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Agenda for a meeting of the Te Kauwhata Community Committee to be held in the Te Kauwhata Rugby Clubrooms, Mahi Road on **WEDNESDAY, 6 MAY 2026** commencing at **7:00 PM.**

*Information and recommendations are included in the reports to assist the Committee in the decision-making process and may not constitute Council's decision or policy until considered by the Committee.*

*The meeting will be opened with a karakia.*

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. CONFIRMATION OF STATUS OF AGENDA**

**3. DISCLOSURES OF INTEREST**

The register of interests is no longer included on agendas, however members still have a duty to disclose any interests under this item.

**4. MINUTES FOR CONFIRMATION**

Minutes for confirmation for a meeting held on Wednesday, 4 March 2026

**5. PUBLIC FORUM**

5.1 Te Kauwhata Walkway Design - *Verbal Update*

**6. REPORTS**

6.1 Te Kauwhata Community Committee Discretionary Fund Report to 08 April 2026

6.2 Works and Issues Report May 2026

6.3 Adoption of Standing Orders

6.4 Chairpersons Report (*Verbal*)

6.5 Councillors Update - April 2026

6.6 Board Members Update (*Verbal*)

**7. COPY OF COMMUNITY GROUPS MEETING MINUTES - INFO ONLY**

Copy of Minutes - TK Domain Users Group (25th November 25 & 3 March 2026)

CL Hobbs  
CHIEF EXECUTIVE

## TERMS OF REFERENCE

### TE KAUWHATA COMMUNITY COMMITTEE

<b>Chairperson:</b>	Tim Hinton
<b>Deputy Chairperson:</b>	Angela van den Munckhof
<b>Membership:</b>	One Ward Councillor (Marlene Raumati) Nine community representatives (Courtney Howells, Estelle (Kahui) Jonathan, Ian Wrigley, Harjeet Kaur, Hayden Solomon, Derek Peel, Liz Tupuhi, Mike Peters, Lauren Hugues)
<b>Meeting frequency:</b>	Six weekly
<b>Quorum:</b>	Half of the members if even or + 1

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It is noted that the community committee terms of reference (TOR) are being reviewed at present and are likely to be revised again, as part of the representation review, in early 2027. In the interim these TOR apply to the four community committees listed on page 51.

### Election and election process

1. Members of community committees shall be elected on a three-year cycle, following the local body elections and after the establishment of a governance structure with TOR.
2. Elections shall be held by public meeting conducted by the chief executive of Council or their nominee, at which candidates will be nominated and elected (the elections meeting). The elections meeting shall be conducted in a manner deemed appropriate by the chief executive.
3. Council will advertise the public meeting and call for nominations to the committee.
4. Any vacancies occurring during the term shall be filled as deemed appropriate by both Council and the committee. The committee may, by resolution, co-opt members to assist as required if the number of members does not exceed the maximum specified in paragraph 1 of

the membership of community committee section (see below).

5. Council may assist in filling vacancies as appropriate.

### **Purpose**

The Te Kauwhata Community Committee (the Community Committee) is set up by the Waikato District Council (Council) to deal with local issues on behalf of Council in the township and surrounds of Te Kauwhata.

### **Roles and delegations**

The community committee's role shall be as follows:

1. Represent and act as an advocate for the interests of its community.
2. The consideration of and reporting on all matters referred by Council or any matter of interest or concern to the community committee.
3. Maintain an overview of services (e.g., road works, parks, recreational facilities, community activities, and traffic management) provided by Council within the community of Te Kauwhata.
4. The preparation of an annual submission to the budgetary process of the Waikato District Council for expenditure within the community of Te Kauwhata.
5. Communication with community organisations and special interest groups within the community of Te Kauwhata.
6. In the event that the committee that doesn't have specific discretionary funding to allocate, the committee can make an application to Council's Rural Ward Discretionary Fund for the funding of specific projects or events. These grants are available for projects and initiatives in rural areas and areas that are not served by a community board or other committee that receives discretionary funding.
7. To work with the elected hall committee to ensure the management and administration of halls within the Te Kauwhata area.
8. Any other function and duties may be delegated from time to time to

the community committee by Council.

- a. Pursuant to sch 7, cl 32(3) of the LGA, any sub-delegation of these responsibilities, duties and powers by community committee is hereby expressly prohibited.

### **Membership of community committee**

1. The membership of the community committee shall consist of not fewer than three and no more than 12 elected members plus appointed member(s) from Council.
2. In line with representation reviews and any applicable Local Government Commission determinations, councillor(s) elected in the ward representing the community committee area shall be community committee members either by election or appointment.
3. The role of the appointed councillor(s) shall be the liaison link between Council and the community committee.
4. Community Committee members (of the four committees stated on page 51) are expected to act in accordance with Council's code of conduct and standing orders at all times. This includes the obligation to declare any actual, potential, or perceived conflicts of interest in relation to matters under consideration.

### **Chairperson**

1. The community committee shall appoint a chairperson from within its membership.
2. The community committee shall appoint a deputy chairperson from within its membership.
3. The community committee shall appoint a secretary from within its membership.
4. For community committees with the delegation of discretionary funding, they will need to appoint a funding representative to work with council staff.

## Meeting procedures

1. The community committee shall follow the general principles of the New Zealand Standards (NZS 9202:2003) Model Standing Orders including Amendment 1 for Meetings of Local Authorities and other public bodies.
2. Any variance to the standing orders can be decided by a simple majority vote of those members present at a meeting.
3. A quorum of members of the committee shall consist of no fewer than five members.
4. The committee will be responsible for completing, and submitting to Council's Democracy team, minutes for each committee meeting in accordance with guidance provided by Council.
5. Members of the public and external presenters (including Council staff) will be treated with respect and courtesy by committee members.
6. All councillors are entitled to attend community committee meetings and are granted 58 speaking rights on agenda items and general matters. Aside from those formally appointed as members of the committee, attending councillors do not hold voting rights.

## Communication

1. The objective is to retain quality relationships between Council and the community committee and the community committee and the public.

## Responsibilities of Council

1. Council agrees to hold at least one combined workshop per annum, at which Council will participate with all community committees in discussing issues of mutual interest and clarification will be given on future Council direction.
2. Council may accept representations from the community committee

at its ordinary meetings on issues of significance contained within the community board minutes.

3. Council employs the chief executive, and the chief executive employs all staff. The chief executive is accountable to Council, not to the community committee.

### **Winding-up of the committee**

1. The committee may be wound up by resolution of Council in consultation with, or as a result of a request from the committee.



<b>To</b>	<b>Te Kauwhata Community Committee</b>
<b>Report title</b>	<b>Minutes for confirmation for a meeting held on Wednesday, 4 March 2026</b>
<b>Date:</b>	6 May 2026
<b>Report Author:</b>	Elizabeth Saunders, Senior Democracy Advisor
<b>Authorised by:</b>	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To confirm the minutes for a meeting of the Te Kauwhata Community Committee (TKCC) on Wednesday, 4 March 2026.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Te Kauwhata Community Committee confirms the minutes for a meeting held on Wednesday, 4 March 2026 as a true and correct record.**

## **3. Attachments**

### **Ngaa taapirihanga**

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1. TKCC Unconfirmed Minutes - 260304

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**MINUTES** of a meeting of the Te Kauwhata Community Committee held at the Te Kauwhata Rugby Club, Mahi Road, Te Kauwhata on **WEDNESDAY, 4 MARCH 2026** commencing at **7.00pm**.

**Present:**

Mr Tim Hinton (Chairperson)  
Ms Angela Van de Munckhof (Deputy Chairperson)  
Ms Lauren Hughes  
Ms Estelle Jonathan  
Mr Ian Wrigley  
Mr Courtney Howells  
Mr Mike Peters  
Mr Derek Peel  
Councillor Marlene Raumati

**Staff Attending:**

Ms E Saunders (Senior Democracy Advisor)

**Members of the Public:**

Mr Frank Green

**APOLOGIES AND LEAVE OF ABSENCE**

**Resolved: (Mr Hinton/Mr Wrigley)**

**THAT** the Te Kauwhata Community Committee accepts the apology from Mrs Liz Tupuhi and Staff member Mrs K Barnsdall for non attendance. Hayden Solomon indicated he would arrive late, but was in attendance by 7.10pm

**CARRIED**

TKCC2603/1

## CONFIRMATION OF STATUS OF AGENDA

Resolved: (MRS VAN DE MUNCHKOV/CR RAUMATI)

THAT the agenda for a meeting of the Te Kauwhata Community Committee held on Wednesday, 4 March 2026 be confirmed:

- a. with all items therein being considered in open meeting; and
- b. all reports be received.

CARRIED

TKCC2602/2

## DISCLOSURES OF INTEREST

There were no disclosures of interest except for Mr Hinton's previously declared interest in Inform Landscapes, a contractor to Council.

## MINUTES FOR CONFIRMATION

Resolved: (Cr Raumati/Mrs van de Munchkov)

THAT the minutes for a meeting of the Te Kauwhata Community Committee held on Wednesday, 4 February 2026 be confirmed as a true and correct record with the following amendments:

- *Pg 1 - The name of Ms Angela Van de Munckhof is spelled incorrectly - remove the n from "de"*
- *Cr Raumati requested that the discussions recorded around Speed cushions and the Blunt Rd Walkway are moved to general business*
- *Ph 7 bullet point 3 under Te Kumete Road (Boatramp) - remove the words (with behavioura"*

CARRIED

TKCC2602/3

## PUBLIC FORUM

Frank Green, Chair of Domain Committee was in attendance to observe discussion on Te Kauwhata Domain.

## REPORTS

### 6.1 Te Kauwhata Works & Issues Report

The report was received (*TKCC2603/2 refers*) and the following discussion was held:

- **CCTV cameras action** – Cr Raumati confirmed camera is installed but not fully operational yet. Carried to General Business.
- **Lake Waikare project** – nothing added
- **TKCC Facebook Page** – Mr Wrigley has created a page but is considering a group as a preferred forum. Mr Peel recommended a page rather than a group as people can not share information from a group.

**ACTION:** Mr Wrigley invited to discuss further with Sheryl from the Communication's Team if needed

- **Boat Ramp** – no discussion

**ACTION:** Remove this item from the Issues Report

- **Athletics club storage** – Cr Raumati has connected TKCC with Parks and Strategic Property who will come and investigate where the proposed location of the container is. Hoping to get a decision for the Athletics Club swiftly.

**ACTION:** Mr Hinton to keep Athletics Club informed of progress

- **Mahi Rd bollards** – some community concern has been raised about the bollards that have been installed at the intersection of Mahi, Te Kauwhata and Main Roads. These were recently installed in response to a request from a community member using a mobility scooter to cross here.
- They were well intended but installed without Councillor or community consultation. They appear to create a false sense of security for children when crossing. Discussion held around road safety in town and the increased pressure of crossing at this location as the Lakeside Community grows. Opportunity for discussion between the school and TKCC.

**ACTION:** Cr Raumati to request the removal of the bollards

## 6.2 Discretionary Fund Report

The report was received (*TKCC2603/2 refers*) and the following discussion was held:

- **North Waikato Development Fund.** It was agreed that due to several factors including the growth in the town, the current focus on the Domain as a central hub, logistical challenges around the wetlands and rail corridor and mana whenua's concern for taiao in the Blunt Road area, the Blunt Road Walkway was no longer a priority and would be deferred.
- It was further noted that the old commitments from FY21-24 are to be removed from the report.

**ACTION:** Resolution (Mr Wrigley/Mrs van de Munchkov) was made to move the funding allocation for the Blunt Road Walkway to the North Waikato Development Fund and defer the project.

**ACTION:** Finance to remove commitments made FY21-24 from the North Waikato Development Fund Report.

**Resolved: (Mr Hinton/Cr Raumati)**

**THAT the Te Kauwhata Community Committee:**

- a. receives the report for the Te Kauwhata Discretionary Fund and the North Waikato Development Fund to 12 February 2026; and
- b. resolves to return the amount of \$88.35 (#TKCC2803/09) be returned to the North Waikato Development Fund pool; and
- c. Resolves to return the commitment of \$100,000 (#TKCC2102/03) be returned to the North Waikato Development Fund pool for allocation to another project at a later time.

**CARRIED**

**TKCC2602/4**

## 6.3 Councillors Report

The report was received (*TKCC2603/2 refers*) and the following discussion was held:

- Cr van de Munchkov request dates for upcoming TKCC meetings. These can be found on the Council website.

### 6.3 Chairpersons Report

A verbal update was provided by the Chairperson with the following issues raised:

- Mr Hinton has attended two meetings of the Domain Users Group comprising of representatives of Rugby, Squash, Scouts, Athletics, Cricket, A&P Show, Community Garden and Mana Whenua. He has asked that the minutes of these meetings are added to TKCC agenda so the Committee can stay informed.
- The speed humps on Main Rd were damaged and have had to be removed.
- Splash'n Dash was a good day that brought the community together.

**ACTION:** Democracy Services to include Domain User Group minutes in the TKCC Agendas

### **GENERAL BUSINESS**

The following items were raised under General Business:

#### **Domain Users Group:**

This active group has identified that:

- The booking system for the domain is really important. All users need to log their activity so we can make a case for our share of WDCs recreation funds. We need funds for upgrading the domain should be proportional with the increased usage.
- Walkways have really increased patronage but also impact irrigation.
- The Dog Park and Field 4 need improved drainage.
- The Athletics Club is thriving through Terms 4 and 1, bringing many young people to the domain. Their proposed storage container is necessary as there is no longer capacity at Rugby Club.
- The carpark is no longer fit for purpose, not large enough for demand.
- They would like clarity about what the community wants in the domain and we need to seek alternative funding where needed. Its our domain, not the councils.
- The Scout Den needs an overhaul.

#### **Speed Cushions:**

- These have now been removed. Discussion was held around whether they need to be reinstalled, or removed permanently. The Committee noted that the speed limits have been reduced since the cushions were installed at that there is no longer justification for them.

### **CCTV Cameras:**

- Mr Hinton tabled invoices and quotes supplied by Police Officer Vodanovich, Feb 2026. He had arranged for Cornerstone to quote on fixing three CCTV cameras in the community.
- \$919.83+GST - Assessment invoice identified that the cameras at the library were over 10 years old and needed repair. The camera that has been in place on the Anexa building is now down as the building was demolished.
- Further estimates of \$5628.85+GST and \$4,000 were tabled.
- It was agreed that TKCC will not pay these costs. Rather Cr Raumati will ask for our cameras to be repaired and managed in house through council. She will also inquire as to whether the new server purchased by this committee for the library has been vested to Council.

**ACTION:** Cr Raumati to ask that the town's cameras are repaired, and clarify if the server has yet been vested to Council.

### **Training:**

- Stakeholder Engagement Training Session postponed indefinitely

### **Spam Emails:**

- Cr van de Munchkov noted that she has received multiple spam emails claiming to be from the chairperson of this committee, often asking the recipient to purchase items on their behalf. Other committee members have experienced the same scam over the past year. Please be wary of this.

**ACTION:** Democracy to notify IT of this cyber breach

### **Waerenga Community Hub:**

- Mr Howells advised that there have been three recent meetings and this \$2.2M project is progressing well. The landowners has received a title in compensation for the land gifted between Goodin Rd and the Rec Centre. Council have vested the land to the community. An architect is designing the facility at present. The hub will include school parking soccer field, meeting rooms commercial kitchen, bathrooms, a multi-use space which may host before and after school care. Neil Bateup is advising the committee on how to set up a trust like Aparangi.

### **Events Committee:**

- Mr Peel confirmed the next meeting is Mon 9<sup>th</sup>. 7.30pm at St Andrew's Hall. The committee will be planning ANZAC commemorations. They will drop the 11am parade and focus on the Dawn Parade and Waerenga GunFire Salute. All welcome to attend the meeting.

**Te Matatini (National Kapahaka Competition – 2027):**

- Cr Raumati confirmed that Te Matatini will be hosted by Waikato Tainui in Feb 2027, with WDC as host council. This is a significant honour and opportunity for the region.

There being no further business the meeting was declared closed at .....9.04pm.

Minutes confirmed and approved on ..... day of ..... 2026.

Mr Tim Hinton  
**CHAIRPERSON**

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To	Te Kauwhata Community Committee
Report title	Te Kauwhata Community Committee Discretionary Fund Report to 08 April 2026
Date:	6 May 2026
Report Author:	Jennifer Schimanski, Support Accountant
Authorised by:	Paul Conder, Chief Financial Officer

## 1. Purpose of the report

### Te Take moo te puurongo

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The purpose of this report is to update the Te Kauwhata Community Committee on the Discretionary Fund spend to date, commitments and balance as at 08 April 2026.

## 2. Executive summary

### Whakaraapopotanga matua

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Six weekly report outlining total funding payments to date from discretionary funds 2025/2026.

## 3. Staff recommendations

### Tuutohu-aa-kaimahi

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**THAT the Te Kauwhata Community Committee receives the Discretionary Fund Report to 08 April 2026 and; receives the North Waikato Development Fund report to 08 April 2026.**

## 4. Background/Discussion

### Koorero wahimaarama/Matapaki

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Waikato District Council provides funding to the Community Boards and Community Committees to assist community groups, non-commercial groups and voluntary organisations operating within their district for events and projects.

## **5. Next Steps**

### **Ahu whakamua**

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Continue to report to the Te Kauwhata Community Committee on the balance of the discretionary fund and provide any accountability reports as they are returned.

