



HAMILTON CITY COUNCIL
TE KAUNIHERA O KIRIKIROA
**STANDING
ORDERS**

NGAA TINO TURE-AA-HUI

HE MEHI

He hoonore he korooria ki te atua he maungaarongo ki te whenua

He whakaaro pai ki ngaa taangata katoa

E mihi ana ki a Kiingi Tuuheitia e pupuru ana i te Mana Motuhake

Ka mihi ki te Manu Kaahui me toona kaunihera e poipoi ana i te manawa o Kirikiriroa Ki a koutou katoa ngaa mana me ngaa maunga koorero

Teenaa koutou, teenaa koutou, teenaa taatou katoa.

We acknowledge the creator of all things

May peace cover the land, with goodwill to all

We acknowledge the keeper of Mana Motuhake King Tuuheitia

We acknowledge the Mayor and Councillors as sentinels of the city to all that hold the rich heritage of great city we acknowledge you all.

Teenaa koutou, teenaa koutou, teenaa koutou katoa.

E whakawhiti atu ai i te koopuu maania o Kirikiriroa

Me oona maara kai, te ngaawhaa whakatupu ake o te whenua moomona.

Across the smooth belly of Kirikiriroa

Its gardens bursting with the fullness of good things.

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1. INTRODUCTION

All councils must adopt standing orders for the conduct of their meetings and the meetings of any subordinate bodies, (clause 27 Schedule 7 of the Local Government Act 2002).

The purpose of the Standing Orders is to enable Hamilton City Council (Te kaunihera o Kirikiriroa) to exercise its decision-making responsibilities in a transparent, inclusive, and lawful manner for the benefit of Hamiltonians.

Standing orders are a means to enable both the orderly conduct of the Council meetings and the Council committee and subcommittee meetings, and an effective environment for good governance decision-making. They contain rules for the conduct of the proceedings of the Council and all subordinate decision-making bodies, and the conduct of members.

All members of the Council or any Council committee or subcommittee whether elected or appointed must abide by the standing orders. These standing orders fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

1.1 PRINCIPLES

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

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

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

1.2 STATUTORY REFERENCES

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been supplemented with advice on how it might be implemented, the advice is distinguished from the relevant legislative reference.

Standing Orders use the following acronyms:

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members’ Interests Act 1968

1.3 APPLICATION

For the removal of any doubt:

- these standing orders do not apply to workshops, briefings or meetings of working parties and advisory groups.
- during a meeting any statutory references in the standing orders apply throughout the period of the meeting, 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, the word ‘must’, unless otherwise stated, identifies a mandatory legislative requirement.
- whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling. The Chairperson may at any time seek the advice of the Governance Advisor, Chief Executive, or Principal Advisor to make a ruling.

2. DEFINITIONS

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

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These Standing Orders do not apply to such groups. This definition also applies to workshops, working parties, working groups, panels, taskforce groups, forums, portfolio groups, briefings and other similar bodies. Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

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

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

Briefing means in the context of these standing orders, a gathering of elected members to consider matters of importance to the local authority at which no decisions are made and therefore these standing orders do not apply. Briefings may include non-elected members. See definition of "advisory group". Briefings are also described as workshops.

Chairperson means the person presiding at a meeting - the presiding member. Chief Executive means the Chief Executive of a territorial authority appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

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

Committee includes, in relation to a local authority:

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

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

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

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

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

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

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

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

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

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

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

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

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

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

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

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

Petition means a request to a local authority which fulfills the criteria under the Petition in standing order 16.2.

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

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 - 24.7.

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

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

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

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

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

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

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

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

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

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

Second means the member who seconds a motion.

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

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but joint committees.

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

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

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

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Matariki, Auckland Anniversary Day and Labour Day and, if Waitangi Day, Anzac Day or Matariki falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 20th day of December in any year and ending with the 10th day of January in the following year.

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

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

Workshop means in the context of these standing orders, a gathering of elected members to consider matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. Workshops are also described as briefings.

An aerial photograph of a lush green park area, likely in Hamilton, New Zealand, during the golden hour of sunset. The sun is low on the horizon to the left, casting a warm, orange glow over the scene. A river or lake flows through the park, reflecting the light. In the foreground, there are several large, white buildings, possibly a school or government offices, surrounded by dense trees. A swimming pool is visible in the lower center. In the background, the city of Hamilton is visible, with various buildings and a bridge crossing the river. The overall atmosphere is peaceful and scenic.

General matters

3. STANDING ORDERS

3.1 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. Standing orders must not contravene any Act.

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

3.2 PROCESS FOR ADOPTION AND ALTERATION OF STANDING ORDERS

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

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

3.3 MEMBERS MUST OBEY STANDING ORDERS

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

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

3.4 APPLICATION OF STANDING ORDERS

These standing orders apply to all meetings of the local authority, its committees, subcommittees, and subordinate decision-making bodies. This includes meetings and parts of meetings from which the public are excluded. This does not include briefings, workshops, or other informal meetings at which no decisions are made.

3.5 TEMPORARY SUSPENSION OF STANDING ORDERS

Any member of the Council, committee, subcommittee, or subordinate body may move a motion to suspend standing orders at a meeting of which they are a member. The motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried. The Chairperson must respond to any questions for clarification of the process or the motion prior to putting a matter to the vote.

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

A motion may also identify specific standing orders to be suspended. In the event of suspension of standing orders in whole or in part, any provisions within standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 QUASI-JUDICIAL PROCEEDINGS

For quasi-judicial proceedings the local authority may adopt meeting procedures and practices in addition to or in substitution of these standing orders. For example, District Licensing Committee hearings. Resource Management Act hearings.

3.7 PHYSICAL ADDRESS OF MEMBERS

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

4. MEETINGS

4.1 LEGAL REQUIREMENT TO HOLD MEETINGS

The local authority must hold meetings for the good government of its city, district or region. Meetings must be called and conducted in accordance with:

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

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

4.2 MEETING DURATION

A meeting cannot continue more than 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. The Chairperson should ensure that no meeting sits for more than two hours continuously without a break of at least ten minutes, and that meal breaks of at least 45 minutes are provided at appropriate times.

4.3 LANGUAGE

A member or a presenter may address a meeting in English, te reo Maaori or New Zealand Sign Language. A Chairperson may require any speech to be translated and printed in English or te reo Maaori or both.

