



TEKAPO COMMUNITY BOARD

Membership:
Stella Sweney
Alan Hayman
Peter Munro
Cr Murray Cox

Notice is given of the meeting of the Tekapo Community Board to be held at the Community Hall, Lake Tekapo, on Monday 18 November 2013 at 7:30pm

Business: *As per Agenda attached*

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



TEKAPO COMMUNITY BOARD AGENDA
Monday 18 November 2013

I APOLOGIES:**II DECLARATIONS OF INTEREST****III MINUTES:**

Confirm and adopt as the correct record the Minutes of the meeting held on Tuesday 24 September 2013 and Monday 21 October 2013.

MATTERS UNDER ACTION**IV ELECTION OF CHAIRPERSON****V ELECTION OF DEPUTY CHAIRPERSON****VI REPORTS:**

1. Standing Orders
2. Meeting Schedule for 2014
3. Role of Community Boards
4. Elected Members' Remuneration
5. Local Authorities (Members' Interests) Act 1968
6. Financial Report (to be distributed under separate cover)
7. Blinds for Tekapo Community Centre

VII GENERAL BUSINESS:

1. Discharge Permit Application – Tekapo Village Centre (verbal discussion letter attached)
2. Lake Tekapo Commercial Lane Street Numbers (email attached, discussion)
3. Ward Member's Report
4. Reports from Members who Represent the Board on Other Committee

VIII PUBLIC EXCLUDED

That the public be excluded from the following part of the proceedings of this meeting namely:

1. Lakeside Drive Carpark.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Lakeside Drive Carpark	Commercial Sensitivity	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Lakeside Drive Carpark* section 7(2)(b)(ii)

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE TEKAPO COMMUNITY BOARD HELD AT TEKAPO COMMUNITY HALL, LAKE TEKAPO, ON TUESDAY 24 SEPTEMBER 2013 AT 7:29PM

PRESENT:

Murray Cox (Chairman)
Alan Hayman
Peter Munro
Ian Radford
Cr Peter Maxwell

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Garth Nixon (Community Facilities Manager)
Keri-Ann Little (Committee Clerk)

1 member of the public

I APOLOGIES:

Resolved: that apologies be received from Claire Barlow and Paul Morris.

Peter Maxwell/Ian Radford

II DECLARATIONS OF INTEREST:

There were no Declarations of Interest.

III MINUTES:

Resolved that the minutes of the meeting of the Tekapo Community Board held on 26 August 2013, be confirmed and adopted as the correct record of the meeting.

Alan Hayman/Ian Radford

MATTERS UNDER ACTION:

1. **Civil Defence:**

The Chairman has spoken to Ray Gardner, Civil Defence Officer and will hold any plans over until the new community board; The Chairman will speak with Debbie Kay Gardner and Greg Willis and will make arrangements for them to meet with Ray also.

2. **Review of Freedom Camping Bylaw and its Alignment with the Freedom Camping Act:**

Once the NZMCA have updated their template, approved by LGNZ and DoC, that this is put before the Community Board for further discussion.

3. **Community Hall:**

Extra power points to be installed in the Community Hall when the Electrician is next up in Tekapo.

Car parking for Lake Tekapo Community Hall:

It was noted that this issue was on-going and will be included in the Hall upgrade. Discussion about concept plans for the grounds is later in the meeting.

The Mound by the Tennis Courts – to be grassed:

Tennis Court upgrade as part of the Community Hall upgrade and landscaping of the grounds. This will also be discussed later in the meeting.

5. **Lighting Ordinances:**

On-going progress made;

- Brochure was distributed with rates.
- Waiting for cartoon and graphics to return.
- Changes to Asset Manager re the lights.
- Lights downtown has now a cover on it that was a problem, Montheiths Bar and the light at the camp.

6. **Lochinvar Subdivision:**

Town maintenance – maintenance of Lochinvar subdivision, work has been carried out to bring the subdivision back up to standard. Mr Nixon is proposing a programme sign off when work has been completed. Mr Nixon will compile a programme for the Board to sight. *Mr Nixon sent the Chairman more information in terms of what maintenance should be carried out and requires more time to work with Mr Nixon coming back with a schedule. Rabbit control will need to be undertaken before numbers begin to rise again.*

8. **Council Owned Units:**

Would be a change of activity for Council and this would need to be discussed with Council to see if they (Council) want to be involved with worker accommodation. If the Community Board wishes the CEO to undertake this he will. A local businessman is looking at worker accommodation options as a development and also Stephen Gubb could be advised to complete a feasibility study as to whether it is worth Council being involved in providing worker accommodation at Lake Tekapo.

Resolved: that the Community Board request the Council to investigate Council adopting a proactive role in providing worker accommodation at Lake Tekapo.

Ian Radford/ Alan Hayman

9. **Walkways and Cycleway:**

No reply as yet Peter Munro only just contacted them in the last few days and will develop a map on the track and see how much maintenance and work is required. A meeting with Genesis at the beginning of October will be held walkways and cycleways will be discussed then.

IV REPORTS:

1. TEKAPO PLANTATION:

A verbal report was provided to the board by the Chairman regarding the Tekapo Plantation.

Resolved that the report be received.

Ian Radford/ Alan Hayman

The Chairman said regarding Section A replanting, Garth and I met with Anne Braun Elwert and Colin Maclaren, the general discussion was around what needs to happen initially, establishing some sort of watering system along that area, while also establishing the track along the top.

The Chairman said decisions need to be made as to what we do initially and what the \$10,000 gifted by the Forestry Board will be used for.

Garth suggested running a line up from the Cemetery to the plantation for irrigation and then to dig the track on the way back down.

The Chairman will distribute information to the public regarding the first step in plantation a replant being a pipe line established for irrigation.

Resolved: that Stage 1 of Section A to establish the water line from the cemetery and to establish a new track and to notify the public of the work we are doing and the possible planting to gain feedback.

Ian Radford/ Alan Hayman

2. COMMUNITY HALL LANDSCAPING PLANS:

Resolved that the report be received.

Ian Radford/ Alan Hayman

A verbal report provided by the CEO regarding Community Hall landscaping plans.

Possibility of swapping reserve land that has been gifted to Council was investigated by the CEO, this land has been zoned as Recreation A (was gifted to Council as reserve land) so the land cannot be rezoned for a residential purpose. This precludes the land swap avenue.

The CEO said we need to firstly look at car parking and how much is required, if we do need land, how much car parking do we need and how can we best service the need required.

The Chairman discussed landscaping plans for the Community Hall and surrounds and said the plans could be shown at the opening of the Hall, inviting comment with the aim of attracting people and making it a useful area for the community.

The Chairman will provide plans outlining a change in the orchard area to a carpark.

Peter Munro added enclosing the outdoor area with plastic to extend over the balcony areas resulting in the area being capable of allowing larger usage numbers. Garth will request a quote and options for enclosing the area.

3. DISCHARGE PERMIT APPLICATION – TEKAPO VILLAGE CENTRE:

The Chairman apologised to the board stating he had simply not had enough time to distribute the application and ask for feedback from members as he had stated he would undertake at the previous community board meeting.

The discharge permit application is for storm water for the commercial subdivision on the Tekapo Village foreshore.

Resolved: that the Tekapo Community Board approve the discharge permit for the Tekapo Village Centre with the Chairman to write an accompanying letter regarding tidy up of the domain area.

Alan Hayman/ Peter Munro

4. WARD MEMBER'S REPORT:

The resource consent is in for the new subdivision and then a final sign off for food stuffs and earth and sky can progress.

Cr Maxwell noted he has spent 18 years on the community board and 3 years on Council and hoped the community board keeps the momentum going and thanked the board for their support.

The Chairman thanked Cr Maxwell for the time spent and effort put in both as community board member and councillor and said the reason it has been so positive over the last 3 years is because we have had you on there.

5. REPORTS FROM MEMBERS WHO REPRESENT THE BOARD ON OTHER COMMITTEES:

Peter Munro said the Footbridge Society had recently called for tenders and are looking at acting on one of the tenders received, hoping to have the castings in before Christmas, while the river is low. Things are progressing and we are nearing our target.

The Chairman reported on the regional park. One of the developments is dependent on funding and a part time caretaker will be employed in the park as part of the long term sustainability of the park, ECan seem to be agreement.

Peter Munro said the Alpine Trust's new South Opuha Hut has received its code compliance certificate and official opening is on 16 of November 2013 and will now be held at the Tekapo Community Hall.

V GENERAL BUSINESS:

1. DEFIBRILLATORS DONATION:

An offer of installation of a defibrillator in the Tekapo Community Hall has been extended to the community board from Kohan Restaurant in Tekapo. Kohan have said they will fund a complete defibrillator and lock box for community use.

2. PROPOSED PLAN CHANGE 2

The CEO informed the board he has only today received a letter from ECan outlining the intention of the Canterbury Water Management Committee proposing to enter a plan change (plan change 2) changing resource consents that the power companies have from discretionary to a controlled activity. This would mean when resource consents are renewed as a controlled activity they cannot be declined.

The CEO said ECan are required to consult with the Council for a period of two weeks before they launch the consent, from 8 October ECan will notify the plan change, not giving the Council much time. Once the plan change is notified there is a process to work through and there is possibly an opportunity to submit on this change.

The CEO said he has organised a workshop on Monday 30 September to discuss “plan change 2” with Councillors. The CEO concluded by stating he invites feedback from both elected members and the community who are likely to be affected.

5. CHAIRMAN ACKNOWLEDGMENTS:

The chairman thanked Ian Radford for being a community board member and for all the time and effort he has contributed, this has been much appreciated.

The Chairman thanked all Mackenzie District Council Staff.

**THERE BEING NO FURTHER BUSINESS
THE CHAIRMAN DECLARED THE MEETING CLOSED AT 9:11PM**

CHAIRMAN: _____

DATE: _____

MACKENZIE DISTRICT COUNCIL

MINUTES OF THE FIRST MEETING OF THE TEKAPO COMMUNITY BOARD FOLLOWING THE TRIENNIAL ELECTIONS, HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON 21 OCTOBER 2013 AT 7.40 PM

PRESENT:

Alan Hayman
Peter Munro
Stella Sweney
Cr Murray Cox

IN ATTENDANCE:

Claire Barlow (Mayor)
Wayne Barnett (Chief Executive Officer)
Keri-Ann Little (Committee Clerk)
Councillors Smith, Williams, Jackson, Armstrong and Leslie
Fairlie and Twizel Community Board Members
Staff Members and Guests

II WELCOME BY THE CHIEF EXECUTIVE OFFICER:

The Chief Executive Officer welcomed the newly elected members of the Tekapo Community Board and congratulated them on their success in the recent election.

III MAKING OF DECLARATIONS BY COMMUNITY BOARD MEMBERS:

Alan Hayman, Peter Munro and Stella Sweney made and attested their declarations to faithfully and impartially, and according to the best of their skill and judgement, execute and perform in the best interest of the Lake Tekapo Community, the powers, authorities and duties vested in or imposed upon them as members of the Tekapo Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act. Their Declarations were witnessed by the Mayor and the Chief Executive Officer.

IV METHOD OF VOTING ON CERTAIN APPOINTMENTS:

This report from the Chief Executive Officer set out two alternative systems of voting for certain appointments, noting that the system must be determined before an election or appointment process began.

Resolved:

1. That the report be received.
2. That the Tekapo Community Board supports the election of its Chairman, Deputy Chairman and the appointment of Community Board members to outside agencies being made using the first past the post system.

Peter Munro/ Stella Sweney

V ELECTION OF CHAIRMAN:

The election of the Chair and Deputy Chair will be confirmed at the first Tekapo Community Board Meeting.

VI GENERAL EXPLANATION BY THE CHIEF EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 AND OTHER LAWS AFFECTING ELECTED MEMBERS:

The Chief Executive Officer referred to his report which set out the statutory responsibility of members. He provided a general explanation of some of the laws which regulated the conduct of elected members.

VII CONFIRMATION OF DATE AND TIME OF THE FIRST ORDINARY MEETING:

The first meeting of the Tekapo Community Board is to be held on Monday 18 November 2013 at 7.30 pm.

**THERE BEING NO FURTHER BUSINESS
THE CHIEF EXECUTIVE OFFICER DECLARED THE MEETING CLOSED
AT 7.41 PM**

CHAIRMAN: _____

DATE: _____

TEKAPO COMMUNITY BOARD MATTERS UNDER ACTION

1. **Civil Defence:**

The Chairman has spoken to Ray Gardner, Civil Defence Officer and will hold any plans over until the new community board. The Chairman will speak with Debbie Kay Gardner and Greg Willis and will make arrangements for them to meet with Ray also.

