



PALMERSTON NORTH CITY COUNCIL

STANDING ORDERS

ADOPTED BY COUNCIL 28 OCTOBER 2020
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PALMERSTON NORTH CITY COUNCIL

STANDING ORDERS

Adopted by Council 28 October 2020

Effective from 1 November 2020

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;
- Actively encourage and support the expression of tikanga Māori during engagement processes and formal meetings by the Council as a reflection of its bicultural commitment;
- Actively encourage the expression of cultural identity through engagement processes and formal meetings of Council, thereby demonstrating Council's commitment to inclusivity of all parts of our community.
- 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 Local Government Act 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 s39

References

LGA 2002	Local Government Act 2002
LGOIMA 1987	Local Government Official Information and Meetings Act 1987
LAMIA 1968	Local Authorities (Members' Interests) Act 1968
RMA 1991	Resource Management Act 1991
Contract and Commercial Law Act 2017	

PART 1: GENERAL INTRODUCTION

1.1 SCOPE AND GENERAL

This document sets out standing orders for the conduct of proceedings at meetings of Palmerston North City Council. It incorporates provisions in the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 and will be amended when required.

These standing orders are presented in three parts.

Part 1 is the general introduction,

Part 2 covers meeting procedures, and

Part 3 relates to constitutional and legislative matters,

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

For the 2019-2022 Council Term, the Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members will apply to the following committees:

- Finance & Audit Committee
- Infrastructure Committee
- Planning & Strategy Committee
- Arts, Culture & Heritage Committee
- Community Development Committee
- Economic Development Committee
- Environmental Sustainability Committee, and
- Play, Recreation & Sport Committee

1.2 STATUTORY REFERENCES

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases, the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made.

Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 DEFINITIONS

Advisory group means a group of people convened by Council for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups.

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'.

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

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

Briefing means in the context of these standing orders, a gathering of elected or appointed members for the purpose of being updated on matters of importance to the Council at which no decisions are made and no directions are being sought. These standing orders do not apply. Briefings may include non-elected members.

Chief Executive means the Chief Executive of Palmerston North City Council appointed under section 42 of the LGA, and includes, for the purposes of these standing orders, any other staff member authorised by the Chief Executive.

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

Committee includes, in relation to Council:

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

Council means, in the context of these standing orders, either the governing body of Palmerston North City Council or the Palmerston North City Council as defined by section 5 of the LGA.

Karakia Timatanga is a contemplation at the beginning of a gathering which allows the people involved to focus on the matters in hand, in a way that is respectful of each other, and in union with the ancestors and spiritual powers.

Karakia Whakamutunga is an expression of gratitude at the end of a gathering for the contributions of those involved and what has been achieved. It also serves to clear away any ill feeling that may have arisen.

Karanga is a ceremonial call performed by women who are skilled in this art form. Karanga addresses the occasion in which it is performed, including formal pōwhiri (both host, and visitor response), whakanui and other ceremonial gatherings.

Mayor means the Mayor of Palmerston North City Council elected under the Local Electoral Act 2001.

Meeting means any inaugural, ordinary, or extraordinary meeting of Council; and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Council, as defined by LGOIMA.

Member means any person elected or appointed to the Council or a committee of the Council.

Mihi Whakatau is usually a short welcome to those gathered, acknowledging the environment of the gathering, elders present, groups represented, and the kaupapa of the gathering.

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 once it has concluded. Secret ballots are specifically excluded.

Ordinary meeting means any meeting publicly notified by the Council in accordance with sections 46(1) and (2) LGOIMA.

Petition means a request to Council which contains at least 20 individual signatures and consists of fewer than 150 words (not including signatories).

Pōwhiri is a formal welcome by a host group to a visiting group, adhering to protocol of Tangata Whenua. This will usually involve karanga and oratory. Pōwhiri is usually employed for more formal occasions.

Presentation means a request from any person or group to speak to Council or a committee which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Public excluded information means confidential Information which is withheld from the public because it meets the requirements of sections 6 or 7 of LGOIMA.

Public excluded session refers to those meetings or parts of meetings from which the public is excluded by Council or a committee of Council as provided for in LGOIMA.

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

Publicly notified means notified to members of the public by notice contained in some newspaper circulating in the district of the Council and on the Council's website and social media platforms.

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 to constitute a valid meeting.

Steering Group means a group set up by Council to oversee a project and provide advice as defined in their terms of reference, and to which these standing orders do not apply.

A steering group usually meets at key stages during the course of a project and influences strategic decisions. They may consist of members of the Council and non-members.

Tikanga Māori are Māori customary practices or behaviours. The concept is derived from the Māori word 'tika' which means 'appropriate' or 'correct' so, to act in accordance with tikanga is to behave in a way that is culturally appropriate.

Whakanui is an acknowledgement of something important. This could be the beginning or completion of a project, paying tribute to someone who is leaving, or honouring an individual or group for outstanding achievement. In tikanga Māori this might include speeches, waiata, karakia karanga and possibly a presentation of something special to mark the occasion.

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, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- b. The day observed 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 Council wish to meet between the 20th of December and the 10th 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 group means a group set up by Council 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 or appointed members for the purpose of considering matters of importance to the Council at which a direction is sought but no decisions are made. These standing orders do not apply. Workshops may include non-elected members.

1.4 APPLICATION OF STANDING ORDERS

1.4.1. Application of Standing Orders

These standing orders extend to the proceedings of all Council meetings and of all committees and subcommittees of Palmerston North City Council, including public excluded sessions.

For the removal of any doubt these standing orders do not apply to workshops, briefings or meetings of working groups and advisory groups.

1.4.2. Quasi-judicial proceedings

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

1.4.3. Chairperson's Discretion

Unless specifically outlined in these Standing Orders, the Chairperson has the discretion to manage the meeting and will determine the acceptable conduct of members and other attendees, as they see fit.

1.5 RIGHTS OF MEMBERS

1.5.1. Rights of Elected Members

Elected Members are entitled:

- a. To receive notices of meetings, agendas and minutes of meetings for all committees and subcommittees, regardless of whether or not they are members of the committee or subcommittee concerned. Such documents to include full details of confidential items.
- b. To be present at all meetings of committees and subcommittees (except when 1.5.2 applies), regardless of whether or not they are members of the committee or subcommittee concerned and regardless of whether or not the public are excluded pursuant to the provisions of LGOIMA.

1.5.2. Exception for the Hearings Committee and Panels

Elected Members who are not members of the Hearings Committee have the same right to attend meetings as members of the public, they do not have the right to attend the public excluded session.

Only members of the Hearings Committee or panels will have speaking and voting rights.