## **6. Attachments**

### **Ngaa taapirihanga**

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1. A - NWDF- Funding Report to 08 April 2026
2. A - TKCC - Discretionary Fund to 08 April 2026

**NORTH WAIKATO DEVELOPMENT FUND (NWDF) REPORT 2025/26 (July 2025 - June 2026)**

Te Kauwhata Allocation

As at Date: 08-Apr-2026

RS

18356

**Resolutions from TKCC Committee Meeting Minutes & Other Information**

2025/26

Reserve Opening Balance

231,998.99

Total Funding

231,998.99

**Income**

Interest July 2025 to March 2026

5,935.11

Total Income

5,935.11

**Expenditure**

Total Expenditure

-

Net Funding Remaining (excluding commitments)

237,934.10

**Commitments**

Date	Description	Resolution no	breakdown of monie	Amount remaining
03-Feb-21	Te Kauwhata Committee supports the use of \$150,000 from the North Waikato Development Fund (NWDF) to assist in funding the construction of the <b>Te Kauwhata Blunt Road Walkway</b> ; (Note: The Committee may not use all the \$150,000 commitment for the Blunt Road walkway).	TKCC2102/03	150,000.00	
03-Nov-21	(Note: that the Committee subsequently at 3 Nov 2021 meeting adjusted this commitment to \$100,000 as part of a discussion the Works and Issues report). As advised by Management Accountant this reduction is to show against Blunt Road Walkway 22.10.2024		(50,000.00)	
04-Mar-26	Return the commitment of \$100,000 (#TKCC2102/03) be returned to the North Waikato Development Fund pool for allocation to another project at a later time.	TKCC2602/04	(100,000.00)	-
08-Aug-23	North Waikato Development Fund to get Stage 1 and Stage 2 of the Dog Exercise Park project implemented.	TKCC2308/09	7,738.00	
30-May-24	less payment to Barakat Contractors to supply and install shade cloth poles at the dog park inv 15287 30/05/24	TKCC2308/09	(3,875.65)	
12-Nov-24	less payment to Fletch's Covers & Trims to supply and install shade cloths at the dog park inv 0427 12.11.2024	TKCC2308/08	(3,774.00)	
04-Mar-26	Resolution to return \$88.35 to the NWDF pool of funds	TKCC2602/04	(88.35)	-
<b>Total Commitments</b>				<u>-</u>
<b>Net Funding Remaining (Including commitments)</b>				<u>237,934.10</u>

**TE KAUWHATA COMMUNITY COMMITTEE DISCRETIONARY FUND REPORT 2025/26 (July 2025 - June 2026)**

As at Date: 08-Apr-2026

GL

10-2070-0000-00-25904

<b>2025/26 Annual Plan</b>			4,198.00
<b>Carry forward from 2024/25</b>			21,483.89
<b>Total Funding</b>			<b>25,681.89</b>
<b>Income</b>			
<b>Total Income</b>			-
<b>Expenditure</b>			
			<b>excl GST</b>
01-Aug-25	Payment of \$5,457.60 (plus GST, if any) towards to cost of the CCTV cameras at the Te Kauwhata Library inv I1899 15/09/2025	TKCC2508/05	5,457.60
05-Dec-25	Payment of \$900.00 (plus GST, if any) Te Kauwhata & Districts Information & Support Centre for the Splash'n Dash event in March 2026.	TKCC2512/08	900.00
05-Nov-25	Payment of \$1,000.00 (plus GST, if any) towards Diwali Celebrations for the Te Kauwhata Events Committee inv 2025/00011	TKCC2511/06	1,000.00
12-Nov-25	Payment of \$1,950.00 (plus GST, if any) towards the costs of traffic control for the 2025 Christmas Parade for Independent Traffic Control Ltd. Inv 2025/00012	TKCC2511/07	1,950.00
31 July 2025	Payment of \$1,717.16 (incl GST) for repairs to the CCTV security camera in Te Kauwhata inv I1361 from NWDF 17/4/2025 transferred from NWDF per resolution TKCC2511/05	TKCC2505/06	1,493.18
03-Feb-25	Transfer of \$500.00 to the Community Response Group per year	TKCC2403/05	500.00
<b>Total Expenditure</b>			<b>11,300.78</b>
<b>Net Funding Remaining (excluding commitments)</b>			<b>14,381.11</b>
<b>Commitments</b>			
			<b>excl GST</b>
06-Mar-24	Commitment of \$500.00 per annum for subsequent financial years on the understanding that these (combined) will be a total commitment to draw upon when needed by the Te Kauwhata Community Emergency Response Group. A maximum commitment of \$1,500.00.	TKCC2403/05	1,500.00
18-Oct-24	Less payment \$500.00 resolution TKCC2403/05	TKCC2403/05	(500.00)
03-Feb-26	Less payment \$500.00 resolution TKCC2403/05 transfer jnl GJ37000 doc file 13264	TKCC2403/05	(500.00)
<b>Total Commitments</b>			<b>500.00</b>
<b>Net Funding Remaining (Including commitments)</b>			<b>13,881.11</b>

<b>To</b>	<b>Te Kauwhata Community Committee</b>
<b>Report title</b>	<b>Works and Issues Report May 2026</b>
<b>Date:</b>	6 May 2026
<b>Report Author:</b>	Soroya McGall, Executive Assistance to General Manager Strategy & Growth
<b>Authorised by:</b>	Kuiarangi Barnsdall, Strategic Initiatives & Partnership Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide an update to the Te Kauwhata Community Committee on actions and issues arising from the previous meeting and works underway.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Te Kauwhata Community Committee receive the Works and Issues report for May 2026.**

## **3. Attachments**

### **Ngaa taapirihanga**

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1. Te Kauwhata Works and Issues Report May 2026

## Te Kauwhata Community Committee Works and Issues Report – May 2026

	<b>Issue and Action</b>	<b>Area</b>	<b>Status Update</b>
1.	<p><b>CCTV Cameras:</b></p> <p>Councillor Raumati to ask that the town's cameras are repaired and clarify if the server has yet been vested to Council.</p>	Councillor Raumati / Facilities Services Manager	<p><b>May 2026:</b></p> <p>Council has not found any documentation confirming the camera(s) and/or server were vested to Council.</p> <p>Council is open to discussing vesting and can support any required documentation. Once vesting is completed, Council may be able to support the maintenance costs of the hardware.</p> <p>Please advise if you wish to proceed.</p>
2.	<p><b>Community Committee Facebook Page:</b></p> <p>A Facebook page has been created for the Community Committee. Consideration as to whether a Facebook page or group would better.</p> <p><b>Action:</b> Mr Wrigley invited to discuss further with Strategic Advisor from Communication's Team if needed.</p>	TKCC Board Member Ian Wrigley	<p><b>May 2026:</b></p> <p>No further updates.</p>
3.	<p><b>Lake Waikare Project:</b></p> <p>Mrs Tupuhi to touch base with the Meremere Community Committee to organise a joint meeting to update members on the Lake Waikare project (Before the end of February 2026).</p>	Mrs Liz Tupuhi	<p><b>May 2026:</b></p> <p>Update to be provided directly to the TKCC by Mrs Tupuhi.</p> <p>No further updates at this time.</p>
4.	<p><b>Te Kauwhata Athletics Club Storage</b></p> <p>Mr Hinton to keep Athletics Club informed of progress.</p>	TKCC Chair, Tim Hinton	<p><b>May:</b></p> <p>No further updates.</p>
5.	<p><b>Te Kauwhata Road Roding bollards and signage</b></p>	Transportation Safety Engineer / Councillor Raumati	<p><b>May:</b></p>

	<p>Community concerns have been raised regarding the bollards at the intersection of Mahi, Te Kauwhata and Main Roads. The bollards appear to create a false sense of security for children when crossing the road.</p> <p><b>Action:</b></p> <p>Councillor Raumati to request the removal of the bollards.</p>		<p>The Transport Safety Engineer has conducted a safety assessment and review of the current operation. No safety issues were identified with the current layout.</p> <p>This intersection remains on the Safety Identified and Unfunded list.</p>
6.	<p><b>Discretionary Fund Report</b></p> <p>Resolution (Mr Wrigley/Mrs van de Munchkov) was made to move the funding allocation for the Blunt Road Walkway to the North Waikato Development Fund and defer the project.</p> <p><b>Action:</b></p> <p>Finance to remove commitments made FY21-24 from the North Waikato Development Fund Report.</p>	Finance Support Accountant	<p><b>May:</b></p> <p>The Discretionary Fund report has been adjusted to show the requested actions.</p> <p>The commitments have been removed, which leaves the net funds remaining as \$237,000.00.</p> <p>The Finance Support Accountant will remove the commitments from the report after the next committee meeting, so the board can view the change has been made.</p>
7.	<p><b>Chairpersons Report</b></p> <p><b>Action</b></p> <p>Democracy Services to include Domain User Group minutes in the TKCC Agendas</p>	Senior Democracy Advisor	<p><b>May:</b></p> <p>This action is now complete and will be removed from the Works and Issues Report.</p>
8.	<p><b>Spam Emails</b></p> <p>The Deputy Chair notes she has been receiving multiple emails claiming to be from the Chair requesting the purchase of items.</p> <p><b>Action</b></p> <p>Democracy to notify IT of this cyber breach.</p>	Senior Democracy Advisor	<p><b>May:</b></p> <p>A job was logged with the Council Service Desk notifying them of this issue.</p> <p>This action will be removed from the Works and Issues Report.</p>

## **Capital Projects Update** (as of 22 April)

### **Waters**

#### **CCTV of WW lines over 300mm**

This work has commenced this month. Te Kauwhata will have extensive CCTV and cleaning work carried out next financial year. This project aims to give us a running start for next years work, where we plan to survey all asbestos cement (AC) and earthenware (EW) lines in the Te Kauwhata network.

#### **Hydrant marking and testing**

The programme for the next financial year will focus on Te Kauwhata, Meremere, Rangiriri, and Ngaaruawaahia.

#### **District-Wide Stormwater Open Drain Cleaning Work**

A district-wide major open drain cleaning programme is still in progress and will help improve the efficiency of stormwater conveyance during the winter period. Open drain cleaning works in Whatawhata and Ngaaruawaahia have now been completed, while targeted drain maintenance works are continuing in Port Waikato, Huntly, and Te Kauwhata over the coming months.

<b>To</b>	<b>Te Kauwhata Community Committee</b>
<b>Report title</b>	<b>Adoption of Standing Orders</b>
<b>Date:</b>	6 May 2026
<b>Report Author:</b>	Elizabeth Saunders, Senior Democracy Advisor
<b>Authorised by:</b>	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To recommend to the Te Kauwhata Community Committee the adoption of the updated 2025 Local Government New Zealand (LGNZ) Standing Orders.

## **2. Executive summary**

### **Whakaraapopotanga matua**

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It is noted that the Local Government Systems Amendment Bill is likely to not to be adopted prior to mid 2026, LGNZ do not recommend the previous practice of rolling over the previous Council's Code of Conduct, Governance procedures or Standing Orders.

Council adopted Standing Orders on 10 November 2025. Community Board & Committee Standing Orders must be adopted by each Board & Committee separately, however decisions of Community Boards & Committees should align with the Council Standing Orders.

Key changes were:

1. That the standing orders enable members to join hui by audio visual link - yes/no.
2. That the chair be given the option of a casting vote – yes/no.
3. That Option C (refer pg 7 of the guide) be adopted as the default option for speaking and moving motions.

### 3. Staff recommendations Tuutohu-aa-kaimahi

---

**THAT the Te Kauwhata Community Committee adopts the Waikato District Council 2025 Standing Orders, with the following amendments:**

- a. Incorporate SO 13.7 "Right to attend by audio or audio-visual link" into the Waikato District Council Standing Orders; and**
- b. determines which option they wish to adopt in regard to the Chairperson having a casting vote; and**
- c. chooses Option C as the default option for speaking and moving motions, for all Waikato District Council and Committee meetings.**

### 4. Background/Discussion Koorero whaimaarama/Matapaki

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The previous Standing Orders for Waikato District Council were adopted in 2016, with a minor amendment made in 2019. A full review by a governance working group was undertaken in conjunction with LGNZ in 2025.

The review in 2025 was undertaken to incorporate legislative changes, put the standing orders into plain English so everyone could understand them and made them easier to understand by removing non-essential items into the Standing Orders Guide (Attachment 1).

Each community board & committee is required to consider and adopt their own standing orders at the beginning of the triennium 2026.

The proposed 2025 Waikato District Council standing orders are attached for consideration by Te Kauwhata Community Committee (Attachment 2). The Committee needs to consider the options as set out in the Executive Summary of this report, noting that the recommendations are based on feedback at the workshop.

#### Issue A - SO 13.7 enable joining meetings via audio/audio-visual link (part of quorum and ability to vote)

The LGA 2002 allows members to participate in meetings if they are not physically present, via audio or audio-visual means, if that participation is enabled by the Committee's standing orders.

Since 1 October 2024, members who join meetings by audio/audio-visual means will be counted as part of the quorum and may vote. This only applies where a Board has adopted SO 13.7 or an equivalent provision allowing members to attend meetings by audio visual means.

***Recommendation (Yes)*** - Incorporate SO 13.7 "Right to attend by audio or audio-visual link" into the Waikato District Council Standing Orders.

***Issue B - SO 19.3 Chairperson to have casting vote***

The LGA 2002 allows a chairperson (chair) to use a casting vote if this is specified in standing orders. The vote can be used when there is a 50/50 split in voting. The LGNZ standing orders template includes the casting vote option.

Should a governing body, local or community board decide that it does not wish for its chairs to have a casting vote, then SO 19.3, "Chairperson has a casting vote," will need to be deleted before the template is adopted.

Some councils have opted for an intermediate position, in which a casting vote can only be used for prescribed types of decisions, such as when there is an equality of votes for the adoption of a statutory plan (see Part 3: Meeting Procedures for more information).

Standing Order 19.3 allows the chair to exercise a casting vote where there is a 50-50 split. Including this in standing orders is optional under Schedule 7, cl. 24 (2), LGA 2002. The casting vote option has been included in the template to avoid the risk that a vote might be tied and lead to a significant statutory timeframe being exceeded.

There are three options:

1. The casting vote provisions are left as they are in the default standing orders; or
2. The casting vote provision, Standing Order 19.3, is removed from the draft standing orders before the standing orders are adopted; or
3. The standing orders are amended to provide for a 'limited casting vote' that would be limited to a prescribed set of decisions only such as statutory decisions, for example: where the meeting is required to make a statutory decision e.g., adopt a Long-Term Plan, the chair has a casting vote where there is an equality of votes.

Option 3 above was not discussed at the workshop, however whether to go for Option 1 or 2 was considered, along with the implications of these. It was agreed that this would need to be considered further at the meeting as general consensus was not to provide a casting vote to the Chairperson.

***Recommendation*** – The Te Kauwhata Community Committee considers which option they wish to proceed with.

***Issue C - SO 22.2-22.5- Options for speaking and moving amendments***

One of the new features in these standing orders is the ability to use different rules for speaking to, and moving, motions to give greater flexibility when dealing with different situations.

Standing Orders 22.1-22.5 provide three options. Option A repeats the provisions in the Standards New Zealand Model Standing Orders, which limit the ability of members to move amendments if they have previously spoken.

Option B provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option C allows still further flexibility.

When a council, committee, or community board/committee, comes to adopt their standing orders, it needs to decide which of the three options will be the default option; this does not prevent a meeting from choosing one of the other two options, but it would need to be agreed by a majority of members at the start of that specific meeting.

The formal option A tends to be used when a body is dealing with a complex or controversial issue and the chair needs to be able to limit the numbers of speakers and the time taken to come to a decision. In contrast, options B and C enable more inclusive discussion about issues, however some chairs may find it more difficult to bring conversations to a conclusion.

Option C (SO 22.4) is the least formal of the three options. It gives members more flexibility by removing the limitations in options one and two that prevent movers and seconders speaking.

***Recommendation*** - Option C (SO 22.4) is recommended as it provides for more collaborative participation in meetings, without restricting members from coming up with other options for consideration.

Councillors requested further information on Procedural Motions and Points of Order at the workshop, which will follow at a later date, however, in the interim, self learning can be undertaken by reading SO 25.1-25.7 and SO 26.1-26.5 (Pages 64-66 of Attachment 2).

## 5. Next Steps

### Ahu whakamua

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Once the committee has adopted which options they wish to incorporate into their Standing Orders the Democracy Team will update these and provide all Committee members with a hard copy of the 2025 WDC (Community Board/Committee) Standing Orders.

## 6. Attachments

### Ngaa taapirihanga

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1. Guide\_to\_the\_LGNZ\_Standing\_Orders\_Templates (1)
2. 2025 Standing Orders Community Boards CLEAN version (1)



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# GUIDE TO THE 2025 LGNZ STANDING ORDERS TEMPLATES

HEARATOHU ITE ANGATI KANGA  
WHAKAHAERE HUI A LGNZ

// UPDATED MARCH 2025





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## Introduction

### *Kupu whakataki*

Good local governance requires us to ensure that the way in which we undertake public decision- making is open, transparent, fair and accountable.

Local authorities, local boards and community boards must adopt standing orders for the orderly conduct of their meetings. In the world of local government, the word ‘meeting’ has a specific meaning that refers to gatherings that conform to rules and regulations laid down in the Local Government Act 2002 (LGA 2002) and Local Government Official Information and Meetings Act 1987 (LGOIMA).

