

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

**Date:** Wednesday 16 November 2022  
**Time:** 10.00am  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## **Council OPEN AGENDA**

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### **MEMBERSHIP**

<b>Mayor</b>	His Worship The Mayor Bernie Wanden
<b>Deputy Mayor</b>	Councillor David Allan
<b>Councillors</b>	Councillor Mike Barker
	Councillor Rogan Boyle
	Councillor Ross Brannigan
	Councillor Clint Grimstone
	Councillor Nina Hori Te Pa
	Councillor Sam Jennings
	Councillor Paul Olsen
	Councillor Jonathan Procter
	Councillor Justin Tamihana
	Councillor Piri-Hira Tukapua
	Councillor Alan Young

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**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are also available to be collected from:**  
**Horowhenua District Council Service Centre, 126 Oxford Street, Levin**  
**Te Awahou Nieuwe Stroom, Foxton,**  
**Shannon Service Centre/Library, Plimmer Terrace, Shannon**  
**and Te Takeretanga o Kura-hau-pō, Bath Street, Levin**

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the Chief Executive Officer or the Chairperson.



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**Karakia**

**1 Apologies**

**2 Public Participation**

Notification of a request to speak is required by 12 noon on the day of the meeting by phoning 06 366 0999 or emailing [public.participation@horowhenua.govt.nz](mailto:public.participation@horowhenua.govt.nz).

**3 Late Items**

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

**4 Declarations of Interest**

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

**5 Confirmation of Minutes**

**5.1 Meeting minutes Council, 26 October 2022**

**Recommendations**

That the meeting minutes of Council, 26 October 2022 be accepted as a true and correct record.



File No.: 22/581

## 6.1 Adoption of Standing Orders

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### 1. Purpose

Council is required to adopt its standing orders at the beginning of its triennium. This report presents the draft model standing orders for their adoption, and identifies the areas where Council must elect an option. This report also identifies how and when Council may alter its standing orders.

### 2. Executive Summary

- 2.1 A Council is required under the Local Government Act 2002 to have an adopted set of standing orders, which is recommended to be reviewed at the commencement of each Triennium as good practice.
- 2.2 Standing Orders are important in that they provide Councils with a framework of rules for open, transparent and fair decision-making.
- 2.3 The Standing orders have been reviewed, following best practice advice from Local Government New Zealand (LGNZ), are substantially minor in nature and included in an updated Standing Order for Councils adoption. A vote of greater than 75% of the members is required to approve the new standing orders.

### 3. Recommendation

- 3.1 That Report 22/581 Adoption of Standing Orders be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council adopt Horowhenua District Council Standing Orders Ngā Tikanga Whakahaere Hui 2022-2025.  
*or*  
That Council adopt Horowhenua District Council Standing Orders Ngā Tikanga Whakahaere Hui 2022-2025, including the following options.
- 3.4 That Council maintain the default option of that the Mayor or Chairperson, or any other person presiding at a meeting, has a deliberative vote, and, in the case of an equality of votes, has a casting vote.  
*or,*  
That Council adopt the option that the Mayor or Chairperson, or any other person presiding at a meeting, only has a deliberative vote, and that in the event of an equality of votes for any question, that question would be lost.
- 3.5 That Council adopt System A for Standing Order 5.6 – Voting system for chairs, deputy Mayors and committee chairs.  
*or*  
The Council adopt System B for Standing Order 5.6 – Voting system for chairs, deputy Mayors and committee chairs.
- 3.6 That Council adopt Option A – General Procedures for speaking and moving motions.

or

That Council adopt Option B – General Procedures for speaking and moving motions.

or

That Council adopt Option C – General Procedures for speaking and moving motions.

That Council implement a Public Forum starting 40 minutes prior the start of each Council meeting, and continuing for up to 30 minutes, where members of the public can raise directly with the Mayor and Councillors any matters that are of concern to them. This is in addition to Public Participation which is provided for in Standing Order 15.

## 4. Background / Previous Council Decisions

- 4.1 Council has traditionally adopted Model Standing Orders NZS 9202:2003 published by Standards New Zealand, with some amendments. These Model Standing Orders were cumbersome and the language used had become outdated. They were also copyright which posed some issues when it came to wider publication without significant cost.
- 4.2 In 2016 a working party of Governance Administrators from various Councils, under the auspices of Local Government New Zealand, in partnership with Equip (its Centre of Excellence) undertook a review of Model Standing Orders.
- 4.3 Following the review, LGNZ has made available to interested Councils an updated version of Standing Orders. These are not only fully compliant with legislation and best practice in the conduct of meetings, they are also easy to use and can be tailored to meet each Council's specific requirements

## 5. Discussion

- 5.1 The Council is required to adopt a set of standing orders for the conduct of its meetings and those of its committees.
- 5.2 Standing Orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner. All members of a local authority must abide by standing orders.
- 5.3 The updated Standing Orders fulfil the requirements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and reflect current best practice with regard to the conduct of meetings.
- 5.4 Adoption of and/or any change to Standing Orders requires the support of not less than 75% of the members present.
- 5.5 The proposed Horowhenua District Council Standing Orders Ngā Tikanga Whakahaere Hui 2022-2025 is attached at Appendix A. The current standing orders are provided under separate cover.

## 6. Options

- 6.1 Council is required to adopt the standing orders as circulated unless there is not less than 75% support by the members present to amend or replace the Standing Orders.
- 6.2 Within the standing orders there are some options that Council may choose from. These are:
  - Standing Order 5.6 - Voting system for Chairs, Deputy Mayors and committee Chairs, and



- Standing Order 19.3 – Chairperson has a casting vote, and
- Standing Order 22 – General Procedures for speaking and moving motions.

6.3 Under current standing orders, the Mayor does not have a casting vote, and Option B is used for speaking and moving motions.

#### **Standing Order 5.6**

- 6.4 While the Mayor has exercised his authority to appoint the Deputy Mayor and will shortly appoint the Chairs of committees, there may be times thorough out the course of the this term that it is necessary for Council or a committee fins its self without a Chair or a Deputy. This could occur due to conflicts of interest or illness. When this occurs standing orders empower the Council or committee to elect a Chair form amongst their own.
- 6.5 Standing order 5.6 sets out two options to choose from; System A and System B. This meeting may choose to confirm neither option and leave it to each meeting to determine if the situation arises where a Chair needs to be elected. Alternatively, this meeting can choose one of the options to adopt for Council and all committees to follow if the need to elect a Chair occurs.
- 6.6 System A provides that a candidate is elected if they receive the votes of the majority of all the members who are present and voting. In this system, there is first round of voting for all candidates, if no candidate receives a majority of votes, then the lowest polling candidate is removed from the second round of voting. This continues until one candidate receives a majority of voted.
- 6.7 System B provides that a candidate is elected if they receive more votes than any other candidate. There is only one round of voting.
- 6.8 In both systems, in the event of a tie, the tie is resolved by lot.

#### **Standing Order 19.3**

- 6.9 This standing order sets out the default position should there be an equality of votes when deciding a question. It provides that the Mayor or Chairperson, or any other person presiding at a meeting, has a deliberative vote, and, in the case of an equality of votes, has a casting vote.
- 6.10 However, the Local Government Act 2002 allows for a different approach to a tied vote if expressly provided for in a Council's standing orders.
- 6.11 Council may choose to amend the standing orders so that the Mayor or Chairperson, or any other person presiding at a meeting, only has a deliberative vote. This would mean that in the event of an equality of votes for any question, that question would be lost. Any question could only be carried by a clear majority in favour.

#### **Standing Order 22**

- 6.12 This standing order sets out the three possible options for moving and voting on motions during a meeting, Option A, Option B and Option C.
- 6.13 This meeting may choose to confirm none of options which would mean that Option A is adopted unless, on the recommendation of the chairperson at the beginning of the meeting, that one of the other options be adopted for the meeting, or for particular items. This would need to be resolved by a simple majority of the meeting.
- 6.14 Alternatively, this meeting could choose to adopt a default Option other than A to apply for all Council and committee meetings.
- 6.15 The Options are set out below:

##### *Option A/Kōwhiringa A*

- *The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a*

*committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).*

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

*Option B/Kōwhiringa B*

- *The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).*
- *Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.*
- *The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.*
- *Members can speak to any amendment.*
- *The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.*

*Kōwhiringa C/Option C*

- *The mover and seconder of a motion can move or second an amendment.*
- *Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.*
- *The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.*
- *Members can speak to any amendment.*
- *The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.*

- 6.16 Regardless of the option chosen the may resolve by simple majority, based on the recommendation of the Chair, to adopt another option for the duration of the meeting or for a particular item.

**Public Participation and Public Forum.**

- 6.17 The proposed standing orders provide for Public Participation at standing order 15.
- 6.18 In previous terms of Council this has restricted members of the public from raising matters of importance to them but do not appear on the order paper.
- 6.19 It is proposed that Council establish a separate Public Forum for members of the public to raise with Council any matters that are of concern to them. This Public Forum will commence 40 minutes prior to the start of a Council meeting and conclude 10 minutes prior other start of the formal Council meeting.

- 6.20 As the Public Forum takes place outside the formal meeting, standing orders do not apply, but the Mayor can restrict a speaker during the public forum if:
- A speaker is repeating views presented by an earlier speaker at the same public forum;
  - The speaker is criticising elected members and/or staff;
  - The speaker is being repetitious, disrespectful or offensive;
  - The speaker has previously spoken on the same issue;
  - The matter is subject to legal proceedings; and
  - The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.
- 6.21 People wishing to speak at the Public Forum will need to advise Council no later than midday the day before a meeting.
- 6.22 The intention of this change is that people in the Horowhenua have a greater opportunity to raise matters of importance to them to their elected representative.

**Right of Te Awahou Foxton Community Board Chairperson to attend Council meetings**



- 6.23 The proposed standing orders have included a right for the Te Awahou Foxton Community Board to have speaking rights at Council meetings and be accorded the same courtesies as provided for any non-appointed member of a meeting.

## 7. Next Steps

- 7.1 Once adopted, the new Standing Orders will be updated on Council's website and shared with Councillors. It is important that if adopted, Councillors make themselves fully aware of their responsibilities and requirements to comply with the Standing Orders.

## 8. Appendices

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B	HDC Standing Orders 2019-2022 - adopted 11 December 2019 ( <i>Under Separate Cover</i> )	

Author(s)	Grayson Rowse <b>Principal Advisor - Democracy</b>	
	Monique Davidson <b>Chief Executive Officer</b>	

Approved by	Monique Davidson <b>Chief Executive Officer</b>	
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# **Standing Orders Ngā Tikanga Whakahaere Hui**

**October 2022**



**Version Control**

Version	Changes	Date
0.1	Document drafted	03/11/2022

D22/147772

1

## Kupu whakapuaki/Preface

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

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

These standing orders have been designed specifically for local authorities, their committees, subcommittees, subordinate decision-making bodies, and local and community boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

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

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

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## 1. Introduction/Kupu Whakataki

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

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

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

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendix is an attachment to the Standing Orders and not part of the Standing Orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders; the Guide is not part of the Standing Orders.

### 1.1. Principles/Ngā Mātāpono

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

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these Standing Orders comply with the decision-making provisions of Part 6 of the LGA 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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

### 1.2. Statutory references/Ngā tohutoro ā-ture

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

### 1.3. Acronyms Ngā/kupu rāpoto

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

### 1.4. Application/Te hāngaitanga

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

## 2. Definitions/Ngā whakamārama

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

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

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

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

**Appointed member** means a member of a committee, or subsidiary organisation of a council, who is not elected.

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

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

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

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

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

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

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

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



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

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

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

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

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

**Division** means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

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

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

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

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

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

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Pecuniary Interest** includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968.

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

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

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

**Petition** means a request to a local authority which contains at least 20 signatures.

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

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

**Presiding member** means the chairperson.

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

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

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

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

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

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

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

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

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

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

**Regional Council Chairperson** means the member of the governing body of a regional council elected as chairperson of that regional council under cl 25 of sch 7 of the LGA 2002.

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

**Right of reply** means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

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

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

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

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

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

**Subcommittee means** a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

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

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

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

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

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

## General matters/Ngā take whānui

### 3. Standing orders/Ngā tikanga whakahaere hui

#### 3.1. Obligation to adopt standing orders/Te kawenga ki te whakatū tikanga whakahaere hui

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

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#### 3.2. Process for adoption and alteration of standing orders Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

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

#### 3.3. Members must obey standing orders/Me whai ngā mema i ngā tikanga whakahaere hui

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders. Local boards and community boards which have adopted these Standing Orders must also comply with them.

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

#### 3.4. Application of standing orders/Te whakahāngai i ngā tikanga whakahaere hui

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

#### 3.5. Temporary suspension of standing orders/Te tārewa taupua i ngā tikanga whakahaere hui

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

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

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

#### 3.6. Quasi-judicial proceedings/Ngā whakawā a te Kaunihera

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For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

### **3.7. Physical address of members/Ngā wāhi noho o ngā mema**

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act.

## **4. Ngā hui/ Meetings**

### **4.1. Legal requirement to hold meetings/Te tikanga ā-ture ki te whakahaere hui**

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

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

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

### **4.2. Meeting duration/Te roa o ngā hui**

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

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

### **4.3. Language/Te reo**

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

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

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the chairperson not less than 2 working days before the meeting.

### **4.4. Webcasting meetings/Te pāho mataora i ngā hui**

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

### **4.5. First meeting (inaugural)/Te hui tuatahi**

The first meeting of a local authority, following a local authority triennial general election, must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

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

#### **4.6. Requirements for the first meeting/Ngā tikanga mō te hui tuatahi**

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

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl 14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the chief executive, of:
  - i. LGOIMA; and
  - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch 7, cl 17.