1.5.3. Extension of right to vote to non-committee members

Elected Members are entitled to move, second and vote on motions (including procedural motions) before a committee or subcommittee, if present, regardless of whether or not they are members of that committee or subcommittee.

Standing order 1.5.3 applies only to those committees and subcommittees which have been approved for this purpose by Council.

NOTE: The Council has resolved that Standing Order 1.5.3, relating to the extension of rights to vote to non-committee members, apply to the following committees for the 2019-2022 term of Council:

- Finance & Audit Committee
- Infrastructure Committee
- Planning & Strategy Committee
- Arts, Culture & Heritage Committee
- Community Development Committee
- Economic Development Committee
- Environmental Sustainability Committee, and
- Play, Recreation & Sport Committee

1.5.4. Restrictions on non-committee members

Non-committee members are not eligible for appointment as chairperson or deputy chairperson for the committee or subcommittee concerned nor will be counted as part of the quorum of any meeting of that committee or subcommittee.

1.5.5. Rights not extended to Appointed Members

The rights given under standing orders 1.5.1 and 1.5.3 do not extend to appointed members of Council committees.

1.6 USE OF INFORMATION

1.6.1. Chief Executive to decide on supply of information

Public excluded information required by members in the performance of their particular duties as members must be supplied to them by the Chief Executive. Where the Chief Executive is uncertain that public excluded information should be supplied in any particular case, the matter must be referred to the chairperson for direction.

1.6.2. Information to be used properly

No information obtained by any member, including pursuant to standing order 1.6.1, will be used for any purpose other than for the proper discharge of duties as a member.

1.6.3. Reporting of information misuse

Where the Mayor has reasonable grounds for believing that public excluded information provided to any member has been misused, the Mayor may advise this and any proposed action to the Council.

PART 2: MEETING PROCEDURES

2.1. CONDUCT OF MEETINGS

2.1.1 Addressing the Chairperson

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

2.1.2 Chairperson to decide

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

2.1.3 Chairperson rising

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

2.1.4 Member's right to speak

Members granted the right to speak at Council meetings are to stand and address the Chairperson, when able to do so, and may not leave their place while speaking without the leave of the Chairperson.

Members may remain seated when speaking at committee or subcommittee meetings.

2.1.5 Chairperson may prioritise speakers

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

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

2.1.6 Language

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

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

2.1.7 Meeting duration

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

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

2.1.8 Public may record meetings

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

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

2.2. SUSPENSION OF STANDING ORDERS

2.2.1 Temporary suspension

The Council or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting.

The reason for the duration of the suspension and the specific standing order(s) suspended must be stated in the resolution of suspension (**see Standing Order 3.1.3**).

LGA 2002 Schedule 7. Cl.27(4)

2.2.2 Limits on Temporary suspension

Standing Order 2.21 cannot be used to suspend:

- a. Any standing order that is included in these standing orders as a legal requirement under any Act of Parliament or Statutory Regulation; and
- b. Standing Order 1.5.3 (Extension of Right to vote to non-committee Members) or any part of that standing order.

2.3. DISORDERLY BEHAVIOUR

2.3.1 Disorderly members to withdraw

Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any

such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine.

2.3.2 Behaviour consistent with Code of Conduct

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

2.3.3 Withdraws and apologies

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

2.3.4 Withdrawal from meeting

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.

2.3.5 Disorder in meeting

The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.

2.3.6 Use of offensive or malicious language

Any member having used offensive or malicious language at a meeting who does not retract or apologise, may thereupon, by resolution of the meeting, be held guilty of contempt.

2.3.7 Members may be held in contempt

Any member making a disturbance or creating disorder whilst any other member is speaking or at any other time during a meeting and who refuses, when called upon by the Chairperson to desist, may thereupon by resolution of the meeting be held guilty of contempt (see Standing Order 2.3.9).

2.3.8 Adjournment of meeting following disorder

Should the disorder of a member continue, the Chairperson has the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting must resume and decide without debate the question as to whether the meeting will proceed or be adjourned. The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

2.3.9 Contempt to be recorded in minutes

Every member held guilty of contempt will be censured by the Chairperson, who may also order them to leave the meeting. Every such contempt, censure and removal must be recorded in the minutes and, if the meeting so decides, the matter will be referred to the appropriate committee of the Council and treated as a complaint under the Council's Code of Conduct.

2.3.10 Removal from meeting

A member of the police, or an employee of the Council, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –

- a. refuses or fails to leave the meeting; or
- b. having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson.

LGA 2002, Schedule 7, cl. 16(2)

2.3.11 Adjournment of meeting by the Chairperson

The Chairperson may adjourn the meeting at any time for any of the following reasons, but not so as to interrupt a member speaking;

- a. Matters of safety or disorder; or
- b. Rest or meal breaks; or
- c. To allow another formal meeting scheduled for the same time to take place; or
- d. any other reason at the discretion of the chairperson.

2.4. MAINTENANCE OF PUBLIC ORDER AT MEETINGS

2.4.1 Grounds for removing the public

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

LGOIMA 1987, s.50

2.4.2 Removal of members of public

If any member of the public who is required in accordance with standing order 2.4.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson, any police officer or employee of the Council may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

2.5. CONFLICTS OF INTEREST

2.5.1 Financial conflicts of interest

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.

The minutes must record any declarations of financial interests and the member's removal from any discussion and voting on the matter.

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

LAMIA 1968, s.6 & 7

2.5.2 Non-financial conflicts of interest

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

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

The minutes must record the declaration and member's subsequent removal 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.

2.6. QUALIFIED PRIVILEGE

2.6.1 Qualified privilege relating to agenda and minutes

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

LGOIMA 1987, s.52

2.6.2 Qualified privilege for meeting proceedings

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

LGOIMA 1987, s.53

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

2.7. NOTICES OF MOTION

2.7.1 Notices of motion to be in writing

Unless standing order 2.12.1 applies, notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least seven working days before such meeting. Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.

2.7.2 Notice of Motion and explanatory statement

Such notices of motion must set out the proposed motion, and if practicable, will be accompanied by an explanatory statement setting out reasons for the proposed motion and providing other relevant background information.

Notices of Motion may be accompanied by the Chief Executive's response on the agenda.

2.7.3 Order of notices of motion received in writing

When more than one such notice of motion relates to the same item on the agenda, the notices of motion will be listed on the agenda in the order in which they were received by the Chief Executive.

2.7.4 Refusal of notice of motion

The chairperson may direct the Chief Executive to refuse to accept any written 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 Council or committee; or
- c. Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive may make; or
- d. Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

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

2.7.5 Mover of notice of motion

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

2.7.6 Alteration of notice of motion

A notice of motion may be altered only by the mover with the consent of the meeting.