The LGNZ standing orders templates (SO) have been designed to help councils achieve just this. Standing orders are a critical element of good governance and great local democracy, because well- run meetings and hui should increase community awareness and understanding of our decision- making processes and build trust in our local political institutions. LGNZ has published three standing orders templates: one for city and district councils, one for regional councils, and one for community boards. They can be viewed at <https://www.lgnz.co.nz/learning-support/governance-guides/>.

This Guide has been developed to assist with councils applying their standing orders in practice and provide examples of good practice. It has been updated to provide guidance on changes made to the 2025 standing orders templates, such as:

- Additions to the “principles”;
- Changes that allow people joining by non-audio-visual means to be counted as part of a quorum;
- The addition of “urgent meetings” in the event of delays caused by an equality of votes following an election; and
- Advice on how to operate committees with co-chairs (SO. 5) within the existing framework of rules.

The LGNZ standing orders templates<sup>1</sup> draw heavily on the 2003 model standing orders published by Te Mana Tautikanga o Aotearoa Standards New Zealand, and the Department of Internal Affairs’ Guidance for Local Authority Meetings published in 1993. The template is updated every three years to ensure it incorporates new legislation and evolving standards of good practice.

We would like to thank the members of Taituarā’s Democracy and Participation Working Party for their assistance with publication of the 2025 standing orders templates, which have been updated and refreshed through the increased use of plain English and the introduction of a more user- friendly format.

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<sup>1</sup> All standing order references refer to the territorial authority standing orders template. Numbers may vary slightly in the regional council and community boards templates.



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LGNZ is continually looking at ways to make the standing orders templates more accessible to members and flexible enough to allow councils to adjust them to local circumstances. We're always keen to hear your feedback.

## Options for adopting the templates

### *Ngā kōwhiringa mō te whakamahi i ngā anga*

The LGNZ standing order templates contain options that enable councils to adapt standing orders to meet their own styles and preferences. It is essential that councils consider these options before adopting the standing orders.

A new council may wish to delay adopting the new standing orders until after it has had an opportunity to discuss, and agree on, a future governance style, a discussion that would normally occur at a post-election induction workshop (see below for more information). Staff might also like to encourage members to set time aside, at least once a year, to review how the standing orders are working and whether their decision-making structures are effective.

To ensure that standing orders assist the governing body to meet its objectives in an open and transparent manner, while also enabling the full participation of members, governing bodies and local or community boards intending to adopt an LGNZ template need to decide which of the following options they wish to include in their standing orders.

### **Should members have a right to attend by audio or audio-visual link?**

The LGA 2002 allows members to participate in meetings if they are not physically present, via audio or audio-visual means, if that participation is enabled by the council's standing orders.

Should a governing body, local, or community board decide they do not wish to allow members to do this, then standing order SO 13.7 ("Right to attend by audio or audio-visual link") must be deleted from the template before it is adopted. (see Part 3: Meeting Procedures for more information).

Since 1 October 2024, members who join meetings by audio/audio-visual means will be counted as part of the quorum. This only applies where a council has adopted SO 13.7 or an equivalent provision allowing members to attend meetings by audio visual means.

### **Should Mayors/Chairs have a casting vote?**

The LGA 2002 allows a chairperson (chair) to use a casting vote if this is specified in standing orders. The vote can be used when there is a 50/50 split in voting. The LGNZ standing orders template includes the casting vote option. Should a governing body, local or community board decide that it does not wish for its chairs to have a casting vote, then SO 19.3, "Chairperson has a casting vote," will need to be deleted before the template is adopted.

Some councils have opted for an intermediate position, in which a casting vote can only be used for prescribed types of decisions, such as when there is an equality of votes for the adoption of a statutory plan (see Part 3: Meeting Procedures for more information).

## Options for speaking and moving amendments

The LGNZ template offers councils a choice of three frameworks for speaking to and moving motions and amendments, see the discussion on SO 22.1 for more information.

- Option A (SO 22.2) is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion, and only members who have not spoken to the motion, or a substituted motion, may move or second an amendment to it. This is the framework used in the 2003 Standards New Zealand Model Standing Orders.
- Option B (SO 22.3) is less formal. While limiting the ability of movers and seconders of motions to move amendments, this option allows other members, regardless of whether they have spoken to the motion or a substituted motion, to move or second an amendment.
- Option C (SO 22.4) is the least formal of the three options. It gives members more flexibility by removing the limitations in options one and two that prevent movers and seconders speaking.

The council might also consider whether the option selected for the governing body should also apply to committees. Given that committees are designed to encourage more informal debate, and promote dialogue with communities, the informal option, Option C, might be the most appropriate.

## Providing sufficient time to prepare advice

Standing orders provide for members of the community to engage directly with councils, standing committees and local or community boards, often by deputation (SO.16). When deputations are made it is common for officials (staff) to be asked to prepare advice on the items to be discussed.

The most common examples are SO.16 Deputations and SO.17 Petitions. In both cases the default standing orders give officials five days in which to prepare any necessary advice. Whether five days is sufficient time for staff to prepare advice will depend upon the size of a council and the way it works. Before adopting the LGNZ template, the council should ensure that the five-day default is appropriate and practicable, and if not, amend the number of days.

## Deciding when to adopt and review your standing orders

There is a tendency for new council to adopt the standing orders, the code of conduct and the governance arrangements of the former council soon after they are formed. This is not recommended.

### Proposed resolution for adopting your standing orders

Once a decision has been reached on which discretionary clauses to incorporate, then a resolution to adopt the original or amended standing orders can be tabled. Such a resolution could, for example, take the following shape:

*That the council (council name) adopt the standing orders with the following amendments:*

- *That the standing orders enable members to join hui by audio visual link - yes/no.*
- *That the chair be given the option of a casting vote – yes/no.*
- *That Option X be adopted as the default option for speaking and moving motions.*
- *That SOs 16 and 17 require that requests for deputations or petitions are made at least XX days any presentation is made to the council.*

LGNZ recommends that local and community boards, and joint committees (if not set out in their terms of reference), undertake the same considerations before adopting their standing orders.

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These matters should be discussed in detail at the initial members' induction hui or at a specially designed workshop or meeting held within a few months after the local body elections. The reason for this suggestion is to allow time for new members to fully understand how local government works, complete any induction training, and form a view on whether the existing standing orders and governance structures are working or not.

It is important that elected members fully understand the policies and frameworks that will influence and guide their decision-making over the three years of their term, and the implications of each. This applies not only to your choice of standing orders but also to your code of conduct and your governance structure, such as whether to have committees or not and the delegations, if any, to be given to those committees.

**Please note** that the approval of at least 75 per cent of members present at a meeting is required to adopt (and amend) standing orders. In addition, it's good practice for members to reassess their governance arrangements, including standing orders, halfway through the second year of their term to ensure they remain inclusive and effective, given potential changes in community make-up, values and expectations.

## The principles

### *Ngā mātāpono*

The 2025 edition of the LGNZ standing order templates include an enhanced principles section which has been placed before the contents section to reinforce its importance.

The role of the principles is to highlight the overall purpose of standing orders and to assist chairs and their advisers when required to both interpret specific clauses or make rulings on matters that may be ambiguous. The principles state that members will:

1. Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
2. Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.
3. Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.
4. Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
5. Ensure that decision-making procedures and practices meet the standards of natural justice, in particular, that decision-makers are seen to have open minds.
6. Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
7. Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.

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In addition to the principles, meetings should comply, as appropriate, with the decision-making provisions of Part 6, LGA 2002 and be consistent with section 39, LGA 2002, which states that “governance structures and processes are effective, open, and transparent” (LGA 2002, s 39).

The principles have been brought to the front of the document to make it clear they are the foundation upon which the standing orders are based. The 2025 standing orders templates include additional principles to highlight the potential value of incorporating te ao Māori and local tikanga in meeting processes, recognise the importance of fostering participation and the expression of members’ views, and reinforce the importance of acting professionally in line with the values set out in your council’s code of conduct.

The new principles focus on processes and behaviours to enhance community trust in councils as democratic institutions. Poor behaviour can lead to unsafe outcomes for both staff and elected members and bring councils into disrepute. We hope that the new principles will help Mayors and Chairs who can face challenges in some of these areas.

### **Alternatives to formal (deliberative) meetings**

#### ***He ara anō mō te hui ōkawa (whakatau)***

While the purpose of the Guide is to assist members and their officers to interpret and implement the LGNZ standing orders templates, there are times when it’s useful for members to come together in less formal settings that enable wide ranging discussions, or briefings, in which standing orders may not apply. Such settings can be described as workshops or briefings. This chapter summarises recent advice published by the Ombudsman about the use of workshops and briefings.

#### **Workshops**

Workshops are best described as sessions where elected members get the chance to discuss issues outside the formalities of a council meeting. Informal hui can provide for freer discussions than formal meetings, where standards of discussion and debate apply, such as speaking time limits.

There are no legislative rules for the conduct of workshops, and no legal requirement to allow the public or media access, although it is unlawful to make decisions at workshops or briefings where the LGA and LGOIMA requirements have not been satisfied.

Workshops can be a contentious issue in local government because they may be with the public excluded and lack minutes, which can be perceived as undermining principles of transparency and accountability. The Ombudsman’s 2023 report into local council meetings and workshops, *Open for business*, makes several recommendations designed to address these concerns, reflected in this Guide. The effect of these recommendations (which are not, of themselves, legal requirements) is to encourage accountability processes around informal workshops and briefings etc, which are more in line with those applying to formal meetings. It will be for a council to determine whether to adopt these recommendations, or some other approach to address any accountability or transparency concerns, which may involve the preparation and release of post-workshop reports.

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Workshops and briefings can provide an effective way to have ‘blue skies’ discussions, seek information and clarification from officers, and give feedback to officials on early policy work before an issue is advanced. This can involve identifying a range of options that would be comfortable to elected members, before officials then proceed to assess those options. In effect, workshops and briefings are a part of the educative and deliberative phases of council decision-making, but typically one step removed from the substantive, formal phase.

Workshops can have multiple functions. In their guide to hui structures, Steve McDowell and Vern Walsh, from Meetings and Governance Solutions, describe workshops as a:

“forum held to provide detailed or complicated information to councillors which if undertaken at a council or committee hui could take a significant amount of time and therefore restrict other business from being transacted. Workshops provide an opportunity for councillors to give guidance to staff on next steps (direction setting).”<sup>2</sup>

They note that workshops provide an opportunity to:

- receive detailed technical information, including information that would be time-consuming to work through in another forum
- discuss an approach or issues around a topic without time restrictions or speaking restrictions
- enable members to question and probe a wide range of options, and gain an understanding of proposals
- enable staff to provide more detailed answers to questions and explore options that might otherwise be considered not politically viable.

Workshops or informal meetings cannot be used to make an actual or effective decision. It is also potentially unlawful to make a ‘de facto’ decision at a workshop, that is, to agree a course of action and then vote it into effect at a following formal council meeting without genuine debate. It is good practice to advise participants in workshops to avoid discussion and deliberation on matters which could carry elected members too far down a path toward a substantive decision. This is a matter of degree, but if a range of options is narrowed down significantly, this could give the impression of a decision being “all but” made at the workshop. We note that in the *Open for Business* report, the Ombudsman makes it clear that their jurisdiction extends to complaints about behaviour at workshops.

### **When not to use workshops**

Some councils have taken to holding regular workshops that alternate with meetings of their governing bodies. The rationale is that the workshops enable members to be fully briefed on the upcoming governing body agenda and to seek additional information at an early stage, rather than having to do so in a way that might complicate formal meetings.

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<sup>2</sup> See <https://www.meetinggovernance.co.nz/copy-of-learning-and-development>

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Such practices are regarded with some concern by both the Ombudsman and the Auditor General, as they are seen as inconsistent with transparency and openness. If councils find this a useful approach, then the pre-governing body workshop could be open to the public to avoid the suspicion that “de- facto” decisions are being made.

## **Briefings**

One of the unique features of local government is that all councillors, sitting as the council, have ‘equal carriage’ of the issues to be considered. This means, for example, that when the budget is under consideration there is no minister for finance or treasurer to assume executive authority or to guide the decision-making process – all councillors have equal accountability.

**Accordingly, all councillors are required to satisfy themselves about the integrity, validity and accuracy of the issues before them.**

Councillors have many complex issues about which to make decisions and rely on the advice they receive from the administration. Complex issues often require more extensive advice processes which culminate in the council report.

Briefings are a key feature of these processes. These are sessions during which councillors are provided with detailed oral and written material, and which provide councillors with the opportunity to discuss the issues between themselves and with senior staff. They often involve robust discussion and the frank airing of controversial or tentative views. Councillors who are well briefed are more likely to be able to debate the matter under discussion and ask relevant questions which will illuminate the issues more effectively. Councillors should be careful to not commit to formal decisions at these sessions.

Features of council briefings:

- They should be used when complex and controversial issues are under consideration
- They should involve all councillors and relevant senior staff
- All councillors should be offered the opportunity to attend and relevant senior staff should be involved
- Written briefing material should be prepared and distributed prior to the hui in order that the same information and opportunity to prepare is given to all councillors and officers
- They need to be chaired in such a way that open and honest communication takes place and all issues can be explored. Because time and availability are often limited, the chair must ensure that discussions are kept on track and moving towards a conclusion
- For more complex strategic issues, multiple briefings are usually necessary.

Traditionally, the content and form of briefings has meant they are not held in the public arena. This is to give councillors the opportunity to work through issues in a way that was not considered possible in an open council meeting. However, the Ombudsman’s good practice guidelines for workshops (in *Open for business*, October 2023), which includes the principle of “open by default”, apply equally to briefings. This is discussed further below.

To ensure transparency and accountability, it is important that the administration is made accountable for the formal advice it provides to the council meeting which subsequently takes place.

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This advice may or may not be entirely consistent with the discussions which took place at the briefing.

### **Calling a workshop or briefing**

Workshops, briefings and working parties may be called by:

- a resolution of the local authority or its committees
- a committee chair; or
- the chief executive.

The chief executive must give at least 24 hours' notice of the time, place and matters to be discussed. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

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

### **Having a workshop or briefing open to the public**

To build trust in council decision-making, councils should, unless dealing with confidential matters, consider whether workshops should be open to the public. The Ombudsman's view is that while it may be reasonable to close a workshop in a particular case, a general policy of having all workshops closed to the public is likely to be unreasonable.

Whether it is reasonable to close a workshop will depend on the individual case. Situations where it may be reasonable to hold a workshop in a public-excluded/private forum will include those where, if the workshop were a meeting, the public could be excluded under LGOIMA. However, the circumstances are not necessarily limited to those grounds in LGOIMA.

As mentioned above, the Ombudsman's view is that the same "open by default" approach should apply to briefings (and to forums, hui etc irrespective of the name given). Therefore, when deciding to hold either a workshop or a briefing, the first question to be considered is whether there is a convincing reason for excluding the public, or whether there is any reason why the briefing should not be open. Given the Ombudsman's report and recommendations, continuing with a practice of conducting all briefings outside the public arena runs the risk of drawing adverse comment from the Ombudsman.

That said, given the different function and nature of a briefing, as compared to a workshop (as explained above), it may be that the circumstances in which it is reasonable for a briefing to be closed to the public arise more readily than for a workshop.

### **Publicising upcoming workshops and briefings**

Further to the above, details of *open* workshops and briefings should be publicised in advance so that members of the public can attend if they wish. These details should include the time, date, venue, and subject matter of the workshop or briefing.

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For transparency reasons, it is also desirable for councils to publicise information about closed workshops and their subject matter, together with the rationale for closing them. This allows members of the public to make relevant information requests under LGOIMA if desired.

### **Making a record**

The Ombudsman recommends that a written record of the workshop or briefing should be kept, to ensure that a clear, concise, and complete audit trail exists. Whether this is achievable or not will depend on the resource capacity of each council, but it would be good practice to attempt to create a record of what was discussed.

The record need not be as detailed as for formal meeting records and minutes, but should include:

- time, date, location, and duration of workshop,
- people present,
- general subject matter covered,
- information presented to elected members, if applicable, and
- relevant details of the topic, matter or information discussed.

### **Publishing the record**

Councils should aim to publish records of workshops, briefings, and other informal meetings on their website as soon as practicable after the event.

## **Relationships with Iwi/Māori**

### ***Ngā hononga ki ngā Iwi/Māori***

Since local governments receive their powers and authority from Parliament, they have a variety of duties that flow from the Crown's Te Tiriti obligations along with the discretion to involve and build relationships with mana whenua organisations, as they have with other organisations. Such relationships, with both hapū/Iwi and Māori as citizens, can be enhanced by the way in which councils conduct their meetings and arrange their decision-making processes.

The Local Government Act 2002 (LGA), and other acts of parliament, sets out a range of duties and responsibilities to Iwi/Māori that derive directly from the Crown's Te Tiriti obligations, some of which are directly relevant to the application of standing orders, namely:

1. Acknowledging, often through charters or memoranda of understanding, the historic mandate of mana whenua organisations as the traditional governors of Aotearoa New Zealand and your council's jurisdiction (relevant to Article 2 of Te Tiriti).
2. Enabling opportunities for the participation of Māori as citizens in council decision-making processes (relevant to Article 3 Te Tiriti).