2. **Review of Freedom Camping Bylaw and its Alignment with the Freedom Camping Act:**

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Car parking for Lake Tekapo Community Hall:

It was noted that this issue was on-going and will be included in the Hall upgrade. Discussion about concept plans for the grounds is later in the morning.

The Mound by the Tennis Courts – to be grassed:

Tennis Court upgrade is a part of the Community Hall upgrade and landscaping of the grounds. This will also be discussed later in the meeting.

4. **Landscaping and Walkway – Church of the Good Shepherd:**

The Asset Manager advised that the Manager –Roading had received a price of \$8,000 for the sealing of footpaths, and further prices were expected from Fulton Hogan. Mr Nixon, the Community Facilities Manager informed the Board at this stage other pricings had not been provided yet; therefore this was on-going.

5. **Lighting Ordinances:**

On-going progress made;

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- Changes to Asset Manager re the lights.
- Lights downtown has now a cover on it that was a problem. Montheiths bar and the light at the camp.

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Resolved: that the Community Board request the Council to investigate Council adopting a proactive role in providing worker accommodation at Lake Tekapo.

Ian Radford/ Alan Hayman

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MACKENZIE DISTRICT COUNCIL

REPORT TO: TEKAPO AND TWIZEL COMMUNITY BOARDS
SUBJECT: STANDING ORDERS
DATE: 18 NOVEMBER 2013
REF: PAD 3
FROM: CHIEF EXECUTIVE OFFICER

INTRODUCTION:

The Local Government Act 2002 requires each council to adopt a set of standing orders. These apply to full council meetings and to committee meetings and provide the basis for orderly conduct of meetings and in particular certain rules defining the rights of Chairs and members to address meetings. Many councils adopt *Model Standing Orders for Meetings of Local Authorities and Community Boards – NZS9202:2003*.

RECOMMENDATIONS:

1. That the report be received.
2. That New Zealand Standard Model Standing Orders NZS 9202:2003 be adopted with the following amendment:

Clause 3.14.2 is deleted and replaced with the following:

That the Chairperson or other person presiding at the meeting

- a) *has a deliberative vote; and*
- b) *in the case of an equality of votes has a casting vote.*

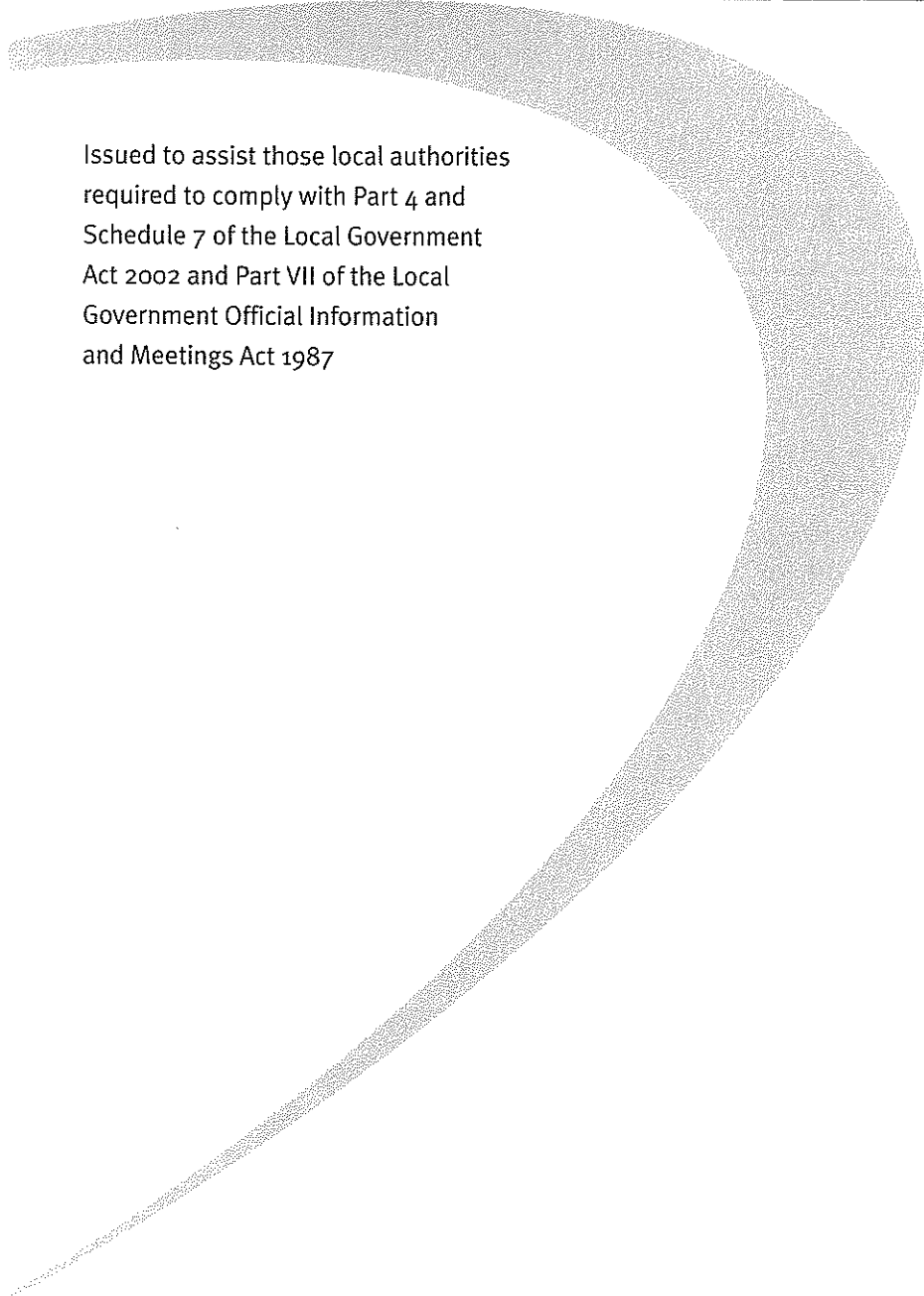

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



New Zealand Standard

Model Standing Orders For Meetings of Local Authorities and Community Boards

Superseding NZS 9202:2001



Issued to assist those local authorities
required to comply with Part 4 and
Schedule 7 of the Local Government
Act 2002 and Part VII of the Local
Government Official Information
and Meetings Act 1987

NZS 9202:2003

COMMITTEE REPRESENTATION

Committee P 9202 was responsible for the preparation of this Standard and consisted of representatives of the following:

Nominating Organizations

Christchurch City Council
 Department of Internal Affairs
 Hutt City Council
 Local Government New Zealand
 South Wairarapa District Council
 Wellington Regional Council

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AMENDMENTS

<i>No.</i>	<i>Date of issue</i>	<i>Description</i>	<i>Entered by, and date</i>

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REFERENCED DOCUMENTS

New Zealand Legislation

Commissions of Inquiry Act 1908
Crimes Act 1961
Local Authorities (Members' Interests) Act 1968
Local Electoral Act 2001
Local Government Act 1974 and 2002 (LGA)
Local Government Official Information and Meetings Act 1987 (LGOIMA)
Marine Farming Act 1971
Resource Management Act 1991 (RMA)
Secret Commissions Act 1910
Securities Act 1978

NZS 9202:2003

FOREWORD

This Standard is a revision of NZS 9202:2001.

The revision has been necessitated by the enactment of the Local Government Act 2002 and the consequential repeal of relevant parts of the Local Government Act 1974 as these affect provisions of the Model Standing Orders for meetings of territorial authorities, regional councils and community boards.

These Model Standing Orders reflect legislative requirements relating to the conduct of local authority meetings, particularly the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. This includes provisions relating to extraordinary meetings (replacing special and emergency meetings), voting at meetings and the absence of a casting vote for the person presiding at a meeting where there is an equality of votes, and references to subordinate decision-making bodies, to the chief executive (replacing principal administrative officer) and other minor amendments. There is also a modernizing of the language adopted in line with that now used in legislation.

In relation to voting at meetings, Standing Orders 2.5.1 and 3.14.1 reflect clause 24(1)(ii) of Schedule 7 of the new Act. The committee is aware of the absence of the words "and voting" in this clause. The effect of this is that a member who abstains from voting can influence a decision without exercising a vote, simply by abstaining, as all decisions require a majority of members present.

Also in relation to voting at meetings, Standing Orders 2.5.2 and 3.14.2 reflect the default position in the legislation that there is to be no casting vote for the presiding member. Any local authority considering incorporating a casting vote in its own Standing Orders should take specific legal advice on the matter.

REVIEW OF STANDARDS

Suggestions for improvement of this Standard are welcome. They should be sent to the Chief Executive, Standards New Zealand, Private Bag 2439, Wellington.

NEW ZEALAND STANDARD

MODEL STANDING ORDERS FOR MEETINGS OF LOCAL
AUTHORITIES AND COMMUNITY BOARDS

These Standing Orders were adopted by
..... Council at a meeting held on(date)
and apply to all meetings of this local authority, its committees and subcommittees
and to all meetings of the community boards listed below:

-
-
-
-



NEW ZEALAND STANDARD

MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

PART 1 GENERAL

1.1 Scope and general This document sets out standing orders for the conduct of proceedings at meetings of territorial authorities, regional councils and community boards in the form of model orders for adoption with or without amendment. It incorporates new provisions in the Local Government Act 2002 as they affect the provisions of the model standing orders.

This Standard is presented in three parts. Part 1 is the general introduction. Part 2 covers constitutional and legislative matters, and Part 3 relates to meeting procedures.

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

1.2 Interpretation The terms “normative” and “informative” have been used in this Standard to define the application of the Appendix to which they apply. A “normative” appendix is an integral part of a Standard, whereas an “informative” appendix is only for information and guidance. Informative provisions do not form part of the mandatory requirements of the Standard.

In this Standard the word “shall” identifies a mandatory requirement for compliance with the Standard. The word “should” refers to practices which are advised or recommended.

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

1.3 Definitions In these standing orders, unless inconsistent with the context:

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

Chairperson means the mayor of a territorial authority or chairperson of a regional council or community board including any person acting as the mayor of the territorial authority or chairperson of the regional council or community board, and any person presiding at any meeting of a committee or subcommittee of a regional council, territorial authority or community board.

Chief executive means the chief executive of a local authority appointed under section 42 of the Local Government Act 2002, irrespective of their designation, and includes for the purposes of these standing orders, any other officer authorized by the local authority.

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

Committee includes, in relation to a local authority:

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

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

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

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

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

Meeting means any first, ordinary, or extraordinary meeting of a local authority; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the local authority. At any meeting of a local authority, or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made, the provisions of these standing orders regarding public access and notification need not apply.

Member means any person elected or appointed to the local authority or to any committee or subcommittee of the local authority, and includes the mayor of a territorial authority and the chairperson of a regional council or community board, or of any committee or subcommittee of a regional council, territorial authority or community board.

Minutes means the record of the proceedings of any meeting of the local authority and its committees and subcommittees.