2.7.7 When notices of motion lapse

Notices of motion not moved on being called for by the Chairperson, must lapse.

2.7.8 Referral of notices of motion to committees

Any written notice of motion referring to any matter ordinarily dealt with by a committee of the Council may be referred to that committee by the Chief Executive. Where such notices are so referred, the mover of the motion must, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member.

2.8. ORDER OF BUSINESS

2.8.1 Preparation of the agenda and the order of business

It is the Chief Executive's responsibility 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 the Chairperson. The order of business of the agenda will be determined by the Chairperson.

2.8.2 Elected member's report

Any elected member, by report, has the right to direct the attention of the Council or the relevant committee, to any matter or subject within the role or function of the Council or committee respectively.

A report must be provided to the Chief Executive at least seven working days before the date of the meeting.

2.9. APOLOGIES AND LEAVE OF ABSENCE

2.9.1 Apologies at meetings

If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Council or committee. Acceptance of the apology will be deemed to be a granting of leave of absence for that meeting.

2.9.2 Apologies made during the meeting

Apologies made during the meeting must be recorded in the minutes

2.9.3 Recording of apologies

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

2.9.4 Leave of absence

Council may grant a member leave of absence following an application from that member.

Council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The Mayor will formally advise the Council announcing whether a member has been granted leave of absence under delegated authority, which will be recorded in the minutes.

2.9.5 Absence without leave

Where a member is absent from four consecutive meetings of the Council, 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, Schedule 7, cl. 5(d)

2.10. ADDITIONAL ITEMS

2.10.1 Late Items not on the agenda may be discussed

An item that is not on the agenda for a meeting may be dealt with at the meeting if -

- a. The Council or Committee by resolution so decides; and
- b. The Chairperson explains at the meeting at a time when it is open to the public, –
 - i. the reason why the item is not on the agenda; and
 - ii. the reason why the discussion of the item cannot be delayed until a subsequent meeting.

LGOIMA 1987, s. 46A (7)

2.10.2 Discussion of minor matters not on the agenda

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

That item may be discussed at that meeting if:

- a. That item is a minor matter relating to the general business of the Council or a committee; and
- b. 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 the meeting; but

no resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the Council or committee for further discussion

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

2.11. RULES OF DEBATE

2.11.1 General Structure of Debate

The structure of debate is as follows:

- Officer's presentation
- Questions to officer
- Motion moved and seconded
- Mover speaks
- Secunder speaks
- Members' comment
- Amendments (if any)
- Mover of Amendment(s) right of reply
- Mover's right of reply
- Vote

2.11.2 Questions to officers during a meeting

Following an officer's presentation, members may ask any relevant questions to officers that assist them in understanding the issues of the report.

Questions to officers must be directed through the Chairperson. Questions cannot be asked once a motion has been moved and seconded.

2.12. MOTIONS AND AMENDMENTS

2.12.1 Oral notices of motion moved during a meeting

At any meeting of the Council, or a committee or subcommittee, any member may give an oral notice of motion at any time (so as not to interrupt another member speaking) if the subject matter of the notice of motion is on the agenda for the meeting or is relevant to any matter being considered at that meeting. In such cases, standing orders 2.7.5 to 2.7.7 inclusive will apply.

2.12.2 Speaking rights of Movers of motions

The mover of the original motion can speak once to the principal motion and once to each amendment of that motion.

The Mover of the original motion also has a right of reply.

2.12.3 Proposing and seconding motions

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

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

2.12.4 Secunder may reserve speech

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

2.12.5 Withdrawal of motions and amendments

Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

2.12.6 Substituted motion by amendment

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

2.12.7 Motions in writing

For clarity, the Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.

2.12.8 Motion can be taken in parts

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

2.12.9 Amendment once moved

When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion.

The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.

2.12.10 Further amendments

No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and the tenor of their content.

2.12.11 Where amendment lost

Where an amendment is lost, another may be moved and seconded by any member who has not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.

2.12.12 Where amendment carried

Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

2.12.13 Amendments relevant

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

2.12.14 Direct negatives not allowed

No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

2.12.15 Procedure until resolution

The procedures in standing orders 2.12.9 and 2.12.10 must be repeated until a resolution is adopted.

2.12.16 Flow chart of motions and amendments

A flow chart illustrating the process regarding motions and amendments is included in these standing orders as Appendix 3.

2.13. COMMENT SECTION**2.13.1 No questions in comment section**

Once a motion has been moved and seconded, the Chairperson will open the debate up for members' comment.

No questions can be asked during comment section except with the discretion of the Chairperson

2.13.2 Speaking only to relevant matters

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

2.13.3 Limitation on speakers

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

2.13.4 Time limits on speakers

The following time limits apply to members speaking at Council and committee meetings, unless extended by a majority vote of members present:

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

2.13.5 Members may speak only once

A member may not speak more than once to a motion. at a meeting of the Council.

Members may speak more than once to a motion at a committee or subcommittee meeting with the Chairperson's permission.

2.13.6 Restating of motion

Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

2.13.7 Right of reply

The mover of an original motion or an amendment has a right of reply. 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.

Movers of an amendment must use their right of reply before the amendment is voted on.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply.

If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

2.13.8 When right of reply may be exercised

The right of reply is governed as follows:

- a. Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- b. If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see standing order 2.13.7), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

2.13.9 No speakers after reply or motion has been put

Members may not speak on any motion once the mover has commenced replying or where the chairperson has commenced putting the motion.

2.13.10 Personal explanation

Notwithstanding standing order 2.13.5, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.

2.13.11 Explanation of previous speech

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

2.14. PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

2.14.1 Members may move procedural motions to terminate or adjourn debate

Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:

- a. That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or
- b. That the item of business being discussed be adjourned to a time and place to be stated; or
- c. That the motion under debate be now put (a closure motion); or
- d. That the meeting move directly to the next business, superseding the item under discussion; or
- e. That the item of business being discussed lie on the table, and not be further discussed at that meeting; or
- f. That the item of business being discussed be referred (or referred back) to the relevant Council committee

2.14.2 Chairperson's acceptance of closure motions

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

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

2.14.3 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply.

If the procedural motion is seconded the Chairperson must put it to the vote immediately following an explanation from the mover, 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.

2.14.4 Voting on procedural motions

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

2.14.5 Debate on items previously adjourned

The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate.

2.14.6 Adjourned items taken first

Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.

2.14.7 Remaining business at adjourned meetings

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

2.14.8 Referral or referred back to committee

Business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee, unless otherwise specified.