### **Acknowledging Iwi/hapu as mana whenua (Article 2)**

Iwi and hapū have a status that comes from their role as the indigenous governors of Aotearoa prior to Te Tiriti o Waitangi, and which is recognised in the United Nations Declaration on the Rights of indigenous Peoples, to which NZ is a signatory. This status is different from the 'stakeholder' status given to many local organisations that councils usually work with. It is a

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status that is also acknowledged by many councils through ongoing relationship building initiatives.

In building relationships, it's important for councils to work with relevant iwi and hapū to determine how best to recognise their status. A common approach involves the development of a joint memorandum or charter of understanding to provide clarity around expectations, including how current and future engagement should occur. Such agreements could include:

- Processes for ensuring relevant mana whenua concerns are incorporated in governing body and committee hui agendas,
- Mechanisms for ensuring that papers and advice, as appropriate, incorporate the views and aspirations of mana whenua. Such mechanisms might include the co-design and co- production of policy papers and allowing mana whenua themselves to submit papers,
- A role for kaumatua in formal council processes, such as:
  - having a local kaumatua or mana whenua representative chair the inaugural council hui and swearing in of members, and/or
  - enabling kaumatua or other mana whenua representatives to sit at the governing body table as advisors.
- Placing information about significant aspects of your area's history as a regular item on the governing body's agenda,
- Holding hui on marae and other places of significance to Māori,
- Providing presentations at governing body meetings highlighting the history of the local area; and
- Inviting mana whenua organisations to appoint representatives on council committees and working parties.

### **Facilitating the participation of Māori as citizens (Article 3)**

Standing orders are a mechanism for enabling members to work collectively to advance the public interests of their community – they are also a tool for promoting active citizenship. In recognition of the Crown's obligations under Article 3 of Te Tiriti and its responsibility to take account of Te Tiriti principles, parliament has placed principles and requirements in the LGA to facilitate the participation of Māori in council decision-making processes. These can be found in s.4 and parts 2 and 6 of the LGA.

Given that local government decisions are made in meetings governed by standing orders, councils should consider how their standing orders can facilitate such participation, such as by proactively

taking steps to make it easy for Māori citizens to become involved in decision-making processes. The LGA 2002 provides some help, namely that local authorities must:

- Establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, (LGA, section 14(1)(d)),
- Consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority, and
- Provide relevant information to Māori for the purposes of contributing to, and building 'capacity' to contribute to, the local authority's decision-making processes.

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In relation to the LGA 2002, ‘capacity’ can be understood as the ability of a person (or group) to participate knowledgeably, given their resources and their understanding of the requisite skills, tools, and systems. Ways to build capacity include:

- Providing training and guidance on how council meeting and decision-making processes work,
- Holding meetings and workshops on marae and other community settings to help demystify local government processes, and
- Providing information about meetings in te reo Māori, including agendas and papers.

Councils should also consider the degree to which their facilities are culturally welcoming by incorporating Māori tikanga values and customs, such as protocols and mātauranga Māori (Māori knowledge). Examples include:

- Appropriate use of local protocol at the beginning and end of formal occasions, including pōwhiri and mihi whakatau,
- Using karakia timatanga for starting meetings and hui,
- Closing meetings and hui with karakia whakamutunga,
- Re-designing order papers and report formats to include te reo Māori, including headings,
- Reviewing council processes and cultural responses through a Te Tiriti o Waitangi lens, and
- Offering members the option of making the declaration in te reo Māori.

## Member declarations

### *Ngā whakapuakitanga a ngā mema*

Before elected members can act as members of their council or local/community board, they must make a declaration. The declaration requires members, when making decisions, to put aside any partisan interests they may have to their ward or constituency, or sub-division, and exercise their skill and judgement in the best interests of their jurisdiction, whether a region, district/city, or community/local board area.

The declaration is designed for members of governing bodies, local, and community boards. It can be made in both te reo and English, or signed.

### Declaration

“I, [*full name of Mayor, councillor or board member*], declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*name of region, district, city, local or community board*], the powers, authorities, and duties vested in or imposed upon me as a member of the [*name of local authority*] by virtue of the LGA 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act.”



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## Te reo declaration

### Member declaration

Ko ahau, ko ....., e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te ..... hei kaicouncil o te Council-a-rohe o Te , e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui

1987, me ētahi Ture anō rānei.

Waitohu: .....

Waitohu mai ki mua i a: .....

### Declarations by appointed community board members

A question often asked is whether members appointed to community boards need, in addition to their council declaration, to make a community board declaration.

Noting that councils have taken different approaches to this question in the past, we sought advice from our legal advisors, Simpson Grierson. In their view, the LGA 2002 is unambiguously clear: appointed members to community boards should make both declarations. The advice states that:

While it is at least good practice to make the second declaration, clause 14 of Schedule 7 makes it a legal requirement that must be met before a member can fulfil their role. The main reason for this view is that the role of an elected member is statutory in origin, with clause 14 of Schedule 7 stating that a person “may not act as a member of a local authority until... that person has... made an oral declaration”.

The term “member” is defined to include members appointed or elected to community boards or local boards, as well as those members that are elected to a local authority. Because of the way in which “member” is defined, there is no distinction between appointed and elected community board members in terms of the requirements of clause 14.

It should also be noted that the clause 14 declaration is not framed to only apply to local authorities (i.e. council as a whole), as it captures “elements” that will need to be modified dependent on the body/role that a member is to fulfil (e.g. to reflect that the role of a community board is to represent and advocate for the interests of their community, within the district). This further supports the view that this ‘second’ declaration must be made (as appropriate), before the office of a community board member can be fulfilled and a person can “act” as a member in a substantive manner

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(that is, they can make decisions). It is also important to note section 54(2) of the LGA, which states “[Part 1](#) of Schedule 7 (excluding [clauses 15](#) and [33 to 36](#)) applies to community boards, with all necessary modifications, as if they were local authorities”. Between this provision (which does not exclude clause 14), and the discussion above regarding the ‘elements’ of the declaration, there is little room for question about the applicability of the declaration to community board members.

**It is the combination of both declarations, where a person is both a councillor and a community board member, that enables that person to fulfil their roles.**

The risks arising from having appointed members on community boards who have not made the community board declaration are primarily administrative. That is, a member who voted for or against a motion considered by a community board could conceivably expose that decision, or any non-decision, to judicial review.

## Protocols for live streaming council meetings

### *Ngā tikanga mō te pāho mataora i ngā hui kaunihera*

An increasing number of councils are livestreaming meetings, raising questions about what constitutes good practice. This section offers guidelines based on the practice of several councils for consideration.

#### Draft protocol

1. The default shot will be on the chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Members joining by virtual means will be incorporated in the webcast alongside those attending in person.
4. In the event of any interjections from elected members, any general disorder, or a disturbance from the public gallery, recording will continue unless the majority of members in attendance agree to stop the recording.
5. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
6. Shots unrelated to the proceedings or not in the public interest, are not permitted.
7. If there is general disorder or disturbance from the public gallery, coverage will revert to the chairperson.



8. Appropriate signage will be displayed both in and outside the meeting room alerting people to the fact that the proceedings are being livestreamed.
9. Council meetings shall be livestreamed in real time.
10. PowerPoint presentations and any other matters displayed by overhead projector shall be the focus of the recording.
11. Recordings shall be made available to the public through a link located on the council's website.

Some councils publish a disclaimer to acknowledge factors that might be beyond the council's ability to control, such as a loss of connection or, given that they are broadcast in real time and un-mediated, potentially offensive comments made by a participant at the meeting. For example, Waitomo District makes the following disclaimer:

#### **Disclaimer – Webcasting of public council meetings**

All public meetings of the council and its committees shall be webcast in real time, recorded and made available to the public after the meeting via a link on this website.

Webcasting in real time allows you to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

Every care is taken to maintain individuals' privacy and attendees are advised they may be recorded.

There may be situations where, due to technical difficulties, a webcast in real time may not be available. Technical issues may include, but are not limited to:

- the availability of the internet connection
- device failure or malfunction
- unavailability of social media platforms or power outages.

While every effort will be made to ensure the webcast and website are available, the council takes no responsibility for, and cannot be held liable for, the webcast should the council's website be temporarily unavailable due to technical issues.

Opinions expressed, or statements made by individual persons, during a meeting are not the opinions or statements of the .....Council. The council accepts no liability for any opinions or statements made during a meeting.

Access to webcasts and recordings of Council meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of Council.

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## Protocols for members participating in meetings by audio-visual means

### *Ngā tikanga mō ngā mema e whai wāhi ana ki ngā hui mā te ataata-rongo*

Given the increasing use of meetings held by virtual means, whether by Zoom, Microsoft Teams, or another provider, members need to agree to a new behavioural etiquette to ensure that business is conducted transparently and efficiently, and that members can participate freely and safely.

#### Draft protocol

The following protocol is suggested as a guide for governing members' behaviour in virtual meetings:

12. Members attending a meeting by audiovisual link must have their camera turned on unless having the camera off has been approved by the chair prior to the meeting.
13. Members must ensure that cell phones are silent and with no vibration during council, committee and advisory group meetings.
14. Before the meeting members should make sure they have the right equipment, including a reliable internet connection, a microphone, speaker, and camera. Members should test equipment and troubleshoot any issues.
15. Microphones must be muted when members are not speaking or after the welcome procedure.
16. Members should focus on the meeting, not on other matters.
17. Members wishing to contribute to the debate should speak in a normal tone.
18. When asking questions, allow time for delayed responses.
19. Direct questions to the chairperson.
20. Avoid interrupting others while they are speaking.
21. Establish how and when participants can interrupt. For example, should participants raise their actual or virtual hands to signal they want to speak.
22. Post questions via chat.
23. Call out participants who are not following meeting etiquette.
24. Wear appropriate clothing and avoid stripes and small patterns as they can become distorted in the camera.
25. Members should position the camera so that it shows their full face.
26. Ensure that the lighting in the room is optimal. If possible, adjust your primary lighting source to be in front of you, and consider a ring light to improve lighting even more.

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In addition, there are specific matters that councils need to agree to, such as:

- How members should interrupt a speaker to raise a Point of Order
- How Notices of Motion will be submitted
- How voting will be carried out, and if challenged, how votes will be verified.

Approaches to these questions and others may vary depending upon the meeting software being used. Most councils are likely to make use of the chat and hand-raising functions.

### **Process for removing a chairperson or deputy Mayor from office**

#### *Te tukanga mō te whakakore i te tūranga o te upoko, te kahika tuarua rānei*

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

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**Please note** that these provisions also apply to community boards.

*LGA 2002, sch. 7, cl. 18.*

## Setting the agenda and raising matters for a decision

### *Te whakarite rārangi take me te whakaara take kia whakatauhia ai*

One of the most common questions raised by elected members, especially new members, concerns the process for placing an item on a council or committee agenda. The process as set out in the standing orders states that matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

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

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

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

When out of time for a Notice of Motion, a member may bring an urgent matter to the attention of the meeting through the chairperson.

Standing Order 9.12 describes the requirements that apply when a meeting resolves to consider a matter not on the agenda, requiring that the chairperson provide the following information during the public part of the meeting:

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

Please note nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

Standing order 9.13 enables a meeting to discuss minor items which are not on an agenda only if the matter relates to council business and at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

Please note that while a meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting, it can refer the matter to a subsequent meeting for further discussion.

## Pre-agenda meetings

Setting agendas involves finding a balance between being seen to be responsive to a topical or urgent issue, and the need for council officials to prepare advice members need to make an informed and legal decision. In addition, members, whether of the governing body or committees, are likely to have matters that they want considered – but not all matters can be discussed at any single meeting, so councils need a process to prioritise agenda items.

One approach is to employ pre-agenda meetings.

Whakatāne District Council holds pre-agenda meetings when setting council, committee and community board agendas. Pre-agenda meetings for community boards involve:

- Face-to-face meetings approximately two weeks before each board meeting
- Meetings are ideally scheduled at a time which suits working community board members, but can be flexible. Meetings seldom if ever exceed one hour
- The community board chair requests any agenda items from board members prior to the pre-agenda meeting (excluding requests for service items)
- Pre-agenda meetings consist of a governance representative and a staff liaison person (but not limited to this), the community board chair and deputy chair
- The first items for consideration are those recommended by staff as 'must-haves'. Occasionally, some minor items can be resolved without going on the agenda, simply by having the staff representative follow-up with appropriate council teams. If there are too many items, the group prioritises and refers some to future meetings
- Pre-agenda meetings are more than simply agenda-setting meetings – they are another structured slot in the calendar to connect, build relationships with staff and smooth out little issues without bringing them to a meeting.

## Mayors' powers (s.41A)

### *Ngā mana a te kahika (s.41A)*

S. 41A (LGA 2002) describes the role of a Mayor as being to:

- Provide leadership to councillors and the people of the city or district
- Lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor's powers	The governing body's powers
(a) to appoint the deputy Mayor.	Remove a deputy Mayor appointed by the Mayor.
(b) to establish council committees, their terms of reference, appoint the chair of each of those committees and the members.	Discharge or reconstitute a committee established by the Mayor

(c) to appoint themselves as the chair of a committee.	Discharge a committee chair who has been appointed by the Mayor
To decline to exercise the powers under clauses (a) and (b) above. The Mayor may not delegate those powers to another person.	

### Mayor is a full member of committees (but not DLCs)

Under s.41A(5), a Mayor is a full member of each committee (though not community or local boards). This replaces the previous reference to Mayors being *ex officio* members of committees.

As a result, Mayors are counted for the purpose of determining a quorum, except in the case of a joint committee, where a Mayor whose membership is solely due to s.41A is not counted for the purpose of the quorum. However, if a Mayor has been appointed to a joint committee due to their role or experience (that is, named as a council representative on the joint committee) then they will count as part of the quorum (see Cl. 6A, Schedule 7 LGA 2002).

*Clause 6A:*

*For the purposes of subclause (6)(b), a Mayor who is a member of the committee solely by operation of section 41A(5) is not counted as a member of the committee for the purposes of determining:*

*The number of members required to constitute a quorum, or whether a quorum exists at a meeting.*

### District Licensing Committees

A number of councils have asked whether s.41A(5), which states that Mayors are members of all committees, applies to District Licensing Committees. The short answer is no, DLCs are sufficiently different to typical standing orders, that S41A does not apply. The reasons, provided by our legal advisers at Simpson Grierson, are:

- Section 186 of the Sale and Supply of Alcohol Act (SSAA) requires the Council to appoint 1 or more DLCs as, in its opinion, are required to deal with licensing matters for its district. This is important, as it highlights the specific statutory role of the DLC.
- The functions of the DLCs include determining applications and renewals for licences and manager's certificates (section 187, SSAA).
- Section 189 requires the Council to "appoint" members to each DLC. The Chair is a specific appointment, and can be an elected member or a commissioner, and the other two members need to be appointed from the councils list held under section 192, SSAA. What this means is that a formal resolution needs to be made to determine the statutory appointees to the DLC, which for the Chair can be an elected member (including the Mayor) or commissioners.
- There is no strict requirement that an elected member who chairs the DLCs must have

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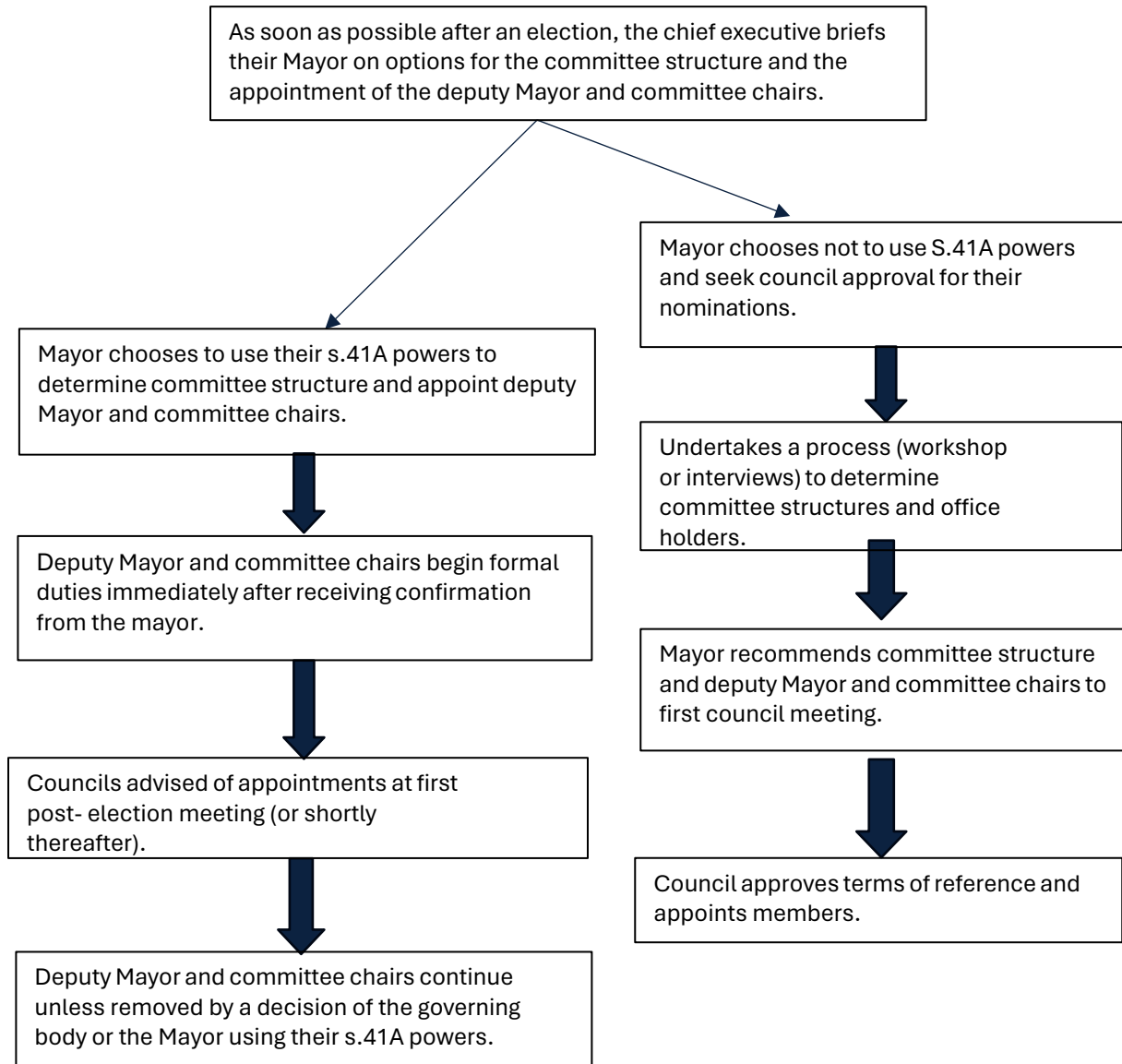
experience relevant to alcohol licensing matters. However, because being a chair of a DLC could involve a significant time commitment each week, there is generally consideration of:

- whether it would be appropriate for a Council to recommend the appointment of commissioners to be the DLC chair (instead of elected members).
- We tend to see that commissioners are appointed as the DLC Chair, given the quasi-judicial function of the DLC, and the significant time commitment involved. There is also often a need for specific training and experience to allow the Chair to properly fulfil the role.
- Sections 189(6) and 192(2 - 3) require a council to maintain a list of persons that can be appointed to the DLC, with those persons needing to have “experience relevant to alcohol licensing matters”. Such experience may include knowledge of the legal and regulatory aspects of alcohol licencing and knowledge of the SSAA, and this would apply to the Chair as well.