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

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

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

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

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

Working day means any day of the week other than:

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

2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

2.1 INTRODUCTION

- | | |
|---|---|
| Requirement for adoption of standing orders | <p>2.1.1</p> <p>“A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act.”</p> <p>[cl. 27(1) & (2), Schedule 7, LGA]</p> |
| Alteration of standing orders | <p>2.1.2</p> <p>“After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75 % of the members present.”</p> <p>[cl. 27(3), Schedule 7, LGA]</p> |
| Temporary suspension of standing orders | <p>2.1.3</p> <p>“A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75 % of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.”</p> <p>[cl. 27(4), Schedule 7, LGA]</p> <p>(See Standing Order 3.2.1)</p> |
| All members to abide by standing orders | <p>2.1.4</p> <p>“A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act].”</p> <p>[cl. 16(1), Schedule 7, LGA]</p> <p>(See Standing Order 3.1.1)</p> |

2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

- | | |
|-----------------------------------|--|
| Meeting called by chief executive | <p>2.2.1</p> <p>“The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days’ notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act].”</p> <p>[cl. 21(1) – (4), Schedule 7, LGA]</p> |
| Business to be conducted | <p>2.2.2</p> <p>“The business that must be conducted at the meeting must include –</p> <p>(a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and</p> |

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

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

Members to give
notice of addresses

2.2.3

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

2.3 CHAIRPERSON OF MEETINGS

Mayor or chairperson
of local authority to
preside

2.3.1

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

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

Chairperson of
committee to preside

2.3.2

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

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

2.4 QUORUM AT MEETINGS

Requirement for a quorum	<p>2.4.1 "A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote." [cl. 23(1), Schedule 7, LGA]</p>
Quorum to be present throughout meeting	<p>2.4.2 "Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted." [cl. 23(2), Schedule 7, LGA]</p>
Definition of quorum for local authority meeting	<p>2.4.3 "The quorum at a meeting of – (a) a local authority consists of – (i) half of the members if the number of members (including vacancies) is even; or (ii) a majority of members if the number of members (including vacancies) is odd." [cl. 23(3), Schedule 7, LGA]</p>
Definition of quorum for committee meetings	<p>2.4.4 "The quorum at a meeting of – [... (b) a committee – (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority." [cl. 23(3), Schedule 7, LGA] (See Standing Order 3.4)</p>

2.5 VOTING AT MEETINGS

Acts and decisions of the local authority by majority vote at meetings	<p>2.5.1 "Unless otherwise provided in [the Local Government Act] or in any standing orders, – (a) the acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by – (i) vote; and (ii) the majority of members that are present." [cl. 24(1), Schedule 7, LGA] (See Standing Order 3.14.1)</p>
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Person presiding at meeting has a deliberative vote and no casting vote

2.5.2

“Unless otherwise provided in [the Local Government Act] or in any standing orders ... the mayor or chairperson or other person presiding at the meeting has a deliberative vote and in the case of an equality of votes, does not have a casting vote. To avoid doubt, in the case of equality of vote, the question is defeated and the status quo is preserved.”

[cl. 24(1)(b) & (2), Schedule 7, LGA]

(See Standing Order 3.14.2)

2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

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

2.6.1

“[This Standing Order applies to] –

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

A local authority or a committee (if the local authority has so directed) must determine by resolution that a person [to whom this Standing Order applies] be elected or appointed by a system of voting that requires that –

- (a) the person to be elected or appointed receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) if more than 1 round of voting is required, the least successful candidate in a round of voting may not be a candidate in the next round of voting.

If the system of voting described [above] is adopted ... every equality of votes that is not to be determined by a further round of voting must be determined by lot in the manner that the local authority or committee determines.”

[cl. 25, Schedule 7, LGA]

2.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

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

2.7.1

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

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

Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies	<p>2.7.2 “Unless expressly provided otherwise in an Act, –</p> <p>(a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and</p> <p>(b) a committee may discharge or reconstitute a subcommittee.</p> <p>A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.”</p> <p>[cl. 30(5) & (7), Schedule 7, LGA]</p>
Committees and subordinate decision-making bodies subject to direction of local authority	<p>2.7.3 “A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body.”</p> <p>[cl. 30(3), (4) & (6), Schedule 7, LGA]</p>
2.8 JOINT COMMITTEES	
Appointment of joint committees	<p>2.8.1 “A local authority may appoint ... a joint committee with another local authority or other public body. ”</p> <p>[cl.30(1), Schedule 7, LGA]</p>
Status of joint committees	<p>2.8.2 “A joint committee ... is deemed to be both a committee of the local authority and a committee of the other local authority or public body (subject to the law applicable to the committees of that other local authority or public body).”</p> <p>[cl.30(8), Schedule 7, LGA]</p>
Powers and responsibilities of joint committees	<p>2.8.3 “So far as the joint committee is a committee of the local authority, [Part 1 of Schedule 7 of the Local Government Act] applies to that joint committee except that the powers to discharge any individual member and appoint another in his or her stead must be exercisable by the local authority or public body that made the appointment. The power conferred on the local authority under [Part 1 of Schedule 7 of the Local Government Act] to appoint a chairperson or deputy chairperson of a committee does not apply to a joint committee appointed under [clause 30 of Schedule 7 of the Local Government Act], but the joint committee may appoint and remove its own chairperson or deputy chairperson.”</p> <p>[cl.30(9) & (10), Schedule 7, LGA]</p>

2.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

Appointment or discharge of committee members and subcommittee members	<p>2.9.1</p> <p>“A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”</p> <p>[cl. 31(1) & (2), Schedule 7, LGA]</p>
Elected members on committees and subcommittees	<p>2.9.2</p> <p>“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”</p> <p>[cl. 31(3) & (4), Schedule 7, LGA]</p>
Local authority may replace members if committee not discharged	<p>2.9.3</p> <p>“If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members.”</p> <p>[cl. 31(5), Schedule 7, LGA]</p>
Minimum numbers on committees and subcommittees	<p>2.9.4</p> <p>“The minimum number of members is 3 for a committee, and is 2 for a subcommittee.”</p> <p>[cl. 31(6), Schedule 7, LGA]</p>
Mayor or chairperson of local authority an ex-officio member	<p>2.9.5</p> <p>The mayor or chairperson of the local authority may be appointed an ex-officio member of any committee other than a community board or a quasi-judicial committee.</p>

2.10 POWERS OF DELEGATION

Delegations to committees, subcommittees, subordinate decision-making bodies, community boards, members and officers	<p>2.10.1</p> <p>(1) “Unless expressly provided otherwise in [the Local Government Act], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except –</p> <p>(a) the power to make a rate; or</p> <p>(b) the power to make a bylaw; or</p> <p>(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or</p>
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- (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act] in association with the long-term council community plan or developed for the purpose of the local governance statement; or
 - (g) the power to warrant enforcement officers.
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (g) above].
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the delegation.”

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

Use of delegated powers

2.10.2

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

[cl 32(4) Schedule 7, LGA]

Delegations related to bylaws and other regulatory matters

2.10.3

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

[cl 32(5) Schedule 7, LGA]

2.11 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

Proceedings not invalidated by vacancies or irregularities

2.11.1

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

[cl. 29, Schedule 7, LGA]

2.12 GENERAL PROVISIONS AS TO MEETINGS

Meetings to be held	<p>2.12.1 “A local authority must hold the meetings that are necessary for the good government of its region or district.” [cl. 19(1), Schedule 7, LGA]</p>
Right to attend meetings	<p>2.12.2 “A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.” [cl. 19(2), Schedule 7, LGA]</p>
Calling, public notification and conduct of meetings	<p>2.12.3 “A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the standing orders of the local authority.” [cl. 19(3), Schedule 7, LGA]</p>
Agenda to be sent to members	<p>2.12.4 In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl. 2.14.2 applies).</p>
Meetings not invalid because notice not received	<p>2.12.5 “A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless –</p> <p style="margin-left: 40px;">(a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and</p> <p style="margin-left: 40px;">(b) the member concerned did not attend the meeting.</p> <p>A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member.” [cl. 20(1), (2), Schedule 7, LGA]</p>
Minutes of proceedings	<p>2.12.6 “A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings.” [cl. 28(1), (2), Schedule 7, LGA]</p>

2.13 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS

- Period for notice in writing** 2.13.1
 "The chief executive must give notice in writing to each member of the time and place of an ordinary meeting –
- (a) not less than 14 days before the meeting; or
 - (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule."
- [cl. 19(5)(a), (b), Schedule 7, LGA]
- Schedule of ordinary meetings** 2.13.2
 "If a local authority adopts a schedule of ordinary meetings, –
- (a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and
 - (b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment."
- [cl. 19(6), Schedule 7, LGA]
- Cancellation of scheduled meetings** 2.13.3
 "If it is necessary to cancel a scheduled meeting, all reasonable effort shall be taken to notify elected members and the public as soon as practicable of the cancellation and of the reasons for the cancellation.

2.14 EXTRAORDINARY MEETINGS

- Extraordinary meetings may be called** 2.14.1
 "If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –
- (a) a resolution of the local authority; or
 - (b) a requisition in writing delivered to the chief executive and signed by –
 - (i) the mayor or chairperson; or
 - (ii) not less than one-third of the total membership of the local authority (including vacancies)."
- [cl. 22(1), Schedule 7, LGA]
- Notification of extraordinary meetings to members** 2.14.2
 "Notice in writing of the time and place of the meeting called under [Standing Order 2.14.1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."
- [cl. 22(3), Schedule 7, LGA]

- Calling of extraordinary meetings at earlier time** 2.14.3
 “If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive.”
 [cl. 22(2), Schedule 7, LGA]
- Notification of extraordinary meetings held at earlier time** 2.14.4
 “Notice of the time and place of a meeting called under [Standing Order 2.14.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person’s behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting.”
 [cl. 22(4)Schedule 7, LGA]
- Public notice of resolutions of extraordinary meetings** 2.14.5
 “Where any resolution is passed at an extraordinary meeting of a local authority, the local authority must cause the resolution to be publicly notified as soon as practicable, unless the resolution was passed at a meeting or part of a meeting from which the public was excluded.”
 [s. 51A, LGOIMA]
- 2.15 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.**
- Meetings normally to be open to the public** 2.15.1
 “Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media.”
 [s. 47 & 49(a), LGOIMA]
- Information to be available to public** 2.15.2
 All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.
 [s. 5 & 49, LGOIMA]
- Public notification about ordinary meetings** 2.15.3
 All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.
 [s. 46, LGOIMA]

Public notification about extraordinary meetings	<p>2.15.4 “Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances”.</p> <p>[s. 46(3) & (4), LGOIMA]</p>
Public notification additional requirements	<p>2.15.5 The chief executive is to make any other arrangement for the notification of meetings including extraordinary meetings as the local authority may from time to time determine.</p>
Meetings not invalid because not publicly notified	<p>2.15.6 “No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5].”</p> <p>[s. 46(5), LGOIMA]</p>
Public notice of meetings not notified	<p>2.15.7 “Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified.”</p> <p>[s. 46(6), LGOIMA]</p>
Availability of agendas and reports	<p>2.15.8 “Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting. The agendas –</p> <p>(a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority’s control; and</p> <p>(b) shall be accompanied by either –</p> <p style="padding-left: 40px;">(i) the associated reports; or</p> <p style="padding-left: 40px;">(ii) a notice specifying the places at which the associated reports may be inspected.</p> <p>...The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances.”</p> <p>[s. 46A(1) – (6), LGOIMA]</p>

Exclusion from reports to be discussed with public excluded	2.15.9 The chief executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.
Availability of agendas and reports for meetings of community boards	2.15.10 Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these standing orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.
Agenda to be made available to public who are at meetings	2.15.11 Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any). [s. 49, LGOIMA]
List of committee members publicly available	2.15.12 The members of each committee are to be named on the relevant agenda.
Public entitled to inspect minutes	2.15.13 The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded. [s. 51, LGOIMA]
Requests for minutes of meetings in closed session	2.15.14 The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987. [s. 51, LGOIMA]

2.16 REASONS TO EXCLUDE PUBLIC

Lawful reasons to exclude public	2.16.1 A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in section 48 of the Local Government Official Information and Meetings Act (see Appendix A). [s. 48, LGOIMA]
Form of resolutions to exclude public	2.16.2 Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (For an example resolution refer to Appendix B).
Motion to exclude public to be put with the public present	2.16.3 Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority. [s. 48(4), LGOIMA]

- Provision for persons to remain after public excluded** **2.16.4**
A resolution in accordance with Standing Order 2.16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.
[s. 48(5) & (6), LGOIMA]
- Release of public excluded information** **2.16.5**
A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

2.17 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION

- Standing orders to apply** **2.17.1**
Standing orders apply to meetings or parts of meetings from which the public has been excluded.