2.14.9 Table of procedural motions

A table of procedural motions is included in these standing orders as Appendix 4.

2.15. PROCEDURAL MOTION TO WITHDRAW CHAIRPERSON'S RULING

2.15.1 Interpretation

In standing orders 2.15.2 to 2.15.8, 'chairperson' means any person (including the Mayor) presiding at a Council; committee or subcommittee meeting.

2.15.2 Who may move procedural motion

Any member may move the procedural motion for the ruling of the Chairperson to be withdrawn, but not so as to interrupt a member speaking.

2.15.3 When procedural motion may be moved

The procedural motion to withdraw the chairperson's ruling may only be moved immediately after the chairperson has given a ruling. Such a ruling will usually have been given under standing orders 2.1.2, 2.13.2, or 2.16.6.

2.15.4 Procedural motion to be seconded

The procedural motion to withdraw the Chairperson's ruling must be seconded.

2.15.5 Speaking to procedural motion

Only the mover and seconder of the procedural motion to withdraw the chairperson's ruling motion may speak to it, after which the Chairperson may reply.

2.15.6 Voting on procedural motion

After the permitted speakers have spoken or have elected not to speak, the motion must be put to the vote without further debate in the form "That the Chairperson's ruling be withdrawn, and a new ruling substituted."

2.15.7 Chairperson voting on procedural motion

For the purposes of voting on the procedural motion to withdraw the Chairperson's ruling, the Chairperson has a deliberative vote but, in the case of an equality of votes, does not have a casting vote (and therefore the procedural motion is defeated and the original ruling given by the Chairperson is preserved).

2.15.8 Chairperson to give different ruling

If the motion to withdraw the Chairperson's ruling has been carried, the original ruling given by the Chairperson is withdrawn and the Chairperson must give a new ruling which better reflects the will of the meeting.

2.16. POINTS OF ORDER**2.16.1 Members may raise a point of order**

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

2.16.2 Stating subject matter of point of order

The member must state without explanation precisely the subject matter of the point of order.

2.16.3 Points of order during division

No point of order may be raised during a division except by the permission of the Chairperson.

2.16.4 Types of points of order

The following are recognised as substance for points of order:

- a. Where disorder is drawn to the attention of the Chairperson; or
- b. Use of disrespectful, offensive or malicious language; or
- c. Discussion of a question not before the Council or committee; or
- d. Misrepresentation of any statement made by a member or by an officer or employee of the Council; or
- e. The breach of any standing order.

2.16.5 Contradiction or difference of opinion not a point of order

Expressing a difference of opinion or to contradict a statement of a previous speaker, does not constitute a point of order.

2.16.6 Chairperson's decision on points of order

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

2.17. VOTING

2.17.1 Decisions by majority vote

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

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

2.17.2 Chairperson's voting

For the purposes of [Standing Order 3.5.2], the Mayor or Chairperson or other person presiding at the meeting-

- a. has a deliberative vote; and
- b. in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

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

2.17.3 Application of standing orders 2.17.1 and 2.17.2

Standing orders 2.17.1 and 2.17.2

applies unless -

- a. the LGA provides otherwise; or
- b. the standing orders of the Council expressly provides otherwise.

LGA 2002, Schedule 7, cl. 24(4)

2.17.4 Open voting

An act or question coming before the Council or committee must be done or decided by open voting.

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

2.17.5 Members may abstain

Any member may have their vote recorded as an abstention.

2.17.6 Members may have their votes recorded

Any member's vote must be recorded in the minutes if requested by that member.

2.17.7 Method of voting

The method of voting must be as follows:

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

2.17.8 Division

When a division is called, the Chief Executive must take down the names of the members voting for and against the motion and abstentions. The result of the division must be declared by the Chairperson and entered into the minutes.

2.17.9 Second division

The Chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

2.18. PRESENTATION OF COMMITTEE RECOMMENDATIONS

2.18.1 Committee recommendations to be referred to Council

All recommendations of committee meetings will be referred to the Council, which may resolve to adopt, amend, receive, note or not adopt any such recommendations.

2.18.2 Presentation of committee recommendations

At any Council meeting, the Chairperson (or in their absence a member) of any committee, when called upon by the Chairperson of the Council to present the

recommendations of the committee to the Council, will do so by announcing the name of the committee and the date of the meeting, and will thereupon move that the recommendations be adopted or otherwise dealt with. The Chairperson or in their absence the Deputy Chairperson may briefly speak to the recommendations and answer any questions. The Chairperson of the Council may direct that the recommendations be dealt with clause by clause and any Councillor may require that one or more clauses to be dealt with and voted on separately.

2.18.3 Decisions made under delegated authority cannot be rescinded or amended

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

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

2.18.4 Subcommittee recommendations

All recommendations of meetings of subcommittees must be referred to the specified committee, which will consider the recommendations in the same manner as if the committee were the Council, but noting that final authority for adopting recommendations from any subcommittee rests with the Council unless the Council has delegated authority to the specified committee to make a final decision.

2.19. PUBLIC PARTICIPATION AT MEETINGS

2.19.1 Introduction

Council offers several ways that members of the public can participate in Council or committee meeting. These include

- Presentations
- Petitions
- Public Comment (committees only)

2.19.2 Provision for tikanga when speaking at Committees or Council

A maximum of three minutes will be allowed for tikanga to be enacted before specific time limit protocols begin at presentations, petition, submission or public comment (committees only). An extension of this time is allowed at the discretion of the Chairperson.

2.19.3 Provision for inclusivity of all cultures when speaking at Committees or Council

A maximum of three minutes will be allowed for expressions of cultural identity or custom, as determined by the individual or group speaking or presenting, before specific time limit protocols begin at presentation, petition, submission or public comment (committees only). hearings and submissions. An extension of this time is allowed at the discretion of the Chairperson.

2.19.4 Language of Presentation or Petition

A presentation or petition to Council or any of its committees, may be made in English, te reo Māori or New Zealand Sign language. Prior arrangement with the Chairperson should be sought at least three working days before the meeting if the address is not in English.

The Chairperson may order that any speech or document presented be translated and/or printed in another language.

2.19.5 Urgency or major public interest

Notwithstanding standing orders 2.20.1 and 2.21.1 where in the opinion of the Chairperson the matter which is the subject of a presentation or a petition is one of urgency or major public interest, the Chairperson may determine that the presentation be received.

2.19.6 Restrictions

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

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

2.20. PRESENTATIONS

2.20.1 Presentations

The purpose of a presentation is to enable a person, group or organisation to speak to a meeting on a matter or matters covered by that meeting's terms of reference. Presentations must be approved by the Chairperson and the Chief Executive, at least seven working days before the meeting. Presentations may be heard at a time determined by the Chairperson.

