice when they want to attend a meeting by audio or 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 or its Committees.

### **13.13. Chairperson may terminate link**

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

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

### **13.14. Giving or showing a document**

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

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

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

### **13.15. Link failure**

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

### **13.16. Confidentiality**

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

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

### **14.1. Community Board meetings**

The Chairperson 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 Chairperson is also absent the Community Board members, who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties, and powers of the Chairperson for that meeting. This provision also applies to Committees and Subcommittees.

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

### **14.2. Other meetings**

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

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

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

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

### **14.4. Chairperson's Rulings**

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

### **14.5. Chairperson standing**

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

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

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

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

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

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

### **15. Public Forums**

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters of their choice, not necessarily on the meeting's agenda, to the attention of the Community Board.

In the case of a Community Board, Committee, or Subcommittee, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body. Any matter raised in a public forum requiring a decision must be considered at a meeting with an accompanying report.

#### **15.1. 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.

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

#### **15.2. Restrictions**

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

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

- (e) The matter is subject to legal proceedings; and

The matter is subject to a hearing, including the hearing of submissions where the local authority or Community Board sits in a quasi-judicial capacity.

### **15.3. Questions at Public Forums**

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

### **15.4. No resolutions**

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

## **16. Deputations**

### **16.1. Receiving Deputations**

Deputations may be received by the Community Board or any of its Committees provided an application for admission setting forth the subject has been lodged with the Chief Executive or Governance Staff at least two 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.

### **16.2. 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.

### **16.3. Time limits**

Speakers can speak for up to ten minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

### **16.4. Restrictions**

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

- (a) A speaker is repeating views presented by an earlier speaker at the meeting.
- (b) The speaker is criticising elected members and / or staff.
- (c) The speaker is being repetitious, disrespectful, or offensive.

- (d) The speaker has previously spoken on the same issue.
- (e) The matter is subject to legal proceedings; and
- (f) The matter is subject to a hearing, including the hearing of submissions where the local authority or Community Board sits in a quasi-judicial capacity.

### **16.5. Questions of a Deputation**

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

### **16.6. Resolutions**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded. Any matter raised in a public forum requiring a decision must be considered at a meeting with an accompanying report.

## **17. Petitions**

### **17.1. Form of Petitions**

Petitions may be presented to the Community Board or any of its Committees.

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 to be translated and reprinted, if necessary.

Petitions must contain at least 5 signatures and consist of fewer than 150 words (not including signatories) and be of serious intent.

### **17.2. Petition presented by petitioner**

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

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. They must be received by the Chief Executive at least five working days before the meeting at which they will be presented, however, this requirement may be waived by the Chairperson.

### **17.3. 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.

## **18. Exclusion of public**

### **18.1. Motions and Resolutions to exclude the public**

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in s 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.
- (c) The grounds on which the resolution is based.
- (d) The resolution will form part of the meeting's Minutes.

*LGOIMA 1987, s 48.*

### **18.2. Code of Conduct Committee**

Should a Code of Conduct Committee be called, the Chairperson has the right to exclude elected members 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 Chairperson as to the presence of the Mayor or any other elected member for specific portions of the meeting that may directly relate to specific aspects of the hearing.

### **18.3. Specified people may remain**

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

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

*LGOIMA 1987, s 48(6).*

### **18.4. Public Excluded items**

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

*LGOIMA 1987, s 46A(8).*

### **18.5. Non-disclosure of information**

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

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

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

### **18.6. 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.



## 19. Voting

### 19.1. Decisions by Majority Vote

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

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

### 19.2. Open voting

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

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

### 19.3. Chairperson does not have a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has NO Casting vote.

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

### 19.4. Method of voting

The method of voting must be as follows:

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

### 19.5. Calling for a division

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

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

### 19.6. Restating the motion

The Chairperson may, immediately 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.

### **19.7. Request to have votes recorded**

If requested by a member, immediately after a vote the Minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

### **19.8. Members may abstain**

Any member may abstain from voting.