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

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

Please note, that the election of a deputy mayor is not required if the Mayor has already made the appointment under s 41A(3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

### **5. Appointments and elections/Ngā kopounga me ngā pōtitanga**

#### **5.1. Mayoral appointment of deputy Mayor, committee chairs and members/Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema**

A Mayor may appoint the deputy Mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint themselves.

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

### **5.2. Council discharge of a mayoral appointment/Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua**

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee chairpersons in accordance with LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

*LGA 2002, sch 7, cl 31.*

### **5.3. Establishment of committees by the Mayor/Te whakatū a te koromatua i ngā komiti**

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

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl 30 of sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

Please note, a Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

*LGA 2002, s 41A (3) and (4).*

### **5.4. Elections of regional chairpersons, deputy Mayors and deputy chairpersons/Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua**

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

- The chairperson and deputy chairperson of a regional council;
- The deputy Mayor;
- The chairperson and deputy chairperson of a committee; and
- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

*LGA 2002, sch 7, cl 25.*

### **5.5. Removal of a deputy Mayor/Te whakakore i te tūranga a tētahi Koromatua tuarua**

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 9.

*LGA 2002, sch 7, cl 18.*



## **5.6. Voting system for chairs, deputy Mayors and committee chairs/Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti**

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

### **System A**

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

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

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

### **System B**

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

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

*LGA 2002, sch 7, cl 25.*

## **6. Delegations/Te tuku mana**

### **6.1. Duty to consider delegations to community boards/Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori**

The council of a territorial authority must consider whether to delegate to a community board if the delegation will enable the community board to best achieve its role.

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

**Please note:** A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

### **6.2. Limits on delegations/Ngā tepenga o te tuku mana**

Unless clearly stated in the LGA 2002 or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;

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

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

### **6.3. Committees may delegate/Ka taea e ngā komiti te tuku mana**

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

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

### **6.4. Use of delegated powers/Te whakamahi i ngā mana tuku**

The 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, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

*LGA 2002, sch 7, cl 32(2),(3), and (4).*

### **6.5. Decisions made under delegated authority cannot be rescinded or amended/E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku**

Nothing in these Standing Orders allows a council, committee, and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

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

### **6.6. Committees and sub committees subject to the direction of the local authority/Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe**

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

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

## 7. Committees/Ngā komiti

### 7.1. Appointment of committees and subcommittees/Te kōpounga o ngā komiti me ngā komiti āpiti

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

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

### 7.2. Discharge or reconstitution of committees and subcommittees/Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

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

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

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

**Please note:** Section 12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

### 7.3. Appointment or discharge of committee members and subcommittee members/Te kōpounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

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

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

### 7.4. Elected members on committees and subcommittees/Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

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

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

### **7.5. Local authority may replace members if committee not discharged/Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti**

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

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

### **7.6. Membership of Mayor/Te mematangā a te Koromatua**

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

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

### **7.7. Decision not invalid despite irregularity in membership/Kāore e noho manakore tētahi whakatau ahakoa i rangirua te mematangā**

For the purpose of these Standing Orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. There is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

*LGA 2002, sch 7, cl 29.*

### **7.8. Appointment of joint committees/Te kopounga o ngā komiti hono**

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

- (a) The number of members each party may appoint;
- (b) How the chairperson and deputy chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

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

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

### **7.9. Status of joint committees/Te tūnga o ngā komiti hono**

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

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

**7.10. Power to appoint or discharge individual members of a joint committee/Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono**

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

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

## Pre-meeting/I mua i te hui

### 8. Giving notice/Te tuku pānui

Please note; the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

#### 8.1. Public notice – ordinary meetings/Te pānui tūmatanui – ngā hui noa

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 the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See the LGNZ Guide to Standing Orders for more information).

*LGOIMA, s 46.*

#### 8.2. Notice to members - ordinary meetings/Te pānui ki ngā mema – ngā hui noa

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

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

#### 8.3. Extraordinary meeting may be called/Ka āhei ki te karanga hui Motuhake

An extraordinary council meeting may be called by:

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

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

#### 8.4. Notice to members - extraordinary meetings/Te pānui ki ngā mema – ngā hui Motuhake

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the Standing Order 8.3, as well as the general nature of business to be considered, to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

#### 8.5. Emergency meetings may be called/Ka āhei ki te karanga hui ohotata

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

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

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

### **8.6. Process for calling an emergency meeting/Te pūnaha mō te karanga hui ohotata**

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

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

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

### **8.7. Public notice – emergency and extraordinary meeting/Te pānui tūmatanui – ngā hui ohotata me te Motuhake**

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

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

*LGOIMA, s 46(3).*

### **8.8. Meetings not invalid/Kāore e manakore ngā hui**

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

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

*LGOIMA, s 46(6).*

### **8.9. Resolutions passed at an extraordinary meeting/Ngā tatūnga i whakamanahia i te hui Motuhake**

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or

- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

*LGOIMA, s 51A.*

### **8.10. Meeting schedules/Ngā hōtaka hui**

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

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

### **8.11. Non-receipt of notice to members/Te kore e whiwhi pānui a ngā mema**

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 or board unless:

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

A member of a local authority may waive the need to be given notice of a meeting.

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

### **8.12. Meeting cancellations/Te whakakore hui**

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

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

## **9. Meeting agenda/Te rārangi take o ngā hui**

### **9.1. Preparation of the agenda/Te whakarite i te rārangi take**

It is the chief executive's responsibility, on behalf of the chairperson, to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

### **9.2. Process for raising matters for a decision/Te pūnaha mō te whakatakoto take hei whakatau**

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations.

### **9.3. Chief executive may delay or refuse request/Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono**



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

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

#### **9.4. Order of business/Te raupapatanga o ngā mahi**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

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

#### **9.5. Chairperson's recommendation/Te marohi a te ūpoko**

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

#### **9.6. Chairperson may prepare report/Te pūrongo a te ūpoko**

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

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

#### **9.7. Public availability of the agenda/Te wātea o te rārangi take ki te marea**

All information provided to members at a local authority, or local or community board, meeting must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

*LGOIMA, ss 5 & 46A.*

#### **9.8. Public inspection of agenda/Te tiroiro a te marea i te rārangi take**

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

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

*LGOIMA, s 46A(1).*

### **9.9. Withdrawal of agenda items/Te tango take i te rārangi take**

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the chairperson.

### **9.10. Distribution of the agenda/Te tuari i te rārangi take**

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

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

### **9.11. Status of agenda/Te tūnga o te rārangi take**

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

### **9.12. Items of business not on the agenda which cannot be delayed/Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa**

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

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

*LGOIMA, s 46A(7).*

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the chairperson.

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

### **9.13. Discussion of minor matters not on the agenda/Te kōrerorero i ngā take iti kāore i runga i te rārangi take**

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

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

### **9.14. Public excluded business on the agenda/Ngā take o te rārangi take kāore e whārikihia ki te marea**

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

*LGOIMA, s 46A(9).*

### **9.15. Qualified privilege relating to agenda and minutes/Te maru whāiti e pā ana ki te rārangi take me ngā meneti**

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

*LGOIMA, s 52.*

## **Meeting Procedures/Ngā Tikanga Hui**

### **10. Opening and closing/Te whakatuwhera me te whakakapi**

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

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

### **11. Quorum/Kōrama**

#### **11.1. Council meetings/Ngā hui Kaunihera**

The quorum for a meeting of the council is:

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

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

#### **11.2. Committees and subcommittee meetings/Ngā hui komiti me te komiti āpiti**

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution, provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

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

#### **11.3. Joint Committees/Ngā komiti hono**

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

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

#### **11.4. Requirement for a quorum/Te herenga mō te kōrama**

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

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

#### **11.5. Meeting lapses where no quorum/Ka tārewa te hui mēnā karekau he kōrama**

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

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

Should a quorum be lost, the meeting will lapse if the quorum is not present within 15 minutes.

#### **11.6. Business from lapsed meetings/Ngā take mai i ngā hui tārewa**

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

### **12. Public access and recording/Te urunga a te marea me te hopunga**

#### **12.1. Meetings open to the public/E tuwhera ana ngā hui ki te marea**

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

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

#### **12.2. Grounds for removing the public/Ngā take e panaia ai te marea**

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

*LGOIMA, s 50(1).*

#### **12.3. Local authority may record meetings/Ka āhei te mana ā-rohe ki te hopu i ngā hui**

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

#### **12.4. Public may record meetings/Ka āhei te marea ki te hopu i ngā hui**

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

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

### **13. Attendance/Te taenga**

#### **13.1. Members right to attend meetings/Te mōtika a ngā mema ki te tae ki ngā hui**

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.

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

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

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

**Please note:** this section does not confer any rights to non-elected members appointed to committees of a local authority.

#### **13.2. Attendance when a committee is performing judicial or quasi-judicial functions/Te tae ki ngā hui ina whakahaere whakawā te komiti**

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

#### **13.3. Leave of absence/Te tuku tamōtanga**

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

#### **13.4. Apologies/Ngā whakapāh**

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

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

#### **13.5. Recording apologies/Te hopu whakapāha**

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

### **13.6. Absent without leave/Te tamōtanga kāore i whakaaetia**

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

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

### **13.7. Right to attend by audio or audiovisual link/Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei**

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

### **13.8. Member's status: quorum/Te tūnga a te mema: kōrama**

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

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

### **13.9. Member's status: voting/Te tūnga a te mema: te pōti**

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

### **13.10. Chairperson's duties/Ngā mahi a te ūpoko**

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

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

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

If the chairperson is attending by audio, or audio-visual link, then chairing duties will be undertaken by the deputy chair, or a member who is physically present.

### **13.11. Conditions for attending by audio or audiovisual link/Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei**

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

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

**13.12. Te tono kia tae mā te hononga ā-oro, ataata-rongo  
rānei/Request to attend by audio or audiovisual link**

Where possible, a member will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, this is not possible the member may give less notice.

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

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

**13.13. Chairperson may terminate link/Ka āhei te ūpoko ki te  
whakakore i te hononga**

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

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

**13.14. Giving or showing a document/Te tuku, te whakaatu  
rānei i tētahi tuhinga**

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

- (f) Transmitting it electronically;
- (g) Using the audio visual link; or
- (h) Any other manner that the chairperson thinks fit.

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

**13.15. Link failure/Ina mūhore te hononga**

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

**13.16. Confidentiality/Te matatapu**

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

## **14. Chairperson's role in meetings/Te mahi a te ūpoko i roto i ngā hui**

### **14.1. Council meetings/Ngā hui kaunihera**

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

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

### **14.2. Other meetings/Ētahi atu hui**

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

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

### **14.3. Addressing the chairperson/Me pēhea te whakaingoa i te ūpoko**

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

### **14.4. Chairperson's rulings/Ngā whakataunga a te ūpoko**

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

### **14.5. Chairperson standing/Ina tū te ūpoko**

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

### **14.6. Member's right to speak/Te mōtika a te mema ki te korero**

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

### **14.7. Chairperson may prioritise speakers/Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero**

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

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or



- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

## **15. Public Participation/Ngā Matapakinga a te Marea**

### **15.1. Requests to speak to Agedna items**

There is an opportunity for people to speak to items on a Council or Foxton Community Board Agenda. A request must be lodged with the Chairperson, Chief Executive or other appropriate officer of Council, or via email [public.participation@horowhenua.govt.nz](mailto:public.participation@horowhenua.govt.nz) by 12 noon on the day before the meeting and must identify the specific item to which a person wishes to speak. Requests will not be accepted for:

- matters that do not appear on a meeting agenda;
- proceedings of committees that do not have a substantive resolution for adoption;
- procedural items and reports which are for information only.

### **15.2. 15.2 Approval by Chairperson**

In all cases the request to speak shall be referred to the Chairperson of the meeting to confirm acceptance.

### **15.3. Time limits/Ngā tepenga wā**

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. Where the number of speakers presenting in the public forum exceeds 6 in total, the chairperson has discretion to restrict the speaking time permitted for all presenters.

### **15.4. Restrictions/Ngā Herenga**

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

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

### **15.5. Questions at public participation/Ngā pātai i ngā matapakinga a te marea**

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

### **15.6. No resolutions/Kāore he tatūnga**

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

## **16. Deputations/Ngā Teputeihana**

The purpose of a deputation is to enable a person, group, or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the chairperson, or an official with delegated authority, five working days before the meeting; however, this requirement may be waived by the chairperson. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

### **16.1. Time limits/Ngā tepenga wā**

Speakers can speak for up to 5 minutes, or longer at the discretion of the chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

### **16.2. Restrictions/Ngā Herenga**

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

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

### **16.3. Questions of a deputation/Te pātai i ngā teputeihana**

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

### **16.4. Resolutions/Ngā tatūnga**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

## **17. Petitions/Ngā Petihana**

### **17.1. Form of petitions/Te āhua o ngā petihana**

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

### **17.2. Petition presented by petitioner/Te petihana ka whakatakotohia e te kaipetihana**

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

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

### **17.3. Petition presented by member/Te petihana ka whakatakotohia e tētahi mema**

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

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

## **18. Exclusion of public/Te aukati i te marea**

### **18.1. Motions and resolutions to exclude the public/Ngā mōtini me ngā tatūnga ki te aukati i te marea**

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

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

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

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

*LGOIMA, s 48.*

### **18.2. Specified people may remain/Ka āhei ngā tāngata ka tohua ki te noho mai**

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

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

*LGOIMA, s 48(6).*

### **18.3. Public excluded items/Ngā take e aukatihia ana ki te marea**

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

*LGOIMA, s 46A(8).*

### **18.4. Non-disclosure of information/Te kore e whāki i ngā mōhihio**

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

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

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

### **18.5. Release of information from public excluded session/Te tuku i ngā mōhihio nō te nohoanga aukati ki te marea**

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.

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

## **19. Voting/Te pōti**

### **19.1. Decisions by majority vote/Mā te nuinga e whakatau**

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

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

### **19.2. Open voting/Te pōti tuwhera**

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

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

### **19.3. Chairperson has a casting vote/Kei te ūpoko te pōti whakatau**

The Mayor, Chairperson, or any other person presiding at a meeting, has a deliberative vote and, in the case of an equality of votes, has a casting vote.