2.20.2 Procedures for presentations

Except with the approval of the Council or committee, not more than two members of a presentation may address the meeting. After the presentation, members may, with the permission of the Chairperson ask any question pertinent to the subject heard.

No member may express an opinion or discuss the subject, until the presentation has finished making its submission and answering questions. (see standing order 2.6.2 regarding qualified privilege).

2.20.3 Time limit on Presentations

Unless the Chairperson determines otherwise in any particular case, a limit of 10 minutes applies per presentation. Speaker's introductions or mihis will not be included in the time limit.

Questions can follow at the discretion of the chairperson.

2.21. PETITIONS

2.21.1 Form of petitions

Petitions may be presented to the Council or any of its committees, 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 seven working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 2.6.2 on qualified privilege).

2.21.2 Petition presented by member

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

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

2.21.3 Petition where presented by petitioner

Where a petition is presented by a petitioner, unless Council or committee determines otherwise, a limit of 10 minutes (excluding questions) is placed on that person (see standing orders 2.6.1 and 2.6.2 regarding qualified privilege).

If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson will terminate the presentation of the petition.

2.22. PUBLIC COMMENT

2.22.1 Application of public comment

Standing orders 2.22.2 to 2.22.7 will apply only to those committees and subcommittees that adopt the above procedures.

This order does not apply to meetings of the Council.

2.22.2 Period for public comment

A period of up to 30 minutes may be set aside at the commencement of each ordinary committee meeting for public comment, immediately following the notification of minor items.

2.22.3 Content of public comment

Public comment will be confined to those items appearing on the order paper for the particular meeting concerned, and, if time permits, any other matter that falls within the Committee's terms of reference.

2.22.4 Advice of items on which public comment is intended

Persons wishing to make public comment must advise the Chief Executive or Chairperson and must indicate those items or matters upon which comment is intended. Such advice should be given either before the meeting or at the meeting at the commencement of the period set aside for public comment.

The Chairperson may determine that any person may not comment at any particular meeting, or that any comment made will be confined to a particular item or matter that falls within the Committee's terms of reference.

2.22.5 Time limit on public comment

Each person addressing the meeting may speak for a maximum of three minutes. This time limit may be extended at the discretion of the chairperson for a further three minutes. Each person may address the meeting once only, regardless of whether or not that person wishes to comment on more than one item or matter.

Speakers can make any introductions or mihis before the time limit begins.

2.22.6 Questions at public comment

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

2.22.7 Comment on item not on the agenda

Where public comment is made on an item that is not on the order paper, such comment will be received or referred to the Chief Executive or another committee or sub-committee for report.

2.23. MINUTES OF PROCEEDINGS

2.23.1 Minutes to be evidence of proceedings

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

LGA 2002, Schedule 7, cl. 28

2.23.2 Keeping of minutes

The Chief Executive or their designated representative must keep the minutes of meetings of the Council and its committees and subcommittees. The minutes must record

- the date, time and venue of the meeting;
- the names of those members present; identification of the Chairperson;
- apologies tendered and accepted;
- arrival and departure times of members;
- any failure of a quorum;
- a list of speakers making public comment, presentations, petitions, and the topics they cover;
- a list of items considered;
- recommendations, resolutions and amendments pertaining to those items;
- all divisions taken;
- names of any members requesting the recording of their abstentions or votes;
- where an item is moved and seconded and put to the meeting. The outcome of the vote will be recorded in the minutes of the meeting;
- declarations of financial and non-financial interest;
- contempt, censure and removal of any members;
- resolutions to exclude members of the public; and the time that the meeting concludes or adjourns

(see standing orders 2.3.9, 2.9.3, 2.17.1, 2.17.6 and 3.15.3)

2.23.3 Minutes

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

2.23.4 Confirmation of minutes of committee and subcommittees

The minutes of every meeting of a committee and subcommittee will be circulated to members and considered at any succeeding meeting of that committee or subcommittee, and, if confirmed by that meeting, or when corrected or amended by that meeting, must be signed by the Chairperson of such succeeding meeting.

2.23.5 Method for maintaining records

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)

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

LGOIMA 1987, s.51

2.24. REVOCATION OR ALTERATION OF RESOLUTION

2.24.1 Revocation or alteration of resolutions

A notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or committee is to be given to the Chief Executive by the member intending to move such a motion.

Such notice is to set out:

- i. The resolution or part thereof which it is proposed to revoke or alter;
- ii. The meeting date when it was passed; and
- iii. The motion, if any, that is intended to be moved in substitution thereof.

Such notice is to be given to the Chief Executive at least seven working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the Council, including vacancies.

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

2.24.2 Restriction on action to be taken on previous resolution

Where a notice of motion has been given in terms of standing order 2.24.1, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the Council or committee.

The Chief Executive may ignore a notice of motion, if, in the opinion of the chairperson:

- a. The practical effect of the delay would be equivalent to a revocation of the resolution, or if;
- b. By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Council;

In either case, the Chairperson will inform Council or the committee at the next meeting and explain the reason why the motion was ignored.

2.24.3 Revocation or alteration of resolution at same meeting

If, during the course of a meeting of the Council or a committee, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.

2.24.4 Council may revoke or alter any previous resolution

Council may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee or subcommittee, may revoke or alter all or part of resolutions previously passed at meetings. At least two working days' notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

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

2.25. REPEAT NOTICES OF MOTION

2.25.1 Repeat notices of motion

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

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

2.25.2 Second repeat where notice of motion rejected

If such a repeat notice of motion as provided for in standing order 2.25.1 is also rejected by the Council or a committee, any further notice prior to the expiration of the original period of six months must be signed by a majority of all members, including vacancies.

PART 3: CONSTITUTION AND LEGISLATIVE MATTERS

3.1 CONSTITUTION AND LEGISLATIVE MATTERS

3.1.1 Obligation to adopt standing orders

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.

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

3.1.2 Process for adoption and alteration of standing orders

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

3.1.3 Temporary suspension of standing orders

The Council or a committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.

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

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

Any member of Council, committee and subcommittee, may move a motion to suspend specified standing orders at a meeting of which they are present. Any such motion must include the reason for the suspension. If seconded, members can seek clarification at the discretion of the Chairperson. At least 75 per cent of the members present and voting must support the motion for it to be carried.

3.1.4 Members must obey standing orders

All members of Council, including members of committees and subcommittees, must abide by these standing orders.