## **20. Conduct**

### **20.1. Calling to order**

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

### **20.2. Behaviour consistent with Code of Conduct (Disrespect)**

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

### **20.3. 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.

### **20.4. Disorderly Conduct**

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

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

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

### **20.5. Contempt**

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

A member, who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

## **20.6. Removal from meeting**

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

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

## **20.7. Financial conflicts of interests**

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in 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 no longer than 12-months at a time).

Members should leave the room until the item has been concluded.

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

*LAMIA 1968, ss 6 & 7.*

## **20.8. Non-financial conflicts of interests**

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

Members should leave the room until the item has been concluded. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

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

***Note*** a Register of Interests (covering both financial and non-financial aspects) will be kept by the Chief Executive (or delegate) and reviewed at least six monthly for the Council, the Waimakariri Water Zone Committee, and all Community Boards.

## **20.9. Qualified privilege for meeting proceedings**

Any oral statement made at any meeting of the 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.

*LGOIMA 1987, s 53.*

## **20.10. Qualified privilege additional to any other provisions**

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

*LGOIMA 1987, s 53.*

## **20.11. Electronic devices at meetings**

Electronic devices and phones should only be used to support the business of the meeting. Where personal use is unforeseen prior to the meeting, members should seek permission from the Chairperson to leave the meeting to deal with such matters. It is not deemed good practice or indeed appropriate to convey any aspect of meeting content or decision via personal electronic devices prior to the conclusion of the meeting.

A Chairperson may require that an electronic device is switched off if:

- (a) its use is likely to distract a meeting from achieving its business, or,
- (b) a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

# **21. General Rules of Debate**

## **21.1. Chairperson may exercise discretion**

The application of any procedural matters in this section of the Standing Orders, such as the number of times a member may speak or when a Chairperson can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

## **21.2. Time limits on speakers**

The following time limits apply to members speaking at meetings:

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

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

## **21.3. Questions to staff**

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

## **21.4. Questions of clarification**

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

## **21.5. Questions to be concise**

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

## **21.6. Questions to be in writing**

Questions that are not directly related to a specific matter (report) on the agenda shall be in writing and handed to the Chairperson prior to the commencement of the meeting at which they are to be asked and in time for an appropriate answer to be prepared.

## **21.7. Questions may be deferred**

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

## **21.8. 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. Movers of the original motion may speak once to each amendment. Members can speak more than once to a motion at a Committee or Subcommittee meeting with the Chairperson's permission.

### **21.9. Limits on number of speakers**

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

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

### **21.10. Second may reserve speech**

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

### **21.11. Speaking only to relevant matters**

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

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

### **21.12. Reading of speeches**

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

### **21.13. Personal explanation**

Notwithstanding Standing Order 20.5, members may make a personal explanation with the permission of the Chairperson, provided that the matter is personal to the member, deals with fact and not derogatory in nature. Such matters may not be debated.

### **21.14. Explanation of previous speech**

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

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

### **21.15. Restating motions**

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

### **21.16. Criticism of Resolutions**

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

### **21.17. Objecting to Words**

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

***Note** this provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.*

### **21.18. Right of reply**

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

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

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

### **21.19. No other member may speak**

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

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

### **21.20. Adjournment motions**

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



### **21.21. Chairperson's acceptance of closure motions**

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

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

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

### **22.1. Options for speaking and moving**

- (a) The mover and seconder of a motion cannot move or second an amendment.
- (b) Only members who have not spoken to the original, or substituted, motion may move or second an amendment to it.
- (c) The mover or seconder of an amendment, whether it is carried (in which case it becomes the substantive motion) or lost, cannot move or second a subsequent amendment.
- (d) Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- (e) The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.

### **22.2. Procedure if no resolution reached**

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

## **23. Motions and Amendments**

### **23.1. Proposing and seconding motions**

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

Amendments and motions that are not seconded are recorded in the Minutes as lapsed.