If a member or presenter intends to address the meeting in New Zealand Sign Language, or in te reo Maaori when the normal business of the meeting is conducted in English, or in English when the normal business of the meeting is conducted in te reo Maaori, and where translation is sought, they should give prior notice to the Chairperson, ideally not less than 2 working days before the meeting so that a translator can be provided.

4.4 FIRST MEETING (INAUGURAL)

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

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

4.5 REQUIREMENTS FOR THE FIRST MEETING

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

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

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

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

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

Adoption of Standing Orders: It is common for councils to adopt standing orders at the first meeting; however, current standing orders will remain in force after each triennial election until such time as they are amended and adopted by the Council.

5. GIVING NOTICE ORDINARY/ EXTRAORDINARY MEETINGS

5.1 ORDINARY MEETINGS - PUBLIC NOTICE

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

5.2 ORDINARY MEETING - NOTICE TO MEMBERS

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

cl. 19 (5), Schedule 7, LGA 2002.

5.3 EXTRAORDINARY MEETING - CALL FOR MEETING

Under these Standing Orders, an extraordinary meeting refers to any meeting outside of the adopted Schedule of Meetings. Additionally, any meeting within the Schedule of Meetings where the date of that meeting is brought forward such that the requirement for notice set out in 8.2 cannot be met is also to be treated as an Extraordinary meeting.

An extraordinary council meeting may be called by:

- (a) resolution of the Council, or
- (b) a request in writing delivered to the Chief Executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the Council (including vacancies).

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

5.4 EXTRAORDINARY MEETING - NOTICE TO MEMBERS

Notice in writing of the time and place of an extraordinary meeting called under Standing Order 5.3 and of the general nature of business to be considered must be given by the Chief Executive to each member of the Council at least three working days before the day appointed for the meeting.

Where this is not possible, notice must be given to each member of the Council and the Chief Executive by whatever means is reasonable in the circumstances and at least 24 hours before the time 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, provided it is not less than 24 hours.

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

5.5 EXTRAORDINARY MEETINGS INCONSISTENT WITH NOTICE REQUIREMENTS

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 5.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the Chief Executive.

Where an extraordinary meeting of the Council was called and notice of that meeting was inconsistent with these standing orders the Council must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

cl. 22 (2) Schedule 7, LGA 2002 and s. 46 (3) & (4), LGOIMA.

5.6 CHIEF EXECUTIVE MAY MAKE OTHER ARRANGEMENTS

The Chief Executive is to make any other arrangements for the notification of meetings, including extraordinary meetings, as the Council may, from time to time, determine.

s. 46(5) LGOIMA.

5.7 VALIDITY OF MEETINGS NOT CORRECTLY NOTIFIED

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

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

s. 46 (6), LGOIMA.

5.8 EXTRAORDINARY MEETINGS - RESOLUTIONS PASSED

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

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

5.9 MEETING SCHEDULES

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

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

5.10 NON-RECEIPT OF NOTICE TO MEMBERS

A meeting of the Council is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
 - (b) the member concerned did not attend the meeting.
- A member of a local authority may waive the need to be given notice of a meeting.

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

5.11 MEETING CANCELLATIONS

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the Chief Executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event. The Chief Executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

6. APPOINTMENTS AND ELECTIONS

6.1 MAYORAL APPOINTMENT OF DEPUTY MAYOR, COMMITTEE CHAIRS AND MEMBERS

A Mayor may appoint the Deputy Mayor, the Chairperson, and the Members of each Committee of the Council. The names of any appointments made by the Mayor must be tabled at the first meeting of the Council after the appointments are made. The Mayor may also appoint him-or herself.

s. 41A (3) LGA 2002.

6.2 COUNCIL DISCHARGE OF A MAYORAL APPOINTMENT

Nothing, however, limits or prevents a territorial authority from discharging a Deputy Mayor, a Chairperson, or a Member of a Committee appointed by the Mayor. Any decision by the Council to discharge a Deputy Mayor shall follow the procedure in standing order 5.5.

If the Mayor declines to appoint a Deputy Mayor or Committee Chairpersons in accordance with s.41A LGA 2002, the Council (or a Committee, if so directed by the Council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

6.3 ESTABLISHMENT OF COMMITTEES BY THE MAYOR

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

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

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

6.4 ELECTIONS OF DEPUTY MAYORS AND DEPUTY CHAIRPERSON/S

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see cl. 25 Schedule 7, LGA)) 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.

Please note, this provision does not apply in situations where a Mayor has used their appointment powers under s.41A to appoint a Deputy Mayor or committee chairs.

cl. 25 Schedule 7, LGA 2002.

6.5 REMOVAL OF A DEPUTY MAYOR

A Deputy Mayor, whether appointed by the Mayor under Standing Order 5.1 or elected by the Council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002.

cl. 18, Schedule 7, LGA 2002.

7. DELEGATIONS

7.1 LIMITS ON DELEGATIONS

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

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

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

7.2 COMMITTEES MAY DELEGATE

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

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

7.3 USE OF DELEGATED POWERS

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

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

7.4 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. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

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

7.5 COMMITTEES AND SUBCOMMITTEES SUBJECT TO THE DIRECTION OF THE LOCAL AUTHORITY

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

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

8. COMMITTEES

8.1 APPOINTMENT OF COMMITTEES AND SUBCOMMITTEES

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

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

8.2 DISCHARGE OR RECONSTITUTION OF COMMITTEES AND SUBCOMMITTEES

Unless expressly provided otherwise in legislation or regulation:

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

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

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

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

8.3 LOCAL AUTHORITY MAY REPLACE MEMBERS IF COMMITTEE NOT DISCHARGED

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002 (see standing order 7.2), the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

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

8.4 APPOINTMENT OR DISCHARGE OF COMMITTEE MEMBERS AND SUBCOMMITTEE MEMBERS

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

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

8.5 MEMBERS ON COMMITTEES AND SUBCOMMITTEES

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. The Council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee. At least one member of a committee must be an Elected Member of the Council. A staff member (kaimahi) of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

8.6 MEMBERSHIP OF MAYOR

The Mayor is an ex-officio member of every committee or subcommittee of the local authority.

s. 41A (5), LGA 2002.

8.7 DECISION VALID DESPITE IRREGULARITY IN MEMBERSHIP

Under these standing orders a decision of a local authority, committee, is not invalidated if:

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

cl. 29, Schedule 7, LGA 2002.

8.8 APPOINTMENT OF JOINT COMMITTEES

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

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

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

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

8.9 STATUS OF JOINT COMMITTEES

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

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

8.10 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.