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

3.2 FIRST MEETING OF THE COUNCIL FOLLOWING ELECTION

3.2.1 First meeting (inaugural)

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

LGA 2002, Schedule 7, cl. 21(4)

3.2.2 Business to be conducted

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.

LGA 2002, Schedule 7, cl. 21(4)

The business that must be conducted at the meeting must include:

- a. the making and attesting of the declarations required of the Mayor (if any) and members under clause 14 of Schedule 7 of the LGA and
- b. the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 of Schedule 7 of the LGA; and
- c. a general explanation, given or arranged by the Chief Executive, of –
 - i. LGOIMA ; and
 - ii. other laws affecting members, including - the appropriate provisions of LAMIA; and
 - (B) sections 99, 105 and 105A of the Crimes Act 1961; and
 - (C) the Secret Commissions Act 1910; and
 - (D) the Financial Markets Conduct Act 2013; and
- d. the fixing of the date and time of the first [ordinary] meeting of the Council, or the adoption of a schedule of [ordinary] meetings; and
- e. the election of the Deputy Mayor in accordance with clause 17 of Schedule 7 of the LGA.

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

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 prior to the meeting. Nothing limits the Council from removing a Deputy Mayor from office in accordance with cl.18 of Schedule 7 of the LGA.

3.3 CHAIRPERSON OF MEETINGS

3.3.1 Mayor of Council to preside

The Mayor must preside at each meeting of the Council at which they are present unless the Mayor is absent or vacates the chair for all or part of a meeting.

If the Mayor is absent from a meeting, the Deputy Mayor must preside. If the Deputy Mayor has not been appointed, or is also absent, the members of the Council that are present must elect a member to chair that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the Mayor.

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

3.3.2 Chairperson of committee to preside

The Chairperson of a committee must preside at each meeting of the committee at which they are present unless they are absent or vacate the chair for all or part of a meeting.

If the Chairperson of a committee is absent from a meeting, the Deputy Chairperson of the committee must preside. If a Deputy Chairperson has not been appointed, or is also absent, the members of the committee that are present must elect a member to chair that meeting. This person may exercise at that meeting the responsibilities, duties, and powers of the Chairperson.

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

3.4 QUORUM AT MEETINGS

3.4.1 A quorum to be present throughout meeting

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.

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

3.4.2 Lapse of Meeting due to a failure of quorum

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

3.4.3 Minutes to record failure of quorum

If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.4.4 Business from lapsed meetings

The business remaining to be disposed of following a lapsed meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the chairperson and notified by the Chief Executive.

3.4.5 Definition of quorum for Council and committee meeting

The quorum at a meeting of the Council, a committee must consist of

- a. half of the members if the number of members (including vacancies) is even; or
- b. a majority of members if the number of members (including vacancies) is odd.

In the case of a committee, the quorum must also include at least one elected member of the Council.

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

3.4.6 Quorum of a sub committee

The quorum at any meeting of a subcommittee must consist of two members (including vacancies) if the number of members is even, and a majority if the number is odd.

The quorum must include at least one elected member of the Council.

3.4.7 Quorum of a quasi-judicial committee or sub-committee

The quorum for a committee or sub-committee which is conducting a hearing under the RMA or Dog Control Act 1996 will be two members of the committee.

In the case of a committee, the quorum must also include at least one elected member of the Council.

3.5 VOTING AT MEETINGS

3.5.1 Decisions by majority vote

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

(see standing order 2.17.1)

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

3.5.2 Chairperson has a deliberative vote and no casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote.

In the case of an equality of votes the act or question is defeated and the status quo is preserved.

The Chairperson has no casting vote.

(See standing order 2.17.2)

3.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

3.6.1 Elections of Deputy Mayor, Chairpersons and Deputy Chairpersons

When electing people to the following positions:

- The Deputy Mayor;
- The Chairperson and Deputy Chairperson of a committee; and
- A representative of a local authority.

The Council has resolved to use System A for the 2019-2022 triennium.

System A –

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

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

- b. If no candidate is successful in that 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, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded;
- d. In any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

LGA 2002, Schedule 7, cl. 25

3.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

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

The Council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and with the prior approval of the Council, a committee may appoint any subcommittees that it considers appropriate.

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

3.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies

Unless expressly provided for in legislation or regulations, Council may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body.

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

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

3.8 JOINT COMMITTEES

3.8.1 Appointment of joint committees

Council may not appoint a joint committee with another local authority or other public body unless it has first reached agreement with every other local authority or public body that is to appoint members of the committee.

The agreement must specify:

- a. the number of members each local authority or public body may appoint to the committee; and
- b. how the Chairperson and Deputy Chairperson of the committee 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 local authority or public body; and

e. how the agreement may be varied.

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

3.8.2 Status of joint committees

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

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

3.8.3 Power to appoint or discharge individual members of a joint committee

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

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

3.8.4 Quorum of joint committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 3.4.5. 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, Schedule 7, cl. 30A (6)(c)(iii)

3.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

3.9.1 Appointed members on committees and subcommittees

Council may appoint a person who is not a member of the Council to a committee or subcommittee.

At least one member of a committee must be an elected member of the Council; and an employee of the Council acting in the course of their employment may not act as a member of any committee unless that committee is a subcommittee.

LGA 2002, Schedule 7, cl. 31 (3) & (4)

3.9.2 Appointment or discharge of committee members and subcommittee members

Council may appoint or discharge any member of a committee. Unless directed otherwise by Council, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

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

3.9.3 Council may replace members if committee not discharged

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

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

3.9.4 Minimum numbers on committees and subcommittees

The minimum number of members is three for a committee and is two for a subcommittee.

LGA 2002, Schedule 7, cl. 31(6)

3.9.5 Membership of Mayor

The Mayor is a member of each committee of Council unless specific legislation provides otherwise.

LGA 2002, cl. 41A (5)

3.10 POWERS OF DELEGATION

3.10.1 Delegations to committees, subcommittees, subordinate decision-making bodies, members and officials

Unless expressly provided otherwise in the LGA, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of Council's business, Council may delegate to a committee or other subordinate decision-making body, or member or officer of the Council any of its responsibilities, duties, or powers except:

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

Council may delegate to a committee or other subordinate decision-making body, member or officer of the Council the power to do anything precedent to the exercise by the Council (after consultation with the committee or body or person) of any power or duty specified above.

A committee or other subordinate decision-making body, or member or officer of the Council may delegate any of its responsibilities, duties, or powers to a subcommittee, another committee, subordinate decision-making body, or member or officer of the Council; subject to any conditions, limitations or prohibitions imposed by the body that made the original delegations, unless prohibited by law.