The collective effect of these provisions is to set up a framework (and requirements) for the appointment of DLC members, although as noted above there are no strict requirements applying to the appointment of an elected member as the Chair. In practice, the council – through its officers – should assist with the appointment process and highlight the issues and constraints that will need to be considered when making appointments.

To the extent that section 200 says that LGOIMA applies to a DLC, other than Part 7, this highlights that while the DLC is a council committee, it is tasked with a specific set of function and is required to comply with the specific meeting provisions in the SSAA, rather than complying with the obligations in Part 7 of LGOIMA. This provision does not, in our view, relate to the Mayor’s role but supports the interpretation that the DLC is different in substance from other council committees.

**Process recommended for establishing committees.**



## Delegations

### *Ngā tukunga mana*

Delegations are one of the most important instruments councils have for achieving their objectives, as governing is a complex endeavour and a governing body by itself cannot hope to hold all the information required. Councils make lots of decisions. For example, a parking warden makes decisions about whether to write a parking ticket, the parks department makes decisions about whether trees need to be pruned or not and governing bodies make decisions about the level of rates.

Ensuring that decisions are made at the appropriate level is vital to ensure the efficient and effective operation of your local authority.

Local authorities have broad powers of delegation, which are described in cl.32 of Schedule 7 of the LGA 2002. Other Acts also contain powers of delegation, although these are specific to the powers in those Acts, such as the Building Act 2004. **Certain decisions, however, must be exercised by the full council and cannot be delegated.** These include:

- The power to make a rate
- The power to make a bylaw (although local boards have the right to recommend these for their local areas)
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan
- The power to adopt a long-term plan, annual plan, or annual report
- The power to appoint a chief executive.

Most other decisions can be delegated to committees, local or community boards and in some cases, the chief executive. Bodies with delegated decision-making powers, such as a committee, have the full authority of the council for the decision-making powers delegated. The council cannot usually rescind or amend a decision made by a committee to which the council has delegated the decision-making power (see the Guide to the LGNZ Standing Orders). Councils can change or revoke delegations at any time.

### Role of committees

Unlike the governing body of a council, committees can work in a less formal manner, which allows in-depth discussion and debate about issues. This allows elected members to ask questions directly of staff involved in the preparation of advice and engage with stakeholder organisations and citizens themselves. It is an approach that ensures policy decisions are based on not only good information but also consider the views of interested parties from within your communities.

While committees focus on more detailed matters than the governing body, they need to avoid the temptation to get involved in operational activities, or duplicate the work of staff.

Similarly, it is not best practice if committees are simply a first-order rubber stamping process for issues, or resolutions, on the route to final approval by the full council.

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## Reasons for delegating

The LGA 2002 describes the purpose of delegations as being to promote efficiency and effectiveness in the conduct of a local authority's business. Although delegations allow a local authority to devolve certain decision-making, it will ultimately retain legal responsibility for exercising any powers it has delegated. The potential reasons for delegating include:

- Freeing up councillors so they can focus on strategic issues for the benefit of the entire district, city or region rather than be distracted by minor issues
- Meeting legislative requirements (for example, there are certain activities a council cannot delegate)
- Allowing complex and time-consuming issues to be effectively addressed, such as reviewing district plans, matters that are impractical for the governing body to handle
- Enabling decision-makers to build up additional knowledge and skill on important issues, such as a committee overseeing the council's infrastructure performance, or an Audit and Risk Committee
- Providing opportunities for elected members to debate and discuss issues in an informal setting, unlike the formal arrangements that apply to governing bodies
- Finding a mechanism that will allow the direct involvement of staff, such as a subcommittee
- Being able to appoint external experts to a council decision-making body, such as committee or sub-committee.

Ultimately, delegation is a tool for putting decision-making closer to communities and people affected by the matters under consideration while also allowing for the direct participation of those affected parties, such as Iwi/hapū.

## Delegating to staff

Delegating specific powers, duties or functions to staff members can speed up council decisions and ensure that council meetings are not tied down by procedural and everyday administrative decisions. It also enables councils to use the technical knowledge, training, and experience of staff members to support its decisions.

Decisions to delegate specific powers to staff (and special committees) are made at a formal council meeting and specify what the delegate is empowered to do. They are usually required to observe the strategies, policies and guidelines adopted by the council and may be required to report periodically to the council on decisions made. Through the chief executive and senior managers, the council can monitor the actions of staff to ensure that they exercise their delegated authority correctly. In this way the council retains control over decision-making.

## Delegating to community and local boards

A territorial authority must consider whether to delegate to a community board if the delegation would enable the community board to best fulfil its role. The advantage of delegating decisions that apply specifically to areas for which the community has responsibility is to use a community board's local knowledge, its networks and its ability to form partnerships with local agencies and communities themselves.

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Different rules apply to councils with local boards. Where a unitary council has local boards (only unitary councils can have local boards) decision-making is shared between the governing body and the local boards. The LGA 2002 requires that, with the exception of regulatory activities, the governing body must allocate responsibility for decisions to either itself or the local board for the area. Allocation must be made in accordance with principles set out in section 48L(2). The principles require that local boards should be given delegated authority for decisions unless the following applies:

- The impact of the decision will extend beyond a single board area
- Effective decision-making will need to be aligned or integrated with other decisions that are the responsibility of the decision-making body
- The benefits of a consistent or coordinated approach outweigh the benefits of reflecting the diverse needs and preferences of the communities within local board areas.

Local boards also have their own plan and agreement with the governing body which includes a description of their roles and the budget necessary for them to carry out their responsibilities.

### **Can the council change a decision made by a committee using its delegated authority?**

The answer is generally no, but exceptions can exist. As a rule, a council is ultimately responsible for the decisions made by a committee using its delegated authority. While it cannot reverse the decision, it can, however, withdraw the delegation and remake the decision as long as the decision has not been implemented. Councils can also apply conditions to a delegation, for example, specifying that the delegated authority only applies in a defined number of circumstances, and that beyond those circumstances the decision will revert back to the governing body.

Section 6 of the 2025 standing orders has been amended to provide additional clarity on the practice of making delegations, such as guidance on what should happen when a body with a delegation is unable to undertake that delegation due, for example, to having been disbanded.

The following scenarios have been prepared to help answer some of the common questions concerning delegations.

#### **Delegation scenario 1**

Following the 2019 election, the Mayor established a Parking Committee to which the council delegated authority to determine parking prohibitions. In 2020, the Committee resolved to create time restricted parking (P120s) on the north side of Clawton Street.

Following the 2022 election, the Parking Committee was not re-established which meant that the delegated authority to determine parking prohibitions passed back to the council as a whole.

In 2023, the Operations Committee began a review of the CBD upgrade and concluded that the time- restricted parking should be removed – can the Operations Committee revoke the 2020 resolution of the Parking Committee?

***Answer:*** No, responsibility for determining parking prohibitions sits with the governing body. For the Operations Committee to remove the restrictions, it needs to ask the governing body to give it the necessary delegatory powers.

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## Delegation scenario 2

Following the 2019 election, the Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. In 2020, the Committee resolved to create time-restricted parking to P120 on the north side of Main Street (the main thoroughfare in the CBD). The Committee was re-established, with the same powers, after the 2022 elections.

In 2023, the council undertook a review of the CBD and recommended the removal of the time restricted carparks approved by the Parking Committee in 2020. The proposed removal of the carparks has been advertised and there are 34 submissions objecting to the proposed removal and 40 in support.

Given the level of public interest in this matter can full council make the decision, rather than putting the onus on the CBD Parking Committee?

***Answer:** The governing body can make the decision to remove the time-restricted car parks only if it resolves to remove the delegated power from the Parking Committee, or if the Committee itself resolves to refer the decision to the governing body. The governing body could possibly intervene if it had included a condition in the original delegation that allowed it to make the decision if, for example, public interest went beyond a specified threshold, as measured, perhaps, by the number of submissions.*

## Delegation scenario 3

Following the 2019 election the then Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. In 2020, the Committee resolved to create time restricted parking to P120 on the north side of Main Street (the main thoroughfare in the CBD).

After the 2022 election the new Mayor established a Finance, Audit and Risk Committee and a Committee of the Whole to deal with all other business. Following a request from business owners the council is proposing to change the P120 car parks on main street to P60 carparks.

Now that the Parking Committee no longer exists, can the committee of the whole amend the Parking Committee's 2020 decision and change the parks to P60s?

***Answer:** as the Parking Committee no longer exists, its powers (delegations) have passed back to the governing body. For the Committee of the Whole to change the parks to P60 the delegations need to be included in its terms of reference.*

## Delegation scenario 4

Following the 2022 election, the Mayor established a Parking Committee and council delegated authority to the Committee to determine parking prohibitions. The Committee has three members with a quorum of two members.

An urgent resolution is required to create a section of no-stopping outside the primary school on Clawton Street. One of the Committee members is overseas and has a leave of absence. One of the other Committee members is the principal of the Clawton Road Primary School and has declared a conflict of interest.

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Can the Mayor exercise their authority under s41A to change the membership of the Committee (for a short period of time) to ensure there is a quorum?

**Answer:** *Both the Mayor, using their s.41A powers, and the governing body, can make appointments to committees or sub-committees that they have established.*

*If the Mayor chooses to use their s.41A powers he/she will need to inform the governing body in advance. As the LGA 2002 gives the governing body the right to “overturn” a Mayor’s decision there is an implied obligation that they will be informed of the Mayor’s decision before it is enacted.*

## Preparing for the next triennial election

### *Te whakarite mō te pōtitanga ā-toru tau e whai ake ana*

The end of a triennium provides an opportunity to reflect on the efficacy of the policies, processes, and structures that collectively constitute a council’s governance approach. Understanding what worked well and what didn’t, can provide valuable lessons that the incoming council may wish to consider when deciding on their own governance approach. There is no point in replicating processes or structures that everyone agrees were sub-optimal. Possible initiatives include:

#### **Governance handovers**

To assist new councils in coming up to speed, councils, i.e. the governing bodies, may like to “prepare a letter to themselves” or a briefing for the incoming council.

The purpose of such a letter or report is to provide the new members of a council with an insight into what the outgoing council saw as the major challenges and what they learned during their term in office that they might have done differently. In other words, a chance to help the new council avoid the mistakes they may have made.

Whether or not to prepare advice for an incoming council and if so, what advice, is ideally a discussion that a Mayor/regional council Chair should have with their respective governing body before the last scheduled council meeting. It may be an ideal topic for a facilitated workshop.

#### **Reviewing decision-making structures**

One of the first decisions that new councils must make concerns their decision-making structure. Unfortunately, in most cases, new councils end up adopting the decision-making body of their predecessors.

We spend too little time looking at whether our councils have the right decision-making structure, as there is a wide menu of options, from governing bodies that choose to make all decisions, committees that are Committees of the Whole, committees with external appointments and portfolio models. We need to work with governing bodies to help them identify the right approach for their communities.

One way of doing this is to survey your elected members towards the end of the triennium to identify what worked well about their decision-making structure and what could be improved.



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Based on surveys and interviews the incoming councils should be presented with a menu of decision- making options with the strengths and weaknesses of each set out clearly.

### **Committees that are not discharged**

Depending on the nature of their responsibilities, a council or group of councils in the case of a joint committee, can resolve that a committee continues beyond a triennial election. Typically, such a committee would be responsible for providing oversight of some form of project that has a long- term focus and may also contain appointed members.

Whether or not the committee is to be discharged at an election should be set out in its original terms of reference, adopted by resolution. Following an election the council, or councils by agreement in the event of a joint committee, can discharge and appoint new members to that committee.

### **When to schedule the last ordinary meeting**

When putting together the schedule of meetings for the last year of a triennium, how close to polling day should the last meeting occur? Councils take different approaches and their practice may be affected by the nature of business that a council is facing prior to the coming elections.

Given that the election campaign properly starts four weeks before polling day, common practice would be to schedule the last ordinary council hui in the week before the campaign period begins.

This allows retiring members to make valedictory speeches away from the political atmosphere of the election.

Council business continues in the four weeks before polling day so expect some committees and sub-committees to still be meeting to deal with ongoing work, whether it is preparation of a submission or oversight of a local project. Urgent matters can still be addressed through an extraordinary or emergency meeting.

### **What about issues emerging in the interregnum?**

Between polling day and the first meeting of the new council, at which members are sworn in, issues can arise that require an urgent council decision, so who should make such decisions?

This is a frequently asked question and there's only one practical answer, and that is your council's chief executive. Before the elections (and preferably at the first or second council meeting where delegations are agreed), a time-limited delegation should be adopted giving the chief executive broad discretion to act on behalf of the local authority. For example:

*That from the day following the Electoral Officer's declaration, until the new council is sworn in, the Chief Executive is authorised to make decisions in respect of urgent matters, in consultation with the Mayor elect. All decisions made under this delegation will be reported to the first ordinary meeting of the new council.*

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## Guidance on individual clauses

This section of the Guide provides advice and guidance on specific clauses of the 2025 LGNZ standing orders and how they should be interpreted.

### Part 1: General matters

#### *Ngā take whānui*

This section of the Guide deals with those matters that apply to the overall context in which standing orders operate including the role of Mayors and Chairs and the nature of decision-making bodies. It covers the following:

- Mayoral appointments,
- Meeting the decision-making requirements of Part 6, LGA 2002,
- Appointment of staff to sub-committees,
- Approving leave for members of the governing body,
- The relative roles of extraordinary and emergency hui, and
- Good practice for setting agendas.

#### SO 5.1: Mayoral appointments

It is critical that the chief executive advises their Mayor about their powers under section 41A Role and powers of Mayors, LGA 2022 as soon as possible after election results have been confirmed. This is to ascertain whether the Mayor wishes to make use of those powers.

Included in the standing orders are provisions regarding the ability of Mayors to establish committees and appoint deputy Mayors, committee chairs and committee members.

Where a Mayor chooses to use these powers, a council must ensure the results are communicated as soon as practicable to members of the governing body. We recommend that the information is provided by the Mayor or chief executive in the Mayor's report, for the first meeting of the governing body that follow the Mayor's appointments.

#### SO 5.5: Removing a Chair, deputy Chair or deputy Mayor

Clause 18, Schedule 7 of the LGA 2002 sets out the process for removing a Chair, deputy Chair or deputy Mayor. It is a detailed process that requires firstly, a resolution by the relevant meeting to replace the Chair or deputy, and secondly, a follow-up meeting, to be held no less than 21 days after the resolution, at which the change occurs.

A common question is whether the individual facing a challenge to their position should be able to speak and vote – the answer is yes. Both natural justice and the nature of the question to be resolved allows those directly involved to be able to speak and lobby on their own behalf.

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### **SO 6.1: Only the holder of a delegated authority can rescind or amend a previous decision**

It is common to get questions about the status of a delegation, especially when the body given the delegation, such as a committee, has been disbanded. A number of points should be noted:

- While only the holder of a delegated authority can rescind or amend a previous decision, this is qualified by whether the previous decision has been executed or not, and whether the “holder” still exists. (Please note, that this is subject to clause 30(7), Sch 7 of the LGA 2002, if the body in question is not discharged).
- Where a delegation no longer exists, either because the body, member, officer or appointment has been disestablished or the delegation has been revoked, any purported decisions made by that decision-maker without a valid delegation will be unauthorised”.
- Where a decision is made under a delegation that has already been revoked (or in law is deemed to be revoked), the decision will lack the requisite delegated authority.
- If the decision has been made and relied upon, the issue of ostensible authority arises. If it has not been acted upon, the more appropriate approach is to note that the decision was made without authority, which means there is no ‘decision’ to revoke or amend. The council or delegating body is then free to decide on the matter.