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

### **19.4. Method of voting/Te tikanga pōti**

The method of voting must be as follows:

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

### **19.5. Calling for a division/Te tono i te wehenga**

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

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

### **19.6. Request to have votes recorded/Te tono kia tuhi i ngā pōti**

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

#### **19.7. Members may abstain/Ka āhei ngā mema ki te noho puku**

Any member may abstain from voting.

### **20. Conduct/Ngā whanonga**

#### **20.1. Calling to order/Te tono kia tau ngā mema**

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

#### **20.2. Behaviour consistent with Code of Conduct/Ngā whanonga e hāngai ana ki te Tikanga Whakahaere**

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

#### **20.3. Retractions and apologies/Te tango kōrero me te whakapāha**

In the event of a member, or speaker, who has been disrespectful of another member or contravened the council's Code of Conduct, the chairperson may call upon that member, or speaker, to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

#### **20.4. Disorderly conduct/Ngā whanonga kino**

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

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

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

#### **20.5. Contempt/Te whakahāwea**

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

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

#### **20.6. Removal from meeting/Te pana i te tangata i te hui**

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

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

#### **20.7. Financial conflicts of interests/Ngā take taharua ahumoni**

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

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s 6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s 6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case, they should leave the room.

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

*LAMIA, ss 6 & 7.*

#### **20.8. Non-financial conflicts of interests/Ngā take taharua ahumoni-kore**

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

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

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

#### **20.9. Qualified privilege for meeting proceedings/Te maru whāiti mō ngā whakaritenga hui**

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

*LGOIMA, s 53.*

#### **20.10. Qualified privilege additional to any other provisions/He āpitihanga te maru whāiti ki ētahi atu whakaritenga**

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

*LGOIMA, s 53.*

#### **20.11. Electronic devices at meetings/Ngā pūrere hiko i ngā hui**

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the chair. A chairperson may require that an electronic device is switched off if:

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

## **21. General rules of debate/Ngā tikanga whānui mō te tautohetohe**

### **21.1. Chairperson may exercise discretion/Kei te ūpoko te tikanga**

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

### **21.2. Time limits on speakers/Te tepenga wā mā ngā kaikōrero**

The following time limits apply to members speaking at meetings:

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

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

### **21.3. Questions to staff/Ngā pātai ki ngā kaimahi**

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

### **21.4. Questions of clarification/Ngā pātai whakamārama**

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

### **21.5. Members may speak only once/Kotahi noa iho te wā e āhei ai te mema ki te korero**

A member, depending on the choice of options for speaking and moving set out in SO 22.2 -22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

### **21.6. Limits on number of speakers/Ngā tepenga mō te maha o ngā kaikōrero**

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



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

**21.7. Secondar may reserve speech/Ka āhei te kaitautoko ki te whakatārewa i tana korero**

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

**21.8. Speaking only to relevant matters/Me hāngai ngā kōrero ki ngā take whai panga**

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

Members must confine their remarks strictly to the motion or amendment they are speaking to. The chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

**21.9. Restating motions/Te whakahua anō i te mōtini**

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

**21.10. Criticism of resolutions/Te whakahē i ngā tatūnga**

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

**21.11. Objecting to words/Te whakahē kupu**

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

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

**21.12. Right of reply/Te mōtika ki te whakautu**

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

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

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

**21.13. No other member may speak/E kore e āhei tētahi atu mema ki te korero**

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

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- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

#### **21.14. Adjournment motions/Ngā mōtini hei hiki i te hui**

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

#### **21.15. Chairperson's acceptance of closure motions/Te whakaae a te ūpoko ki ngā mōtini whakakapi**

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

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

### **22. General procedures for speaking and moving motions/Ngā tikanga whānui mō te kōrero me te mōtini**

#### **22.1. Options for speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [*by simple majority*] to adopt either of the other two options for the meeting generally, or for any specified items on the agenda.

#### **22.2. Option A/Kōwhiringa A**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original, or substituted, motion may move or second an amendment to it.
- The mover or seconder of an amendment, whether it is carried (in which case it becomes the substantive motion) or lost, cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.

### **22.3. Option B/Kōwhiringa B**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.4. Kōwhiringa C/Option C**

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **23. Motions and amendments/Ngā mōtini me ngā whakahoutanga**

### **23.1. Proposing and seconding motions/Te whakatakoto me te tautoko mōtini**

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

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

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

### **23.2. Motions in writing/Te tuhi i ngā mōtini**

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

### **23.3. Motions expressed in parts/Ngā mōtini i whakawehea**

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

#### **23.4. Substituted motion/Te whakakapi mōtini**

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

#### **23.5. Amendments to be relevant and not direct negatives/Me hāngai ngā whakahoutanga me kaua e whakahē i te mōtini**

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

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

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

#### **23.6. Foreshadowed amendments/Ngā whakahoutanga kua kōrerotia kētia**

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

#### **23.7. Carried amendments/Ngā whakahoutanga i whakaaetia**

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

#### **23.8. Lost amendments/Ngā whakahoutanga i whakahēngia**

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

#### **23.9. Where a motion is lost/Ina whakahēngia tētahi mōtini**

In a situation where a substantive motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

#### **23.10. Withdrawal of motions and amendments/Te tango i ngā mōtini me ngā whakahoutanga**

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

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

**23.11. No speakers after reply or motion has been put/Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti**

A member may not speak to any motion once:

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

**24. Revocation or alteration of resolutions/Te whakakore, te whakahou rānei i ngā tatunga**

**24.1. Member may move revocation of a decision/Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga**

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

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

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

**24.2. Revocation must be made by the body responsible for the decision/Mā te rōpū nāna te whakatau e whakakore**

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

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

**24.3. Requirement to give notice/Te herenga ki te tuku pānui**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

#### **24.4. Restrictions on actions under the affected resolution/Ngā herenga mō ngā mahi i raro i te tatūnga whai pānga**

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

Exceptions apply where, in the opinion of the chairperson:

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

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

#### **24.5. Revocation or alteration by resolution at same meeting/Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu**

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

#### **24.6. Revocation or alteration by recommendation in report/Te whakakore, te whakahou rānei mā te marohi ki rō Pūrongo**

The local authority, on a recommendation in a report by the chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

### **25. Procedural motions/Ngā mōtini whakahaere**

#### **25.1. Procedural motions must be taken immediately/Me pōti ngā mōtini whakahaere i taua wā tonu**

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

#### **25.2. Procedural motions to close or adjourn a debate/Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe**

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

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

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

### **25.3. Voting on procedural motions/Te pōti mō ngā mōtini whakahaere**

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

### **25.4. Debate on adjourned items/Te tautohetohe i ngā take i whakatārewatia**

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

### **25.5. Remaining business at adjourned meetings/Ngā take e toe ana i ngā hui i whakatārewatia**

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

### **25.6. Business referred to the council, committee or local or community board/Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei**

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

### **25.7. Other types of procedural motions/Etahi atu momo mōtini whakahaere**

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

## **26. Points of order/Te tono ki te whakatika hapa**

### **26.1. Members may raise points of order/Ka āhei ngā mema ki te tono ki te whakatika hapa**

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

## **26.2. Subjects for points of order/Ngā kaupapa mō te whakatika hapa**

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

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

## **26.3. Contradictions/Ngā whakahē**

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

## **26.4. Point of order during division/Te tono whakatika hapa i te wā o te wehenga**

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

## **26.5. Chairperson's decision on points of order/Te whakatau a te ūpoko mō ngā tono whakatika hapa**

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

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

## **27. Notices of motion/Te pānui i ngā mōtini**

### **27.1. Notice of intended motion to be in writing/Me tuhi te pānui mō te mōtini e takune ana**

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



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

### **27.2. Refusal of notice of motion/Te whakahē i te pānui mōtini**

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

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

### **27.3. Mover of notice of motion/Te kaimōtini o te pānui mōtini**

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

### **27.4. Alteration of notice of motion/Te whakarerekē i te pānui mōtini**

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

### **27.5. When notices of motion lapse/Ka tārewa te pānui mōtini**

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

### **27.6. Referral of notices of motion/Te tuku i ngā pānui mōtini**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

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

### **27.7. Repeat notices of motion/Ngā pānui mōtini tārua**

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

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

## 28. Minutes/Ngā meneti

### 28.1. Minutes to be evidence of proceedings/Ka noho ngā meneti hei taunakitanga mō te hui

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

*LGA 2002, sch 7, cl 28.*

### 28.2. Matters recorded in minutes/Ngā take ka tuhi ki ngā meneti

The chief executive must keep the minutes of meetings. The minutes must record:

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

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

### 28.3. No discussion on minutes/Kāore e āhei te whakawhiti kōrero mō ngā meneti

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

**28.4. Minutes of last meeting before election/Ngā meneti o te hui whakamutunga i mua i te pōtitanga**

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

## **29. Keeping a record/Te whakarite mauhanga**

### **29.1. Maintaining accurate records/Te whakarite i ngā mauhanga tika**

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

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

*Public Records Act 2002, s 17.*

### **29.2. Method for maintaining records/Te tikanga mō te tiaki i ngā mauhanga**

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained;  
and
- (b) The information is readily accessible so as to be usable for subsequent reference.

*Contract and Commercial Law Act 2017, s 229(1).*

### **29.3. Inspection/Te tiroiro**

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

*LGOIMA, s 51.*

### **29.4. Inspection of public excluded matters/Te tiroiro i ngā take aukati marea**

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

### Referenced documents/Ngā tohutoro tuhinga

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

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## Appendix 1: Grounds to exclude the public/Āpitihanga 1: Ngā take e aukatihia ai te marea

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

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

*LGOIMA, s 7.*

*Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public not be excluded.*

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

*LGOIMA, s 48.*

## Appendix 2: Sample resolution to exclude the public/Āpitihanga 2: He tauira mō te tatūnga ki te aukati i te marea

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

- 1 that the public is excluded from:
  - The whole of the proceedings of this meeting; *(deleted if not applicable)*
  - The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

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Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> <li>i. be contrary to the provisions of a specified enactment; or</li> <li>ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).</li> </ul>
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> <li>i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</li> <li>ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).</li> </ul>
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> <li>i. disclose a trade secret; or</li> <li>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).</li> </ul>

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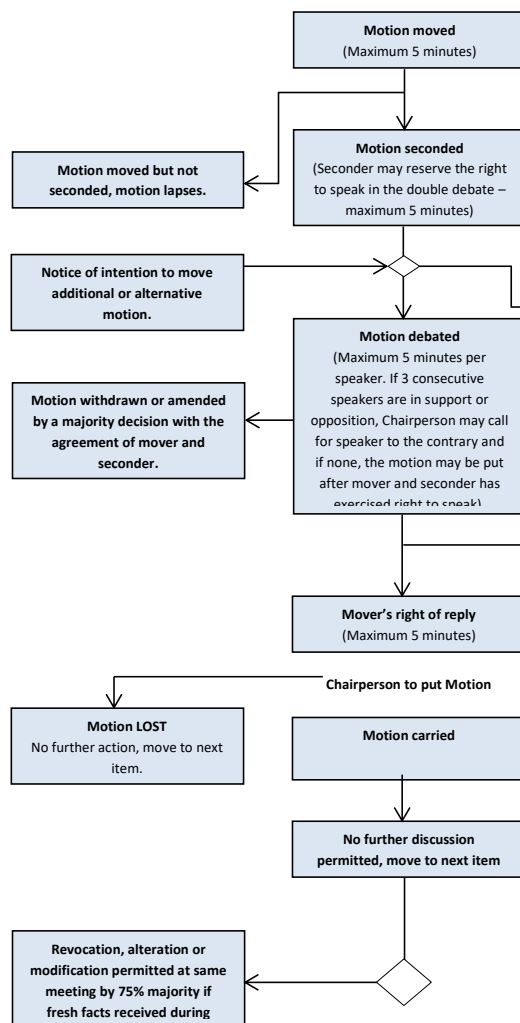
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> <li>a resource consent, or</li> <li>a water conservation order, or</li> <li>a requirement for a designation or</li> <li>an heritage order,</li> </ul> (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> <li>i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or</li> <li>ii. would be likely otherwise to damage the public interest (s 7(2)(c)).</li> </ul>
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

- That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

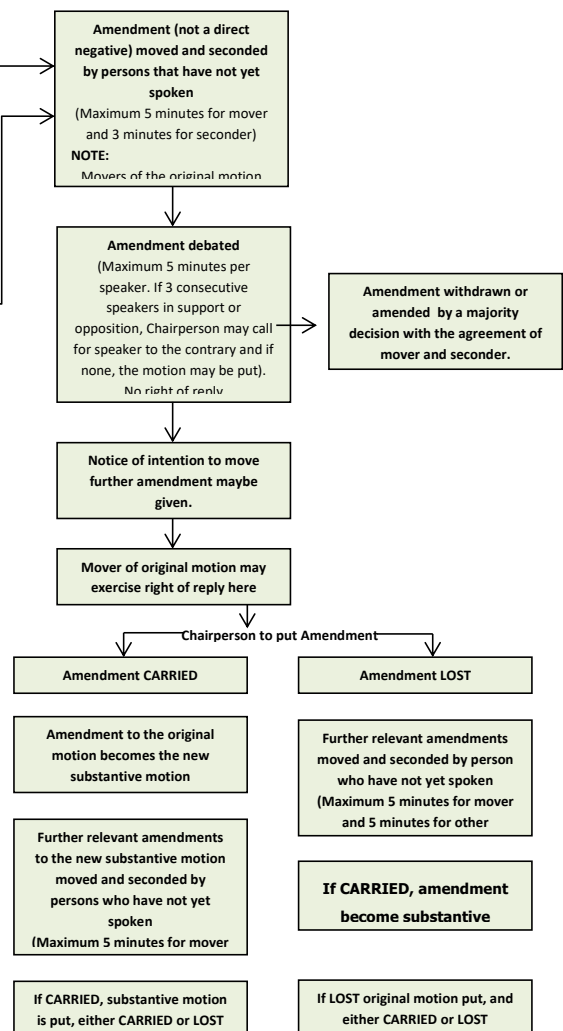
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## Appendix 3: Motions and amendments (Option A)/ Āpitianga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa A)