**Note** *Members who move or second a motion are not required to be present for the entirety of the debate.*

### **23.2. Motions in writing**

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

### **23.3. Motions expressed in parts**

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

### **23.4. Substituted motion**

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

### **23.5. Amendments to be relevant and not direct negatives**

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

- (a) Not directly relevant
- (b) In conflict with a carried amendment
- (c) Similar to a lost amendment
- (d) Would negate a Community Board decision if made under delegated authority
- (e) In conflict with a motion referred to the governing body by that meeting
- (f) Direct negative.

**Note** that amendments that are significantly different must comply with the decision-making provisions of Part 6 of the LGA 2002.

### **23.6. Foreshadowed Amendments**

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

### **23.7. Lost amendments**

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

### **23.8. Carried amendments**

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

### **23.9. Where a motion is lost**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment, provided that they have not moved or seconded the original motion or a previous amendment. If a motion is lost the status quo will remain.

### **23.10. Withdrawal of motions and amendments**

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

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

### **23.11. No speakers after reply or motion have been put**

A member may not speak to any motion once:

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

### **23.12. Amendment once moved**

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

### **23.13. Procedure until resolution**

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

## 24. Revocation or Alteration of Resolutions

### 24.1. Member may move revocation of a decision

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

- (a) The resolution or part of the resolution which the member proposes to revoke or alter.
- (b) The meeting date when the resolution was passed.
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

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

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. If the notice of motion is lost, no similar notice of motion, which is substantially the same in purpose and effect, may be accepted within the next twelve months.

### 24.2. Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a Community Board, Committee, Subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

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

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

### **24.3. Restrictions on actions under the affected resolution**

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

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked.
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the 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.

### **24.4. Revocation or alteration by resolution at same meeting**

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

### **24.5. Revocation or alteration by recommendation in report**

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

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

## **25. Procedural motions**

### **25.1. Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the Chairperson's opinion, it is reasonable to accept the closure motion.

## **25.2. Procedural motions to close or adjourn a debate**

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

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

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

## **25.3. Closure motion on amendment**

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

## **25.4. Voting on procedural motions**

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

## **25.5. Debate on adjourned items**

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

## **25.6. Remaining business at adjourned meetings**

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

## **25.7. Other business not superseded**

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

## **25.8. Business referred to the Community Board, or Committee**

Where an item of business is referred (or referred back) to a Community Board or Committee, the Board or Committee will consider the item at its next meeting unless the meeting resolves otherwise.

## **25.9. Other types of procedural motions**

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

## **26. Points of Order**

### **26.1. Members may raise points of order**

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

### **26.2. Subjects for points of order**

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

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the Chairperson that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the Chairperson of a misrepresentation in a statement made by a member, an officer or a Council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the Minutes record any words that have been the subject of an objection.

### **26.3. Contradictions**

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

### **26.4. Point of order during division**

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

### **26.5. Chairperson's decision on points of order**

The Chairperson may decide a point of order immediately after it has been raised or may choose to hear further argument about the point before 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.

Should a point of order concern the performance of the Chairperson, then the Chairperson will refer the point of order to the Deputy Chairperson or, if there is no Deputy, another member to hear arguments and make a ruling.



## **27. Notices of motion**

### **27.1. Notice of intended motion to be in writing**

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

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

### **27.2. Refusal of notice of motion**

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

- (a) Is disrespectful or 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 officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a Committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chief Executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or Community Board.

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

### **27.3. Mover of notice of motion**

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

### **27.4. Alteration of notice of motion**

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

### **27.5. When notices of motion lapse**

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

### **27.6. Referral of notices of motion**

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

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

### **27.7. 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.

When a motion has been considered and rejected by the Community Board or a Committee, no similar notice of motion 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.

### **27.8. Second repeat where notice of motion rejected**

If such a repeat notice of motion as provided for in Standing Order 27.7 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.

## **28. Minutes**

### **28.1. Minutes to be evidence of proceedings**

The Community Board, its Committees, and Subcommittees, must keep Minutes of their proceedings. These Minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Note that the Waimakariri District Council decided that Minutes will be kept electronically rather than hard copy from October 2019, onwards.