See Appendix 4 for more information.

### **SO 7: Committees – appointment of staff to sub-committees**

While non-elected members such as community experts, academics, or business representatives, may be appointed to committees and sub-committees, please note that council staff (staff) can only be appointed to a sub-committee. When appointing a sub-committee, a council or committee should ensure the terms of reference provide clarity of the skills and competencies required. This may involve:

- Requesting that the chief executive, or their nominee, determine which member of staff is appropriate to be a member of the sub-committee, or
- Identifying a specific position, such as the chief executive, city planner or economist, to be a member of the sub-committee.

### **SO 7.10: Power to appoint or discharge individual members of a joint committee – committees that are not discharged**

A council, or a group of council in the case of a joint committee, can resolve that a committee continues beyond a triennial election, although for this to be the case all participating councils would need to resolve. In the case of joint committees, the appointment of new members and discharge of existing members sits with the council that they are members of.

A related and often asked question is whether appointments to District Licensing Committees (DLCs), unlike other committees, can be made for longer than a term. This is possible as DLCs are statutory committees that are not automatically discharged at the end of a term.

## SO 8.4/6: Regarding extraordinary and emergency meetings

Extraordinary meetings are designed to consider specific matters that cannot, due to urgency, be considered at an ordinary meeting. For this reason, extraordinary meetings can be held with less public notification than ordinary ones.

Standing orders recommend that extraordinary meetings should only deal with the business and grounds for which they are called and should not be concerned with additional matters that could be considered at an ordinary meeting. Public forums should not be held prior to an extraordinary hui.

If councils need to hold meetings that are additional to those specified in their schedule, then they should amend their schedule to include additional ordinary meetings, rather than call them extraordinary meetings, to address what might be the general business of the council.

The LGA was amended in 2019 to provide for ‘emergency’ meetings (in addition to extraordinary and ordinary meetings). The key differences between extraordinary and emergency meetings are outlined below.

**Table 1 Comparison of extraordinary and emergency meeting provisions**

	Extraordinary meeting	Emergency meeting
<b>Called by</b>	A resolution of the local authority or requisition in writing delivered to the chief executive and signed by: <ul style="list-style-type: none"> <li>the Mayor or Chair, or</li> <li>not less than one-third of the total membership of the local authority (including vacancies).</li> </ul>	The Mayor or Chair; or if they are unavailable, the chief executive
<b>Process</b>	Notice in writing of the time and place and general business given by the chief executive.	By whatever means is reasonable by the person calling the meeting or someone on their behalf.
<b>Period</b>	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting.	Not less than 24 hours before the meeting.
<b>Notification of resolutions</b>	With two exceptions, a local authority must as soon as practicable publicly notify any resolution passed at an extraordinary meeting. <sup>3</sup>	No similar provision exists for emergency meetings however good practice would suggest adoption of the same process that applies to extraordinary meetings.

<sup>3</sup> The exceptions apply to decisions made during a public excluded session or if the meeting was advertised at least five working days before the day on which it was held.

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### **SO 8.9: Urgent meetings**

In August 2023, Parliament amended the LGA 2002 to enable a chief executive to call an urgent meeting of a council if, in the chief executive's opinion, the council needs to deal with a matter urgently before the first meeting of the council has been called, and members sworn in.

An urgent meeting can only be called if an application for a recount has been made, and can be called even if the results of that recount are yet to be known.

The only business able to be conducted at that meeting is set out in LGA 2002, Sch. 7 Cl21B. It includes member declarations, an explanation of critical legislation, the election of a member to preside if needed and the matter under consideration.

### **SO 9.5: Chair's recommendation – ensuring the decision-making requirements of Part 6 are met**

Part 6 is shorthand for sections 77-82 of the LGA 2002, which impose specific duties on councils when they are making decisions. The duties apply to all decisions, but the nature of compliance depends on the materiality of the decision.

The most important provisions are found in s. 77 (bullets a-c) below) and s. 78 (bullet d) below), which require that local authorities must, while making decisions:

- a. seek to identify all reasonably practicable options for the achievement of the objective of a decision,
- b. assess the options in terms of their advantages and disadvantages,
- c. if any of the options identified under paragraph a) involves a significant decision in relation to land or a body of water, consider the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga, and
- d. consider the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

The level of compliance needs to be considered in light of the council's Significance and Engagement Policy. It is also important to be aware that these obligations apply to the following:

- Recommendations made as part of a chair's report, and
- Recommendations made by way of a Notice of Motion (NOM).

#### **Chair's report**

It is common for a chair to use their report to raise a new matter for council deliberation. If that matter is more than minor it should be accompanied by an officer's report setting out options, their relative strengths and weaknesses and include evidence that any citizen affected by the recommendation has had a chance to have their views considered. The same applies to a notice of motion that seeks members' agreement.

#### **What to do if a chair's recommendation or a Notice of Motion are inconsistent with Part 6?**

A chair should refuse to accept a NOM that addresses possibly significant matters, unless it is

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accompanied by an officials' report assessing the level of significance and the applicability of Part 6. The same also applies to a recommendation made in a chair's report. Where a matter triggers the requirements of Part 6, the chair or mover of the NOM, should:

- Ask the chair or mover of the NOM to amend their motion so that it asks for a staff report on the matter, or
- Require members submit a draft NOM to staff in advance to determine whether it is likely to trigger the need to comply with Part 6.

This guidance also applies to Standing Order 27.2 Refusal of notice of motion and allows a chair to refuse to accept a NOM that fails to include sufficient information to satisfy the requirements of sections 77-82 of the LGA.

To reduce the risks of this happening, some councils:

- Require the mover of a notice of motion to provide written evidence to show that their motion complies with Part 6, or
- Ask members to submit a proposed NOM to staff before a meeting so that an accompanying report can be prepared.

### **SO 13.3: Leave of absence**

The standing orders provide for a council to delegate the authority to grant a leave of absence to a Mayor or regional council Chair. When deciding whether to grant a leave of absence consideration should be given to the impact of the requested leave on the capacity of the council to conduct its business.

Requests should be made in advance of a meeting and, where a member intends to be away for more than a single meeting, include all affected meetings.

#### **Extended leave of absence**

Council will need to establish their own policy as to whether a person who has a leave of absence for a length of time will continue to receive remuneration as an elected member. A policy could, for example, provide for remuneration to continue to be paid for the first three months of a leave of absence.

Most elected members will take leave from time to time; however, elected members, unlike paid employees, do not have entitlements to prescribed holiday or sick leave. An extended leave of absence without pay could be for personal reasons such as family/parental leave, prolonged holiday, illness or in some cases, when standing for another public office.

The Remuneration Authority advises that:

- Leave of absence without pay can and may be granted for a period by formal resolution of the council.
- The period of leave must involve total absence. The member cannot undertake any duties either formal or informal, including council meetings, meetings with external parties and constituent work. Nor can a member speak publicly on behalf of the council or represent it on any issues.

While on a formal extended leave of absence without pay, the payment of remuneration, allowances and the reimbursement of expenses to an elected member (including Mayor or regional council Chair) must cease during the whole period for which formal leave of absence is

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granted. All other benefits (including the use of a council provided vehicle for the Mayor or regional council Chair) will also be unavailable to the member during the whole of period for which formal leave of absence is granted.

### **Acting Mayor or chairperson**

An important role of the deputy Mayor or deputy regional council Chair is to cover short absences by the Mayor or regional Chair. In these cases, the deputy is not eligible to receive the remuneration, allowances and benefits usually payable to the Mayor or regional council Chair.

However, if an elected member is acting as the Mayor or regional council Chair because the position is vacant, or the incumbent is on a formal extended period of leave of absence without pay (as described above), the acting member is eligible to receive the remuneration, allowances, fees and benefits usually payable to the Mayor or regional council Chair, instead of the acting member's usual entitlements listed in the current Local Government Members Determination and the council's members expenses and reimbursement policy. The acting member is also entitled to the use of the motor vehicle if one is provided to the Mayor or regional council Chair.

*For more information go to <https://www.remauthority.govt.nz/local-government-members/leave-of-absence#cessation-of-remuneration,-allowances-and-expenses-1>*

### **SO 13.4: Apologies**

Apologies are usually given when a member cannot attend a forthcoming meeting or inadvertently missed one, in which cases the apologies are made retrospectively.

### **SO 13.6: Absent without leave**

If a member is absent from four consecutive meetings without their leave or apologies having been approved, an extraordinary vacancy is created. This occurs at the end of a meeting at which a fourth apology has been declined, or a member has failed to appear without a leave of absence.

Please note that this rule only applies to meetings of the governing body (and community boards and local boards). It does not apply to committees of the whole.

Section 117(1) of the Local Electoral Act 2001 begins: 'If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board...'. Therefore, the standing order applies to local boards and community boards in addition to the council, but will not apply to committees of the whole.

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## Part 2: Pre-meeting arrangements

### *Ngā whakaritenga i mua i te hui*

The pre-meeting section of the Standing Orders covers the various processes and steps that need to be completed ahead of a meeting, including the preparation of an agenda. This section of the Guide includes:

- Setting and advertising meetings
- Relocating meetings at the last minute
- Putting matters on the agenda.

### Setting meeting times

Consideration should be given to choosing a meeting time that is convenient for members and will enable public participation. One approach could be to use the council induction training, or workshop, to seek agreement from members on the times that will best suit them, their council, and their community.

### SO 8: Giving notice

Section 46(1) and (2) of the LGOIMA prescribes timeframes for publicly advertising meetings. This is so the community has sufficient notice of when meetings are due to take place. However, the wording of these subsections can cause some confusion:

- Section 46(1) suggests providing a monthly schedule, published 5-14 days before the end of the month.
- Section 46(2) suggests that meetings in the latter half of the month may not be confirmed sufficiently in advance to form part of a monthly schedule published before the start of the month.

Therefore, Section 46(2) provides a separate option for advertising meetings held after the 21st of the month. These can be advertised 5-10 working days prior to the meeting taking place.

Basically, councils must utilise the monthly schedule in section 46(1) for hui held between the 1st and 21st of the month; however, both methods for advertising meetings can be used for meetings held after the 21st. This requirement does not, however, apply to extraordinary or emergency meetings.

### SO 8.1 and 8.2: Public notice and notice to members – definitions

Prior to the last election, the standing orders were updated to include new definitions of what constitutes a 'public notice' and how 'working days' are defined. The full provisions are:

**Public notice**, in relation to a notice given by a local authority, means that:

- (a) It is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and
- (b) It is published in at least:
  - (i) One daily newspaper circulating in the region or district of the local authority; or

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- (ii) One or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district.

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

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

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

### **SO 8.15: Meeting schedules – relocating meetings at the last minute**

Local authorities must hold meetings at the times and places as advertised, so if an appointed meeting room becomes unavailable at the last minute (i.e. after the agenda has been published), and an alternative room in the same venue or complex cannot be used, the meeting can be relocated but will become an 'extraordinary' meeting and the requirements set out in Standing Orders 8.4 and 8.9 will need to be met.

If a meeting is relocated, we recommend informing the public of the change in as many ways as possible, for example:

- Alerting customer services,
- Changing meeting invitations to elected members,
- Updating notices visible outside both old and new venues,
- A sign on the original meeting room door, and
- Updates on the council website and social media pages.

### **SO 9.1: Preparation of the agenda – good practice**

Deciding what to put on an agenda and the process used to make that decision is an important consideration. An agenda is ultimately the responsibility of the chair of the meeting and the chief executive, with the collation of the agenda and its contents sitting with the chief executive's control. The process varies between councils and is heavily influenced by size. Some principles of good practice include:

- Start the process with a hui of the council committee chairs to identify upcoming issues and determine which committee will address them first
- To strengthen relationships, mana whenua organisations could be invited on a regular basis to contribute items for an agenda or share their priorities, for consideration by a future meeting

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- Seek regular public input into forthcoming agendas by engaging with a representative panel of community members
  - Ensure elected members themselves can identify matters for upcoming hui agendas.

If a member wants a new matter discussed at a meeting, they should give the chair early notice, as the matter may require the chief executive to prepare an accompanying report.

Matters may be placed on the agenda by the following means:

1. By a direct request to the chair of the meeting, chief executive, or an officer with the relevant delegated responsibility.
2. By asking the chair to include the item in their report, noting that the matter might require a staff report if it involves a decision.
3. By the report of a committee. Committees are a mechanism for citizens, or elected members, to raise issues for council consideration. A committee can make recommendations to the governing body.
4. Through a local or community board report. Community boards can raise matters relevant to their specific community for consideration by the governing body. A councillor could approach a community board to get their support on a local issue.
5. Through a Notice of Motion. See Standing Order 27.1 for more detail. A NOM must still comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. Generally, a NOM should seek a meeting's agreement that the chief executive prepare a report on the issue of concern to the mover.

Where a matter is urgent, but has not been placed on an agenda, it may be brought before a meeting as 'extraordinary business' via a report by the chief executive or the chair. This process gives effect to section 46A (7) and (7A) of the Local Government Official Information and Meetings Act (LGOIMA) 1987. (Also see Setting the Agenda and Raising Matters for a Decision for more information.)

The topic of any request must fall within the terms of reference, or the scope of delegations, given to the meeting or relevant committee, board or subsidiary body. For example, business referred to a community board should concern a matter that falls within the decision-making authority of the board.

### **SO 9.7: Making agendas available**

Underpinning open, transparent and accountable decision-making involves providing an opportunity for members of your community to know in advance what matters will be debated at which meeting. Making governing body, committee and community board agendas publicly available, whether in hard copy or digitally, is critical.

Section 46A of the LGOIMA requires agendas and reports to be made publicly available at least two working days before a meeting. This is a minimum requirement – agendas and papers should be posted on the council website with as much notice as possible before the meeting date.

Different communities will have different challenges and preferences when it comes to how they access information. Not all communities have reliable access to the internet, and you will

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need to consider the abilities of young, old and visually or hearing impaired when determining how to provide access to information. Distributing information using a range of digital and traditional channels with consideration for accessibility needs will be a step toward strengthening trust in local democracy and narrowing the gap between council and their communities.

### **SO 9.8: Managing confidential information**

Occasionally, councils must address the issue of how confidential agenda items should be handled, such as if there is a possibility that the information in the agenda could benefit a member or individual, should it become public. Some councils address this risk by delaying the distribution of confidential papers until two days before a meeting, providing them in hard copy, and individualising them, so that the specific copy each member receives is identified.

## **Part 3 – Meeting procedures**

### ***Ngā tukanga hui***

Procedures for making decisions are at the heart of council standing orders. This section includes:

- Opening and closing your meeting with a karakia timatanga or reflection
- Voting systems
- Chair’s obligation to preside and chair’s casting vote
- Joining by audio-visual means
- Member conduct
- Quorums
- Revoking decisions
- Members attending meetings that they are not members of
- Moving and debating motions
- Discharging committees.

### **SO 4.5: Timing of the inaugural meeting**

In 2023 the LGA 2002 was amended to increase the time between the declaration of results and the first meeting (swearing in) of a council. The new wording of Clause 21 Schedule 7 (LGA 2002) states:

1. *The first meeting of a local authority following a triennial general election must be called by the chief executive as soon as practicable after the date by which a candidate may apply for a recount has passed and*
  - a. *the results of the election are known; or*
  - b. *if an application for a recount is filed by a candidate or the electoral officer, the recount has been completed and the candidates to be declared elected are known.*

The implication of this change, brought in to deal with potential tied votes, is that notice of the first meeting cannot be given by the CE until three days after the declaration of results (or earlier if a recount is completed within the three days).

## SO 10: Opening and closing your meeting

Local authorities have no obligation to start their meeting with any reflection or ceremony, however, it has become increasingly popular as a way of signalling the kaupapa of a council meeting and acknowledging its ceremonial importance. An example of a reflection used at the start of a meeting is the following karakia. This approach allows for tangata whenua processes to be embraced.<sup>4</sup>

Opening formalities – Karakia timatanga	
Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hau hū	
Tīhei mauri ora.	A touch of frost, a promise of a glorious day.

When a meeting opens with a karakia it should close with a karakia (unless there's multiple meetings/workshops in a day – in which case the closing karakia comes at the end of the day). Examples of karakia can be found from multiple sources, including from [Te Puni Kōkiri](#).

## SO 11.4: Requirement for a quorum – what happens when a member is 'not at the table'?

If a council has made provision in its standing orders for meetings to be held by audio visual means, then all members who join, whether virtually or physically, are counted as part of the quorum. This reflects a change to the LGA 2002 that took effect in September 2024.

## SO 13.1: Members' right to attend all meetings

The legislation (cl. 19(2) Schedule 7, LGA 2002) and these standing orders are clear that members can attend any meeting unless they are 'lawfully excluded' (see the LGNZ standing order template for a definition of lawfully excluded). If attending, elected members have the same rights as the public. They may be granted additional speaking rights if permitted by the chair.

Many councils require non-members to sit away from the meeting table or in the public gallery to make it clear they are not committee members.

<sup>4</sup> Examples of karakia, and general advice on the use of tikanga Māori, can be found via an app, titled Koru, developed by MBIE and available from most app stores.