2.18 USE OF PUBLIC EXCLUDED INFORMATION

- Public excluded business not to be disclosed** **2.18.1**
Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

3 MEETING PROCEDURES

3.1 APPLICATION OF STANDING ORDERS

- All members to abide by standing orders** **3.1.1**
 “A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act].”
 [cl. 16(1), Schedule 7, LGA]
 (See Standing Order 2.1.4)
- Additional to or substitution of standing orders** **3.1.2**
 Notwithstanding the generality of standing order 3.1.1, for any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices additional to, or in substitution of these standing orders for the conduct of the business to be transacted.
- For example, committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.
 [s.41, RMA]
- Exclusions for meetings at which no resolutions or decisions are made** **3.1.3**
 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 local authority or of any committee or subcommittee or other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

3.2 SUSPENSION OF STANDING ORDERS

- Temporary suspension** **3.2.1**
 A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension (see Standing Order 2.1.3).
 [cl. 27(4), Schedule 7, LGA]

3.3 CONDUCT OF MEETINGS

- Mode of address for chairperson** **3.3.1**
 The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.
- Chairperson to decide** **3.3.2**
 The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the chairperson shall be held guilty of contempt (see Standing Orders 3.1.1, 3.13.6 and Appendix C).
- Chairperson rising** **3.3.3**
 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 to speak in places and address the chair	<p>3.3.4</p> <p>Members granted the right to speak at meetings are to address the chairperson, and may not leave their place while speaking without the leave of the chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority and at committee meetings.</p>
Priority of speakers	<p>3.3.5</p> <p>When two or more members seek the right to speak, the chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:</p> <ul style="list-style-type: none"> (a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker; (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or (c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.8.13).
Speeches in English or Māori	<p>3.3.6</p> <p>A member may address the chairperson in English or Māori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the chairperson if he or she intends to address the chairperson in Māori, when the normal business of the committee is conducted in English, or in English when the normal business of the committee is conducted in Māori.</p>
Duration of meetings and time limits	<p>3.3.7</p> <p>Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next ordinary meeting or extraordinary meeting.</p>
Reporting of meetings	<p>3.3.8</p> <p>When a meeting of a local authority is open to the public the following provisions shall apply:</p> <ul style="list-style-type: none"> (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings. [s. 49(a) LGOIMA] (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members. (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.
Disorderly members to withdraw	<p>3.3.9</p> <p>Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine (see Appendix C).</p>

Members not to be disrespectful	3.3.10 No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.
Retraction of, or apology for, offensive or malicious language	3.3.11 The chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.
Withdrawal from meeting	3.3.12 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.
Disorder in meeting	3.3.13 The chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the chairperson.
Adjournment of meeting following disorder	3.3.14 Should the disorder continue, the chairperson has the right to adjourn the meeting for a time specified by the chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.
Contempt to be recorded in minutes	3.3.15 Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.
Removal from meeting	3.3.16 “A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member – (a) refuses or fails to leave the meeting; or (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.” [cl. 16(2), Schedule 7, LGA]

3.4 QUORUM AT MEETINGS

Requirement for a quorum	3.4.1 “A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.” [cl. 23(1), Schedule 7, LGA]
Quorum to be present throughout meeting	3.4.2 “Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.” [cl. 23(2), Schedule 7, LGA]

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- Definition of quorum for local authority meetings** **3.4.3**
 “The quorum at a meeting of –
- (a) a local authority consists of –
- (i) half of the members if the number of members (including vacancies) is even; or
- (ii) a majority of members if the number of members (including vacancies) is odd.”
- [cl. 23(3), Schedule 7, LGA]
- Definition of quorum for committee meetings** **3.4.4**
 “The quorum at a meeting of –
- (b) a committee –
- (i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and
- (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”
- [cl. 23(3), Schedule 7, LGA]
- (See Standing Order 2.4)

3.5 FAILURE OF A QUORUM

- Meeting lapses if no quorum** **3.5.1**
 If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 10 minutes, the chairperson is to vacate the chair and the meeting shall lapse.
- Lapsed business** **3.5.2**
 The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the chairperson and notified by the chief executive.
- Minutes to record failure of quorum** **3.5.3**
 If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.6 LEAVE OF ABSENCE AND APOLOGIES

- Granting leave of absence** **3.6.1**
 The local authority may grant leave of absence to a member from an ordinary meeting or other meetings of the local authority or its committees upon application by the member.
- Apologies at meetings** **3.6.2**
 If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

Recording of apologies 3.6.3

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

Absence without leave 3.6.4

An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive ordinary meetings of the territorial authority, regional council or community board.
[cl. 5, Schedule 7, LGA]

3.7 ORDER OF BUSINESS**Adoption of order of business 3.7.1**

The order of business is to be determined by the local authority.

Agenda 3.7.2

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

Public excluded items 3.7.3

The chief executive must place on a public excluded agenda any matters for which he/she considers the local authority or committee of the local authority is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

Chairperson's report 3.7.4

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

Items not on the agenda may be discussed 3.7.5

"Subject to [Standing Order 3.7.5.1], where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if –

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

3.7.5.1

Where an item is not on the agenda for a meeting, –

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

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

**Chairperson's
recommendation**

3.7.6

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting.

3.8 RULES OF DEBATE

Reserving speech

3.8.1

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

**Irrelevant matter and
needless repetition**

3.8.2

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

Limitation on speakers

3.8.3

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

Taking down words

3.8.4

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

Reading of speeches

3.8.5

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

Time limits on speakers	<p>3.8.6 The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:</p> <ul style="list-style-type: none"> (a) Movers of motions when speaking to the motion, ten minutes; (b) Movers of motions, when exercising their right of reply, five minutes; (c) Other members, not more than five minutes. <p>(See also Standing Order 3.19.6.)</p>
Member speaking more than once	<p>3.8.7 A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.</p>
Restating of motion	<p>3.8.8 Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.</p>
Right of reply	<p>3.8.9 The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the chairperson has intimated his intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.</p>
When right of reply may be exercised	<p>3.8.10 The right of reply is governed as follows:</p> <ul style="list-style-type: none"> (a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion; (b) If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 3.8.9), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments. <p>NOTE - A right of reply can be exercised at either the end of the debate on an original motion or at the end of the debate on an amendment. Only the mover of an original motion has a right of reply and that right can only be used once. In addition to a right of reply, the mover of an original motion may reserve a right of reply and speak once to an original motion and once to each amendment without losing that right of reply.</p>
Speaking only to relevant matters	<p>3.8.11 Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.</p>
Personal explanation	<p>3.8.12 Notwithstanding Standing Order 3.8.7, members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.</p>
Explanation of previous speech	<p>3.8.13 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.</p>

3.9 MOTIONS AND AMENDMENTS

Requirement for a seconder	3.9.1 All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the chairperson shall state the matter raised and propose it for discussion.
Withdrawal of motions and amendments	3.9.2 Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.
Substituted motion by amendment	3.9.3 The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
Motions in writing	3.9.4 The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
Motions expressed in parts	3.9.5 The chairperson or any member may require a motion expressed in parts to be decided part by part.
Amendment once moved	3.9.6 When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.
Amendments and motions not seconded	3.9.7 Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	3.9.8 No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.
Where amendment lost	3.9.9 Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.
Where amendment carried	3.9.10 Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

Amendments relevant	3.9.11 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Direct negatives not allowed	3.9.12 No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.
Procedure until resolution	3.9.13 The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.
Flow chart of motions and amendments	3.9.14 A flow chart illustrating the process regarding motions and amendments is included in this Standard as Appendix D.
Revocation or alteration of resolutions	3.9.15 A notice of motion for the revocation or alteration of all or part of a previous resolution of the local authority is to be given to the chief executive by the member intending to move such a motion. (a) Such notice is to set out: (i) The resolution or part thereof which it is proposed to revoke or alter; (ii) The meeting date when it was passed; and (iii) The motion, if any, that is intended to be moved in substitution thereof. (b) Such notice is to be given to the chief executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the local authority, including vacancies. (c) The chief executive must then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.
Restriction on action to be taken on previous resolution	3.9.16 Where a notice of motion has been given in terms of Standing Order 3.9.15, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the chairperson: (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if; (b) By reason of repetitive notices the effect of the notice is an attempt by a minority to frustrate the will of the local authority; then, in either case, action may be taken as though no such notice to the chief executive had been given or signed.
Revocation or alteration of resolution at same meeting	3.9.17 If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75 % of the members then present and voting.

Local authority may revoke or alter any previous resolution	3.9.18 A local authority meeting may, on a recommendation contained in a report by the chairperson or chief executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.
Restating the motion	3.9.19 The chairperson may, immediately prior to any division being taken, request the chief executive to restate the motion upon which the division is to be taken.
No speakers after reply or question has been put	3.9.20 Members may not speak on any motion once the mover has commenced replying or where the chairperson has commenced putting the question.
Reflections on resolutions	3.9.21 In speaking in any debate no member may unduly criticise the validity of any resolution of the local authority except by a notice of motion to amend or revoke the same.

3.10 NOTICES OF MOTION

Notices of motion to be in writing	3.10.1 Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting.
Refusal of notice of motion	3.10.2 The chairperson may direct the chief executive to refuse to accept any notice of motion which: <ul style="list-style-type: none"> (a) Is disrespectful or which contains offensive language or statements made with malice; or (b) Is not related to the role or functions of the local authority; or (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned. <p>Reasons for refusing a notice of motion should be provided to the proposer.</p>
Mover of notice of motion	3.10.3 Notices of motion may not proceed in the absence of the mover, unless moved by another member authorized in writing by the mover to do so.
Alteration of notice of motion	3.10.4 A notice of motion may be altered only by the mover with the consent of the meeting.
When notices of motion lapse	3.10.5 Notices of motion not moved on being called for by the chairperson, shall lapse.

Referral of notices of motion to committees	3.10.6 Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.
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3.11 REPEAT NOTICES OF MOTION

First repeat where notice of motion rejected	3.11.1 When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.
Second repeat where notice of motion rejected	3.11.2 If such a repeat notice of motion as provided for in Standing Order 3.11.1 is also rejected by the local authority, any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.
No repeats where notice of motion adopted	3.11.3 Where a notice of motion has been considered and adopted 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.

3.12 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

Members may move procedural motions to terminate or adjourn debate	3.12.1 Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking: <ul style="list-style-type: none"> (a) That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or (b) That the item of business being discussed be adjourned to a time and place to be stated; or (c) That the motion under debate be now put (a "closure motion"); or (d) That the meeting move directly to the next business, superseding the item under discussion; or (e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or (f) That the item of business being discussed be referred (or referred back) to the relevant committee of the local authority.
Chairperson may accept closure motions	3.12.2 The chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the chairperson's opinion, it is reasonable to do so.

Procedural motions to terminate or adjourn debate to take precedence	3.12.3 Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and shall, if seconded, be put to the vote immediately without discussion or debate.
Voting on procedural motions to terminate or adjourn debate	3.12.4 All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.
Closure motion to be put if no further speaker	3.12.5 Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.
Closure motion on amendment	3.12.6 When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.
Right of reply following closure	3.12.7 If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.
Debate on items previously adjourned	3.12.8 The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.
Adjourned items taken first	3.12.9 Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
Other business not superseded	3.12.10 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.
Referral or referred back to committee	3.12.11 Business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.
Table of procedural motions	3.12.12 A table of procedural motions is included in this Standard as Appendix E.
3.13 POINTS OF ORDER	
Members rising to points of order	3.13.1 Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.
Stating subject matter of point of order	3.13.2 The member rising is to state without explanation precisely the subject matter of the point of order.
Points of order during division	3.13.3 No point of order may be raised during a division except by the permission of the chairperson.

Types of points of order	<p>3.13.4 The following are recognized as substance for points of order:</p> <ul style="list-style-type: none"> (a) Where disorder is drawn to the attention of the chairperson; or (b) Use of disrespectful, offensive or malicious language; or (c) Discussion of a question not before the local authority; or (d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or (e) The breach of any standing order; or (f) A request that words objected to be recorded in the minutes.
Contradiction not point of order	<p>3.13.5 Rising to express a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.</p>
Decision of chairperson final	<p>3.13.6 The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final.</p>
3.14 VOTING	
Decisions to be decided by majority votes	<p>3.14.1 "Unless otherwise provided for in the Local Government Act or in these Standing Orders, the acts of a local authority must be done and the questions before the local authority must be decided at a meeting by vote and the majority of members that are present".</p> <p>[cl. 24, Schedule 7, LGA] (See Standing Order 2.5.1)</p>
Chairperson's voting	<p>3.14.2 The chairperson at any meeting has a deliberative vote and, in case of equality of votes, does not have a casting vote. To avoid doubt, in the case of equality votes, the question is defeated and the status quo is preserved. (See Standing Order 2.5.2)</p> <p>[cl. 24, Schedule 7, LGA]</p>
Open voting	<p>3.14.3 "An act or question coming before the local authority must be done or decided by open voting".</p> <p>[cl. 24(3), Schedule 7, LGA]</p>
Members may abstain	<p>3.14.4 Any member may abstain from voting.</p>
Members may have their votes recorded	<p>3.14.5 Any member's vote or abstention must be recorded in the minutes if so requested by that member.</p>

Method of voting	<p>3.14.6 The method of voting shall be as follows:</p> <p>(a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson shall call a division.</p> <p>(b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.</p> <p>(c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the chairperson who shall declare the result.</p>
Division	<p>3.14.7 When a division is called, the chief executive shall take down the names of the members voting for and against the motion and abstentions and is to hand the list to the chairperson to declare the result. The result of the division shall be entered into the minutes.</p>
Second division	<p>3.14.8 The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.</p>
Pecuniary interest	<p>3.14.9 No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.</p> <p>[s. 6(1), Local Authorities (Members' Interests) Act]</p>
Declaration of pecuniary interest	<p>3.14.10 Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.</p> <p>[s. 6(1), Local Authorities (Members' Interests) Act]</p>
Pecuniary interest a reason for leaving room	<p>3.14.11 Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.14.10, should consider leaving the meeting room for the full duration of discussion on such matters.</p>

3.15 QUALIFIED PRIVILEGE

Qualified privilege relating to agenda and minutes	<p>3.15.1 Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.</p> <p>[s. 52, LGOIMA]</p>
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Qualified privilege relating to oral statements **3.15.2**
Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

[s. 53, LGOIMA]

Qualified privilege additional to any other provisions **3.15.3**
The privilege conferred by Standing Order 3.15.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

3.16 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

Chairperson may require members of the public to leave meeting **3.16.1**
The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

[s. 50, LGOIMA]

Removal of members of public **3.16.2**
If any member of the public who is required in accordance with Standing Order 3.16.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the chairperson, any police officer or employee of the local authority may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

3.17 MINUTES OF PROCEEDINGS

Minutes to be evidence of proceedings **3.17.1**
“(1) A local authority must keep minutes of its proceedings.
(2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings.”