*LGA 2002, sch 7, cl. 28.*

### **28.2. Matters recorded in Minutes**

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

- (a) The date, time and venue of the meeting.
- (b) The names of the members present.
- (c) The Chairperson.
- (d) Any apologies or leaves of absences.
- (e) Members absent without apology or leave of absence.
- (f) Members absent on Community Board business.
- (g) The arrival and departure times of members.
- (h) Any failure of a quorum.
- (i) A list of any external speakers and the topics they addressed.
- (j) A list of the items considered.
- (k) Items tabled at the meeting.
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders.
- (m) The names of all movers, and seconders.
- (n) Any objections made to words used.
- (o) All divisions taken and, if taken, a record of each member's vote.
- (p) the names of any members requesting that their vote or abstention be recorded.
- (q) Any declarations of financial or non-financial conflicts of interest.
- (r) The contempt, censure, and removal of any members.
- (s) Any resolutions to exclude members of the public.
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

**Note** *hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for Minute taking.*

### **28.3. No discussion on Minutes**

The only topic that may be discussed at a subsequent meeting, with respect to the Minutes, prior to the Minutes confirmation, is their correctness. However, members may provide updates or request updates on matters arising from the minutes, after approval, however, no discussion may occur.

### **28.4. Minutes of last meeting before election**

The Chief Executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the Minutes of the last meeting of the Community Board and Committees before the next election of members.

## **29. Keeping a record**

### **29.1. Maintaining accurate records**

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

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

*Public Records Act 2002, s 17.*

### **29.2. Method for maintaining records**

If Minutes are stored electronically, the repository in which they are kept must meet the following requirements:

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

- (a) The information is readily accessible to be usable for subsequent reference.
- (b) Contract and Commercial Law Act 2017, s 229(1).

### **29.3. Inspection**

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

*LGOIMA 1989, s 51.*

### **29.4. Inspection of public excluded matters**

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

## REFERENCED DOCUMENTS

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Local Government (Pecuniary Interests Register) Amendment Act 2022
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

## 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:

### **LGOIMA 1987, Section 5**

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

### **LGOIMA 1987, Section 6**

That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

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

### **LGOIMA 1987, Section 7**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information would:
  - i. disclose a trade secret; or
  - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
- (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
  - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - ii. be likely otherwise to damage the public interest; or
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or

- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f)(ii) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

### **LGOIMA 1989, Section 48**

- (1) Provided that where the above section (Section 7) applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.
  - (b) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
    - (i) Be contrary to the provisions of a specified enactment; or
    - (ii) Constitute contempt of Court or of the House of Representatives.
  - (c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
  - (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- (2) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before a Council where:
    - (i) A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
    - (ii) The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
  - (b) Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.



## Appendix 2: Sample resolution to exclude the public

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

1. That the public is excluded from:

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

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public-
		To prevent the disclosure of information which would— i. be contrary to the provisions of a specified enactment; or ii. Constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate in private on any proceedings where: i. a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or 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. s. 48(1)(d).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