Whether a member can claim allowances for attending the meeting of a committee that they are not a member of is a question that should be addressed in the relevant council’s allowances and expenses policy.

**SO 13.7: Right to attend by audio or audio visual link**

Local authorities can allow members to participate in meetings online or via phone. This can reduce travel requirements for councillors in large jurisdictions and facilitates participation for councillors when travelling.

If a council wishes to allow members to join remotely, then provision must be made for this in the standing orders. The LGNZ template contains the relevant provisions. If not, then standing orders 13.7-13.16 should be removed before the template is adopted.

**Please note:** Since October 2024, in situations where a council’s standing orders make provisions for members to join meetings by audio/audio-visual means all members who join such a meeting by audio/audio-visual means are now counted as part of that meeting’s quorum.

**SO 13.16: Protecting confidentiality at virtual meetings**

Some members have raised concerns that meetings held by audio-visual means may create confidentiality risks, such as the risk that a member may not be alone while a confidential matter is being discussed.

Councils should avoid, if possible, dealing with public-excluded items in a meeting that allows people to join virtually. While this may not be possible in extraordinary circumstances, we have strengthened the ability of a chair to terminate a link if they believe a matter, which should be confidential, may be at risk of being publicly released, see SO 13.13.

**SO 14.1: Governing body meetings – must the Mayor or Chair preside?**

Schedule 7, Clause 26(1) of the LGA 2002 provides that the Mayor (or Chair of a regional council) must preside over each council meeting they are present at. This reflects the Mayor’s leadership role set out in section 41A. However, the requirement is subject to the exception

**Do members have to be present at hearings to vote?**

The rules vary according to the legislation under which the hearing or submission process is occurring.

Hearings under the LGA 2002, such as Annual Plan or Long-Term Plan hearings, do not require all elected members to have participated in the submission process to vote on the outcomes of that process.

Elected members who cannot participate at all, or who miss part of a hearing, should review all submissions, any AV recordings, and the analysis provided by officials before taking part in any debate and voting on the item under consideration.

It is good practice to make it clear in the minutes that the members who were absent had been provided with records of all submissions oral and written, prior to deliberations.

The Auditor General recommends that members should be present for the whole of a hearing “to show a willingness to consider all points of view” (OAG, Conflicts of Interest, August 2004 p. 43). The guidance suggests that lengthy periods of non- attendance at a hearing could suggest an element of pre-determination.

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“unless the Mayor or Chair vacates the chair for a particular meeting”. This exception would usually be invoked if there is a situation in which they should not lead for some legal reason, such as where they have a conflict of interest or are prohibited from voting and discussing, such as by virtue of section 6 of the Local Authorities (Members’ Interests) Act 1968, where the member has a pecuniary interest in the matter being discussed.

It is implicit in clause 26(1), that the Mayor or Chair will still be present in the meeting, and except in situations where the law prevents them from discussing and voting on a particular matter, they can continue to take part as a member. The clause only relates to vacating the chair, not leaving the meeting.

## **SO 14.2 Other meetings**

### **The co-chairs option**

The question, whether councils can appoint co-chairs to committees, or not, has been raised by several councils over the last few years. Indeed, the question was the subject of a remit at the 2013 LGNZ Annual General Meeting, with most member councils agreeing that LGNZ should take steps to enable this, such as changing legislation or regulation. It turns out that some councils already have co-chairs. The following text, kindly provided by Tauranga City Council, sets out a process for establishing co-chairs under the LGA 2002.

The provisions of the LGA 2002 relating to the appointment of a chairperson of a committee refer to the appointment of a singular person as the chairperson. This does not allow for the appointment of a co-chair. Consequently, the positions of chairperson and deputy chairperson are appointed and remain separate.

However, the chairperson can vacate the chair for all or part of a meeting and thus enable their deputy chairperson to chair the meeting (Clause 26(2) Schedule 7, LGA 2002). Consequently, the chairperson is able to be present and participate in the meeting, including the right to vote, while not chairing the meeting (unless they vacated the chair due to a conflict of interest). This would enable the two roles to effectively act as co-chairs.

This arrangement pre-supposes that the chairperson agrees to vacate the chair to enable the deputy chairperson to chair the meeting at pre-agreed times. The committee’s terms of reference would need to state that it is the intention that this occurs, however, there is no ability to enforce this practice should the chairperson decides not to vacate the chair or a particular meeting.<sup>5</sup>

Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders. They would also have the option to use the casting vote (under Standing Order 19.3) in the case of an equality of votes. It is recommended that this be explicitly stated in the terms of reference for clarification.

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<sup>5</sup> Options include alternating meetings or agreeing to chair for a specific time e.g. for the year. The chairperson will need to formally vacate the chair at the start of each meeting where it is pre-agreed the deputy chair will chair, and this needs to be recorded in the minutes of that meeting.

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## Can a chair stand down and stay in the meeting?

A common question raised with LGNZ is whether a chairperson can step down from their role as chair for all or part of the meeting to give another member chairing experience for example and stay in the room. The answer is yes. Simpson Grierson have provided the following advice:

Our view is that it is acceptable for a person to vacate their position as chair and remain at the meeting, whether that is to allow another person to have training or otherwise.

Clauses 26(1) and (2) of Schedule 7 state: ‘The Mayor or chairperson of the local authority [or a chairperson of a committee] must preside at each meeting of the [local authority/ committee] at which he or she is present unless the Mayor or chairperson vacates the chair for a particular meeting.’

Clause 26 does not state when a Mayor or chair may or must vacate the chair, or otherwise clarify the circumstances when a chair might decide to vacate. In many cases it may be because they have a conflict of interest, or another interest which means they consider it is appropriate that they do not remain the chair (for all or part of a meeting). For example, they may have an exemption or declaration from the Auditor-General under the LAMIA, but decide that it is better that they not chair the meeting for the particular agenda item concerned, or the entire meeting.

In a conflict of interest situation the person should stand aside from the part of the meeting that engages with the conflict situation, but in other situations it appears they can still participate in the meeting. Clause 26 does not stipulate that the person vacating the chair must also leave the meeting.

There are no other provisions in the LGA 2002 or the LGOIMA, or statements in relevant case law, that suggest that when a person vacates the chair for the meeting, they must also ‘vacate’ the meeting.

It is important to note that the language used in clause 26 anticipates that the chair can still be present, even if they have vacated the chair role for a particular meeting. If the chair was required to leave a meeting, there may be problems achieving a quorum, and it is clear in clause 23 that a meeting is constituted if a quorum is present ‘whether or not all of the members are voting or entitled to vote.’

## SO 15: Public forums

The standing orders provide for a period of up to 30 minutes, or longer if agreed by the chair, for members of the public to address the meeting.

The template allows this to be for up to five minutes each on items that fall within the delegations of the meeting, unless it is the governing body and provided matters raised are not subject to legal proceedings or related to the hearing of submissions. Speakers may be questioned by members through the chair, but questions must be confined to obtaining information or clarification on.

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While the forum is not part of the formal business of the meeting, it is recommended that a brief record is kept. The record should be an attachment to the minutes and include matters that have been referred to another person, as requested by the meeting.

## SO 16: Deputations

In contrast to public forums, deputations allow individuals or groups to make a formal presentation to a meeting, as an item on the agenda. Given the additional notice required for a deputation, staff may be asked to prepare advice on the topic, and members may move and adopt motions in response to a deputation, when the matter is debated in the meeting.

### SO 18.1: Resolutions to exclude the public

A resolution to exclude the public should clearly identify the specific exclusion ground and also explain in plain English how the council has applied that ground to the meeting content under consideration.

It is not good practice to simply cite the section number of LGOIMA as the “grounds” on which the resolution is based and quote the text of the section as the “reason” for passing the resolution.

Rather, the “reason” should set out in plain English and in reasonable detail (where appropriate) the reason for public exclusion i.e., how the LGOIMA ground applies to the information and weighing that against any countervailing public interest arguments for non-exclusion. The extent to which this level of detail can be given may depend on the information concerned, and the ground(s) relied on. For example, the reason should not be described in a way which jeopardises the reason for public exclusion itself. With that in mind, a short description of the topic or matter being considered, alongside the withholding ground, may be all that can be safely disclosed in certain cases.

#### **Excluding the public: good practice**

In his report, *Open for Business*, the Ombudsman made observations on the processes that councils should follow when deciding to exclude the public from a meeting. Key points made in the report include:

A primary requirement is that public exclusion may only be made by way of formal resolution of elected members at the meeting itself. It is important that elected members take this responsibility seriously and carefully consider the advice of council officials. The resolution must:

- Be at a time when the meeting is open to the public, with the text of the resolution being available to anyone present.
- Be in the form set out in Schedule 2A of the LGOIMA.
- Only exclude on one of the grounds set out in section 48(1).
- State reasons for the resolution, including the interests it is protecting in the case of section 6 or 7 withholding grounds.
- Where exceptions to the exclusion are made for particular individuals, the resolution must detail their relevant expertise to the topic for discussion.

In his report the Ombudsman observed that some councils cited grounds for exclusion that were *ultra vires*, such as, for the expression of free and frank advice, which is not an eligible ground. A further issue raised by the Ombudsman was that many councils were not reporting the reasons

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for excluding the public as clearly as they should be, and he has recommended that meeting minutes need to document public exclusion resolutions in a clear manner. He also favoured the use of “plain English” descriptions of the reasons for exclusion, rather than just, “clipping the wording from the legislation” (Open for Business, page 31).

## **SO 18.5: Release of information from public excluded session**

Councils have different processes for releasing reports, minutes and decisions arising from public- excluded meetings, which can comprise material considered confidential under section 6 or section 7 of the LGOIMA. Documents may be released in part, with only some parts withheld.

The reasons for withholding information from the public do not necessarily endure in perpetuity – for example, information that was confidential due to negotiations may not need to remain confidential when the negotiations have concluded.

When a report is deemed to be ‘in confidence’, information can be provided on whether it will be publicly released and when. Regarding any items under negotiation, there is often an end point when confidentiality is no longer necessary.

If no release clause is provided, a further report may be needed to release the information creating more work. The following clause can be included in report templates (if in confidence) to address this issue:

*“That the report/recommendation be transferred into the open section of the meeting on [state when the report and/or recommendation can be released as an item of open business and include this clause in the recommendation].”*

The above comments apply to release of information in the immediate context of a publicly excluded meeting. Councils are also encouraged to formalise the process for reconsidering the release of publicly excluded content at a time when the basis for withholding it may no longer apply.

In addition to the above, the public can of course make a LGOIMA request at any time for information heard or considered in the public excluded part of a meeting. Such a request must be considered on its merits and based on the circumstances at the time of the request. It cannot be refused simply because the information was earlier heard at a public excluded meeting.

### **Public excluded business – returning to an open session**

Councils take different approaches to the way in which a meeting moves from public excluded to open status. There are two approaches:

1. By a resolution of the meeting, whereby the chair, or a member, moves that since the grounds for going into public excluded no longer exist, the public excluded status is hereby lifted.
2. At the end of the public excluded item, where public excluded status is ‘tagged’ to only those items that meet the criteria in the sample resolution set out in Appendix Two of the

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Standing Orders. Status is automatically lifted once discussion on that item is concluded. Generally, option two should be followed. However, option one might apply where, during a substantive item, it is necessary to go into public excluded for a section of that item. In this case, the chair or a member should signal through a point of order that the grounds for excluding the public no longer apply. It is only a question of style as to whether a motion to return to open meeting is required.

In the event that a meeting moves into a public excluded forum, there is a requirement that the council make a resolution to that effect. Schedule 2A of the LGOIMA sets out a template resolution for that purpose, which should be adopted (with potential modifications to align with the style or preference of a particular council).

### **SO 19.3: Chair's casting vote**

Standing Order 19.3 allows the chair to exercise a casting vote where there is a 50-50 split. Including this in standing orders is optional under Schedule 7, cl. 24 (2), LGA 2002. The casting vote option has been included in the template to avoid the risk that a vote might be tied and lead to a significant statutory timeframe being exceeded.

There are three options:

1. The casting vote provisions are left as they are in the default standing orders
2. The casting vote provision, Standing Order 19.3, is removed from the draft standing orders before the standing orders are adopted
3. The standing orders are amended to provide for a 'limited casting vote' that would be limited to a prescribed set of decisions only such as statutory decisions, for example: *where the meeting is required to make a statutory decision e.g., adopt a Long-Term Plan, the chair has a casting vote where there is an equality of votes.*

### **SO 19.4: Method of voting**

One of the issues that arose during preparation of the new standing orders concerned the performance of some electronic voting systems and whether the way in which they operate is consistent with what we understand as 'open voting'.

LGNZ has taken the view that open voting means members should be able to see how each other votes 'as they vote', as opposed to a system in which votes are tallied and then a result released in a manner that does not show how individuals voted.

It is also important to note, when using electronic voting systems, that the LGNZ standing orders templates supports the right of members to abstain from voting, see standing order 19.7.

### **SO 19.5: Calling for a division**

Understanding order 19.5, a member can call for a 'division' for any reason. If one is called, the standing orders require the chief executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the chair to declare the result. This must also be recorded in the minutes.

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There are options for gathering this information. For example:

- When asking individual members how they voted, vary the order in which elected members are asked e.g., alternate between clockwise and anti-clockwise,
- To get a clear picture, ask members who voted for or against a motion or amendment to stand to reflect how they voted i.e., “all those in favour please stand” with votes and names, recorded, followed by “all those against please stand” etc.

## **SO 20: Members’ conduct**

Section 20 of the standing orders deals with elected member conduct at meetings. One feature of the LGNZ standing orders is the cross reference made to a council’s Code of Conduct, which sets standards by which members agree to abide in relation to each other. The Code of Conduct template, and the draft policy for dealing with breaches, can be found at <https://www.lgnz.co.nz/learning-support/governance-guides/>.

At the start of a triennium, councils, committees and local and community boards, should agree on protocols for how meetings will work, including whether members are expected to stand when speaking and if there are specific dress requirements.

### **SO 20.7: Financial conflicts of interest**

While the rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have a financial or non-financial conflict of interest, determining whether one exists can be more challenging.

It is an offence under the Local Authorities Members’ Interests Act 1968 to participate in any matter in which a member has a financial interest. Financial interest is defined by the Auditor General as:

*“whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member involved”*(p. 25 Conflicts of Interest OAG 2004).

The rule makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

The Auditor General can grant exemptions from this rule, allowing a member to participate. Members should seek approval from the Auditor General if there is a possibility that their case would qualify for an exemption or declaration where it involves matters under s.6(4) LAMIA. For matters involving s3(a) and 3(aa) the council makes the application (see OAG’s guide on Conflicts of Interest published in 2004).

### **SO 20.8: Non-financial conflicts of interest:**

The Auditor General defines a non-financial conflict of interest or ‘bias’ as:

*“is there, to a reasonable, fair minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard (with favour or disfavour) the case of a party to the issue under consideration.”*

The Auditor General cannot provide an exemption or declaration for non-financial conflicts of interest.

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Bias, both actual and perceived, is a form of non-financial conflict of interest. A claim of bias can be made on the grounds of predetermination. A member who believes they may have a non-financial conflict of interest, or be perceived as having a bias, should:

- Declare they have a conflict of interest when the matter comes up at a meeting,
- Ensure that their declaration is recorded in the minutes, and
- Refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter. In determining the level of conflict, members should discuss the matter with the meeting chair, chief executive, or their nominee. However, the decision whether to participate or not must be made by the members themselves.

### **SO 22.1: Options for speaking and moving motions**

One of the new features in these standing orders is the ability to use different rules for speaking to, and moving, motions to give greater flexibility when dealing with different situations.

Standing Orders 22.1-22.5 provide three options. Option A repeats the provisions in the Standards New Zealand Model Standing Orders, which limit the ability of members to move amendments if they have previously spoken. Option B provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option C allows still further flexibility.

When a council, committee, or community board, comes to adopt their standing orders, it needs to decide which of the three options will be the default option; this does not prevent a meeting from choosing one of the other two options, but it would need to be agreed by a majority of members at the start of that specific meeting.

The formal option A tends to be used when a body is dealing with a complex or controversial issue and the chair needs to be able to limit the numbers of speakers and the time taken to come to a decision. In contrast, options B and C enable more inclusive discussion about issues, however some chairs may find it more difficult to bring conversations to a conclusion.

For joint committees the decision could be simplified by agreeing to adopt the settings used by whichever member council is providing the administrative services.

### **SO 23.10: Where a motion is lost**

This standing order was added in 2019 to make it clear that when a motion is lost, it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion “that the council’s social housing stock be sold” was defeated, the organisation might be left without direction regarding the question of how the stock should be managed in the future.

Standing Order 23.10 enables a meeting to submit a new motion if required to provide direction to management.

## SO 24.2: Revoking a decision

A council cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, provided its decision-making powers were exercised in a lawful manner.

Where a decision has been made under delegated authority but has not been implemented, a council can remove the specific delegation from that body and resolve to implement an alternative course of action.

## SO 25.2: Procedural motions to close or adjourn a debate – what happens to items left on the table

Standing Order 25.2 provides five procedural motions to close or adjourn a debate.

When an item is left to lie on the table, it is good practice wherever possible to state what action is required to finalise it and when it will be reconsidered.

Item (d) states: “That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired)”.

We recommend that at the end of the triennium, any such matters should cease to lie on the table and are withdrawn.