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

Pre-meeting



9. MEETING AGENDA

9.1 PREPARATION OF THE AGENDA

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 should consult the Chairperson.

For clarity, the Chief Executive is not required to provide the meeting papers to the Chairperson for review prior to the agenda being circulated to members.

Reports that do not require decisions (information only reports) may be attached as appendices to Council/Committee agendas and would not be discussed/debated unless:

- (a) the report concerns an upcoming decision of the Council/Committee; or
- (b) with approval of the Chairperson and Principal Advisor prior to the meeting; or
- (c) by resolution of Council/Committee at the time the agenda is confirmed.

9.2 PROCESS FOR RAISING MATTERS FOR A DECISION

Requests for reports may be made by a resolution of the Council, committee, subcommittee, or subordinate decision-making body and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations. A process for requesting reports is described below.

Matters requiring a decision may be placed on an agenda of a meeting by a:

- (a) report of Chief Executive
- (b) report of a Chairperson
- (c) report of a Committee
- (d) notice of motion from a member. See SO 26

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

- (a) report of Chief Executive
- (b) report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting Chairperson. (SO 9.4 applies)

9.3 CHIEF EXECUTIVE MAY DELAY OR REFUSE REQUEST

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

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

9.4 ORDER OF BUSINESS AND CONFIRMATION OF THE AGENDA

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides by majority vote at the time of confirming the agenda. Any late items must also be confirmed as part of the agenda at this time. (see SO 9.12)

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

9.5 CHAIRPERSON'S RECOMMENDATION

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 CHAIRPERSON'S REPORT

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

This may include a report informing the Council/committee of:

- (a) a minor governance matter or decision sought which is directly related to the terms of reference, a previous resolution, or current area of work, and is not more appropriately addressed through a staff (kaimahi) report.
- (b) a critical governance matter directly related to the terms of reference, a previous resolution, or current area of work, and that cannot or is yet to be addressed through a staff (kaimahi) report. Such a matter should typically not require a decision of the Committee.

9.7 PUBLIC AVAILABILITY OF THE AGENDA

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

s. 5 & 46A, LGOIMA.

9.8 PUBLIC INSPECTION OF AGENDA

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

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

s. 46A (1), LGOIMA.

9.9 WITHDRAWAL OF AGENDA ITEMS

If justified by circumstances an agenda item may be withdrawn prior to distribution by the Chief Executive. In the event of an item being withdrawn the Chief Executive should inform the Chairperson, if possible, prior to the relevant meeting. Once the agenda has been distributed an agenda item may only be withdrawn by resolution of the Council or Committee of Council when the agenda is confirmed at the meeting.

9.10 DISTRIBUTION OF THE AGENDA

The Chief Executive will make the agenda to every member of a meeting at least 5 clear working days before the day of the meeting, except in the case of an extraordinary meeting (see standing order 8.4).

The Chief Executive may send the agenda, and other materials relating to the meeting or other council business, to members exclusively via electronic means.

9.11 STATUS OF AGENDA

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

9.12 ITEMS OF BUSINESS NOT ON THE AGENDA (LATE ITEMS) WHICH CANNOT BE DELAYED

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

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

s. 46A (7), LGOIMA

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

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

9.13 DISCUSSION OF THE MINUTES

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their accuracy in recording actions that took place in the meeting.

9.14 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

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

Please note that a resolution, decision or recommendation is required about an item not on the agenda, standing order 9.12 applies.

s. 46A (7A), LGOIMA.

9.15 PUBLIC EXCLUDED BUSINESS ON THE AGENDA

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

See appendix 1 for the requirements for public excluded business

s. 46A (9), LGOIMA.

9.16 QUALIFIED PRIVILEGE RELATING TO AGENDA AND MINUTES

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

s. 52, LGOIMA.

9.17 RECEIVING A REPORT

By receiving a report, the Council or committee is simply agreeing it is appropriate the report should form part of the official record of a Council or committee meeting. As with all decisions, Members must feel that the matter is consistent with the terms of reference for the Council or committee. Receiving a report is not an endorsement of the content within the report.

Meeting Procedures



10. OPENING AND CLOSING

10.1 OPENING AND CLOSING

The Council or committee, may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community (hapori) values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or poowhiri as well as a karakia whakamutunga to close a meeting where appropriate. (see Definitions for English translations).

11. QUORUM

11.1 REQUIREMENT FOR A QUORUM

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

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

11.2 COUNCIL

The quorum for a meeting of the Council is:

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

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

11.3 COMMITTEES AND SUBCOMMITTEES

The Council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference, provided that it is not less than two members. Committees may set the quorums for their subcommittees by resolution. In the case of committees at least one member of the quorum must be a member of the Council.

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

11.4 JOINT COMMITTEES

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

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

11.5 QUORUM WHERE MEMBER DECLARES CONFLICT

Where a member has declared a conflict of interest, such that they are not participating in the debate or vote of the matter but are required to be in the room for quorum, the meeting may decide by resolution that the member can remain in the meeting room to maintain quorum.

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

11.6 MEETING LAPSES WHERE NO QUORUM

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 15 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

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

11.7 BUSINESS FROM LAPSED MEETINGS

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

12. PUBLIC ACCESS AND RECORDING

12.1 MEETINGS OPEN TO THE PUBLIC

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

s.47 & 49(a), LGOIMA.

12.2 GROUNDS FOR REMOVING THE PUBLIC

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

12.3 LOCAL AUTHORITY MAY RECORD MEETINGS

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

12.4 PUBLIC MAY RECORD MEETINGS

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, who must advise all members and public present at the start of the meeting of such recording(s).

The Chairperson must 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.

13. ATTENDANCE

13.1 MEMBERS RIGHT TO ATTEND MEETINGS

A member of the Council, or of a committee of the Council, has, unless lawfully excluded, the right to attend any meeting of the Council or committee.

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

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

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

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

13.2 ATTENDANCE WHEN A COMMITTEE IS PERFORMING JUDICIAL OR QUASI-JUDICIAL FUNCTIONS

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

13.3 LEAVE OF ABSENCE

The Council may grant a member leave of absence following an application from that member. In addition, the Council may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board, or community board whenever a member has been granted leave of absence under delegated authority.

Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 APOLOGIES

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

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

13.5 RECORDING APOLOGIES

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members. The minutes will record if the absence is for the purpose of Council business.