### Motions without amendments

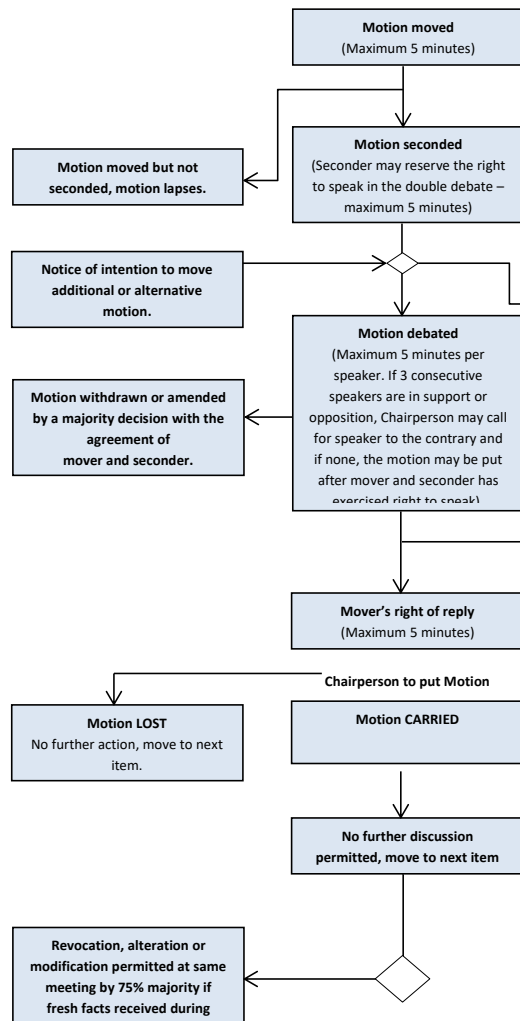


### Motions with amendments

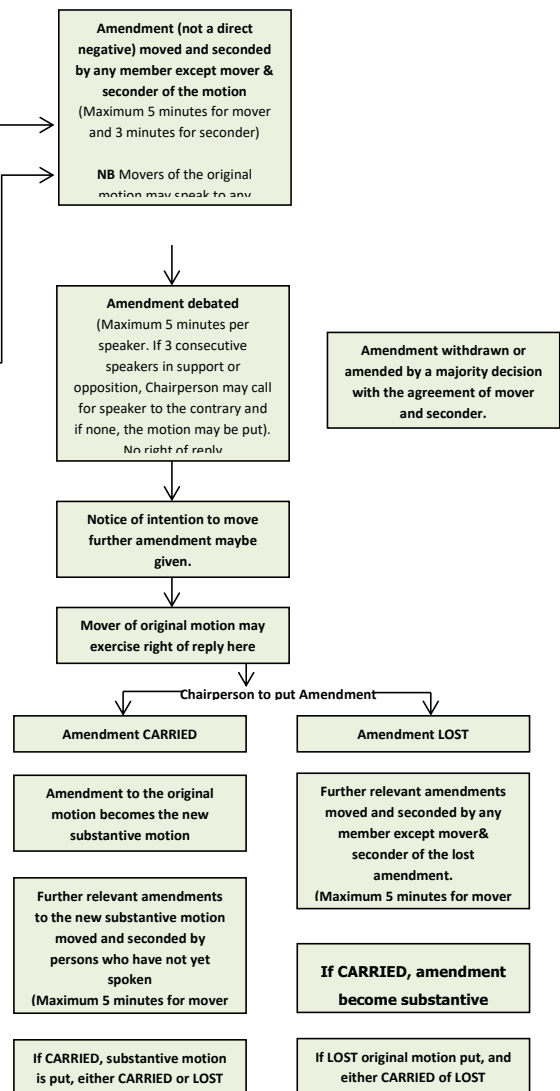


## Appendix 4: Motions and amendments (Option B)/ Āpitianga 4: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)

### Motions without amendments



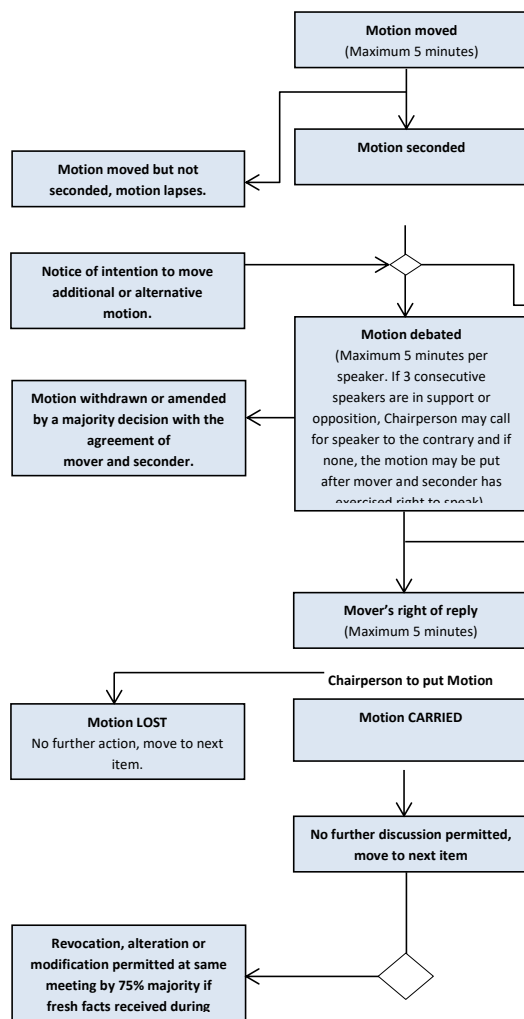
### Motions with amendments



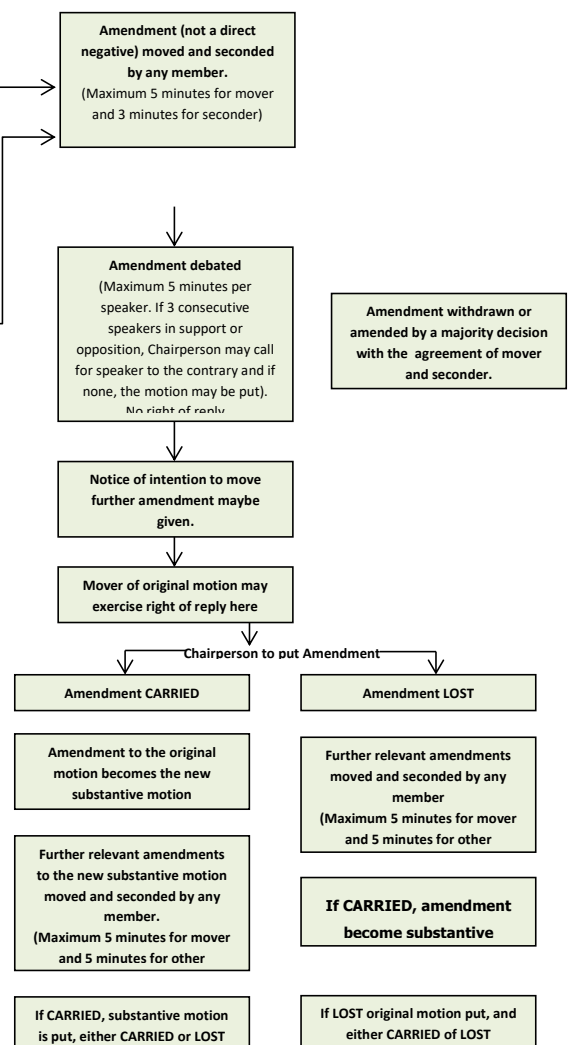
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## Appendix 5: Motions and amendments (Option C)/Āpitihanga 5: Ngā mōtini me ngā whakahoutanga (Kōwhiringa C)

### Motions without amendments



### Motions with amendments



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## Appendix 6: Table of procedural motions/Āpitihianga 6: Tūtohi mō ngā mōtini whakahaere

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

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

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## **Appendix 7: Webcasting protocols/Āpitihanga 7: Ngā tikanga mō te pāhotanga mataora**

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

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



## **Appendix 8: Powers of a Chairperson/Āpitihanga 8: Ngā Mana Whakahaere a te Ūpoko**

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

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

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

### **Chairperson to decide points of order (SO. 26.5)**

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

### **Items not on the agenda (SO.9.12)**

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

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

### **Chairperson's report (SO.9.6)**

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

### **Chairperson's recommendation (SO.9.5)**

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

### **Chairperson's voting (SO.19.3)**

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

### **Motion in writing (SO.23.2)**

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

**Motion in parts (SO.23.3)**

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

**Notice of motion (SO.27.2)**

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

- (a) Is disrespectful or which contains offensive language or statements made with malice;  
or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

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

**Action on previous resolutions (SO.**

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

**Repeat notice of motion (SO.27.7)**

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

**Revocation or alteration of previous resolution**

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

**Chairperson may call a meeting**

The chairperson:

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

**Irrelevant matter and needless repetition (SO.21.8)**

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

**Taking down words (SO.21.11)**

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

**Explanations**

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

**Chairperson rising (SO.14.5)**

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

**Members may leave places (SO.14.6)**

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

**Priority of speakers (SO.14.7)**

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

**Minutes (SO.28.1)**

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

**Questions of speakers (SO.16.3)**

The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

**Withdrawal of offensive or malicious expressions (SO.20.3)**

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

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

**Chairperson's rulings (SO.14.4)**

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

**Disorderly behaviour (SO.20.4)**

The chairperson may:

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

**Failure to leave meeting (SO.20.6)**

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

**Audio or audio visual attendance (SO.13.10)**

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

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

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

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**Appendix 9: Process for removing a chairperson or deputy Mayor from office/Āpitihianga 9: Te pūnaha mō te whakakore i te tūranga a te ūpoko, te Koromatua tuarua rānei**

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy Mayor from office.
2. If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.
3. A meeting to remove a chairperson, deputy chairperson, or deputy Mayor may be called by:
  - (a) A resolution of the territorial authority or regional council; or
  - (b) A requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
  - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
  - (b) Indicate whether or not, if the chairperson, deputy chairperson, or deputy Mayor is removed from office, a new chairperson, deputy chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a chairperson, deputy chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

*LGA 2002, sch 7, cl 18.*

## **Appendix 10: Sample order of business/Āpitihanga 10: He tauira mō te whakaraupapatanga o ngā take**

### **Open section**

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

### **Public excluded section**

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

## **Appendix 11: Process for raising matters for a decision/Āpitihanga 11: Te pūnaha mō te whakatakoto take hei whakatau**

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

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community or local board; or
- Notice of motion from a member.

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

- Report of the chief executive; or
- Report of the chairperson.

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



File No.: 22/582

## 6.2 Adoption of Code of Conduct

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### 1. Purpose

The purpose of this report is for Council to consider the adoption of the updated and refreshed Horowhenua District Council Code of Conduct following the inclusion of industry and sector best practice recommendations.

### 2. Executive Summary

- 2.1 Council is required under Clause 15 of Schedule 7 of the Local Government Act 2002 to adopt a Code of Conduct for its members as soon as practical after the commencement of this Act.
- 2.2 Local Government New Zealand has designed a new Code of Conduct template to incorporate recent legislative changes, new approaches to good governance and provide better advice for having to deal with alleged breaches. More importantly the focus has been widened from controlling poor behaviour to promoting an inclusive and positive governance culture, therefore removing some of the factors that can result in behavioural issues.
- 2.3 A significant change to the 2022 template is the focus on managing specific types of behaviours, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. Other key changes significantly lift the maturity of the new Code of Conduct.
- 2.4 It is proposed that Council consider adopting the LGNZ updated Code of Conduct attached.

### 3. Recommendation

- 3.1 That Report 22/582 Adoption of Code of Conduct be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council adopts the Code of Conduct 2022-2025
- 3.4 That Council recommend the Code of Conduct 2022-2025 to Te Awahou Foxton Community for adoption.

### 4. Background / Previous Council Decisions

- 4.1 Clause 15 of Schedule 7 of the Local Government Act 2002 requires a local authority to adopt a Code of Conduct for its members "as soon as practicable after the commencement of this Act".
- 4.2 The Code of Conduct may not be revoked without replacement.
- 4.3 Any amendment to, or a replacement of, the Code of Conduct requires a vote in support by 75% of the members present.
- 4.4 There is no statutory requirement for review or confirmation following an election, but given changes in the membership of Council, and changes to the Local Government Act 2002 and various amendments, it is considered timely to consider adopting a version more aligned to current best practice.
- 4.5 The key elements of the Code of Conduct are details of understanding and expectations adopted by the local authority about the manner in which members may conduct themselves

while acting in the capacity as members, including behaviour towards one another, staff and their public, and disclosure of information, including the provision of any document to elected members, and a general explanation of the Local Government Official Information & Meetings Act and any other enactment or rule of law applicable to members.

- 4.6 A copy of the proposed Code of Conduct 2022-2025 is attached at Appendix A. A copy of the existing Code of Conduct is provided under a separate cover for comparison.

## 5. Discussion

- 5.1 The Code of Conduct 2022-2025 attached (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. It is modelled on the 2022 Code of Conduct Template was developed by LGNZ. Its purpose is to:
- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
  - promote effective decision-making and community engagement;
  - enhance the credibility and accountability of the local authority to its communities; and
  - develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

The above purpose is given effect through the values, roles, responsibilities and specific behaviors documented in Code.