[cl. 28, Schedule 7, LGA]

Keeping of minutes **3.17.2**
The chief executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5 and 3.14.11).

No discussion on minutes **3.17.3**
No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.

3.18 MINUTE BOOKS

- Inspection of minute books** **3.18.1**
 The minute books of the local authority must be kept by the chief executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act (see Standing Order 2.15.14 and 2.15.15).
 [s.51, LGOIMA]
- Minutes of last meeting before election** **3.18.2**
 The chairperson and the chief executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.

3.19 DEPUTATIONS AND PRESENTATIONS

- Deputations where heard** **3.19.1**
 Deputations may be received by the local authority or any of its committees provided an application for admission setting forth the subject, has been lodged with the chief executive at least 2 working days before the date of the meeting concerned, and has been subsequently approved by the chairperson. The chairperson may refuse requests for deputations which are repetitious or offensive.
- Urgency or major public interest** **3.19.2**
 Notwithstanding Standing Order 3.19.1, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the chairperson may determine that the deputation be received.
- Deputations and presentations in English or Māori** **3.19.3**
 A deputation or presentation to a local authority or any of its committees, may be made in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the address is not in English. The chairperson may order that any speech or document presented be translated and/or printed in another language.
- Procedures for deputations** **3.19.4**
 Except with the approval of the local authority or committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions (see Standing Order 3.15.2 regarding qualified privilege).
- Termination of presentation if disrespectful** **3.19.5**
 The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.15.2 regarding qualified privilege).
- Time limit on presentation** **3.19.6**
 Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

3.20 PETITIONS

- Form of petitions** **3.20.1**
Every petition presented to the local authority or to any of its committees, must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege).
- Petition where presented by members** **3.20.2**
Any member of the local authority, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.
- Petition in English or Māori** **3.20.3**
A petition presented to a local authority or any of its committees may be in English or Māori. Prior arrangement with the chairperson should be sought at least 2 working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.
- Petition where presented by petitioner** **3.20.4**
Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition.

3.21 QUESTIONS

- Questions to officers during debate** **3.21.1**
In the course of any debate at any local authority meeting, any member may, at the chairperson's discretion, ask any question of the relevant officer on any matter under debate. Such questions are to be directed through the chair.

APPENDIX A

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

(Normative)

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

- A1** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information:
 - (i) Would disclose a trade secret or
 - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
 - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied or
 - (ii) Would be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through:
 - (i) The free and frank expression of opinions by, or between, or to members or officers or employees of any local authority, or any persons to whom section 2(5) of the Local Government Official Information and Meetings Act 1987 applies, in the course of their duty; or
 - (ii) The protection of such members, officers, employees, and persons from improper pressure or harassment; or

- (h) Maintain legal professional privilege; or
- (i) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

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

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of a local authority named or specified in the First Schedule to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a local authority where:
 - (i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority 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; and
 - (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

APPENDIX B SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

(Informative)

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

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

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

Item no	Minutes/report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	Report of the Chair of the Strategy and Finance Committee	Appointment of Directors – City Services Limited	Good reason to withhold exists under section 7	Section 48(1)(a)
2.	Report of the Sustainable Transport and Utilities Committee Meeting of 24/12/2003	North Connection to Smith Road. Purchase of Land	Good reason to withhold exists under section 7	Section 48(1)(a)
3.	Report of the Chairman of the Parks, Gardens and Waterways Committee	Property Purchase – 20 Smith Street	Good reason to withhold exists under section 7	Section 48(1)(a)
4.	Report of the Council Hearings Panel	Recommendation on Submissions to Variation 100 to City Proposed District Plan	Good reason to withhold exists under section 7	Section 48(1)(a)

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

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

NOTE –

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

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

APPENDIX C POWERS OF THE CHAIRPERSON

(Normative)

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

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

C1 Chairperson to decide all questions

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

(See Standing Order 3.3.2)

C2 Chairperson to decide points of order

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

(See Standing Orders 3.13.3 and 3.13.6)

C3 Items not on the agenda may be discussed

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

(See Standing Orders 3.7.5 and 3.7.5.1)

C4 Chairperson's report

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

(See Standing Order 3.7.4)

C5 Chairperson's recommendation

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

(See Standing Order 3.7.6)

C6 Chairperson's voting

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

(See Standing Order 2.5.2)

C7 Motion in writing

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

(See Standing Order 3.9.4)

C8 Motion in parts

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

(See Standing Order 3.9.5)

C9 Notice of motion

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the 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
- (e) 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.

(See Standing Orders 3.10.2 and 3.11.3)

C10 Action on previous resolutions

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

(See Standing Order 3.9.16)

C11 Repeat notice of motion

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

(See Standing Order 3.11.1)

C12 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.

(See Standing Order 3.9.18)

C13 Chairperson may call a meeting

The chairperson:

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

(See Standing Orders 3.5.2, 2.14.1 and 2.14.2)

C14 Irrelevant matter and tedious repetition

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

(See Standing Order 3.8.2)

C15 Taking down words

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

(See Standing Order 3.8.4)

C16 Reading of speeches

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

(See Standing Order 3.8.5)

C17 Explanations

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

(See Standing Orders 3.8.12 and 3.8.13)

C18 Chairperson rising

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

(See Standing Order 3.3.3)

C19 Members may leave places

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

(See Standing Order 3.3.4)

C20 Priority of speakers

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

(See Standing Order 3.3.5)

C21 Minutes

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

(See Standing Orders 3.17.1 and 3.18.2)

C22 Questions of speakers

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

(See Appendices F4 and G5.)

C23 Withdrawal of offensive or malicious expressions

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

(See Standing Order 3.3.11)

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

(See Standing Order 3.3.12)

C24 Chairperson's rulings

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

(See Standing Orders 3.1.1 and 3.3.2)

C25 Disorderly behaviour

The chairperson may:

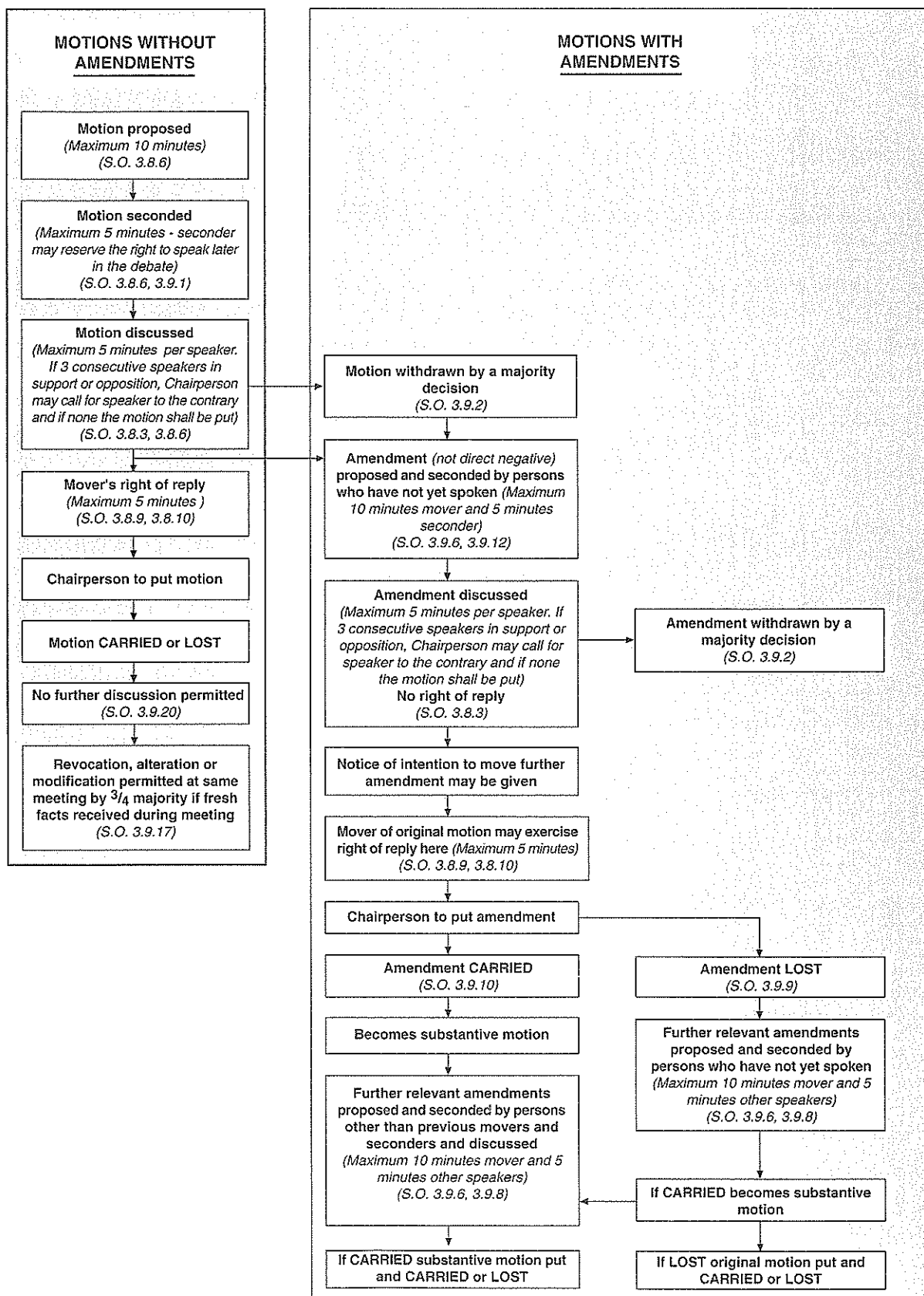
- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
(See Standing Orders 3.3.13 and 3.16.1)
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.
(See Standing Orders 3.3.14 and 3.3.15)

C26 Failure to leave meeting

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.
(See Standing Orders 3.3.16 and 3.16.2)

APPENDIX D MOTIONS AND AMENDMENTS

(Normative)



APPENDIX E TABLE OF PROCEDURAL MOTIONS

(Normative)

(See Standing Orders 3.12.1 to 3.12.12 and 3.13.1 to 3.13.6)

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

Motion	Has the Chair discretion to refuse this motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the meeting move directly to the next business, superseding the item under discussion."	No	Yes	No	No	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.	
(e) "That the item of business being discussed does lie on the table and not be further 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.	
(f) "That the item of business being discussed be referred 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.	
(g) "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 Orders 3.13.1 to 3.13.6

APPENDIX F PUBLIC FORUM

(Informative)

F1 Public forum

A period of up to 30 minutes, or such other time as the local authority may determine, will be set aside for a public forum at the commencement of ordinary meetings of the local authority, committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting, may speak for three minutes.

F2 Time extension

Standing orders may be suspended on a vote of not less than 75 % of those present, to extend the period of public participation or the period any speaker is allowed to speak.

F3 Subjects of public forum

In respect of local authority, committee and subcommittee meetings, the public forum is to be confined to those items falling within the terms of reference of that meeting, provided the matter is not sub-judice.

NOTE – The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or subcommittee sits in a quasi-judicial capacity.

F4 Questions of speakers during public forum

With the permission of the chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

APPENDIX G

ADDITIONAL PROVISIONS FOR TANGATA WHENUA

(Informative)

G1 Tangata whenua representation at meetings

Where representatives of the tangata whenua identify any item on the agenda for a meeting of a local authority, committee or subcommittee which the tangata whenua wish to discuss, they may attend the meeting for that purpose. These provisions do not apply to any meeting of a local authority, committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard.