13.6 ABSENT WITHOUT LEAVE

Where a member is absent from the Council for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

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

14. MEMBERS ATTENDING BY AUDIO-VISUAL LINK

14.1 RIGHT TO ATTEND BY AUDIO VISUAL LINK

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link unless they have been lawfully excluded or do not meet the requirements of Standing Orders.

A member may attend a meeting by audio visual link, either generally or for a specific meeting, noting that where possible, a member will notify the Governance Team at least 2 working days' notice when they want to attend a meeting by audio or audio-visual link. Should, due to illness or unforeseen circumstances, this not be possible the member may give less notice. Member's need to note that they may be asked by the Chair to attend in person in order to meet a physical quorum.

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

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

14.2 MEMBER ATTENDING BY AUDIO VISUAL LINK: QUORUM

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

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

14.3 MEMBER ATTENDING BY AUDIO VISUAL LINK: VOTING

Where a meeting has a quorum, determined by the number present, the members attending by audio-visual link can vote on any matters raised at the meeting, provided the requirements of SO 12.1 are met.

14.4 CHAIRPERSON'S RESPONSIBILITY FOR AUDIO VISUAL ATTENDANCE

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

- (a) the technology for the link is available and of suitable quality;
- (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-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-visual link then chairing duties will be undertaken by the Deputy Chair or a member who is physically present.

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

14.5 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.

Where an audio-visual link is terminated, the 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. This will not invalidate any acts or proceedings of the local authority or its committees.

14.6 GIVING OR SHOWING A DOCUMENT

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

- (a) transmitting it electronically;
- (b) using the audio-visual link; or
- (c) any other manner that the Chairperson thinks fit.

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

14.7 CONFIDENTIALITY

A member who is attending a meeting by 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.

15. CHAIRPERSON'S ROLE IN MEETINGS

15.1 APPLICATION OF STANDING ORDERS

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

The Chairperson may request the advice of the Governance Advisor on any matter or interpretation relating to these Standing Orders.

15.2 COUNCIL MEETINGS

The Mayor or Chairperson of the Council must preside at meetings of the Council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the Deputy Mayor/Chair must act as Chairperson. If the Deputy Mayor/Chair is also absent the Council members who are present must elect a member to be Chairperson at that meeting.

This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting.

This provision also applies to committees, subcommittees and subordinate decision-making bodies.

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

15.3 ADDRESSING THE CHAIRPERSON

Members will address the Chairperson as 'Chair' except where the Chairperson has requested otherwise.

15.4 CHAIRPERSON'S RULINGS

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and rule on to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt. (see SO section 20.4 - disrespect)

15.5 CHAIRPERSON STANDING

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

15.6 MEMBER'S RIGHT TO SPEAK

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

15.7 CHAIRPERSON MAY PRIORITISE SPEAKERS

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

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

16. PUBLIC FORUMS

Public forums are a defined period of time, usually at the start of a meeting, which is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the Council, committee, or subcommittee.

Any issue, idea or matter raised in public forum must fall within the terms of reference for the meeting the speaker is addressing and must relate to an item on the agenda for that meeting.

Public Forum does not apply to any sub-judice matters including but not limited to:

- (a) matters subject to an upcoming hearings process;
- (b) matters on which public consultation is occurring;
- (c) matters on which public consultation has closed and a decision is yet to be made.

16.1 TIME LIMITS

A period of up to 30 minutes, or such longer time as the meeting may determine by majority vote, will be available for the public forum at each scheduled local authority meeting. Requests are scheduled in the order they are received; ideally requests should be made to the Governance Advisor ahead of the meeting; however, requests may be made up until the meeting starts. This requirement may be waived by the Chairperson.

Speakers will be allowed up to five minutes to speak and respond to questions. Questions must be confined to obtaining information or clarification on matters raised by a speaker/s. Questions over the time limit are at the discretion of the Chairperson.

Where the number of speakers presenting in the public forum exceeds six in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters or limit people speaking in support of or in opposition to the same matter.

16.2 RESTRICTIONS

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

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or kaimahi (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.

16.3 QUESTIONS AT PUBLIC FORUMS

At the conclusion of a presentation, with the permission of the Chairperson, elected members may ask questions of speakers.

16.4 NO RESOLUTIONS OR DEBATE FOLLOWING MATTERS RAISED IN PUBLIC FORUM

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

17. PETITIONS

17.1 PRESENTING PETITIONS

The Council will consider a petition on any matter relating to either the services it provides or may be provided by it, or any policy or intended policy of the Council at such times as the citizens of Hamilton request, subject to the provisions outlined below. Petitions may be presented to the Council or any of its committees (ensuring it relates to matters within the terms of reference of committee).

17.2 VALID PETITIONS

A valid petition will be considered by the Council or appropriate Committee, together with staff (kaimahi) advice, within sixty days of receipt or two meeting cycles.

Petitions:

- must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege).
- may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition to be translated and reprinted, if necessary.
- may be presented in hard copy or electronic form.
- must consist of fewer than 250 words (not including signatories).
- must contain at least 150 signatures of residents of Hamilton City, inclusive of the primary petitioner, all being on the Electoral Roll for Hamilton City and eligible to vote.
- must also contain the full name, physical address, and signature for all signatories to the petition. In the case of an electronic petition, the signatory must provide their email address in place of their signature.

17.3 PETITION PRESENTED BY PETITIONER

A petitioner who presents a petition to Council or any of its committees and subcommittees, may speak for five minutes (including questions) about the petition, unless the meeting resolves otherwise. Questions of petitioners are at the discretion of the Chairperson and must comply with SO 20.3.

The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

17.4 PETITION PRESENTED BY MEMBER

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

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

18. EXCLUSION OF PUBLIC

18.1 MOTIONS AND RESOLUTIONS TO EXCLUDE THE PUBLIC

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in 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 1). The resolution must state:

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

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

s. 48 LGOIMA.

18.2 SPECIFIED PEOPLE MAY REMAIN

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

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

s.48 (6) LGOIMA.

18.3 PUBLIC EXCLUDED ITEMS

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

s.46A (8) LGOIMA.

18.4 NON-DISCLOSURE OF INFORMATION

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

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

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

18.5 RELEASE OF INFORMATION FROM PUBLIC EXCLUDED SESSION

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

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

The Chief Executive will inform the subsequent meeting of the nature of the information released.

19. VOTING

19.1 DECISIONS BY MAJORITY VOTE

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.
cl. 24 (1), Schedule 7, LGA 2002.