- 5.2 The Code has been adopted in accordance with clause 15 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of community boards that have agreed to adopt it. The Code is designed to deal with the behavior of members towards:
- each other;
  - the chief executive and staff;
  - the media; and
  - the general public.
- 5.3 The Code is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.
- 5.4 The 2022 Code of Conduct Template was developed by LGNZ, with sector feedback and guidance and is inclusive of legislative change. A significant change to the 2022 template is the focus on managing specific types of behaviours, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have also been added to the template:
- An explicit description of unacceptable behaviours.
  - An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to Councils.
  - An acknowledgement of the principles of good governance (the Nolan principles), drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry.
  - An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

- 5.5 As a result of the review, the proposed Code of Conduct 2022-2025 is a significant variation from the 2019 Code adopted by Council, in structure and content. It seeks to achieve a more holistic and wide reaching approach to the conduct of Elected Members.
- 5.6 As above the Code can only be amended by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.
- 5.7 It is important to note that Part 7 of the Local Government Official Information and Meetings Act applies to all meetings of the Council and Community Boards, as well as to committees and sub-committees of those bodies. For that reason, it is considered appropriate that once approved by Council the Code be referred to the Te Awahou Foxton Community Board for consideration and adoption.

## 6. Options



- 6.1 Council is required to confirm the Code of Conduct as soon as practical under Clause 15 of Schedule 7 of the Local Government Act 2002. The options are:
- 6.2 Option 1: Adopt the proposed Code of Conduct 2022-2025 set out in Appendix 1 without change, as recommended to Council.
- 6.3 Option 2: Adopt the proposed Code of Conduct 2022-2025, with minor changes, noting that any changes must comply with the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.
- 6.4 Option 3: Do not adopt the proposed Code of Conduct 2022-2025 and retain the existing 2019 Code Council, noting that the 2022 code includes best practice updates and any related changes to legislation since 2019.

## 7. Next Steps

Once adopted, the new Code of Conduct will be updated on Council's website and shared with Councillors. It is important that if adopted, Councillors make themselves fully aware of their responsibilities and requirements to comply with the new Code.

## 8. Appendices

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# Code of Conduct

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## 1. Introduction

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

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the code.



## 2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

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

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

### 3. Values

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

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.<sup>1</sup>

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

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<sup>1</sup> See Code of Conduct Guide for examples.

## 4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

### 4.1. Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

### 4.2. Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

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

## 5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

### 5.1 Relationships between members

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

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

### 5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

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

### **5.3 Relationship with the public**

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

## 6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
  - Comments shall be consistent with the Code;
  - Comments must not purposefully misrepresent the views of the Council or the views of other members;
  - Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
  - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See Appendix A for guidelines on the personal use of social media).

## 7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

### 1. Confidential information

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

### 2. Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

## 8. Conflicts of Interest

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

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

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

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



## 9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

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

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

## 10. Ethical behaviour

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

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

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

## 11. Creating a supportive and inclusive environment

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

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.<sup>2</sup>
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

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<sup>2</sup> A self-assessment template is provided in the Guidance to the code.

## 12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### 12.1 Principles

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

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
  - Have a right to know that an investigation process is underway;
  - Are given due notice and are provided with an opportunity to be heard;
  - Have confidence that any hearing will be impartial;
  - Have a right to seek appropriate advice and be represented; and
  - Have their privacy respected.

### 12.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor/Chair or, where the Mayor/Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency agreed in advance.

Please note, only members and the Chief Executive may make a complaint under the code.

#### Complaint referred to Mayor/Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor/Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Assess the complaint to determine materiality.
- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who

will forward it, along with any recommendations made by the Mayor/Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.<sup>3</sup>

If the Mayor/Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

### **Complaint referred to Independent Investigator**

On receipt of a complaint from a member which concerns the Mayor/Chair, or from the Mayor/Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.<sup>4</sup> The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

## **12.3 Materiality**

An alleged breach under the Code is material if, in the opinion of the Mayor/Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor/Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

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<sup>3</sup> Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

<sup>4</sup> On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

## 13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

### 13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

## 13.2 Statutory breaches

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

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

## 14. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.



## Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

## Appendix B: Legislation bearing on the role and conduct of elected members

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

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

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

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

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

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

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

### Determining whether a pecuniary interest exists

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

*"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)*

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

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

- Could I apply to the Auditor-General for approval to participate?

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

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

### **The contracting rule**

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

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

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

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

*"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"*

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

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

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

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

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

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

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

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

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

### **Crimes Act 1961**

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

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

Elected members convicted of these offences will automatically cease to be members.

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

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

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

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

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

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

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

## Appendix C: Process where a complaint is referred to an independent investigator

*The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.*

### Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor/Chair) or from the Mayor/Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

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

### Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

### **Step 3: Actions where a breach is found to be non-material**

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor/Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

### **Step 4: Actions where a breach is found to be material**

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

### **Step 5: Process for considering the investigator's report**

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

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

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.



File No.: 22/578

## 6.3 Adoption of Committee Structure, Terms of Reference and Appointments to Committees and External Organisations

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### 1. Purpose

For Council to receive the committees established by His Worship the Mayor (HWTM) for the 2022-2025 triennium, and to confirm appointments to those committees, and to adopt the committees' Terms of Reference and Delegations.

### 2. Executive Summary

- 2.1 Following each triennial election the Mayor establishes the committee structure for Council and appoints the Chairs of these committees.
- 2.2 Council is required to agree on the membership of each committee, apart from the Chair, approve the meeting schedule(s) for the following year, and make appointments to Statutory Bodies, Community Groups/Associations and other organisations.
- 2.3 The proposed committee structure and membership includes independent members. A recruitment process will be undertaken to fill these positions.
- 2.4 These appointments are generally for the three-year term of Council unless more specifically stated as to the actual term of appointment.
- 2.5 It is also considered best practice for the Terms of Reference and Delegations for these committees to be adopted by Council.

### 3. Recommendation

- 3.1 That Report 22/578 Adoption of Committee Structure, Terms of Reference and Appointments to Committees and External Organisations be received.
- 3.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 3.3 That Council notes His Worship the Mayor's intention to establish the following committee structure under powers pursuant to Section 41A of the Local Government Act 2002 Amendment Act 2012:
  - Risk and Assurance Committee;
  - Community Wellbeing Committee;
  - Hearings and Regulatory Committee;
  - Chief Executive Employment and Performance Committee;
  - Community Funding and Recognition Committee.
- 3.4 The Council notes that the District Licensing Committee is established under section 186 of the Sale and Supply of Alcohol Act 2012.
- 3.5 That Council appoints Councillor Brannigan as Chair and Cr Tamihana as Deputy Chair of the District Licensing Committee under sections 189(2) and 189(3), respectively, of the Sale and Supply of Alcohol Act 2012
- 3.6 That Council notes the Committee structure as outlined in Appendix A of this report, pursuant to His Worship the Mayor's powers.
- 3.7 That Council adopts the appointments of Chair, Deputy Chair and members of all

committees as outlined in Appendix B of this report.




- 3.8 That Council appoints Kere Kere Ward Councillor Allan or Brannigan to the Te Awahou Foxton Community Board.
- 3.9 That Council notes that any elected member is welcome to attend the Te Awahou Foxton Community Board, and with the permission of its Chair may have speaking rights during the meeting.
- 3.10 That Council adopts the Terms of Reference and Delegations for these committees as outlined in Appendix C of this report.
- 3.11 That Council adopts the Appointments to Statutory Bodies, Community Groups and Associations as outlined in Appendix D of this report.
- 3.12 That Council notes the Chief Executive will facilitate a recruitment process to identify suitable candidates for appointment as independent members to committees as needed.

## 4. Discussion

- 4.1 Section 41A of the Local Government Act 2002 Amendment Act 2012 sets out Mayoral powers by which the Mayor can:
  - 3(b) establish committees of the territorial authority;
  - 3(c) appoint the Chairperson of each committee.
- 4.2 Following discussion with elected members the Mayor has exercised this power.
- 4.3 The rationale behind the committee structure is on the one hand to separate Council's regulatory functions from its non-regulatory functions, and to improve Council's decision making processes through the use of committees focusing on specific areas of Council's function on the other. Through the use of delegations to these committees, Council is able to effect an efficient and robust decision-making process. A copy of this Committee Structure is outlined in Appendix A of this report. Membership of these committees, including Chair and Deputy Chair, are outlined in Appendix B of this report.
- 4.4 Likewise the Terms of Reference and Delegations for committees require a resolution of Council. Terms of Reference and Delegations for committees have been prepared and are outlined in Appendix C of this report.
- 4.5 Council is also required to appoint one of the Kere Kere Ward Councilors as a member of the Te Awahou Foxton Community.
- 4.6 In making this appointment, it is noted that any Councilor is welcome to attend the Te Awahou Foxton Community Board meetings, and with the permission of the Chair, speak to the board during the meetings.
- 4.7 Within the Committee Structure outlined in Appendix A, a number of advisory groups are established titles steering groups or taskforces. These are not decision-making bodies, but are intended to assist Council in more interactive and engaged governance on key issue and priorities.
- 4.8 The District Licensing Committee and its Chair and Deputy Chair are included in the committee structure and Terms of Reference. However, it is noted that these are not established under the Local Government Act 2002, but under the Sale and Supply of Alcohol Act 2012. Additionally the provisions of Part 7 of the Local Government Official Information and Meetings Act 1987 do not apply to the District Licensing Committee.

## 5. Appendices

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## Horowhenua District Council Committee Structure 2022-2025

<b>Council Meeting</b>				Meets 6 Weekly Speaking Rights: Public Forum – ½ hour at beginning of each meeting Formal Agenda
<b>Chief Executive Employment and Performance Committee</b>	<b>Risk and Assurance Committee</b>	<b>Community Wellbeing Committee</b>		Meets 12 Weekly Formal Agenda
<b>Hearings and Regulatory Committee</b>	<b>Community Funding and Recognition Committee</b>	<b>District Licensing Committee</b>		Meets as required Formal Agenda
<b>District Plan Steering Group</b>		<b>Capital Projects Delivery Steering Group</b>		Meets 6 Weekly (1 hour) Informal Agenda – Formal Report to Council
<b>Ōtaki to North Levin and Towncentre Taskforce</b>	<b>Waste and Landfill Taskforce</b>	<b>Rating and Financing Review Taskforce</b>	<b>Three Waters Transition and Planning Taskforce</b>	Meets 6 Weekly (1 hour) Informal Agenda - Formal Report to Council

## Council and Committee membership 2022-2025

Meeting	Chair	Deputy Chair	Members
<b>Council</b>	Mayor Bernie Wanden	Councillor David Allan	All Councillors
<b>Risk and Assurance Committee</b>	Councillor Jennings	Councillor Olsen	Councillor Young Councillor Procter Councillor Grimstone Mayor Bernie Wanden Independent Members x 2
<b>Community Wellbeing Committee</b>	Mayor Bernie Wanden		Councillor Hori Te Pa Councillor Grimstone
<b>Chief Executive Employment and Performance Committee</b>	Mayor Bernie Wanden	Councillor Allan	Councillor Tukapua Councillor Olsen Councillor Jennings
<b>Hearings and Regulatory Committee</b>	Councillor Allan		Councillor Tukapua Councillor Tamihana Councillor Jennings Mayor Bernie Wanden
<b>Community Funding and Recognition Committee</b>	Councillor Tukapua		Councillor Boyle Councillor Allan Councillor Young Councillor Hori Te Pa Mayor Bernie Wanden
<b>District Licensing Committee</b>	Councillor Brannigan	Cr Tamihana	DLC Panel
<b>District Plan Steering Group</b>	Councillor Jennings		Councillor Tukapua Councillor Barker Councillor Tamihana Councillor Grimstone
<b>Capital Projects Delivery Steering Group</b>	Councillor Brannigan		Councillor Barker Councillor Jennings Councillor Boyle

D22/147133

			Councillor Olsen Independent Member
Ōtaki to North Levin and Towncentre Taskforce			
Waste and Landfill Taskforce			
Rating and Financing Review Taskforce			
Three Waters Transition and Planning Taskforce			

D22/147133



# Council and Committees Terms of Reference

**2022 - 2025**



**Version Control**

Version	Changes	Date
0.1	Document drafted – D22/147421	03/11/2022



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## Introduction

This document sets out the Terms of Reference and delegations for Horowhenua District Council and its committees.

The Council's business is wide-ranging, and it has obligations and powers under many statutes and regulations. It is not necessary for the full Council to deal with all matters itself, therefore committees are formed. In addition, delegation to officers via the Chief Executive, is necessary for the operation of the Council to be efficient and effective and achieve its objectives, and for its service delivery to be timely and successful.

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of council functions, duties and powers to Council committees. The Terms of Reference allow Council to ensure that its powers and functions are exercised with efficiency and effectiveness in order for good decision-making to take place.

## Establishment of Committees

Under section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

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

- a) A committee comprising all the members of the Council
- b) A standing committee or special committee appointed by the Council
- c) A standing committee or special committee appointed by the Mayor
- d) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act
- e) 2002
- f) Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
- g) A subordinate decision-making body, including Subcommittees and Forums.

The terms of reference and delegations to Committees and Subcommittees are set out in full in this document.

## Quorum

The terms of reference for each committee or subcommittee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if the number of members is even, and a majority of members if the number of members is odd. Vacancies are not included in calculating the quorum.

Appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

Ex officio members are not included in calculating the quorum but are counted towards the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present.

## Ambiguity and Conflict

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which Committee has the delegated authority to act in respect of a particular matter, the Mayor will decide in consultation with the Deputy Mayor and having received advice from the Chief Executive. The decision of the Mayor will be final and binding.