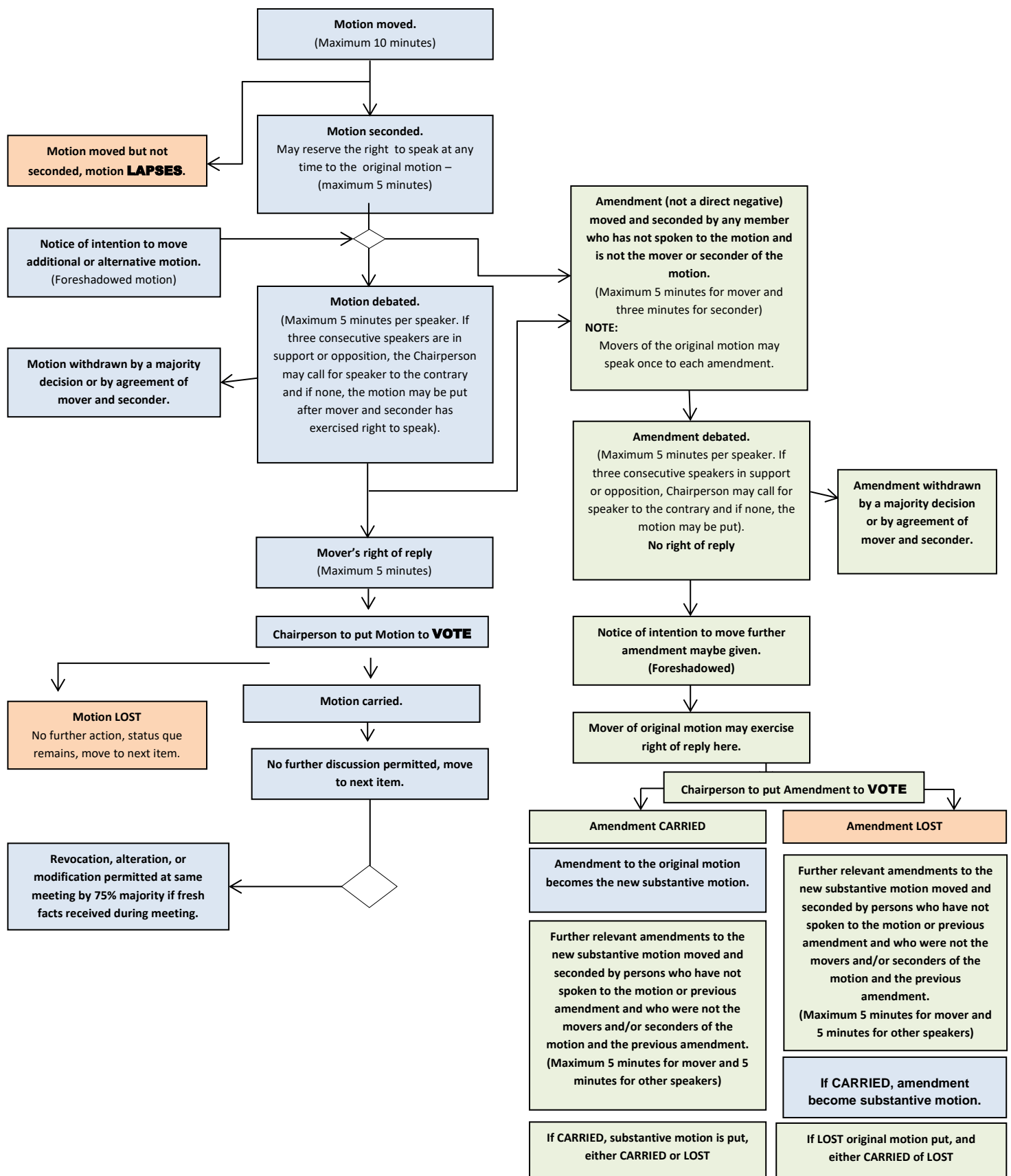
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public.
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To protect information which if public would; <ul style="list-style-type: none"> <li>i. disclose a trade secret; or</li> <li>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</li> </ul>
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> <li>• a resource consent, or</li> <li>• a water conservation order, or</li> <li>• a requirement for a designation or</li> <li>• an heritage order,</li> </ul> (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> <li>i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</li> </ul> would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public.
		To maintain legal professional privilege (s 7(2)(g)).
		To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j))

2. That **(name of person(s))** is permitted to remain at this meeting after the public has been excluded because of their knowledge of **(specify topic under discussion)**. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because **(specify)**. ***(Delete if not applicable.)***

## Appendix 3: Motions and amendments (WDC)

Motions without amendments      Motions with amendments



## Appendix 4: Table of Procedural Motions

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

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

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

### **Chairperson's Report (Verbal or Written)**

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

### **Chairperson's Recommendation**

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

### **Chairperson's Voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has 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 local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

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

## **Action on previous resolutions**

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

## **Repeat notice of motion**

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

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

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

## **Chairperson may call a meeting**

The Chairperson:

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

## **Irrelevant matter and needless repetition**

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

## **Taking down words**

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

## **Explanations**

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

## **Chairperson rising**

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

## **Members may leave places**

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

## **Priority of speakers**

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

## **Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

### **Questions of speakers**

The Chairperson may permit members to ask questions of speakers under public 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.