19.2 OPEN VOTING

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

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

19.3 CHAIRPERSON HAS A CASTING VOTE

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote. A Chairperson is not required to exercise their casting vote.

In the case of an equal vote, the motion is considered lost and the status quo prevails. See also SO 24.4. cl. 24 (2) Schedule 7, LGA 2002.

19.4 METHOD OF VOTING

The method of voting must be as follows:

- (a) the Chairperson in putting the motion or amendment must call for members to submit their vote by choosing FOR or AGAINST on the electronic voting system or by a show of hands, the result of either of which, as announced by the Chairperson or Governance Advisor, must be conclusive.
- (b) In the event that a member indicates an error in voting before the result of the vote has been announced or displayed, the Chairperson may call for the vote to be retaken.
- (c) the result of each vote including how members voted will be notified to the meeting and recorded in the minutes.

19.5 MEMBERS MAY NOT ABSTAIN

No member may abstain from voting UNLESS:

- (a) they have declared a direct or indirect financial interest in relation to an item that precludes them from voting on that matter; or
- (b) declared a non-pecuniary interest in relation to an item that they believe precludes them from voting on that matter. Any declaration of interest and consequential abstention from voting under this clause must be recorded in the meeting minutes.

19.6 MEMBERS JOINING THE MEETING DURING DEBATE MAY CHOOSE NOT TO VOTE

A member may choose not to participate in a vote for an item where the member has been absent for that item and has only joined or rejoined the meeting after commencement of debate AND does not feel able to make an informed decision on the matter. In this situation the member may leave the table until the vote is completed.

20. MEETING CONDUCT

20.1 CODE OF CONDUCT

Members are expected to comply with the Council's Code of Conduct for Elected Members at all times. The Code requires members to:

- (i) act with integrity and honesty (3.1)
- (ii) demonstrate accountability by complying with legislative requirements applying to their roles, acting in an open and transparent manner and ensuring the prudent use of Council resources (3.2)
- (iii) treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights (3.3)
- (iv) show good faith, faithfully and impartially exercising their powers, authority and duties in the best interest of the community (hapori) of Hamilton (3.4)

The Code of Conduct for Elected Members provides for perceived breaches of the code during meetings to be dealt with by the Chairperson of that meeting at the time the breach arises under SO 25.2. If an Elected Member believes an alleged breach of the code has not been dealt with adequately by the Chairperson at the meeting, that Elected Member may initiate the procedures set out in 6.2 in schedule 3 of the code.

20.2 FORM OF ADDRESS FOR MEMBERS

All members are to be addressed by their title and surname unless the member agrees to a different form of address. The appropriate form of address for a Chairperson is Chair or Chair [surname].

20.3 CALLING TO ORDER

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

20.4 DISRESPECT

No member may speak or act in a manner which is disrespectful of other members, staff (kaimahi) or other meeting attendees or inconsistent with the local authority's Code of Conduct at any meeting.

20.5 RETRACTIONS AND APOLOGIES

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

20.6 RECORDING OBJECTION TO WORDS

When a member objects to any words used by another member in a speech as part of a point of order which is upheld by the Chair and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.7 DISORDERLY CONDUCT

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

- (a) The Chairperson may remove any member who refuses to leave the meeting when directed to do so by the Chairperson (see SO 19.7); and/or
- (b) The Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned; and/or
- (c) The Meeting may, by majority vote, resolve that a member is in contempt where that member has been subject to repeated cautions by the Chairperson for disorderly conduct.

Any such resolution must be recorded in the meeting's minutes. The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.8 REMOVAL FROM MEETING

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

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

20.9 FINANCIAL CONFLICTS OF INTERESTS

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

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

Members with a financial interest should physically withdraw themselves from the meeting room. Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter. (See also SO 18.5.)

s. 6 & 7 LAMIA.

20.10 NON-FINANCIAL CONFLICTS OF INTERESTS

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

The member must leave the table when the matter is considered but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting (see also SO 18.5).

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

20.11 QUALIFIED PRIVILEGE FOR MEETING PROCEEDINGS

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

s. 53, LGOIMA.

20.12 QUALIFIED PRIVILEGE ADDITIONAL TO ANY OTHER PROVISIONS

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

s. 53, LGOIMA.

20.13 ELECTRONIC DEVICES AT MEETINGS

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the Chairperson. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

Members are expected to comply with the Council's Code of Conduct for Elected Members at all times. The Code (which can be found in Appendix 4) requires members to:

- (i) act with integrity and honesty (3.1)
- (ii) demonstrate accountability by complying with legislative requirements applying to their roles, acting in an open and transparent manner and ensuring the prudent use of Council resources (3.2)
- (iii) treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights (3.3)
- (iv) show good faith, faithfully and impartially exercising their powers, authority and duties in the best interest of the hapori (community) of Hamilton (3.4)

21. QUESTION TIME

21.1 MEMBERS MAY ASK QUESTIONS OF STAFF (KAIMAHI)

The Chairperson will ensure that the opportunity is provided for members to ask questions of the Chief Executive and their kaimahi on any item on the agenda for that meeting necessary to enable informed debate and decision-making provided that:

- (a) Questions demonstrate respect for staff (kaimahi) and are put courteously;
- (b) A member does not use a question to state their point of view or enter into debate;
- (c) Questions raised by members are directly relevant to the item and are not repetitive;
- (d) Questions raised by members are succinct, clear and unambiguous;
- (e) Staff (Kaimahi) are not asked to comment on matters to which they have already responded or do not feel qualified to address.

21.2 CHAIRPERSON'S DISCRETION

The Chairperson may terminate a Member's question or questions, or question time altogether if in the Chairperson's view:

- (a) the rules of question time as set out in SO 21.1 are not being observed; and/or
- (b) the length of time being taken on questions is not proportionate to the importance of the item or the progress of the meeting.

The Chairperson's decision on such matters is final.

21.3 QUESTIONS OF PRESENTERS OTHER THAN STAFF (KAIMAHI)

At the discretion of the Chairperson, members may ask questions of external presenters for items on the meeting agenda other than staff (kaimahi) for the purpose of enabling informed debate and decision-making. The following provisions apply:

- (a) questions demonstrate respect for presenters and are put courteously;
- (b) members must not use a question to state their point of view or enter into debate;
- (c) members must ask questions directly relevant to the item being discussed and not be repetitive;
- (d) questions should be succinct, clear and unambiguous; and
- (e) presenters should not be asked to comment on matters to which they have already responded or do not feel qualified to address.