## 1. Council

COUNCIL	
Membership	13
External Membership	None
Quorum	7
Meeting Frequency	Six-weekly or as required

### 1.1. Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, officers or any other subordinate decision-making body.

*The power to:*

- a) make a rate
- b) make a bylaw
- c) borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan
- d) adopt a Long Term Plan or Annual Plan and Annual Report
- e) appoint a Chief Executive
- f) adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Governance Statement
- g) adopt a remuneration and employment policy
- h) approve or amend Council's Standing Orders
- i) approve or amend the Code of Conduct for elected members
- j) appoint and discharge members of committees
- k) establish a joint committee with another local authority or other public body
- l) make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

*In addition, Council can:*

- m) approve a proposed plan under the Resource Management Act 1991
- n) approve Council policy and strategy
- o) remove chairpersons of committees and subcommittees
- p) approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
- q) approve the Triennial Agreement
- r) approve the Local Governance Statement
- s) determine whether or how to fill any extraordinary Council vacancies
- t) make decisions on representation reviews
- u) appoint or remove trustees, directors or office holders to Council CCOs, COs or external bodies
- v) approve the recommendation of a hearings commissioner on a proposed plan, plan change or variation (including private plan change) and
- w) approve a proposed plan or a change to a district plan under clause 17 of the First Schedule.

## 2. Committee Terms of Reference

### 2.1. Risk and Assurance Committee

RISK AND ASSURANCE COMMITTEE	
<b>Membership</b>	Seven
<b>External Membership</b>	Two members to be appointed by Council
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	12 weekly
<b>Reports to</b>	Council

#### 2.1.1. Area of Focus

The purpose of the Risk and Assurance Committee is to contribute to improving the governance, performance, and accountability of the Horowhenua District Council by:

- a) Ensuring that the Council has appropriate financial, health and safety, risk management and internal control systems in place.
- b) Seeking reasonable assurance as to the integrity and reliability of the Council's financial and non-financial reporting.
- c) Providing a communications link between management, the Council and the external and internal auditors and ensuring their independence and adequacy.
- d) Promoting a culture of openness and continuous improvement.

#### 2.1.2. Terms of Reference

The Council delegates to the Risk and Assurance Committee the following responsibilities:

- a) To monitor the Council's treasury activities to ensure that it remains within policy limits. Where there are good reasons to exceed policy, this should be recommended to Council.
- b) To review the Council's insurance policies on an annual basis.
- c) To review, in-depth, the Council's annual report and if satisfied, recommend the adoption of the annual report to Council.
- d) To work in conjunction with Management in order to be satisfied with the existence and quality of cost-effective health and safety management systems and the proper application of health and safety management policy and processes.
- e) To work in conjunction with the Chief Executive in order to be satisfied with the existence and quality of cost-effective risk management systems and the proper application of risk management policy and processes, including that they align with commitments to the public and Council strategies and plans. This will incorporate a review of the strategic risks register annually and on a quarterly basis monitor the high risks and emerging risks through an in-depth review
- f) To provide a communications link between management, the Council and the external and internal auditors.

- g) To engage with Council's external auditors and approve the terms and arrangements for the external audit programme.
- h) To engage with Council's internal auditors and approve the terms and arrangements for the internal audit programme.
- i) To monitor the organisation's response to the external and internal audit reports and the extent to which recommendations are implemented.
- j) To engage with the external and internal auditors on any one-off assignments.
- k) To work in conjunction with management to ensure compliance with applicable laws, regulations standards and best practice guidelines, ensuring the evaluation and monitoring of the organisation's legislative compliance programme and systems.
- l) Evaluate and monitor business continuity policies and planning to provide assurance as to organisational readiness.
- m) Be aware of and monitor any legal proceedings involving potential or contingent liability.
- n) Monitor the continuous improvement recommendations that come out of key reviews (CouncilMARK, Section 17a Reviews or any other) to ensure key actions and recommendations are progressed.

### 2.1.3. Specific Delegations

Subject to any expenditure, having been approved in the Long Term Plan or Annual Plan the Risk and Assurance Committee shall have delegated authority to approve:

- a) Risk management and internal audit programmes.
- b) Terms of the appointment and engagement of the audit with the external auditor.
- c) Additional services provided by the external auditor.
- d) The proposal and scope of the internal audit.

In addition, the Council delegates to the Risk and Assurance Committee the following powers and duties:

- e) The Risk and Assurance Committee can conduct and monitor special investigations in accordance with Council policy, including engaging expert assistance, legal advisors or external auditors, and, where appropriate, recommend action(s) to Council.
- f) The Risk and Assurance Committee can recommend to Council:
  - i. Adoption or non-adoption of completed financial and non-financial performance statements.
  - ii. Governance policies associated with Council's financial, accounting, risk management, compliance and ethics programmes, and internal control functions, including the: Liability Management Policy, Treasury Policy, Sensitive Expenditure Policy, Fraud Policy, and Risk Management Policy.
  - iii. Accounting treatments, changes in generally accepted accounting practice (GAAP).
  - iv. New accounting and reporting requirements.

The Risk and Assurance Committee may not delegate any of its responsibilities, duties or powers.

## 2.2. Community Funding and Recognition Committee

COMMUNITY FUNDING AND RECOGNITION COMMITTEE	
<b>Membership</b>	Six
<b>External Membership</b>	None
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	As required
<b>Reports to</b>	Council

### 2.2.1. Area of Focus

The Community Funding and Recognition Committee is responsible for the effective allocation and monitoring of the Council's grants. In addition, the committee is responsible for considering applications and making recommendations for Civic Honours and Youth Excellence Scholarships.

### 2.2.2. Terms of Reference (delegations)

The Community Funding and Recognition Committee is responsible for the following areas:

- a) Approve the priorities for allocating grants within each grant fund annually
- b) Review the criteria, focus areas for grants funds, and make recommendations to Council prior to the finalisation of the Long Term Plan.

In fulfilling their role, all members shall be impartial and independent at all times.

#### 2.2.2.1. Community Grants and Funding

- a) To consider the allocation of community grants in line with the relevant grants criteria and priorities for:

- Community Development Grant
- Community Consultation Grant
- Heritage Fund
- Horowhenua Events Grant
- Rural Halls Grant
- Vibrant Communities Grant.

To consider the Community Wellbeing Strategy and the associated Action Plan priorities: Education, Positive Ageing, Youth, Arts, Culture & Heritage, Pride & Vibrancy, and Access & Inclusion when making funding recommendations:

- b) to make recommendations to Council for endorsement of funding allocations to specified applicants
- c) the criteria and focus areas for community grants funds will be reviewed by the Community Funding & Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

#### 2.2.2.2. Civic Honours and Special Awards

The Committee has the delegated responsibility to make decisions on behalf of Council with all decisions to be reported to Council (In-committee).

- a) to assess and consider applications for the following awards:
- Certificate of Recognition
  - Civic Honours
  - 50 Years' Service Award.

#### 2.2.2.3. Youth Excellence Scholarships

The Committee has the delegated responsibility to:

- a) assess and consider applications for Youth Excellence Scholarships and award in line with criteria and budget allocation
- b) make recommendations to Council (In-committee) for endorsement of funding to specified applicants.

#### 2.2.2.4. Tertiary Scholarships

Tertiary Scholarship recipients are selected in conjunction with the sponsoring Council Manager by whom the Scholarship recipient will be required to be supervised.

One member of the Community Funding & Recognition Committee and a Council Manager from the Group in which the scholarship applicant has applied to work will:

- a) assess and consider applications for Tertiary Scholarships and award in line with criteria and budget allocation.

The Committee will:

- b) review the scholarship criteria and make recommendations to Council each triennium.

All recommendations are reported to Council for endorsement.

#### 2.2.2.5. International Representation Grant

International Representation Grants are awarded on an ad-hoc basis throughout the year as individuals are offered opportunities for international representation. Grants are awarded within the allocated budget and in line with the grant criteria.

As individual applications are received, a Council officer will prepare a summary report and make a recommendation. This will be circulated to Committee members via email along with a copy of the application. Committee Members will:

- a) assess and consider applications and award in line with criteria and budget allocation
- b) make decisions on behalf of Council. Due to the at times, tight timeframes, it is not always practical to report to Council prior to awarding a grant
- c) All decisions will be reported to Council.



## 2.3. Hearings and Regulatory Committee

HEARINGS AND REGULATORY COMMITTEE	
<b>Membership</b>	Five
<b>External Membership</b>	None
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	Meets as required
<b>Reports to</b>	Council

### 2.3.1. Area of Focus

The Hearings Committee will consider and determine matters under these acts:

- Resource Management Act 1991
- Dog Control Act 1996

### 2.3.2. Terms of Reference (delegations)

The Hearings Committee has responsibility for and authority to:

1. undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or retained by Council
2. approve Council's list of Hearings Commissioners under the Resource Management Act 1991 (comprising qualified Councillors sitting as Hearings Commissioners and independent Commissioners)
3. review and agree the Council's guidelines for composition of hearings panels
4. conduct statutory hearings on regulatory matters such as Council Bylaws, matters under the Dog Control Act 1996, etc, and undertake and make decisions on those hearings (excluding Resource Management Act 1991)
5. hear and determine submissions and objections in relation to proposed changes to the operative District Plan
6. hear and determine submissions and objections in relation to any proposed District Plan or variation thereof
7. hear and determine any objections made under S 357 of the Resource Management Act (under which applicants may object to certain resource consent decisions made by officers under delegated authority)
8. hear and consider matters requiring a decision as a result of the special consultative process having been undertaken and make any decisions needed as a consequence, except the actual adoption, pertaining to the formulation and review of Policy and Bylaws
9. determine matters under any other legislation where a hearing process is necessary.

Note: 4. above does not preclude Committee Members dealing with matters under the Resource Management Act 1991.

## 2.4. Chief Executive Employment and Performance Committee

CHIEF EXECUTIVE EMPLOYMENT AND PERFORMANCE COMMITTEE	
<b>Membership</b>	Five
<b>External Membership</b>	None
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	12 Weekly
<b>Reports to</b>	Council

### 2.4.1. Area of Focus

The Chief Executive Employment and Performance Committee will have responsibility for the effective monitoring of the Chief Executive Officer's performance and has the authority to undertake the annual remuneration review. The Committee also has the role of undertaking any review for the purposes of clause 35 schedule 7 LGA 2002, making a recommendation under clause 34 schedule 7 LGA 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

### 2.4.2. Terms of Reference (delegations)

The Chief Executive Employment and Performance Committee will have responsibility and authority to:

1. Lead the Chief Executive recruitment process in accordance with best practice and the Local Government Act 2002, with the exception of the power to appoint a Chief Executive
2. Manage any employment dispute(s) that may arise
3. Agree with the Chief Executive the annual performance objectives
4. Undertake a six monthly review to assess progress against the performance objectives, provide constructive feedback and agree to any amendments to the objectives with the Chief Executive
5. Conduct a review at the end of the financial year to assess progress against the performance objectives and provide constructive feedback
6. Undertake the annual remuneration review and make recommendations regarding remuneration to Council.

The committee do not have delegations to conduct the following – These responsibilities sit with the role of the wider Council.

7. Undertake contract renewal/extension in accordance with the Local Government Act 2002
8. Negotiate and amend the terms and conditions of employment of the Chief Executive
9. Determine annual remuneration review decisions

## 2.5. Community Well-being Committee

COMIUNITY WELL-BEING COMMITTEE	
<b>Membership</b>	[to be decided]
<b>External Membership</b>	[to be decided]
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	[to be decided]
<b>Reports to</b>	Council

### 2.5.1. Area of Focus

The Community Wellbeing Committee brings together representatives from Council, government and non-government organisations, and community forums. The Committee will focus on population level results and indicators (rather than specific programme deliverables or client level results) and key action plans.

### 2.5.2. Terms of Reference

The Community Wellbeing Committee will have responsibility to:

1. Oversee the implementation of the Community Wellbeing Strategy and associated wellbeing action plans.
2. Determine the key population level results and indicators for the next 3 years, and monitor those
3. Receive reports from the Community Development Team that summarise target population group activity by Council and Council working groups
4. Receive six monthly reports from all member agencies regarding activity directed at target population groups and provision of data that relates to specified strategy indicators
5. Actively encourage coordination of members and their activities
6. Foster strategic collaborations and partnerships
7. Provide advice to Council officers on matters of community wellbeing in relation to specific target populations
8. Seek to collectively influence relevant public policy
9. Communicate Committee activity and information, to the public
10. Educate the public and community on wellbeing matters
11. Actively seek individual agency performance improvement, as well as "community wide" improvement
12. Encourage community based local solutions to local issues
13. Keep the wider community updated on progress towards the results sought across the Horowhenua District.

### 3. Te Awahou Foxton Community Board

TE AWAHOU FOXTON COMMUNITY BOARD	
<b>Membership</b>	Five plus Kere Kere Ward Councillor (one)
<b>External Membership</b>	None
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	12 weekly
<b>Reports to</b>	Council

#### 3.1. Purpose

The role of the Te Awahou Foxton Community Board is to:

- represent and act as an advocate for the interests of its community
- consider and report on matters referred to it by Council
- maintain an overview of services provided by Council within the community
- prepare an annual submission to Horizons Regional Council and Horowhenua District Council for expenditure within the community
- communicate and liaise with community organisations and special interest groups within the community on matters of interest and concern.

#### 3.2. Terms of Reference (delegations)

The Community Board shall:

- facilitate the Council's consultation with local residents and community groups on local issues including input into the Long Term Plan, Annual Plan and policies that impact on the Community Board area
- engage with Council Officers on local issues and levels of service, including infrastructure, parks and recreation, and community services matters.

Council will consult with the Board on all issues that impact on the Board's area and allow enough time for the Board's feedback to be considered before a decision is made.