### **Audio- or audio-visual attendance**

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

- (a) The technology for the link is available and of suitable quality; 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 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.

## Appendix 7: Workshops/Briefings

### Definition of Briefing Session

Briefing sessions provide a valuable opportunity to enhance the understanding of matters and to sound out potential options that will assist with informing future staff reports that the Community Board will consider in their future decision-making process. The briefing sessions are a forum for the Chief Executive and Council staff to address any elected member questions and provide additional background on matters of interest to the Community Board. **No decision making or voting takes place at briefing meetings. Briefing sessions are public excluded meetings**, whereby the discussion is restricted to the parties in the Chamber/room. Briefing sessions occur with consideration given to LGOIMA and reasons for excluding the public.

### Definition of Workshop Session

Workshop sessions are a process for elected members, staff and where required, external parties to collaborate and develop or advance proposals such as masterplans with the organisation on topics of strategic importance and collectively develop proposals prior to the formal decision-making process commencing. **Workshop sessions are open to the public.**

### 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
- (b) the Community Board Chairperson or
- (c) the Chief Executive
- (d) by member or staff request.

### Process for calling workshops/briefings

Community Board briefings and workshops shall be held on 'an as need' basis and included on formal agendas. Notification and diary commitments will be provided to elected members with the agenda.

The Chairperson or Chief Executive may call additional briefing and workshop sessions for the Community Board as deemed necessary for the discussion of emerging matters, in consultation with the General Manager of the department with expertise. The Chairperson or Senior Manager may call for additional briefing or workshop sessions if required. Scheduling of such additional meetings will be undertaken by the Governance Team.

The Chief Executive or Governance staff will give at least 24 hours' notice of the time and place of the workshop/briefing and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

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

### **Advertising workshops/briefings**

Briefing sessions are not advertised in newspapers.

Workshops will be advised via an agenda of a formal meeting (when time permits) and listed on the Council website under the meeting schedules, however, will not be advertised in newspapers. Notification of a workshop may occur in an agenda if the workshop immediately follows the conclusion of a formal meeting.

### **Record of workshop**

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

- (a) the name of each elected member who attended the meeting.
- (b) other persons (e.g. members of the public, Council staff) who attended the meeting,
- (c) other than elected members.
- (d) the matters discussed at the meeting.
- (e) any conflicts of interest declared.
- (f) a copy of presentation material provided during the briefing (including slide decks,
- (g) handouts etc. but not confidential documents); and
- (h) any matters arising as a result of the discussion.

## Appendix 8: Sample order of business

### Council: Open section

- (a) Apologies
- (b) Declarations/conflicts of interest
- (c) Acknowledgements and tributes
- (d) Confirmation of Minutes
- (e) Matters Arising
- (f) Notes of Workshops
- (g) Public Forum
- (h) Deputations and Presentations
- (i) Petitions
- (j) Adjourned Business
- (k) Reports
- (l) Correspondence
- (m) Chairpersons Reports
- (n) Matters for Information
- (o) Members' Information Exchange
- (p) Consultation Projects
- (q) Board Funding Update
- (r) Media Items
- (s) Questions Under Standing Orders
- (t) Urgent General Business Under Standing Orders
- (u) Matters to be considered with the public excluded.
- (v) Date and Venue for next meeting

### Public excluded section

- (a) Apologies
- (b) Declarations/conflicts of interest
- (c) Confirmation of Minutes
- (d) Matters Arising
- (e) Reports
- (f) Resolutions of matters considered in public excluded.

### Standing Committees

*Same order as above*



## Appendix 9: Process for raising matters for a decision

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- (a) Report of the Chief Executive;
- (b) Report of the Chairperson;
- (c) Report of a Committee;
- (d) Notice of motion from a member.

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

- (a) Report of the Chief Executive; or
- (b) Report of the Chairperson.

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