21.4 QUESTIONS DURING DEBATE

No questions are allowed once debate has commenced, unless a member who has a question that relates to the accuracy of significant material facts informing decision-making or legal compliance.

Such questions may be raised under SO 22.3.

22 GENERAL RULES OF DEBATE

22.1 CHAIRPERSON MAY EXERCISE DISCRETION

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

22.2 TIME LIMITS ON SPEAKERS

The following time limits apply to members speaking at meetings.

- (a) movers of motions when speaking to the motion - not more than 2 minutes;
- (b) movers of motions when exercising their right of reply - not more than 2 minutes;
- (c) other members - not more than 2 minutes.

However, a meeting may decide to extend the time limits for members speaking in debate by majority vote at confirmation of the agenda. In this case the following time limits will apply:

- (a) movers of motions when speaking to the motion - not more than 3 minutes;
- (b) movers of motions when exercising their right of reply - not more than 3 minutes;
- (c) other members - not more than 3 minutes.

22.3 QUESTIONS OF SIGNIFICANCE TO STAFF (KAIMAHI) DURING DEBATE

A member who believes they have a necessary question regarding the accuracy of significant material facts informing decision-making or legislative compliance must:

- (a) wait until the member currently speaking has concluded their debate;
- (b) indicate to the Chairperson that they have a question of significance;
- (c) when asked by the Chairperson, put their question simply and clearly without commentary or opinion;
- (d) abide by the decision of the Chairperson as whether the question is sufficiently material to be put to kaimahi;
- (e) accept the response provided by the Chairperson or kaimahi, and not enter into further questions or debate.

The Chairperson's ruling on the materiality of a question is final and not open to challenge.

22.4 LIMITS ON NUMBER OF SPEAKERS

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

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

22.5 SECONDER MAY RESERVE SPEECH

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

22.6 SPEAKING ONLY TO RELEVANT MATTERS

Members must confine their remarks strictly to the motion or amendment that is being debated. Otherwise Members may only speak during debate to raise a point of order or a question of significance.

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

22.7 STATING, RESTATING AND DISPLAY OF MOTIONS AND AMENDMENTS

A motion or amendment will generally be displayed on the electronic screen (where technology allows this) for the information of members prior to or at the commencement of debate. Members may ask the Chairperson for the motion or amendment to be read out in the meeting or, where the motion or amendment cannot be easily read on the screen, in writing. Members may also request the Chairperson restate a motion or amendment at any time but may not interrupt a speaker to do so.

22.8 CRITICISM OF RESOLUTIONS

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

22.9 RIGHT OF REPLY

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

A mover's right of reply can only be used once. The mover may reserve their right of reply and exercise it at the end of any debate:

- (a) on the original or substituted motion (where there is no amendment, or the motion and amendment are being debated separately); OR
- (b) on an amendment (where the motion and the amendment are being debated separately); OR
- (c) on the amendment as the substantive motion (where the amendment is won and becomes the motion); OR
- (d) on the motion and amendment where these are being debated together.

The mover of a motion is entitled to speak once to their motion and once to each amendment. If a closure motion (see SO 25.9) is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

22.10 NO OTHER MEMBER MAY SPEAK

No other member may speak:

- (a) after the mover has started their right of reply; OR
- (b) after the mover has indicated that they will forego their right of reply; AND
- (c) the Chairperson has indicated that he or she intends to put the motion.

23. MOTIONS AND AMENDMENTS

23.1 GENERAL PROCEDURES FOR SPEAKING TO AND MOVING MOTIONS

- (a) the mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- (b) Members who have or have not spoken to the original or substituted motion may move or second an amendment to it.
- (c) Members can speak to any amendment and can move or second further amendments.
- (d) the meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder at any point before the vote takes place.

23.2 PROPOSING AND SECONDING MOTIONS

All motions and amendments must have a mover and a seconder. The Chairperson may then state the motion and propose it for discussion. Amendments and motions moved but not seconded are not in order and will not be discussed or entered in the minutes.

This requirement for a mover and a seconder also applies to notices of motion (see SO 27)

23.3 MOTIONS IN WRITING

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

23.4 MOTIONS EXPRESSED IN PARTS

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

23.5 SUBSTITUTED MOTION

Where a motion is subject to an amendment, the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. The substituted motion will be debated as the motion

23.6 AMENDMENTS TO BE RELEVANT

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost.

23.7 AMENDMENTS CANNOT BE DIRECT NEGATIVES

An amendment which, if carried, would have the effect of defeating a previous resolution is a direct negative and is therefore not allowed.

An amendment which, if carried, would have the effect of negating the current motion or substituted motion AND PRESERVES the Status Quo is a direct negative and is therefore not allowed.

However, where an amendment which if carried, would have the effect of negating the current motion or substituted motion AND WOULD RESULT in a change to the Status Quo, it is not a direct negative and will be allowed.

23.8 FORESHADOWED AND FURTHER AMENDMENTS

A member may indicate to the meeting that they intend to move a further amendment once the existing amendment in front of the meeting has been dealt with i.e. they foreshadow a further amendment. A member may do this at any time until the Chairperson calls for the existing amendment to be put to the vote provided they have not already spoken in the debate. They may but are not required to disclose the nature of a foreshadowed amendment.

Alternately, once the existing amendment has been dealt with and before the Chairperson calls for the vote on the motion (original, substituted or substantive), a member may move a further amendment. A further amendment requires both a mover and a seconder who have not already spoken in the debate.

23.9 LOST AMENDMENTS

Where an amendment is lost, and the motion and amendment are being debated separately, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it and/or move or second a further amendment.

Where an amendment is lost, and the motion and amendment have been debated together, debate is concluded unless members who have not already spoken move and second a further amendment.

23.10 CARRIED AMENDMENTS

Where an amendment is carried, and the motion and amendment debated separately, the meeting will resume the debate on the substantive motion (the amendment which has now become the motion). Members who have not spoken to the original motion may speak to the substantive motion and may move or second a further amendment to it.

Where an amendment is carried, and the motion and amendment (now the substantive motion) have been debated together, debate is concluded unless members who have not already spoken in the debate move and second a further amendment to it.

23.11 WHERE A MOTION IS LOST

In a situation where a motion that recommends a course of action is lost and the outcome of the vote results in a status quo situation that could or would mean that Council was not meeting its legal compliance requirements clause, the Chairperson may allow a procedural/motion as per SO 25.4.