G2 Speaking rights in addition to public forum

The right to speak at meetings of the local authority conferred by these provisions, are in addition to and separate from those rights of a public forum available in terms of Appendix F.

G3 Tangata whenua representation at committees and subcommittees

Where representatives of the tangata whenua have, in accordance with clause F1, identified items they wish to discuss at a meeting, they may be represented by such number of representatives as is equal to the number of permanent members of that committee or subcommittee who are present at that meeting.

G4 Tangata whenua speaking time

Representatives of the tangata whenua shall have the right to address any meeting of the local authority, committee or subcommittee for a period of 15 minutes in total on any item or issue which has been identified or initiated by the tangata whenua and listed for consideration at a meeting.

G5 Questions of speakers during tangata whenua participation

With the permission of the chairperson, members may ask questions of representatives of the tangata whenua. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

NOTE – The term "tangata whenua" is not mentioned in the Local Government Act 2002. The Act refers to "Māori".

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Working day		
Definition of	1.3	7

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MACKENZIE DISTRICT COUNCIL

REPORT TO: TWIZEL AND TEKAPO COMMUNITY BOARDS

FROM: CHIEF EXECUTIVE OFFICER

SUBJECT: MEETINGS SCHEDULE FOR 2014

MEETING DATE: 18 NOVEMBER 2013

REF: PAD 3

PURPOSE OF REPORT:

To advise the Community Boards of the schedule of meetings for Twizel and Tekapo Community Boards for 2014.

RECOMMENDATIONS:

1. That the report be received.
2. That the attached schedule of meetings be noted.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

SCHEDULE OF MEETINGS FOR 2014

(all meetings will be formally confirmed)

TWIZEL COMMUNITY BOARD

(Starting at 4.00 pm in the summer and 3.30 pm in May, June and July)

Monday 27 January 2014

Monday 10 March 2014 (including consideration of budgets for 2014/2015)

Tuesday 22 April 2014 (Tuesday to allow for Easter Monday)

Tuesday 3 June 2014 (Tuesday to allow for Queens Birthday)

Monday 14 July 2014

Monday 25 August 2014

Monday 6 October 2014

Monday 17 November 2014

TEKAPO COMMUNITY BOARD

(Starting at 7.30 pm in the summer and 7.00 pm in May, June and July)

Monday 27 January 2014

Monday 10 March 2014 (including consideration of budgets for 2014/2015)

Tuesday 22 April 2014 (Tuesday to allow for Easter Monday)

Tuesday 3 June 2014 (Tuesday to allow for Queens Birthday)

Monday 14 July 2014

Monday 25 August 2014

Monday 6 October 2014

Monday 17 November 2014

MACKENZIE DISTRICT COUNCIL

REPORT TO: MACKENZIE DISTRICT COUNCIL
TWIZEL, TEKAPO AND FAIRLIE COMMUNITY BOARDS

FROM: CHIEF EXECUTIVE OFFICER

SUBJECT: ROLES OF COMMUNITY BOARDS

MEETING DATE: 18 NOVEMBER 2013

REF: STA 9/1

REASON FOR REPORT:

To adopt the attached discussion paper detailing how Council and Community Boards will fulfill their respective roles.

RECOMMENDATIONS:

1. That the report and attached discussion paper be received.
2. That the discussion document detailing how Council and Community Boards will fulfill their respective roles be adopted.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

BACKGROUND:

At its meeting on 30 October 2013 the Council endorsed the discussion document detailing how Council and community boards would fulfill their respective roles and recommended it to the community boards for adoption. The Council also endorsed the previous delegation made to community boards which is attached as Appendix 2.

SIGNIFICANCE OF DECISION REQUESTED:

These are considered to be important decisions.

CONSIDERATIONS:

The inter-relationship between Council and Community Boards covers the statutory responsibility of those boards and sets down the expectations each party should have of the other. It provides a working protocol for how we will work together.

The extent of delegation to community boards has been relatively small. Most items come as recommendations for Council consideration and approval. It is rare for such recommendations to be rejected or referred back for further consideration. The actual delegations are listed in Appendix 2.

CONCLUSION:

The re-adoption of a protocol outlining the respective roles of Council and Community Boards will be a helpful first step in forging a positive relationship among these bodies.

ROLES OF COMMUNITY BOARDS

A Discussion Paper

INTRODUCTION

This discussion paper covers the statutory role of community boards and how they may interact with Council.

Section 52 of the Local Government Act 2002 sets out the role of community boards.

THE ROLE OF A COMMUNITY BOARD IS TO:

(a) **Represent, and Act as an Advocate for, the Interests of its Community**

Council Expectation

That community boards will have views on a range of matters of importance to their communities. On more significant issues, those views should be expressed to the Council by way of submission.

Council would expect community boards to express their collective views on matters contained in the annual plan, the long term council community plan, changes to the district plan and other key policy documents of council

The community boards should, when wishing to advocate to outside agencies, work through the offices of the Council, its staff and elected members.

Community boards will take appropriate steps to consult with their communities to ensure that their advocacy is soundly based. Care must also be taken to canvas the views of non-resident ratepayers, especially when they comprise a sizeable proportion of the community.

Where the Council and a community board jointly deem an issue to be significant, Council would lead and fund the consultation process, but if the issue is specific to a community the relevant community board would meet the costs involved

Community Board Expectation

That Council provides sufficient time and background information on an issue to assist boards in making full and considered submissions.

Appropriate staff support should be made available to assist with this process.

That community board views on a matter be given due consideration by Council when reaching a decision, particularly when the community is the only one affected by that decision.

That when the community board view does not prevail, reasons for the rejection of its advocacy be given.

(b) Consider and Report on All Matters Referred to it by the Territorial Authority, or any Matter of Interest or Concern to the Community Board.

Council expectation

Community boards need to respond to such requests in a considered way, with sufficient explanation given in reports for Council to understand the reasons behind their views. A bald resolution in support or opposition would not normally provide sufficient assistance to Council in its decision making.

The need for background information is of even more importance when the community board is raising a concern on its own initiative.

Attendance of a community board chairperson at the Council meeting to speak to the matter may often be helpful. The appointed Councillor also has an important role in explaining the reasoning behind a board's position.

Community Board expectation

If community boards are to comment meaningfully on any issue referred to it, they need details the background and context in which the issue sits. They need sufficient time in which to come to reasoned positions.

Community boards need to feel their comments are being taken seriously and the process involves more than just going through the motions of some superficial consultation.

If the issue to be decided is being workshopped by Council, board members should have the opportunity to attend such workshops.

Board members should have access to the same background material as has been prepared for consideration by the Council.

(c) Maintain an Overview of Services Provided by the Territorial Authority within the Community.

Council expectation

Community boards should assist the Council in providing feedback on the effectiveness of the services provided in meeting the needs of its particular community. Such services will include:

- township roading, footpaths and street lighting
- water supply
- sewage treatment and disposal
- stormwater control
- refuse collection
- litter control
- parks and reserves
- halls and community centres
- swimming pools
- township projects
- community issues and initiatives.

All of these are funded locally.

NB: Since 2007 a contribution from the surrounding rural area towards the Mackenzie Community Centre, Strathconan pool and the Sherwood Hall.

Community boards should also provide comment and feedback on other services provided within their communities that are funded out of the General Rate or from other district wide sources. These will include the following:

- recycling and operation of resource recovery parks
- libraries
- cemeteries
- pensioner housing, and
- public conveniences.

The Council should receive feedback that is soundly based and not merely hearsay so that it can act upon it with some confidence.

If community boards wish to recommend the alteration of a level of service, they should also advise whether or not they are willing to accept the financial implications of such a change.

Community Board Expectation

That information is readily available upon levels of service that are to be provided and that factual reporting is given to boards to assist them with assessing performance.

That boards regularly receive up to date reports on the progress of works undertaken in the community.

That timely, accurate and understandable financial reports are made available to boards with appropriate commentary on exceptions to the approved budgets.

(d) Prepare an Annual Submission to the Council for Expenditure within the Community.

Council Expectation

This should be a comprehensive submission based on a careful review of budgets.

The boards must, in recommending budgets, have regard to the need to abide by Council policies and to observe contractual commitments.

Advocacy from community board into the budgetary round should be supported by written reports and attendance of the Board Chairpersons at the appropriate Council meeting.

All expenditure within the community should be commented upon, not just that which is locally funded. Reasons behind a board position on particular items of expenditure should be provided.

Community Board Expectation

That sufficient staff assistance is provided to enable boards to understand and work through the preparation of a submission on draft budgets.

The opportunity to inspect proposed works should be provided.

Adequate time needs to be provided for the process to work well.

Reasons should be provided to a board if the Council is unable to accept all of its recommendations for expenditure.

(e) Communicate with Community Organisations and Special Interest Groups within the Community.

Council expectation

Community boards should undertake this task in a systematic way by identifying groups that ought to be communicated with and devising appropriate means of communication.

Feedback on such communication should be reported back to boards and, where appropriate, to Council.

Community boards should undertake, on Council's behalf, liaison with specific groups when so requested.

Community Board Expectation

Boards should receive feedback from Council on any local concerns they have drawn to its attention as a result of communication between boards and community organisations and local interest groups.

(f) Undertake any other Responsibilities that are Delegated to it by the Council.

Council Expectation

Any Council delegations must be exercised in compliance with Council policies.

Any delegations must have purely local effect.

Community board expectation

That any delegated powers are clearly spelt out so that board members know when they have the power to decide a matter, when they have the power to recommend a course of action and when they have the ability to comment on and issue or advocate for a point of view.

OTHER LEGAL PROVISIONS

No power of delegation can give a community board the power to acquire, hold, or dispose of property. Neither can a community board have the authority to appoint, suspend or remove staff.

Only Council itself can:

- make a rate
- make a bylaw
- borrow money, purchase or dispose of assets, other than in accordance with the long-term council community plan.
- adopt the LTCCP, annual plan or annual report
- appoint the CEO
- adopt policies that are required to be done as part of the LTCCP or as part of a local governance statement.

There is the ability to delegate the power to do things before the Council, in consultation with the community board or other subordinate decision making body, exercises the powers listed above.

Community boards can sub-delegate powers delegated to themselves, subject to any conditions specified by the Council or by the board.

A community board does not have to refer back to the Council in exercising any powers delegated to it by the Council.

Enforcement, inspection, licensing and administration related to bylaws and other regulatory matters under the Local Government Act may be delegated to other councils, organisations and persons but not to community boards.

The key point for a Council to consider in deciding whether or not to delegate a power to a community board is whether it will enable the community board to best achieve its role.

Even though it may have delegated a power, the Council is not relieved of the liability or legal responsibility to perform or ensure performance of any function or duty.

Note: No recommendations are made as to specific delegations at this time.

RESOURCE MANAGEMENT MATTERS

The question of what involvement is appropriate for community boards in resource management matters can be a contentious one.

The following guidance is offered:

The District Plan provides a comprehensive district-wide set of provisions, including rules, for sustainably managing the resources of the district in terms of the Resource Management Act 1991.

Considering applications for resource consent and determining the merits of changes to the District Plan involves accredited Commissioners (including elected members if they are accredited) in the exercise of a quasi-judicial function. It is a specialised task that requires experience judgment and some degree of training. Formal accreditation is now required for Chairs of hearing panels.

It is not recommended that community board members be involved in hearings and deciding upon such matters.

As part of its local advocacy role, boards may choose to comment or make submissions on notified applications and plan changes. That may be appropriate in certain circumstances, although appointed board members who sit upon hearing panels should exclude themselves from any such advocacy to avoid pre judging an issue. The board should enjoy no greater or lesser status than any other individual or organisation submitting on the matter. The reservations about board involvement mainly relate to the perception that the board and the Council may not be speaking with one voice and the authority of the decision making process may be compromised.

It becomes more problematic where a community board is disaffected by a council planning decision and wishes to pursue the matter further. In such a case, the community board would have to seek advice from sources other than those available to the Council and meet its own costs in taking the matter to appeal. The prudence of such an action and the mandate for it would have to be very carefully considered by any board.

When issues are identified that are of potential concern to a community, it is recommended that the local community board be involved in any formal pre-hearing consultation process.

PUBLIC COMMENT

It is normal for the Mayor to be the public spokesperson on behalf of the Council on policy and political matters. Similarly the Chairperson of a Community Board would act as a spokesperson for that Community Board.