LGA 2002, Schedule 7, cl. 32 (1)(2) (3)

RMA 1991, s34A

3.10.2 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, or member or officer of the Council 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 Council could itself have exercised or performed them.

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

3.10.3 Delegations related to bylaws and other regulatory matters

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

LGA 2002, Schedule 7, cl. 32(5)

3.11 GENERAL PROVISIONS AS TO MEETINGS

3.11.1 Public notice – ordinary meetings

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

LGOIMA 1987 s.46

3.11.2 Distribution of the agenda

The Chief Executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting.

The Chief Executive will send the agenda, and other materials relating to the meeting or other Council business, to members in the form they request.

3.11.3 Minutes to be evidence of proceedings

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

cl. 28 Schedule 7, LGA 2002

3.12 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS

3.12.1 Notice to members - ordinary meetings

The Council will adopt an annual meeting schedule which may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

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

3.12.2 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where Council becomes aware that a meeting has been incorrectly notified the Chief Executive 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 1987, s.46 (6)

3.12.3 Cancellation of scheduled meetings

Any scheduled meeting of Council (or any committee or subcommittee meeting of the Council) may be cancelled by the Chief Executive, with the consent of the Chairperson or Deputy Chairperson, if practicable, if there is insufficient business to warrant a meeting, or if there is some other good reason why the scheduled meeting should be cancelled.

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

3.13 EXTRAORDINARY AND EMERGENCY MEETINGS

3.13.1 Extraordinary meeting may be called

An extraordinary Council or committee meeting may be called by:

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

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

3.13.2 Notice to members - extraordinary meetings

The Chief Executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 3.13.1, as well as the general nature of business to

be considered to each member of the Council at least three working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

3.13.3 Emergency meetings may be called

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.

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

3.13.4 Process for calling an emergency meeting

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

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

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

3.13.5 Public notice – emergency and extraordinary meetings

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

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

3.13.6 Public notice of resolutions of emergency and extraordinary meetings

The Chief Executive must, as soon as practicable, publicly notify any resolution passed at an extraordinary or emergency meeting of the Council or a committee 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.

For which the purposes of this section, "resolution" means the resolution on the matter or matters for which the extraordinary meeting was held.

LGOIMA 1987, s.51A

3.14 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.

3.14.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the Council, its committees, subcommittees, must be open to the public.

LGOIMA 1987, s.47 & 49(a)

3.14.2 Information to be available to public

All information provided to members at Council and committee meetings must be available to the public unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.

3.14.3 Public inspection of agenda

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

The agenda:

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

LGOIMA 1987, s.46A (1)

3.14.4 Public Excluded Business on the Agenda

The Chief Executive must indicate on each agenda the items that they reasonably expect the meeting to discuss with the public excluded.

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item.

LGOIMA 1987, s.46A (9)

3.14.5 Agenda to be made available to public who are at meetings

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).

3.14.6 List of committee members publicly available

The members of each such committee are to be named on the relevant agenda. A list with the names of all members of any or each committee will also be available on request to the Chief Executive.

3.14.7 Public entitled to inspect minutes

The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.

3.14.8 Requests for minutes of meetings in closed session

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 LGOIMA.

3.15 REASONS TO EXCLUDE PUBLIC

3.15.1 Motions and resolutions to exclude the public

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

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

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

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

LGOIMA 1987, s.48

3.15.2 Specified people may remain

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

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

LGOIMA 1987, s.48 (6)

3.15.3 Release of public excluded information

Council may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider by resolution what, if any, information will be released to the public. The Chief Executive may release, at their discretion, any information which has been considered by the Council or any committee with the public excluded.

The Chief Executive will report to the subsequent meeting following the release the nature of the information released.

3.16 USE OF PUBLIC EXCLUDED INFORMATION

3.16.1 Public excluded business not to be disclosed

Subject to the provisions of LGOIMA, no member or staff is permitted to disclose to any person, other than a member or staff, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded.

PART 4: REMOTE PARTICIPATION

4.1 COUNCIL MAY RECORD MEETINGS

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

4.2 RIGHT TO ATTEND BY AUDIO OR AUDIO VISUAL LINK

Provided the conditions in standing orders 4.6 and 4.7 are met members of the Council and its committees (and members of the public wishing to speak if approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

4.3 MEMBER'S STATUS: QUORUM

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

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

4.4 MEMBER'S STATUS: VOTING

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link have full participation rights, with the exception of being counted towards the quorum.

4.5 CHAIRPERSON'S DUTIES

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

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

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

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

4.6 CONDITIONS FOR ATTENDING BY AUDIO OR AUDIO VISUAL LINK

Noting Standing Order 4.7, members have the right to attend meetings by electronic link, with the approval of the Chairperson. Such approval is not to be unreasonably withheld.

At the commencement of a meeting the Chairperson will advise of any decisions made regarding any requests for the remote participation of a member, along with the reason(s) for the decision that the Chairperson has taken.

4.7 REQUEST TO ATTEND BY AUDIO OR AUDIO-VISUAL LINK

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

Where such a request is made and the technology is available, the Chief Executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the 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 Council or its committees.

4.8 CHAIRPERSON MAY TERMINATE LINK

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

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

4.9 GIVING OR SHOWING A DOCUMENT

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

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

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

4.10 LINK FAILURE

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

4.11 CONFIDENTIALITY

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

4.12 WEBCASTING MEETINGS

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

APPENDIX 1: GROUNDS TO EXCLUDE THE PUBLIC

Council or its committees 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.

See LGOIMA 1987, s.7

Where A2 of this Appendix applies 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 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.

See LGOIMA 1987, s.48

APPENDIX 2: SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

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

1. that the public is excluded from:
 - The whole of the proceedings of this meeting; (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:

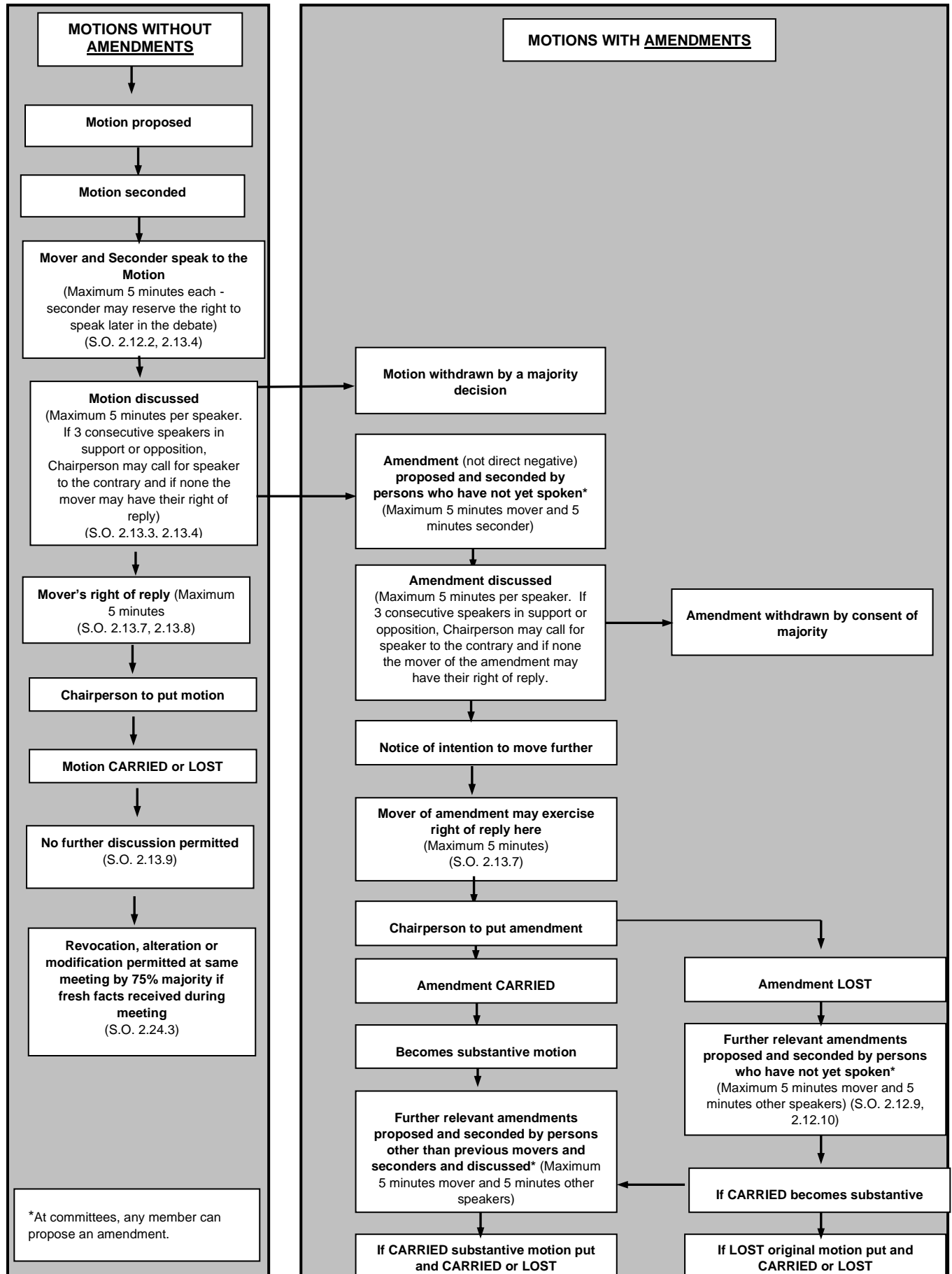
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ol style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ol style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or 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)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To 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"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		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"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (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"> 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 ii. would be likely otherwise to damage the public interest (s 7(2)(c)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		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)).

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

APPENDIX 3: MOTIONS AND AMENDMENTS



APPENDIX 4 TABLE OF PROCEDURAL MOTIONS

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) That the meeting be adjourned to the next ordinary meeting, or to a stated time and place	No	Yes	No	As to time and date only	No	No	No	Yes – 15 mins	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 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 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	
(c) That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 mins	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

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
											under debate is put
(d) That the meeting move directly to the next business, superseding the item under discussion	No	Yes	No	No	No	No	No	Yes – 15 mins	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion procedural motion are adjourned	
(e) 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 mins	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(f) That the item of business being discussed be referred to the relevant committee	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 mins	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(g) That the Chairperson's ruling be withdrawn, and a new ruling substituted	No	Yes	Limited to mover, seconder and Chairperson	No	No	Yes	No	No	Not Applicable	This procedural motion takes precedence.	
(h) 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 2.16

APPENDIX 5: WEBCASTING PROTOCOLS

This list is intended as a good practice guide for the webcasting of Council or Committee meetings.

The default shot will be on the Chairperson or a wide-angle shot of the meeting room.

Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.

Generally interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.

PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.

Shots unrelated to the proceedings, or not in the public interest, are not permitted.

If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.

Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being recorded.

APPENDIX 6: SUMMARY OF POWERS OF THE CHAIRPERSON

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

Each heading contains the references to the relevant standing orders, which should be referred to in ascertaining the appropriate procedures.

Topic	Reference (standing order numbers)
Chairperson to decide all questions	2.1.2, 2.15.1 to 2.15.8 & 2.16.6
Chairperson to decide points of order	2.15.1 to 2.15.8 & 2.16.6
Items not on the agenda may be discussed	2.10.1 & 2.10.2
Chairperson's voting	2.17.2 & 3.5.2
Motion in writing	2.12.7
Motion in parts	2.12.8
Refusal of notice of motion	2.7.4 & 2.14.2
Repeat notices of motion	2.25.1 & 2.25.2
Action on previous resolutions	2.24.2
Closure motion	2.14.2
Revocation or alteration of previous resolution	2.24.4
Chairperson may call a meeting	3.13.3, & 3.4.5
Cancellation of scheduled meetings	3.12.3
Apologies at meetings	2.9.1, 2.9.2 & 2.9.3
Speaking only on relevant matters	2.13.2
Explanations	2.13.10 & 2.13.11
Chairperson rising	2.1.3
Members may leave places	2.1.4
Priority of speakers	2.1.5
Minutes	2.18.2, 2.23.1, 2.23.3 & 2.23.4
Questions of speakers	2.11.2, 2.20.2, 2.20.3, 2.21.3 & 2.22.6
Withdrawal of offensive or malicious expressions	2.3.1, 2.3.3 & 2.3.4, 2.3.5 & 2.3.6
Chairperson's rulings	2.1.2 & 3.1.4
Disorderly behaviour	2.3.1, 2.3.5, 2.3.8, 2.3.9, 2.3.10 & 2.4.1
Failure to leave meeting	2.3.5, 2.3.7, 2.3.9, 2.3.10, 2.3.11 & 2.4.2
Adjournment of meeting	2.3.8 & 2.3.11

Presentations	2.19.1- 2.19.6, 2.20.1, 2.20.2, 2.20.3
Petitions	2.19.1- 2.19.6, 2.21.1, & 2.21.3
Public Comment	2.19.1- 2.19.6, 2.22.4, 2.22.5, 2.22.6
Termination of comment	2.19.6