The Community Board has responsibility for and authority to:

1. Make submissions to any organisation, including submissions on resource consents notified by Horowhenua District Council or Horizons Regional Council, relating to matters of interest within the Board's area. A copy of any submissions made should be copied to the Chief Executive.
2. Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to residents within its area.
3. Consider matters referred to it by Officers, Council or committees, including reports relating to the provision of council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This includes:
  - a. monitoring and keeping the Council informed of community aspirations
  - b. keeping Council informed about the level of satisfaction with services provided

- c. providing input to proposed District Plan changes that may impact on the Board's area
  - d. providing input into strategies, policies and plans
  - e. providing input to bylaw changes that impact on the Board's area.
4. Provide input and feedback to Council Officers on the following matters:
- a. local road work priorities
  - b. traffic management issues such as traffic safety, pedestrian crossings and street lighting
  - c. application of the Resource Management Act (including notification of decisions) within the Board's area
  - d. the Emergency Management needs of the area.

This input and feedback can be provided from the full Board or from a subcommittee of the Board.

The final decision on matters in No. 4, will be made by Council Officers acting under their delegated authority.

5. The Board shall formally report back to Council on its activities at each Council meeting via a written report of the Chairperson. The Chairperson will have speaking rights at each Council meeting.

## 4. Steering Groups and Task Forces

The bodies outlined in this section do not meet the definition of meeting under Part 7, clause 45 of the Local Government (Official Information and Meetings) Act 1987, as they are advisory or supervisory on nature and do not have any decision making power. They have been included in these terms of reference in the interests of openness and transparency. Each body set out in the following will be required to report to Council on their activities on a regular basis.

District Plan Steering Group	
<b>Membership</b>	Five
<b>External Membership</b>	None
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	6 weekly
<b>Reports to</b>	Council

Capital Projects Delivery Steering Group	
<b>Membership</b>	Five
<b>External Membership</b>	One
<b>Quorum</b>	Half the membership, or a majority of members if there is an odd number
<b>Meeting Frequency</b>	6 weekly
<b>Reports to</b>	Council

In addition to the two formal steering groups, Council is also establish Taskforce Groups. These groups are open to membership of all of Council, and are established with the intent to create an opportunity for more interactive and engaged governance on those four key areas of focus for Council:

Otaki to North Levin and Towncentre Taskforce

Waste and Landfill Taskforce

Rating and Financing Review Taskforce

Three Waters Transition and Planning Taskforce

The Taskforces do not require a formal quorum of Council. They will meet six weekly and will formally report in public to the next Council meeting.

## 5. District Licensing Committee

District Licensing Committee	
<b>Membership</b>	Three
<b>External Membership</b>	Up to two, drawn from a panel
<b>Quorum</b>	Three
<b>Meeting Frequency</b>	As required
<b>Reports to</b>	Statutorily independent

### 5.1. Purpose

The Sale and Supply of Alcohol Act 2012 (the Act) requires Council to appoint a District Licensing Committee to deal with licensing matters.

The District Licensing Committee is appointed to administer the Council's alcohol licensing framework, as determined by the Act.

### 5.2. Terms of Reference (delegations)

The functions of the District Licensing Committee are specified by the Act and include:

1. to consider and determine applications for licenses and manager's certificates
2. to consider and determine applications for renewal of licenses and manager's certificates
3. to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act
4. to consider and determine applications for the variation, suspension, or cancellation of special licenses
5. to consider and determine applications for the variation of licenses (other than special licenses) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence)

6. with the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority
7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act
8. any other functions conferred on licensing committees by or under the Act or any other enactment.

### **5.3. Reporting to Council**

An annual report on the proceedings and operations of the District Licensing Committee will be prepared and submitted to Council.

## Appointments to Statutory Bodies, Community Groups and Associations 2022- 2025

Statutory Bodies, Community Groups and Associations	Elected Member Appointment
Access and Inclusion	Cr Piri-Hira Tukapua
Horowhenua Crime Prevention Camera Trust	Cr Sam Jennings
Education Horowhenua	Cr Clint Grimstone
Foxton Beach Community Patrol Inc	Cr Ross Brannigan
Horizons Regional Council – Passenger Transport Committee	Cr Paul Olsen
Horizons Regional Council - Regional Transport Committee	HWTM Bernie Wanden
Horizons Regional Council – Road Safety Group	HWTM Bernie Wanden
Horowhenua Learning Centre Trust	Cr Clint Grimstone
Keep Horowhenua Beautiful Committee	Cr Nina Hori Te Pa
Lake Accord (He Hokioi Rerenga Tahi)	HWTM Bernie Wanden Cr Nina Hori Te Pa
Manawatu River Users Advisory Group	HWTM Bernie Wanden
Manawatu/Wanganui Regional Disaster Relief Fund Trust	HWTM Bernie Wanden
Manawātū-Wanganui Regional Civil Defence Emergency Management Group Governance Body	HWTM Bernie Wanden
Mayor's Task Force for Jobs	HWTM Bernie Wanden
Neighbourhood Support	Cr Mike Barker
Older Person's Network	HWTM Bernie Wanden
Save Our River Trust	Cr Justin Tamihana
Shannon Community Development Trust	Cr Paul Olsen
yEP	Cr Alan Young Cr Piri-Hira Tukapua Cr Rogan Boyle (alternate)
Youth Network	Cr Piri-Hira Tukapua Cr Alan Young

## Liaison to Statutory Bodies, Community Groups and Associations 2022-2025



<b>Statutory Bodies, Community Groups and Associations</b>	<b>Liaison</b>
Creative New Zealand	Cr Piri-Hira Tukapua Cr Alan Young
Foxton Beach Progressive Association	Cr Ross Brannigan
Hokio Progressive Association Inc.	Cr Jonathan Procter Cr Rogan Boyle
Horowhenua District Health Transportation Trust	Cr Clint Grimstone
Horowhenua Family Violence Intervention Programme Inc.	Cr Clint Grimstone
Horowhenua NZ Trust	Cr Piri-Hira Tukapua Cr Mike Barker
Skills4Living	Cr Nina Hori Te Pa
Levin Budget Service	Cr Clint Grimstone
Manakau District Community Association	Cr Jonathan Procter Cr Rogan Boyle
Mangaore Village Residents' Association	Cr Paul Olsen
National Museum of Audio Visual Arts & Sciences Trust Board	Cr Ross Brannigan
Shannon Progressive Association Inc.	Cr Paul Olsen
Te Waiora Community Health Centre	Cr Ross Brannigan
Te Whare Mahana Community Hub	Cr Nina Hori Te Pa
Thompson House Committee	Cr Nina Hori Te Pa
Waikawa Beach Ratepayers Association	Cr Jonathan Procter Cr Rogan Boyle
Waitāre Beach Progressive and Ratepayers Association Inc.	Cr Rogan Boyle Cr Jonathan Procter



File No.: 22/590

## 6.4 Recruitment of Independent Members to Council Committees

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### 1. Purpose

To obtain Council's agreement to undertake recruitment of suitable candidates for appointment as independent members of Council Committees.

### 2. Executive Summary

- 2.1 In adopted is Terms of Reference for 2022-2025 the Horowhenua District Council has identified three positions for independent members to sit on Council Committees.
- 2.2 This report identifies the process that will be followed, and foreshadows the development of policy on the selection, appointment and remuneration of independent members for Council to consider at a later date.

### 3. Recommendation

- 3.1 That Report 22/590 Recruitment of Independent Members to Council Committees be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council asks the Chief Executive, in consultation with the Mayor, Deputy Mayor and the Chair of the Risk and Assurance Committee, to facilitate a recruitment process to identify suitable candidates for appointment as independent members to its committees.
- 3.4 That Council asks the Chief Executive to bring a report no later than of shortlisted of candidates for appointment to Council for consideration no later than 1 February 2023.

### 4. Background / Previous Council Decisions

- 4.1 The Council's Terms of Reference identifies three positions to be filled by independent members.
- 4.2 The Council does not currently have a policy on the selection, appointment and remuneration of independent members.
- 4.3 Previous Councils have empowered the Chief Executive to undertake a recruitment process in consultation with the Mayor to seek suitable candidates for appointment.


### 5. Discussion


- 5.1 The Council's Terms of Reference provide for independent members to be appointed to the Risk and Assurance Committee (two members) and the Capital Projects Delivery Steering Group. The Steering Group appointment will be one of the Risk and Assurance Committee independent members.
- 5.2 The Chief Executive, in consultation with the Mayor and Chair of the Risk and Assurance Committee will facilitate a recruitment process to identify suitable candidates for appointment, and will bring a paper back to Council to formalise those appointments.
- 5.3 A position outline for an Independent Member is included in Appendix A and sets the desired skills and abilities of any potential appointment.

- 5.4 The Chief Executive will also develop a formal policy for Council to consider setting out the process for selection, appointment and remuneration of independent members for the Council to follow in future.

## 6. Appendices

No.	Title	Page
A1	Position outline Independent Member to the Risk & Assurance Committee - 2022-2025	149

Author(s)	Grayson Rowse <b>Principal Advisor - Democracy</b>	
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Approved by	Monique Davidson <b>Chief Executive Officer</b>	
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## Position outline: Independent Member

Title	Independent Member of the Risk and Assurance Committee
Date	04/11/2022

### Position purpose

To provide independent scrutiny on the Risk and Assurance Committee for the term of appointment, which is for three years to coincide with the current Council triennium from 2019-2022.

This is a strategic and significant governance role with accountability for overseeing the organisations risk management, internal control and financial management practises.

This role will play an important role in the governance and effectiveness of the Council's:

- Financial and non-financial performance
- Treasury
- Annual reporting
- Internal and external financial controls
- Significant risks including legal risks

The role has full voting rights for this committee.

### Competencies

Competencies	Description
Governance Experience	<p>General Requirements</p> <ul style="list-style-type: none"><li>• Understands Local Government obligations, financial, legal and risk</li></ul> <p>Specific Requirements</p> <ul style="list-style-type: none"><li>• Board/ Governance Experience.</li><li>• Understanding and respecting the differing roles of Mayor, Deputy Mayor, committee chairs, subcommittee chairs and councillors</li><li>• Recognising that the governance role does not extend to operational matters or to the management of any implementation</li><li>• Developing and maintaining a working knowledge of Council services, management processes, powers, duties and constraints that fall under the Risk and Assurance Committee's delegated areas of responsibility</li><li>• Being familiar with and complying with the statutory requirements of a subcommittee member including appropriate recordkeeping in accordance with the Public Records Act 2005 and the Local Government Official Information and Meetings Act 1987</li><li>• Compliance with the principles of the Elected Members Code of Conduct adopted by the Council</li></ul>
Leadership and Strategic Experience	<p>General Requirements</p> <ul style="list-style-type: none"><li>• Strategic and leadership experience within a significant and complex organisation</li></ul>

Competencies	Description
	<ul style="list-style-type: none"> <li>Strategic leadership roles in the field/sector</li> </ul> <p>Specific Requirements</p> <ul style="list-style-type: none"> <li>Committed to promoting the long term effectiveness of the Risk and Assurance Committee</li> <li>Risk and Assurance Committee, or similar, experience</li> </ul>
Te Tiriti	<p>General Requirements</p> <ul style="list-style-type: none"> <li>Understanding of, or a commitment to develop capability, with respect to Te Tiriti</li> </ul>
Relevant Technical Experience	<p>General Requirements</p> <ul style="list-style-type: none"> <li>Knowledge and understanding of the Local Government sector</li> <li>Knowledge, experience in Audit, Risk and Assurance</li> </ul> <p>Specific Requirements</p> <ul style="list-style-type: none"> <li>Proven experience in reviewing and analysing both financial and non-financial reports</li> <li>Local Government experience preferred</li> <li>The ability to ask relevant and pertinent questions, and evaluate the answers</li> <li>Understanding of the development and oversight of Treasury Management policy and the interaction with the LGFA</li> <li>Risk management experience</li> <li>Business acumen</li> </ul>
Financial	<p>General Requirements</p> <ul style="list-style-type: none"> <li>Financial acumen and literacy</li> </ul> <p>Specific Requirements</p> <ul style="list-style-type: none"> <li>Chartered Accountant or equivalent</li> </ul>
Legal	<p>General Requirements</p> <ul style="list-style-type: none"> <li>Broad legal knowledge and experience relevant</li> </ul>

### Personal Attributes

Personal Attributes	Description
Integrity	<ul style="list-style-type: none"> <li>High organisational ethics, Accepts collective responsibility, confidentiality</li> <li>Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.</li> </ul>

<b>Personal Attributes</b>	<b>Description</b>
Communication	<ul style="list-style-type: none"> <li>• Listens actively and accurately, encourages input from others, debates in reasoned and calm way</li> <li>• Ability to communicate complex and technical information to lay people</li> </ul>
Decision Making	<ul style="list-style-type: none"> <li>• Sophisticated, analytically based decision making, intellectual rigour</li> <li>• Broad perspective - both short and long term, fully considers options</li> </ul>
Teamwork/ Collaboration	<ul style="list-style-type: none"> <li>• Actively participates in and facilitates team effectiveness of the Committee</li> <li>• Works productively and openly with colleagues</li> <li>• An appreciation of the public entity's culture and values, and a determination to uphold these</li> <li>• A proactive approach to advising the governing body and Chief Executive of matters that require further attention</li> <li>• Supports the decision of the Committee outside</li> </ul>
Leadership	<ul style="list-style-type: none"> <li>• Proven skills and willingness to take leadership role</li> <li>• Demonstrated leadership or service within the Finance/ Audit profession</li> </ul>
Geographic Considerations	<ul style="list-style-type: none"> <li>• Prefer someone based in Horowhenua/Manawatu/Kapiti/Wellington area</li> </ul>





File No.: 22/585

## 6.5 Adoption of Meeting Schedule

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### 1. Purpose

To seek Council's approval of the proposed meeting schedule of Council and its committees for the period from 17 November 2022 to 31 December 2023

### 2. Executive Summary

Council is required to hold meetings as outlined in Schedule 7, Clause 19(1) of the Local Government Act 2002. This report outlines the proposed meeting schedule for the remainder of 2022 and all of 2023.