Courtesy would require that the board chairpersons advise the Mayor of any comments they may be making and that the Mayor in turn advises board chairpersons of comments he may be making. That is particularly the case when the board and Council views may differ on an issue.

COUNCIL STRUCTURE

Council's formal committee structure has yet to be determined but for now it is assumed that Council, committees and community boards will continue to meet on a six-weekly cycle.

Two Boards also operate as Committees of Council. They are the Pukaki Airport Board and the Forestry Board.

Appendix 2

The Fairlie, Tekapo and Twizel Community Boards have been delegated the following responsibilities:

- The ability to consider requests from local organisations for financial assistance in the form of grants, where budget exists for such matters and subject to no one grant exceeding \$1,000.
- The ability to appoint local representatives to organisations within the community board area and other organizations where local representation is requested.
- The ability to authorise, within approved budgets, board members' attendance at relevant conferences and/or training courses.
- The ability to provide or withhold affected persons approval for planning applications on land adjoining Council owned land within the community board area.
- The ability to approve routine changes in policy affecting locally funded facilities within the community board area.

MACKENZIE DISTRICT COUNCIL

REPORT TO: MACKENZIE DISTRICT COUNCIL AND COMMUNITY BOARDS

FROM: CHIEF EXECUTIVE OFFICER

SUBJECT: REMUNERATION OF ELECTED MEMBERS

MEETING DATE: 18 NOVEMBER 2013

REF: STA 9

PURPOSE OF REPORT:

For Members to adopt a policy for reimbursement of expenses by elected members.

RECOMMENDATIONS:

1. That the report be received.
2. That the policy of the reimbursement of expenses by elected members be adopted.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

BACKGROUND:

The Remuneration authority requires Council to adopt a policy for the reimbursement of expenses by elected members.

The attached policy complies with the remuneration authority guidelines and is similar to the policy adopted by Council previously.

POLICY FOR THE REIMBURSEMENT OF EXPENSES BY ELECTED MEMBERS

1. Introduction

Remuneration of members of local authorities, including community boards is determined by the Remuneration Authority, an independent body set up under its own Act of Parliament.

The Authority is empowered to set rules for reimbursing expenses incurred by elected members under the Local Government Act 2002. The approach taken by the Authority is to invite local authorities to draft their own rules for it to consider and, if thought fit, approve.

2. Background

Any Council rules for the reimbursement of expenses are required to be approved by the Remuneration Authority. These rules replace those adopted by Council in the last triennium and, following Council endorsement, will be submitted to the Remuneration Authority for its formal approval.

3. Vehicle Mileage Allowance

Councillors generally incur expense in traveling to and from Fairlie for Council meetings, workshops and on other official business. In addition, the Mayor will incur other travel costs in undertaking duties outside of regular meetings. Such expense is reimbursable by way of a vehicle mileage allowance:

- Council will pay a vehicle mileage allowance of 77c/km for travel on Council related business above a threshold of thirty kilometres for any one event. The maximum annual reimbursement to any one elected member at the 77c/km rate will be based on 5,000km claimed. Because of size and location of the District, claims above 5,000 kms will be allowed but the balance portion will be reimbursed at the lower rate of 37c/km.
- Detailed claims should be submitted as regularly as practicable to the Payments Officer.
- To minimise the net cost to the ratepayers of the District, Councillors should arrange to share transport wherever practical.
- Where meetings are held at Tekapo and Twizel, Council vehicles will normally be used to transport members to and from Fairlie and points in between.

4. Travel Time allowance

Elected members will often travel outside the District on Council business.

Travel time in excess of two hours for any event will be paid for at \$35/hr.

The maximum amount claimable by any elected member will be set at 100hrs per year.

The following rules will apply:

- Attendance at conferences and courses will be authorised by way of a formal Council resolution.
- Council will arrange for the enrolment, registration fees, booking of accommodation and flight reservations if applicable.
- Wherever possible, payment will be made in advance by the Council or through the use of the Council credit card at the time. This is to reduce the number of instances where elected members have to incur expense out of their own pockets and then seek reimbursement from the Council.
- If payment is made directly by the member, reimbursement claims should be supported by appropriate GST receipts.
- Where the venue is within reasonable driving distance (say less than six hours travel time), Council will endeavour to arrange for a Council vehicle to be made available. If that is not possible, mileage may be claimed, but sharing of vehicles is also encouraged in such circumstances.
- Meal expenses are reimbursable but wherever possible such expenses should be added to the accommodation bill.
- Councillors are expected to meet their own personal expenses such as liquor and mini bar expenses.
- Councillors may wish to stay privately while attending courses and conferences. This is fine, but bear in mind that there is value in participating in informal networking sessions outside the normal conference sessions. Members' ability to participate in these may be somewhat limited if they make their own arrangements. In such cases, a daily allowance of \$50 is available when elected members do stay privately.
- Many conferences, including the annual conference of Local Government New Zealand, make provision for the attendance of spouses and partners. Such attendance has value and is encouraged. The Council position is that it will meet any spouse's/partner's registration fees for such conferences or courses. No additional accommodation cost is normally involved. Councillors will be responsible for the airfares of their spouse or partner and any additional costs of meals.

6. Other Out of Pocket Expenses

Mayoral Telephone Expenses

The Council provides the Mayor with a mobile phone as a convenient means of communication.

General

Council endeavours to minimise the amount of reimbursement required by meeting most expenses directly. However, there may still be some instances where out of pocket expenses are incurred and that is fine. These may include meals on the road and consumables for faxes and computers. It is essential for all Councillors to be contactable readily by either fax or e-mail or both. Past practice has been to either supply some consumables such as fax rolls or toner or to reimburse Councillors for such expense. Work related toll calls and call minder facilities are able to be reimbursed. It is proposed to continue these practices.

7. Computers and internet connections

The Council provides a laptop/tablet and multi-function printer (if required) for the Mayor and each Councillor. Laser printers are favoured because of their modest capital outlay and very low running costs. The laptops will be fitted with a basic webcam to allow informal communication between meetings. This equipment will remain the property of the Council.

The Council will also arrange for the Mayor and each Councillor to have the most appropriate form of broadband internet connection depending on the coverage in their area. Council's preference is to provide mobile broadband where possible but where adequate mobile broadband is not available Council will contribute the equivalent cost of broadband provision to elected members of mobile broadband. Council's preference is to provide 3G network coverage with a 1Gb per month cap.

Consumables relating to Council use will be reimbursed as required on a reasonable basis.

8. Resource Consent Hearings

Hearing fees for non-council initiated resource consent hearings will continue to form part of the Authority's determination.

The hourly rate will be reviewed each year. The hourly rate to apply from immediately after the 2013 elections will be:

Chairperson	\$100 per hour of hearing time
Others	\$80 per hour of hearing time

Preparation time of up to the time of the duration of the hearing may be remunerated at the same rates.

9. Application of these rules

These rules shall apply to the Mayor, Councillors, appointed members of Council Committees and to Community Board members with effect from a date determined by the Remuneration Authority.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

23 October 2013

MACKENZIE DISTRICT COUNCIL

REPORT TO: TWIZEL AND TEKAPO COMMUNITY BOARDS

SUBJECT: LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968 –
REGISTER OF MEMBERS' INTERESTS

FROM: CHIEF EXECUTIVE OFFICER

MEETING DATE: 18 NOVEMBER 2013

REF: STA 9/1

PURPOSE OF REPORT:

To provide information about the *Local Authorities (Members' Interests) Act 1968* and in particular about good practice regarding compliance with the Act.

RECOMMENDATION:

1. That the report be received.
2. That the elected members provide details of their declared business interests and spouse/partner declared business interests for inclusion in a Mackenzie District Council Register of Members' Interests.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

- Example of Conflict of Interests Register of Members Interest.
- Frequently asked questions.

BACKGROUND:

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

This Act stipulates that any member who has "...directly or indirectly any pecuniary interest other than an interest in common with the public" in any matter being dealt with by the Council shall not vote on the matter or take part in its discussion.

Instances where a member is deemed to have a pecuniary interest are set out in Section 6. In particular, the interest of a spouse is deemed to be the interest of the member for the purposes of the Act.

Section 6 also identifies situations that are deemed not to create a pecuniary interest.

Section 3 of the Act limits the extent to which a member may act as a contractor [or subcontractor] to the Council. Any member who earns more than \$25,000 in a year from Contracts with the Council is automatically disqualified from office unless Audit Office approval to the excess is obtained.

Audit approval is likely for specific contracts if:

- The contract was put out to public tender and the member submitted the best price; and
- Approval is sought (and obtained) before the contract is entered into

Audit approval may be less likely if not sought until after the disqualifying contract has been entered into.

Attached is guidance about the law on conflicts of interest in the form of Frequently Asked Questions.

GOOD PRACTICE:

When making decisions elected members must be aware of the 'perception of bias'. If there is any suggestion that an elected member might not have an open mind when approaching a decision, he or she should declare their interest to the Chief Executive Officer and Mayor/Chairman and be prepared to stand back from the decision making process.

The 'rule of bias' says that 'no one may be judge of their own cause'. In their advice on the Members' Interests Act the Office of the Auditor General noted that this rule exists to ensure that people who exercise power from positions of authority carry out their duties free from bias.

Local authorities are encouraged to establish a register of members' interests to facilitate compliance with the Act and to update it regularly.

Staff with delegated authority to approve purchases should be aware of the existence and content of the register of business interests so that they can recognise situations where contracts should not be entered into without seeking prior approval from the Office of the Auditor General.

Conflict Of Interest Register of Members Interests

Name	Last Update	Councillor Declared Business Interest	Spouse/Partner Declared Business Interests
Ray Ahipene-Mercer	14/10/09	<ul style="list-style-type: none"> • WWL (Director) • Toi Whakaari (Board Member) 	<ul style="list-style-type: none"> • Nil
Ngaire Best	16/03/10	<ul style="list-style-type: none"> • 4a Rewa Terrace, Tawa (Owner) • Tawa Progressive Ratepayers Association (Member) 	<ul style="list-style-type: none"> • 4a Rewa Terrace, Tawa (Owner)
Stephanie Cook	13/10/09	<ul style="list-style-type: none"> • St James Theatre Trust (Trustee) 	<ul style="list-style-type: none"> • Nil
Jo Coughlan	02/11/09	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Andy Foster	19/11/09	<ul style="list-style-type: none"> • Capacity Infrastructure Services (Director) • Karori Sanctuary Trust (Guardian) 	<ul style="list-style-type: none"> • Nil
Leonie Gill	15/10/09	<ul style="list-style-type: none"> • Show Off Fancy Dress Hire Business (Owned by brother in law) 	<ul style="list-style-type: none"> • Nil
Rob Goulden	13/10/09	<ul style="list-style-type: none"> • Local Sports Clubs and Social Clubs (Member) • Oriental Rongotai Football Club (Member) • RSA (Member) 	

Conflict Of Interest Register of Members Interests

Name	Last Update	Councillor Declared Business Interest	Spouse/Partner Declared Business Interests
Ian McKinnon	13/10/09	<ul style="list-style-type: none"> • Victoria University of Wellington (Council Member/ Chancellor) • St Johns in the City (Member) • The Wellington Club (Member) • Herbert Gardens (186 The Terrace) (Shareholder) • Nikau Trust (Trustee) 	<ul style="list-style-type: none"> • Herbert Gardens (186 The Terrace) (Shareholder)
John Morrison		<ul style="list-style-type: none"> • Basin Reserve Trust (Trustee) • Westpac Stadium (Trustee) • Radio Network (Contractee) • ACN Telecommunications (Business Partnership) • Diligent Board Member Services (Shareholder) 	<ul style="list-style-type: none"> • ACN Telecommunications (Business Relationship)
Iona Pannett	16/03/10	<ul style="list-style-type: none"> • Private Home in Mt Victoria (Owner) 	<ul style="list-style-type: none"> • Private Home in Mt Victoria (Owner)

Conflict Of Interest Register of Members Interests

Name	Last Update	Councillor Declared Business Interest	Spouse/Partner Declared Business Interests
Bryan Pepperell	30/11/09	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Nil
Helen Ritchie	17/03/10	<ul style="list-style-type: none"> • Family Trust (Trustee) • House – Aro Valley/Brooklyn (owner) • Apartments in the CBD (owner) • Capital and Coast District Health Board (Elected Member) 	<ul style="list-style-type: none"> • NA
Celia Wade-Brown	16/03/10	<ul style="list-style-type: none"> • House 42 High Street Island Bay (Owner) • NZ Windfarms Ltd (Shareholder - minor) • Windflow Technologies Ltd (Shareholder - minor) • Certified Organics Ltd (Shareholder - minor) • Wellington Zoo (Trustee - paid) • Friends of Taputeranga Marine Reserve Trust (Trustee - voluntary) • Great Harbour Way Coalition (Steering Group Member) 	<ul style="list-style-type: none"> • House 820 Mangaterere Valley Road Carterton (Owner) • NZ Windfarms Ltd (Shareholder - minor) • Windflow Technologies Ltd (Shareholder - minor) • Certified Organics Ltd (Shareholder - minor) • Flatspur Partnership – forestry (Shareholder - minor) • Cetal Ltd (Director) • Teamtalk (Shareholder – minor)

Conflict Of Interest Register of Members Interests

Name	Last Update	Councilor Declared Business Interest	Spouse/Partner Declared Business Interests
Hayley Wain	23/11/09	<ul style="list-style-type: none"> • Flatspur Partnership – forestry (Shareholder - minor) • Cetal Ltd (Director) • Teamtalk (Shareholder – minor) • Island Bay & Berhampore Community Orchard Trust (Patron) • Wellington Art Club (Patron) • Living Street Aotearoa (Honorary Life Membership) • Misc club memberships 	<ul style="list-style-type: none"> • Forest & Bird (Life Member)
		<ul style="list-style-type: none"> • Wellington Museums Trust (Trustee) 	<ul style="list-style-type: none"> • Nil



CONTROLLER AND AUDITOR-GENERAL

Tumuaki o te Māori Arotake

Part 6: Frequently asked questions

Guidance for members of local authorities about the law on conflicts of interest.