23.12 WITHDRAWAL AND ALTERATION OF MOTIONS AND AMENDMENTS

A motion or amendment which has been seconded may be withdrawn, altered, or the motion substituted with the amendment with the consent of the mover and the seconder prior to it being put by the Chairperson to the meeting for the vote UNLESS a member requests it be retained as is.

In this case a motion or amendment cannot be withdrawn or altered, or the motion substituted with the amendment without the consent of the majority of the members who are present and voting.

23.13 NO SPEAKERS AFTER REPLY OR MOTION HAS BEEN PUT

A member may not speak to any motion once:

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

24. REVOCATION OR ALTERATION OF RESOLUTIONS

24.1 MEMBER MAY MOVE A REVOCATION OR ALTERATION OF A DECISION

A member may give notice to the Chief Executive of their intention to move a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or Council committee. This is called a Notice of Revocation or Alteration.

The notice must set out:

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

(Additions to motions are considered Alterations)

24.2 A NOTICE OF REVOCATION OR ALTERATION MUST BE CONSIDERED BY THE BODY RESPONSIBLE FOR THE DECISION

Only the body that made the resolution for which a notice of motion has been received may revoke or amend their resolution, irrespective of whether the resolution was made under delegated authority, assuming the resolution is legally made.

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

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

24.3 GIVING NOTICE OF REVOCATION OR ALTERATION

A member must give notice of their intention to move to revoke or alter all or parts of a resolution to the Chief Executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice of revocation or alteration must name a seconder and be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. Once the motion is received the Chief Executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

(See also section 26 Notices of Motions)

24.4 LOST NOTICE OF REVOCATION OR ALTERATION

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

24.5 RESTRICTIONS ON ACTIONS UNDER THE AFFECTED RESOLUTION

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

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

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

24.6 REVOCATION OR ALTERATION BY RESOLUTION AT SAME MEETING

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

24.7 REVOCATION OR ALTERATION BY REPORT RECOMMENDATION

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

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

25. PROCEDURAL MOTIONS

25.1 PROCEDURAL MOTIONS MUST BE TAKEN IMMEDIATELY

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

However, the Chairperson must respond to any questions regarding the members obligations under legislation and Standing Orders, prior to putting a matter to the vote.

25.2 PROCEDURAL MOTIONS TO CLOSE OR ADJOURN A DEBATE

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

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

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

25.3 VOTING ON PROCEDURAL MOTIONS

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

25.4 PROCEDURE IF NO RESOLUTION REACHED

Where the outcome of a vote results in a status quo situation that could or would mean that Council was not meeting its legal compliance requirements the Chairperson may accept a procedural motion to progress the matter under discussion.

25.5 ADJOURNMENT MOTIONS

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

25.6 DEBATE ON ADJOURNED ITEMS

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

25.7 REMAINING BUSINESS AT ADJOURNED MEETINGS

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

25.8 BUSINESS REFERRED TO THE COUNCIL OR COMMITTEE

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

25.9 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.

25.10 OTHER TYPES OF PROCEDURAL MOTIONS

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

26. POINTS OF ORDER

26.1 MEMBERS MAY RAISE POINTS OF ORDER

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

26.2 SUBJECTS FOR POINTS OF ORDER

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

- (a) disorder - bringing disorder to the attention of the Chairperson;
- (b) language - use of disrespectful, offensive or malicious language;
- (c) irrelevance - the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation - incorrect or misleading account of any statement made by a member or by an officer or council employee;
- (e) breach of standing order - the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) breach of the Code of Conduct of Elected Members- see SO 20.1.
- (g) to request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

Having raised the subject of their point of order, a member may not explain further until invited by the Chairperson to do so.

26.3 CONTRADICTIONS

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

26.4 POINT OF ORDER ONCE THE CHAIRPERSON HAS CALLED THE VOTE

A member may not raise a point of order once the motion or amendment has been put for the vote by the Chairperson, except with the permission of the Chairperson.

26.5 CHAIRPERSON'S DECISION ON POINTS OF ORDER

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

27. NOTICES OF MOTION

27.1 NOTICE OF INTENDED MOTION TO BE IN WRITING

Any member seeking to put a motion at an upcoming meeting may provide notice of their intended motion subject to the requirements of these Standing Orders. Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered (see SO 27.6), the name of the seconder, and signed by no less than one third of the local authority including vacancies. The Notice of Motion must be delivered to the Chief Executive at least 5 clear working days before such meeting.

(Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.)

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

27.2 REFUSAL OF NOTICE OF MOTION

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

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body.

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

27.3 MOVER OF NOTICE OF MOTION

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

27.4 ALTERATION OF NOTICE OF MOTION

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

27.5 WHEN NOTICES OF MOTION LAPSE

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

27.6 REFERRAL OF NOTICES OF MOTION

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

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

27.7 REPEAT NOTICES OF MOTION

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

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

28. MINUTES

28.1 MINUTES TO BE EVIDENCE OF PROCEEDINGS

The local authority, its committees, and subcommittees must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to. cl. 28 Schedule 7, LGA 2002.

28.2 MATTERS RECORDED IN MINUTES

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

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

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

28.3 NO DISCUSSION ON MINUTES

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

28.4 MINUTES OF LAST MEETING BEFORE ELECTION

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

29. MINUTE BOOKS

29.1 INSPECTION

A hard copy of the local authority's minute books must be kept by the Chief Executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