### 3. Recommendation

- 3.1 That Report 22/585 Adoption of Meeting Schedule be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council notes the following meeting dates for the remainder of 2022
  - Council - 1.00pm Wednesday 23 November 2022
  - Council - 1.00pm Wednesday 14 December 2022
- 3.4 That Council adopts the schedule of meetings for the committees of Council for the period January to December 2023 based on a 12-week cycle as set out in Appendix A.
- 3.5 That Council notes that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.
- 3.6 That Council notes that meeting times for other committees and subcommittees will be formally notified when they are required in accordance with the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

### 4. Background / Previous Council Decisions

- 4.1 As outlined in Schedule 7, Clause 19(1) of Local Government Act 2002, Horowhenua District Council must hold meetings that are necessary for the good governance of Horowhenua District.
- 4.2 It is good practice for Council to adopt a schedule of meetings for the following calendar year. This will allow the business of the Council to be conducted in an orderly and transparent manner, thus enabling an open democratic process, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987.
- 4.3 From time to time urgent matters will come up that require the attention of Council, but cannot wait until the next meeting. When this occurs an Extraordinary meeting may to consider the matter. The notification requirements for these is at least three business days before the meeting is held. In emergency situations, an emergency meeting may be called with notification no less than 24 hours before the meeting.
- 4.4 A schedule also allows for elected members to plan their commitments over the year.




- 4.5 The yearly meeting schedule is based on a 12-weekly meeting cycle.
- 4.6 The commencement time for all meetings will be 1.00pm unless otherwise stated.
- 4.7 Attached in Appendix A is the meeting schedule to be adopted.

## 5. Next Steps

Once confirmed officers will schedule these meetings in Elected Members calendars. Papers for these meetings will be available no less than three business days prior to the meeting being held. Public notice will be given in accordance with the Local Government Official Information and Meetings Act 1987.

## 6. Appendices

No.	Title	Page
A.1	Council and committee meeting schedule - 2023	155

Author(s)	Grayson Rowse <b>Principal Advisor - Democracy</b>	
	Monique Davidson <b>Chief Executive Officer</b>	
Approved by	Monique Davidson <b>Chief Executive Officer</b>	

## Horowhenua District Council – Council & Committee Meeting Schedule 2023



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Council</b> Frequency: 6-weekly 1:00pm Wednesday	-	1	15	26	9, 10 & 11 (LTP)	7, 21 & 28 (LTP)	19	30	-	11	22	-
<b>Committees of Council</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Risk and Assurance Committee</b> Frequency: 12-weekly 1:00 pm Wednesday	-	-	01	-	24	-	-	16	-	-	08	-
<b>Community Wellbeing Committee</b> Frequency: 12-weekly 1:00 pm Wednesday	-	-	-	05	-	28	-	-	20	-	-	13
<b>Chief Executive Employment and Performance Committee</b> Frequency: 12-weekly 1:00 pm Wednesday	-	-	01	-	24	-	-	16	-	-	08	-
<b>Steering Groups and Task Forces</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>District Plan Steering Group – Ōtaki to North Levin and Town Centre Taskforce – Waste and Landfill Taskforce</b> Frequency: 12-weekly 12:00 pm Wednesday – each for one hour	-	15	-	-	10	-	-	2	-	25	-	-
<b>Capital Projects Delivery Group – Rating and Financing Review Taskforce – Three Waters Transition and Planning Taskforce</b> Frequency: 12-weekly 12:00 pm Wednesday – each for one hour	-	-	29	-	-	21	-	-	13	-	-	06

D22/147533



File No.: 22/586

## 6.6 Confirmation of Elected Member Remuneration

### 1. Purpose

To seek approval from Council to submit to the Remuneration Authority, the proposed remuneration rates, as per the 2022/23 Determination.

### 2. Executive Summary

- 2.1 At the beginning of each triennium, the Remuneration Authority sets a governance remuneration pool and a minimum level of remuneration for Councillors.
- 2.2 Council is then required to allocate the remuneration pool amongst councillors, considering matters such as positions of responsibility that individual councilors may hold, including that of Deputy Mayor.
- 2.3 The remuneration pool must be fully allocated.
- 2.4 Once allocated, the proposal is retune to the Remuneration Authority for their final determination.

### 3. Recommendation

- 3.1 That Report 22/586 Confirmation of Elected Member Remuneration be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 The Council notes the Remuneration Authority has allocated a governance remuneration pool of \$514,833 and that this pool must allocated as remuneration to elected members in its entirety.
- 3.4 That Council approves the follow remuneration be submitted to the Remuneration Authority for a final determination:

Position	Amount
Deputy Mayor	\$65,806
Chairperson – Risk and Assurance Committee	\$50,322
Chairperson – Community Funding & Recognition Committee	\$46,451
Chairperson – Capital Projects Delivery Group	\$42,580
Councillor x8 positions at \$38,709 each	\$309,674
TOTAL (rounded up)	\$514,833

### 4. Background / Previous Council Decisions

- 4.1 The Remuneration Authority through the Local Government Members Determination sets remuneration for elected members in local government. The Determination covers all New Zealand councils, both territorial and regional, and their community and local boards, and is specific to each Council.

- 4.2 Since the 2019 local government elections, a 'governance pool' has been allocated by the Remuneration Authority to each council and aligned with the ranking of the council on the size index.
- 4.3 The governance pool provides the total amount that must be allocated in remuneration to Councillors in each individual Council (aside from the Mayor, whose remuneration will be determined by the Authority).

## 5. Discussion

- 5.1 The Horowhenua District Council Determination for the year 2022/23, which applies from 1 July 2022 to 30 June 2023, was notified in the New Zealand Gazette on 9 June 2022. The determination can be accessed here: [Local Government Members \(2022/23\) Determination 2022 \(SL 2022/178\) \(as at 25 August 2022\) Schedule 2 Remuneration from 2022 election of members – New Zealand Legislation](#)

- 5.2 This determination included the remuneration rates applicable after the 2022 local body elections.
- 5.3 The setting of remuneration following the election occurs in two phases.

### Phase One - Remuneration following the 2022 local government elections

- 5.4 The Remuneration Authority sets a remuneration pool for the Horowhenua District Council – this is \$514,833
- 5.5 Effective from the day after official declaration of results, the Mayor and all Councillors will be paid the rates prescribed in the 2022 Determination for Horowhenua District Council:

Mayor	\$141,395
Councillor (Minimum allowable remuneration)	\$33,456

- 5.6 Effective from the day after official declaration of results, the Te Awahou Foxton Community Board Chair and members will be paid the rates prescribed in the 2022 Determination for Horowhenua District Council:

Te Awahou Foxton Community Board, Chairperson	\$12,518
Te Awahou Foxton Community Board, Member	\$6,259

### Phase Two - Implementing the Governance remuneration pool

- 5.7 The Council determines how the remuneration pool will be distributed. The Council will make the decision regarding remuneration of positions of responsibility and will also need to decide on the base remuneration for Councillors with no position/s of responsibility.
- 5.8 The pool enables extra remuneration to be paid to Councillors who take on additional responsibilities, for example deputy mayors or committee chairs/deputy chairs. The pool cannot be used to pay allowances and is required to be fully distributed to elected members.
- 5.9 The Remuneration Authority has advised, through its Determination, that the annualised value of the pool to be allocated by Horowhenua District Council in the 2022/23 year is \$514,833. This excludes the Mayoral salary, which is fixed and sits outside the pool.
- 5.10 Councils are required to submit their decisions to the Remuneration Authority for approval. The Authority then issues a new Determination. The Authority advises that the decision on allocation of the governance pool must be received by them by Wednesday 16 November so the approved rates can be included in the pre-Christmas determination. If not received by the 16 November, the next opportunity the Authority has to issue an amended determination will not be until March 2023.
- 5.11 Regardless of the Determination date, all remuneration changes will be backdated to the effective date. Approved base remuneration rate for Councillors without positions of responsibility will be backdated to the day after the date on which the official election results

were declared. Approved remuneration rates for the positions of responsibility will be backdated to the day after the council formally voted to confirm its recommendations.

**Position Ratios**

- 5.12 In setting the allocation of the remuneration pool, consideration has been given the various positions of responsibility around the table. The Deputy Mayor a significantly higher workload than councillors generally because of the additional responsibilities. Similarly, the Chairs of committees have additional responsibilities because of their role, as do Steering Group Chairs but not to the same extent.
- 5.13 The additional weighting, over and above a councillors base rate for the positions of additional responsibility are:

Position	Weighting
Chairperson – Steering Group	+0.1
Chairperson – Council committee	+0.2
Deputy Mayor	+0.5
Weightings are applied cumulatively	

- 5.14 The proposed remunerations rates are set out below. The Remuneration Authority had set a minimum remuneration rate for Councillors of \$33,456; the reallocation of the pool results in a 15.7% increase on the base rate for Councillors, to a rate of \$38,709 per annum.

Position	Ratio to Councillor Base Remuneration	Councillor Base Rate	Total
Minimum Councillor Rate		\$33,456	
Councillor	1	\$38,709	\$38,709
Chairperson – Capital Projects Delivery Steering Group	1.1	\$38,709	\$42,580
Chairperson – Community Funding & Recognition Committee	1.2	\$38,709	\$46,451
Chairperson - Risk and Assurance Committee, and, Chairperson – District Plan Steering Group	1.3	\$38,709	\$50,322
Deputy Mayor including Hearings and Regulatory Committee Chairperson	1.7	\$38,709	\$65,806

- 5.15 The following table sets out the proposed remuneration rates for elected members, to be submitted to the Remuneration Authority for a final determination to be made:

Position	Amount
Deputy Mayor	\$65,806
Chairperson – Risk and Assurance Committee	\$50,322
Chairperson – Community Funding & Recognition Committee	\$46,451
Chairperson – Capital Projects Delivery Group	\$42,580
Councillor x8 positions at \$38,709 each	\$309,674
TOTAL (rounded up)	\$514,833

## 6. Options

- 6.1 Option 1: Council can adopt the proposed remuneration structure as outlined at 5.15. Offices will then forward the proposed remuneration structure to the Remuneration Authority for their consideration. The Remuneration Authority will issue a revised determination for Horowhenua District Council prior to Christmas confirming these proposed rates. Adjustment and back payments can then be made in December.
- 6.2 Option 2: Councillors can make changes to the proposed remuneration structure today, and officers can forward the revised remuneration structure to the Remuneration Authority for determination and action prior to Christmas.
- 6.3 Option 3: Reject the proposed remuneration structure and ask officer to come back with further proposals for consideration. Any further proposal that considered and adopted will need to be considered and determined by the Remuneration Authority. The Authority advises that any proposal received after 16 November 2022 will not be considered until the New Year and any determination will not be issued until late February or early March.

## 7. Next steps

- 7.1 If the proposed structure is adopted by Council today, officers will present the proposal to the Remuneration Authority for their determination. The Authority will gazette the determination on Thursday 22 December 2022 for proposals received by 16 November 2022.
- 7.2 Once adopted, councillors' remuneration will be recalculated and backdated to:
- for a councillor with no additional responsibilities, the proposed remuneration will take effect for the day after the date on which the official election result were declared; and
  - for a councillor with positions of additional responsibilities, the proposed remuneration will take effect from that day after the council formally votes on those positions.




### **Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## 8. Appendices

There are no appendices for this report

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	Monique Davidson <b>Chief Executive Officer</b>	
Approved by	Monique Davidson <b>Chief Executive Officer</b>	



## 7.1 Council Forward Work Programme

File No.: 22/587

### 1. Purpose

To provide Council with a preview of items to be brought to future Council meetings.

### 2. Recommendation

- 2.1 That Report 22/587 Council Forward Work Programme be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

### 3. Background/Previous Council Decisions

This report identifies the subject matter of reports currently scheduled to be brought to Council for consideration.

### Attachments



No.	Title	Page
<a href="#">A</a>	Council Work Programme - November 2022	162

#### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	Monique Davidson <b>Chief Executive Officer</b>	
Approved by	Monique Davidson <b>Chief Executive Officer</b>	

## Council Work Programme 2022

	Completed
	In progress
	Transfer
	Off track

	Topic	Planned date	Open	Dec.	Status	Note
1.	Confirmation of Minutes	16/11/22	Y	Y		
2.	Adoption of Standing Orders	16/11/22	Y	Y		
3.	Adoption of Code of Conduct	16/11/22	Y	Y		
4.	Adoption of Committee Structure, Terms of Reference and Appointments to Committees and External Organisations	16/11/22	Y	Y		
5.	Adoption of meeting schedule	16/11/22	Y	Y		
6.	Confirmation of Elected Members Remuneration	16/11/22	Y	Y		
7.	Adoption of meeting schedule	16/11/22	Y	Y		
8.	Council forward work plan	16/11/22	Y	N		
9.	Confirmation of Minutes	14/12/22	Y	Y		
10.	Actions Monitoring Report	23/11/22	Y	N		
11.	Financial Decisions Paper	23/11/22	Y	Y		
12.	Organisation Performance Report	23/11/22	Y	N		
13.	Donnelly Park Renewals – Moving Budget Forward	23/11/22	Y	Y		
14.	Halliwell Turf – Advanced Payment for Renewals	23/11/22	Y	Y		
15.	Levin Adventure Park Lease	23/11/22	Y	Y		
16.	Future of Levin Landfill on Long Term Plan Process	23/11/22	Y	Y		
17.	3 Waters Renewal Contract – Kings Drive	23/11/22	N	Y		
18.	Procurement Plan	23/11/22	N	Y		
19.	3 Waters Maintenance Alliance Contract	23/11/22	N	Y		
20.	Mayoral Report	23/11/22	Y	N		
21.	Confirmation of Minutes	14/12/22	Y	Y		
22.	Oxford Street Plane Trees	14/12/22	Y	Y		
23.	Actions Monitoring Report	14/12/22	Y	N		

D22/147372

Last update: 8-Nov-22