6.1 This Part sets out some frequently asked questions about conflicts of interest, and the answers.

6.2 *I think I might have an interest in a matter. How do I tell if it's pecuniary or non-pecuniary?*

Ask yourself whether the matter could reasonably give rise to an expectation of a gain or loss of money for you personally (or, in the case of a deemed interest,¹ for your spouse or partner or a company).

6.3 *Are pecuniary interests treated more strictly than non-pecuniary interests?*

Generally, yes. Under the common law, a pecuniary interest of any size gives rise to an automatic disqualification – in effect, a presumption of bias. This rule is reflected in the Act, which governs pecuniary interests for members of local authorities (subject to the powers of exemption and declaration set out in paragraphs 3.23 to 3.33). On the other hand, non-pecuniary conflicts of interest involve a more discretionary judgement – you can consider all the circumstances of the situation to determine whether or not a reasonable observer would consider that a real danger of bias exists.

6.4 *Do the legal consequences of not declaring a pecuniary or non-pecuniary conflict of interest differ?*

Yes. A breach of section 6 of the Act – which relates to a pecuniary interest – can result in you being prosecuted for an offence. If convicted, you will be deemed to have vacated office (that is, you will no longer be a member of the authority).

Failing to declare a non-pecuniary conflict of interest is not an offence. But it could result in legal proceedings that challenge the validity of the authority's decision. Those proceedings would not directly affect you personally, but you could face condemnation from your colleagues and the public if your actions resulted in the authority's decision being overturned by the courts.

6.5 *Can the common law rule about bias apply to pecuniary interests too?*

Yes. Pecuniary interests of members of local authorities are mainly governed by the Act. But the common law rule about bias could also be used to overturn a local authority's decision on the ground of a member's pecuniary interest.

6.6

Can anything else happen to me if I don't follow the rules?

Your actions might constitute a breach of the authority's code of conduct.² The authority might also take some form of action against you; for example, a censure motion or removing you from a council committee.

For members of city councils, district councils, and regional councils, your actions could also result in personal financial liability under section 46 of the Local Government Act 2002. This might arise if your conduct contributed to the local authority incurring a loss.

6.7

Can the local authority or chairperson order me not to participate on the ground of a conflict of interest?

No. The decision about whether to participate is yours (although the authority might be able to resolve to remove you from a committee considering the matter). You should carefully consider any advice offered to you by senior members, the chief executive, or other staff. You should also consider seeking your own legal advice.

6.8

The authority has resolved that I do not have a pecuniary interest in a particular matter. Does this mean that I can participate?

No. A resolution of an authority that you do not have a pecuniary interest in a particular matter is not an authoritative statement of the law. If, in fact, you do have a pecuniary interest in the matter and you participate in discussion and voting on it, you will have committed an offence under the Act.

However, if the authority resolves that you should be able to participate, subject to our approval being obtained, we would take the resolution into account when deciding whether to grant an exemption or declaration enabling you to participate.

6.9

I'm fairly sure I have a non-pecuniary conflict of interest in a matter, but I still think it is important for me to participate. Can the Auditor-General grant me an official exemption?

No. We have no power to grant exemptions or declarations for non-pecuniary conflicts of interest. Nor can we provide you with a formal ruling about whether a legal conflict of interest exists – only the courts can determine that. You should approach a lawyer if you want definitive advice.

6.10

If I abstain from participating in a matter as a member, can I still speak to the matter as a member of the public?

The fact that you may be prohibited, as a member, from taking part in discussion on a matter in which you have a pecuniary interest does not stop you from expressing views on the matter to the meeting.

Having declared a pecuniary interest and left the formal confines of the meeting, you are entitled, as a private citizen, and consistent with the rights of any member of the public, to address comments to the meeting from that area of the room where the public is able to be present.

These actions, if taken, should be explicitly recorded in the minutes.

6.11

I belong to various clubs throughout my district, as well as being a member of the district council. Do I have a pecuniary interest in every matter that comes before the council that relates to those clubs?

Usually, no. Membership of community organisations such as sporting or cultural or charitable associations is unlikely to give rise to a pecuniary interest in matters involving those organisations because of their “not for profit” nature. However, it is possible that your membership of an organisation may entitle you to a share of the organisation’s assets if the organisation is wound up. You should check the rules of the organisations you belong to, to see whether you may have a pecuniary interest of this type.

A pecuniary interest may also arise in the case of, for example, a golf club occupying land leased from the authority when the lease rental has a significant bearing on the members’ subscription or other fees.

See paragraphs 5.30 to 5.32 for discussion of whether membership of a club might give rise to a non-pecuniary conflict of interest.

6.12

I am an employee of a company/organisation that has dealings with the authority of which I am a member. Do I have a pecuniary interest in any dealings that my company/organisation has with the authority?

The existence of an employment relationship, where you receive a fixed level of remuneration, does not, on its own, give rise to a pecuniary interest.

If there is any link between the authority’s decision and the level of remuneration paid to you as an employee of the company/organisation, then a pecuniary interest exists. For example, if you were employed by an organisation that received funding from the authority and the authority was deciding whether to stop funding that organisation, resulting in the possible loss of your job, you would have a pecuniary interest in that decision.

See paragraphs 5.33 to 5.35 for discussion of whether your employment might give rise to a non-pecuniary conflict of interest.

6.13

I’m also a member of the board of another organisation. Is it relevant to the question of conflict of interest if I’ve been appointed to that organisation specifically as a representative of the local authority?

Yes. In that situation, we think it will often be acceptable to participate in the authority’s decisions about matters concerning that organisation. However, a conflict of interest might sometimes arise. See our discussion in paragraphs 5.38 to 5.41.

1: See paragraphs 3.14 to 3.15.

2: See our 2006 publication *Local authority codes of conduct*.

MACKENZIE DISTRICT COUNCIL**REPORT TO:** TEKAPO COMMUNITY BOARD**FOR THE MEETING OF:** 18 NOVEMBER 2013**SUBJECT:** TO PROVIDE INFORMATION ON BLINDS FOR TEKAPO COMMUNITY CENTRE**PREPARED BY:** GARTH NIXON, COMMUNITY FACILITIES MANAGER**ENDORSED BY:** WAYNE BARNETT, CHIEF EXECUTIVE OFFICER**REF:****NOT PUBLIC EXCLUDED****Purpose of Report**

The Community Board has recently discussed the possibility of enclosing the veranda at the Tekapo Hall and provided information from LouvreTec.

I provided LouvreTec plans of the building and they have submitted the attached estimate to provide PVC Ziptrack screens to enclose the verandah.

Some additional work will be required to counter the raking of the roof. The estimate for the screens alone is \$16,700.00.

Financial Considerations

The community board has spent the allocated budget on furniture for the hall.

As there are no funds available, so this work is unbudgeted

Other funding options could include...

- over expenditure on the hall account
- make provision for the work next financial year.
- Fund from township projects budget

Ideally this work should not undermine other works.

If the Community Board are prepared to wait they could provide budget next year for this work

If they Community Board are not prepared to wait then they should seek approval from Council to over spend the Hall Capital reserve.

Recommendations

1. That the report be received.
2. That the Community Board recommends to Council that this unbudgeted work proceed funded from the Hall capital reserve.

ATTACHMENTS

Appendix A: Quotation from LouvreTec



LouvreTec New Zealand Ltd
 (Canterbury)
 PO Box 1130
 Showroom:
 Unit 2/26 Parkhouse Rd
 Christchurch
 T: 64 (3) 374 3263
 F: 64 (3) 374 3264
 www.louvretec.co.nz

Quote 300913

DATE : Monday, 30 September 2013
 TO : McKenzie District Council
 ATTN : Garth Nixon
 PH : 0274370077
 FROM : Rodney Arthur
 PAGES : 1

RE: option for Tekapo Community Hall

Dear ,

Thank you for the opportunity to provide a quote for the above project. From the information provided I have put together the following quotation for your consideration.

To Supply and Install, seven Ziptrack PVC pull down screens, to be fitted to the underside of the existing veranda.

Measure:	Price:
3000mm Wide x 3000mm High (one screen)	
3500mm Wide x 3000mm High (four screens)	
4000mm Wide x 3000mm High (two screens)	\$ 16,770.00 + GST

- Price does not include GST.
- Finish of product to be PC Category 1 (PC Category 1 to be from LouvreTec's range of standard colour with additional colours and anodising available at an extra charge).
- Wooden veranda frame as noted above is to be supplied by others.
- **No allowance made for covering of raking ends at both sides of veranda.**
- **Wooden lintel would be required for fixing.**
- No allowance for council permits or fees.
- 40% deposit required on residential customers.
- As per our terms and conditions of trade (attached).

This quote is subject to confirmation of dimensions and details.

If I can be of any further assistance please don't hesitate to call.

Regards

Rodney Arthur

16 October 2013

Lake Tekapo Community Board
PO Box 54
Lake Tekapo

Attention: Murray Cox

Dear Murray

Mackenzie District Council – Discharge Permit Application

Tekapo Village Centre, Tekapo

Thank you for providing affected party approval from the Lake Tekapo Community Board for the abovementioned discharge consent application.

In terms of the comments in your letter dated 7 October 2013 that related to the landscaping of existing domain swales, with the proposed modifications to the existing stormwater network these areas will become dryer overall, and so it is agreed that some improvements may be required. This is outside the scope of our consent application, but we will pass those comments on to those responsible for the project development.

We are aware of the previous proposal for piping stormwater to the river rather than the lake and have reviewed it's applicability to the current proposed development. However, the previous development proposal was of a much larger scale and relied on extensive fill to achieve drainage in that direction. The system that is proposed will convey snow melt away from future buildings, and the swales will be graded to ensure they drain rather than pool. The bio-retention treatment area has a high infiltration rate and therefore ponding that occurs for longer than a day after snow melt, should not occur.

We are happy to discuss the above matters with you so please do not hesitate to contact the writer.

Yours sincerely



Melanie Muldowney
Planner

Copy to:

Mackenzie District Council
PO Box 52
Main Street
Fairlie 7949

Attention: Garth Nixon

Keri-Ann Little

From: Murray Cox <m.cox@xtra.co.nz>
Sent: Tuesday, 12 November 2013 7:25 p.m.
To: Keri-Ann Little
Subject: Lake Tekapo Community Board

Hi Keri Ann

Can you add this email to the agenda for the next meeting

Lake Tekapo Commercial Lane , Street Numbers

I have been approached by owners of businesses in Tekapo that lease premises on commercial lane which is the road running parallel to the Main Highway and in front of the main businesses. Businesses are getting increasing enquiries about what their address is so that customers can find them using a navigation device.

It would also seem timely to look at naming the street properly and giving numbers, as when the new commercial development is started this issue will need to be addressed.

The Board could consider running a competition for street or lane names.

If the Board sees it worth proceeding, the council will need to advise the process.

Thanks

Murray Cox
Councillor
Mackenzie District Council
P O Box 54
Lake Tekapo
0276855650