29.2 INSPECTION OF PUBLIC EXCLUDED MATTERS

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

Referenced documents

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

APPENDIX 1: GROUNDS TO EXCLUDE THE PUBLIC

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

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

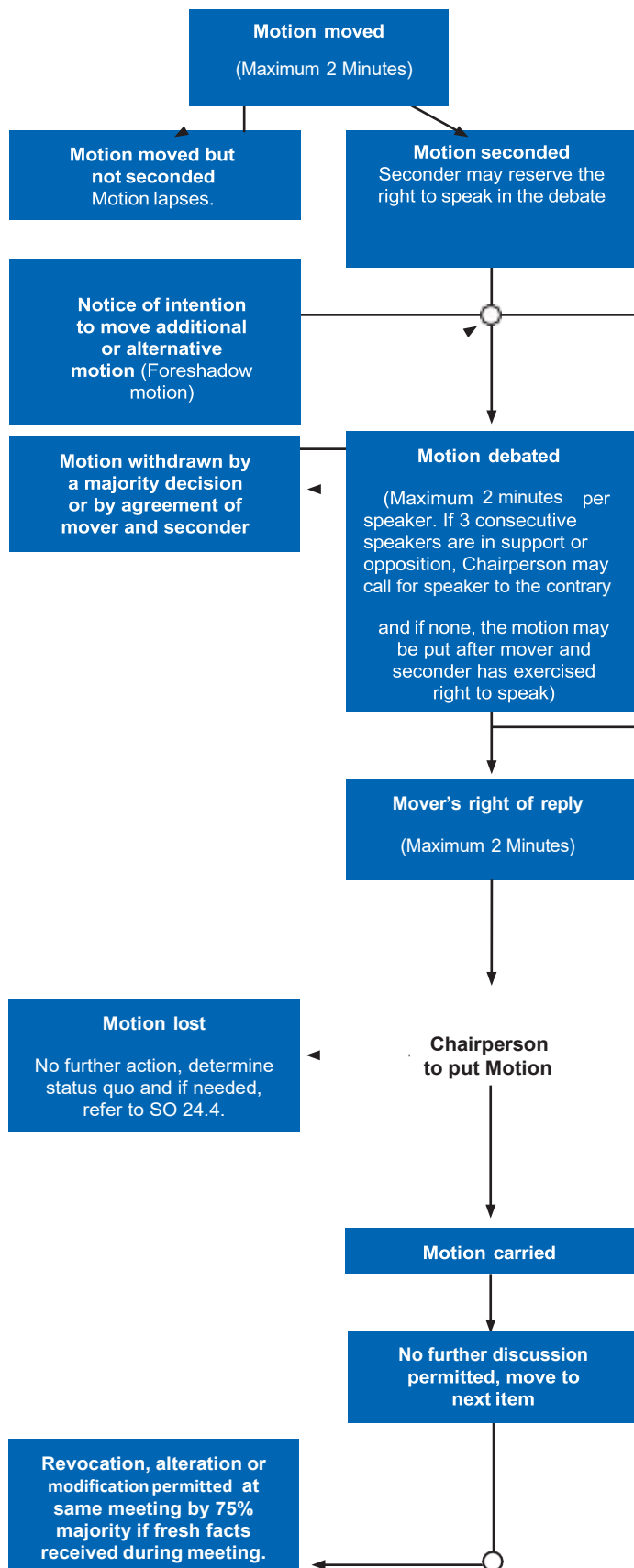
Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.

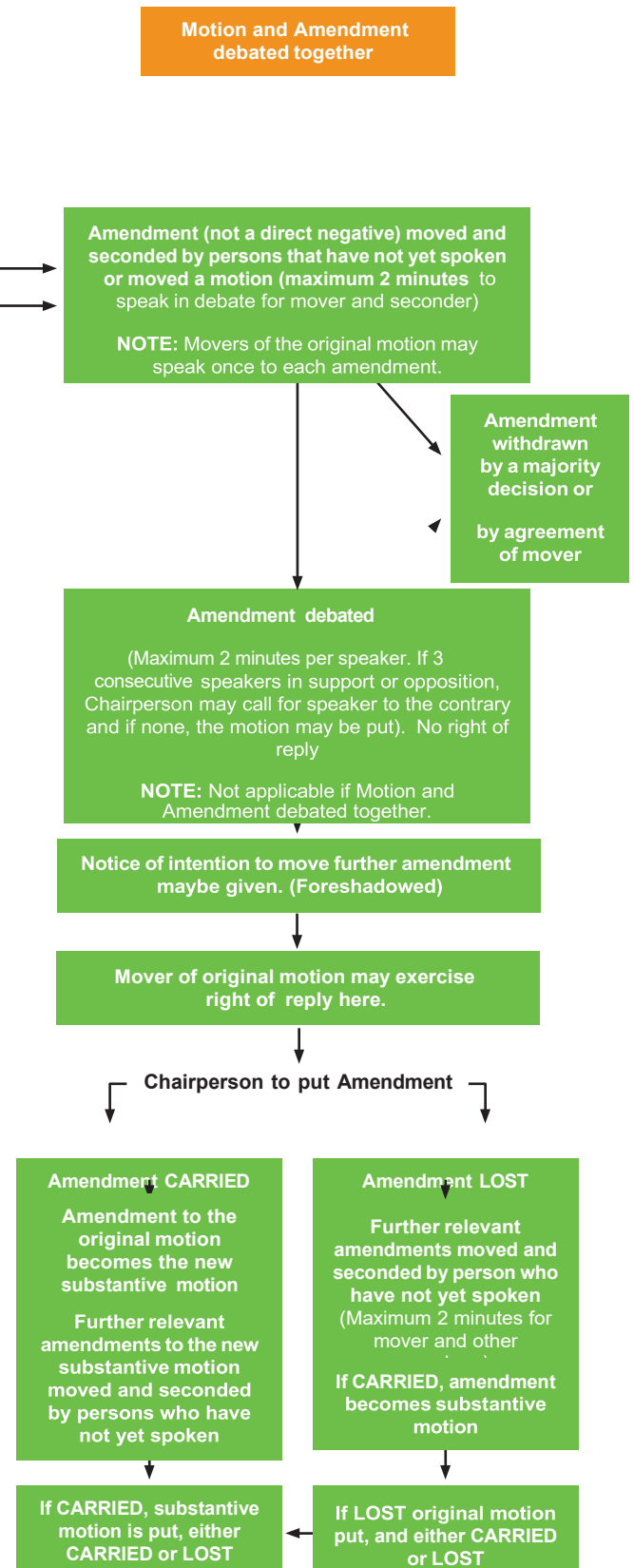
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion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

APPENDIX 2: MOTIONS AND AMENDMENTS - SEE SO 22

MOTIONS WITHOUT AMENDMENTS



MOTIONS WITH AMENDMENTS



APPENDIX 3: WEBCASTING PROTOCOLS

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

- (a) The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- (b) Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff (kaimahi) when presenting a report and responding to questions, and members of the public when addressing the meeting during the public forum time.
- (c) Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction may be filmed.
- (d) PowerPoint presentations, recording of votes by division, and other matters displayed by on the screens may be shown.
- (e) Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- (f) If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson or a wide-angle shot of the meeting.
- (g) Appropriate signage will be displayed outside the meeting room alerting people that the proceedings are being web cast.
- (h) A recording of the meetings following the webcasting will be made available on Council's website for public record.