## Part 4: Keeping records

### *E whakarite mauhanga*

## SO 28: Keeping minutes

### What to record?

The purpose of taking minutes is to keep a record of the proceedings of a council meeting and the actions a meeting has agreed to take or not. The minutes create an audit trail of public decision-making and provide an impartial record of what has been agreed. Good minutes strengthen accountability and help build confidence in our local democracy.

In the recent *Open for Business* report, dated October 2023, the Ombudsman recommends that minutes should contain a clear audit trail of the full decision-making process, including any relevant debate and consideration of options (as well as the decision itself).

### Good practice

- Minutes should provide a clear audit trail of the decision-making path.
- They should be succinct, but without sacrificing necessary content.
- Someone not in attendance should be able to understand what was decided.
- Anyone reading the minutes in 20 years’ time will understand them.

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It will be for each council to determine how this is best achieved in the particular circumstances. For example, it is common for reports to decision-makers to contain an options analysis and where this is the case (and those options are endorsed) it would seem unnecessary to duplicate that in the minutes.

The level of detail recorded in minutes will vary according to preferences; however, the style adopted should be discussed with, and agreed to, by the bodies whose discussions and decisions are to be minuted. One way of doing this is to include, as part of the resolution adopting the minutes, either a stand-alone motion stating the level of detail that will be recorded or including this within the standing orders themselves.

### **SO 28.2: Matters recorded in minutes**

SO 28.2 sets out what the minutes must record. In addition, it is recommended a record is made of the reasons given for a meeting not having accepted an officer's recommendations in a report; this might be important for future audit purposes.

While it is not a legal requirement, the Ombudsman has recommended that it is good practice for minutes to record how individual elected members voted. Whether to adopt this practice in general, or exercise discretion on when to record voting, may depend on the significance and nature of the decisions involved. When divisions are called, it is necessary to record voting. Where meetings have been live-streamed or recorded, a reference could be made in the minutes with the relevant link so readers can access more information if they choose.

When recording Māori place names, or discussion in Te Reo Māori, please make sure to use correct and local spelling.

### **Recording reasons for decisions**

Recent decisions of the courts have highlighted the importance of recording decisions in a manner that clearly and adequately explains what was decided and why. Keeping good meeting records also:

- Helps ensure transparency of decision-making by providing a complete and clear record of reasoning
- Provides a reference in the event of issues arising around decision-making processes
- Provides an opportunity to create a depository of knowledge about how council make decisions and so develop a consistent approach.

In these decisions, the Courts have acknowledged that the provision of reasons is one of the fundamentals of good administration, by acting as a check on arbitrary or erroneous decision-making. Doing so assures affected parties that their evidence and arguments have been assessed in accordance with the law, and it provides a basis for scrutiny by an appellate court. Where this is not done, there is a danger that a person adversely affected might conclude they have been treated unfairly by the decision-maker and there may be a basis for a successful challenge in the courts (Catey Boyce, Simpson Grierson 2017).

While each situation is different, the extent and depth of the reasoning recorded should consider:

- The function and role of the decision maker, and nature of the decision being made
- The significance of the decision in terms of its effect on persons
- The rights of appeal available

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- The context and time available to make a decision.

In short, the level of detail provided should be adequate to provide a ‘reasonably informed’ reader of the minutes an ability to identify and understand the reasons for the recommendations/decision made. In reaching a view on the appropriate level of reasoning that should be provided, the Significance and Engagement Policy of a council may be useful to guide the types of decision that warrant more detail.

### Hard copy or digital

Te Rua Mahara o te Kāwanatanga Archives New Zealand has released [guidance on the storage of records by digital means](#). General approval has been given to public offices to retain electronic records in electronic form only, after these have been digitised, subject to the exclusions listed below.

The following categories of public records are excluded from the general approval given:

- Unique or rare information, information of importance to national or cultural identity or information of historical significance;
- Unique or rare information of cultural value to Māori (land and people) and their identity; and
- All information created prior to 1946.

For more detail on each of these categories, refer to the guide ‘[Destruction of source information after digitisation 17/G133](#)’. Te Rua Mahara o te Kāwanatanga Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

The Authority to retain public records in electronic form only is issued by the Chief Archivist under Section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

### Compliance with Section 229(1) of the CCLA

A public office can retain public records in electronic form, and destroy the source information, only if the public record is covered by an approval given in this Authority (or specific authorisation has otherwise been given by the Chief Archivist), and the conditions of Section 229(1) of the CCLA are met. The two conditions of Section 229(1) are:

1. The electronic form provides a reliable means of assuring that the integrity of the information is maintained, and
2. The information is readily accessible to be usable for subsequent reference.

**Note:** Public offices should be aware that Section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (Enactments and provisions excluded from subpart 3 of Part 4). For further clarification, the Authority should be read in conjunction with the guide –[Destruction of source information after digitisation 17/G133](#)<sup>6</sup>.

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## Information tabled at meetings

Any extra information tabled after the reports and agendas have been distributed should be specified and noted in the minutes, with copies made available in all places that the original material was distributed to. A copy must also be filed with the agenda papers for archival purposes.

## Chair's signature

Where councils capture and store minutes digitally the traditional practice for authorising minutes of the chair's signature is not at all practical. For the digital environment, one approach would be to include, with the motion to adopt the minutes, a sub-motion to the effect that the chair's electronic signature be attached/inserted.

## Regarding non-LGA 2002 hearings

The LGNZ standing orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which council may have meetings and hearings can have different requirements. For example:

Minutes of hearings under the Resource Management Act, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 include additional items, namely:

- Record of any oral evidence,
- Questions put by panel members and the speaker's response,
- Reference to tabled written evidence, and
- Right of reply.

Information required in minutes of hearings of submissions under a special consultative procedure, such as Long-Term Plan hearings, include:

- Records of oral submission,
- Questions put by elected members and the speaker's response to them, and
- Reference to tabled written submissions.

In cases where a council chooses a course of action in response to submissions which is contrary to advice provided by officials, the reasons why it chose not to follow official advice should be recorded.

In summary:

- For procedural matters a pre-formatted list of statements can be useful for slotting in the minutes as you go
- Avoid attributing statements to specific politicians as it creates opportunity for debate during the confirmation of minutes
- Do attribute statements when given as expert advice
- Be flexible. Minutes are live recordings of real events – the rules will not always help you.

## Affixing the council seal

The requirement to have a common seal was removed by the LGA 2002. However, there is an implied requirement for a council to continue to hold a common seal as there are some

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statutes that refer to it. A council may decide to require or authorise the use of its common seal in certain instances.

For example:

- Section 174(1) of the LGA 2002, states that if an officer of a local authority or other person is authorised by the LGA 2002 or another enactment to enter private land on behalf of the local authority, the local authority must provide a written warrant under the seal of the local authority as evidence that the person is so authorised.
- Section 345(1)(a) of the LGA 1974, which provides for the council conveying or transferring or leasing land, which is no longer required as a road, under common seal.
- Section 80 of the Local Government (Rating) Act 2002, which provides that the council must, in the case of sale or lease of abandoned land, execute under seal a memorandum of transfer (or lease) on behalf of the ratepayer whose interest has been sold or leased.
- Clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA), which provides that approvals of proposed policy statements or plans must be affected by affixing the seal of the local authority to the proposed policy statement or plan.

However, given that there are no requirements in these provisions as to how the common seal may be affixed, it is therefore up to each local authority itself to decide.

Where such requirements continue to exist, the legal advice (sourced from Simpson Grierson) recommends that council have any deeds signed by two elected members. While the common seal could be affixed in addition to this, it is not legally required.

If a council continues to hold a common seal, then it is up to the council to decide which types of documents it wishes to use it for, and which officers or elected members have authority to use it. The process for determining this should be laid out in a delegation's manual or separate policy.

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## Appendix 1: Sample order of business

### *Āpitihanga 1: He tauira rārangi take*

There is no single correct way of structuring the order of business to be considered at a meeting. Determining the appropriate order of agenda items will be influenced by the type of council, its size, the decision-making structures and the governance culture, as well as the preferences of the chair. A commonly used order of business is set out below:

#### Open section

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

#### Public excluded section

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

\*Only those aspects of these reports that are confidential should be considered in public excluded.

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## Appendix 2: Childcare allowance policy – guidance & template

### *Āpitianga 2: Kaupapahere mō te utu tiaki tamariki – aratohu me te anga*

LGNZ has developed the following template policies on child-care allowances to reflect our commitment to diversity and inclusivity. These are for councils to consider and adopt if they see fit.

- The draft “childcare allowance clauses” could be included in a council’s “Elected Member Expenses, Allowances and Reimbursements Policy” (Expenses Policy). Councils can also adopt them as a separate policy if they wish
- Before any council decides to adopt any clauses/new policy, it will need to comply with its usual decision-making requirements in the Local Government Act 2002.

Both policies have been developed by LGNZ’s legal advisers and both have been reviewed by the Remuneration Authority.<sup>7</sup>

#### Background and objectives

In 2017/18, the Remuneration Authority carried out a comprehensive review of its approach to determining remuneration and allowances for local government elected members. In this review they noted that caring for dependents was one of the barriers to participation as an elected member, particularly for younger women. As a result, in 2019 provision was made for councils to adopt an elected member childcare allowance.

The consultation document that led to the introduction of the childcare allowance raised questions, and included proposals, about leave of absence for other personal reasons. However, the Remuneration Authority did not make any specific determinations about leave of absence, other than a determination which requires an acting Mayor/Chair to be paid the remuneration and allowances that are normally payable to the Mayor/Chair when they are fulfilling that role (in an acting capacity).

The Remuneration Authority currently provides discretion for local authorities to make childcare allowances: see clause 14, Local Government Members (2022/23) Determination 2022.

LGNZ encourages all councils to provide for this allowance in their policies, for both councillors and community/local board members. While it is for eligible elected members to decide whether they will claim the allowance, ensuring all discretionary allowances are made available to elected members helps to minimise financial barriers for those who wish to hold office.

The Remuneration Authority reviews allowance limits annually, so before any childcare allowance is paid in any year, the current determination (and possibly the council policy) should be reviewed:

- Existing Expenses Policies will specify when allowance claims are to be made and paid

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<sup>7</sup> Please note that any reference to ‘parental leave’ in these draft policy clauses does not mean ‘parental leave’ as that term is used in the Parental Leave and Employment Protection Act 1987.

- Councils should consider whether amendments are required to these clauses in conjunction with adopting these template clauses
- The placeholder text in [brackets] is for each council to choose/insert for consistency with other council documents, as part of their decision-making process.

The council will review this policy at least every three years, immediately following the local government election.

**Please note:** The council can only include additional ‘rules’ relating to an elected member claiming this allowance if the Remuneration Authority approves these in accordance with clause 6(3)(e), Schedule 7 of the Local Government Act 2002. However, instead of seeking approval from the Remuneration Authority, a council may decide to add ‘notes’, or parameters, that align with any preferences it has in relation to an elected member claiming the allowance. For example, by requiring that specific childcare centres be used, see below:

*The council encourages elected members to use [XYZ childcare centre] which is [owned and operated by the [council/council’s CCO]] OR [which receives grant funding from the Council each year]*

### Childcare allowance template:

*The placeholder text in [brackets] is for each council to choose/insert for consistency with other Council documents and policies. Childcare allowance policy: draft clauses:*

1. From the day the official result of the [2022] election is declared, eligible [Members] may claim a childcare allowance of up to [extract\_itex]6,000] per annum only, per child, to contribute towards expenses incurred by the [Member] for childcare provided while they are engaged on local authority business.<sup>8</sup>
2. In accordance with the Local Government Members Determination issued by the Remuneration Authority, a [Member] is eligible for the childcare allowance only if:
  - a. the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
  - b. the child is under 14 years of age; and
  - c. the childcare is provided by a person who—
    - i. is not a parent of the child or a spouse, civil union partner, or de facto partner of the member; and
    - ii. does not ordinarily reside with the member; and
3. the member provides satisfactory evidence to the Council of the amount paid for childcare.

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<sup>8</sup> To find out whether your council provides a childcare allowance and, if so, the amount of that allowance, go to the council’s Governance Statement, which can be found on its website. Alternatively, approach the council’s administration officer.

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## Appendix 3: Parental leave of absence policy: notes and guidance

### *Āpitianga 3: Kaupapahere tamōtanga mātua: he kupu ārahi me te aratohu*

A good democracy needs to be inclusive and reflect as far as practicable the diversity of our communities. This applies not only to what councils do but also to the way in which decisions are made, including the membership of governing bodies and community and local boards. It is important that all eligible citizens not only feel able to stand for election and but also to participate fully if elected.

As the law stands, elected members are not entitled to statutory ‘parental leave,’ as they are not subject to the Parental Leave and Employment Protection Act 1987. Consequently, any decision to approve parental leave for an elected member is a council decision. The draft policy clauses below are intended to assist councils with their decision-making if an elected member seeks a leave of absence for parental leave.

LGNZ has developed the following template on parental leave to reflect our commitment to diversity and inclusivity. These are for councils to consider and adopt if they see fit. We recommend that the draft “parental leave” clauses are adopted as a standalone policy, given that they concern the matter of leave, rather than the payment of a specified allowance.

- Councils should ensure that any parental leave of absence policy clauses are consistent with existing standing orders, insofar as they relate to the approval of a leave of absence. A council may need to amend their standing orders to reflect:
  - That where a leave of absence is approved on the basis that an elected member will not perform any services (e.g., a total leave of absence), remuneration (and allowances) will not be payable for the period.
- The Parental Leave of Absence policy clauses assume that a parental leave of absence will be a total leave of absence, where no usual duties or functions are performed.

*The placeholder text in [brackets] is for each council to choose/insert for consistency with other council documents and policies.*

### Parental leave of absence policy template

1. When a [*Member*] gives birth or adopts a baby under [*XX* age] old, the council may approve a leave of absence under [*standing order #*] (parental leave of absence).
2. A parental leave of absence may be approved for up to [*X*] months on request.
3. Approval of parental leave of absence will mean that the [*Member*] must not carry out any duties, either formal or informal. This will mean that the [*Member*] will not attend any council, community board, local board, or committee meetings, meetings with external parties or constituent work. The [*Member*] is also not able to speak publicly on behalf of the council or represent the council on any issue.
4. A [*Member*] will not be paid any remuneration or allowances while on an approved parental leave of absence.
5. If a member continues in their role in a more limited (partial) capacity, such as attending to constituent enquiries (e.g., phone calls and engagements where possible), and reading etc, but not attending council meetings or workshops, their



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remuneration should revert to the remuneration received by a councillor with minimum allowable remuneration for their council, as set out in its determination.

6. The council will offer members returning from full parental leave a programme to assist them to transition back into their former role, this may involve a briefing from the chief executive officer on matters of importance that occurred during the member's absence.

# Waikato



## District Council

Te Kaunihera aa Takiwaa o Waikato

### **Waikato District Council Community Board Standing Orders**

*Standing Orders adopted on* **Month Year**

## Preface

### Kupu whakapuaki

Standing orders help community board meetings to run smoothly, supporting efficient decision-making and helping communities trust councils. LGNZ and Taituarā have together reviewed the standing orders and developed new templates.

Our review aimed to:

- Put the standing orders into plain English, so that everyone can understand them.
- Incorporate recent legislative changes,
- Make the design more user friendly,
- Strengthen the principles underpinning the standing orders and give them more prominence,
- Make it easier to navigate the templates by shifting non-essential matters to the Standing Orders' Guide,
- Provide guidance, through the updated Guide, on frequently asked questions (such as whether committee chairs can stand aside to allow others to gain chairing experience, and how to have co-chairs of committees).

There are three templates, for city and district councils, regional councils, and community boards. These are free for all councils and community boards to use and adapt. We have also updated the Guide to standing orders to address questions you've raised over the past three years.

These templates enable community boards to exercise their decision-making responsibilities in a transparent, inclusive, lawful and efficient manner. Used well, they help build confidence in our decision-making processes. We hope you find them useful.

Susan Freeman Greene



Chief Executive

LGNZ

Suzanne Boyd



Chief Executive

Taituarā

## **Introduction<sup>1</sup>**

### **Kupu whakataki**

These standing orders contain rules for the conduct of meetings of community boards, committees, subcommittees, and subordinate decision-making bodies. They meet the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) in relation to the conduct of meetings.

The application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general. Different standing order versions are available for regional councils, community boards and local boards. These standing orders can also be adapted for use by other local authorities that are subject to the requirements in Part 7 of LGOIMA.

Although it is mandatory that community boards adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, we recommend that standing orders are reviewed within the first six months after an election. This is to ensure that they meet the needs of relevant bodies for running effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

Whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter is not directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

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

## **Principles**

### **Ngā mātāpono**

The LGNZ Standing Orders provide rules for local authorities to use when making decisions. Underpinning the standing orders are several principles, the most important being that community boards and their members:

- Conduct their business in a transparent manner through public notice of meetings, provision of access to information, publicly open discussions, and meetings that are open to the public.
- Respect confidentiality, in accordance with relevant legislation, when making decisions that contain sensitive information.

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<sup>1</sup> LGNZ has made every reasonable effort to provide accurate information in this document, however it is not legal advice, although it has been legally reviewed, and we do not accept any responsibility for actions taken that may be based on reading it.

- Represent their community when making decisions by taking account of the diversity of its communities, their views and interests, and the interests of communities in the future.
- Acknowledge, and, as appropriate, make provision for Te Ao Māori and local tikanga in meeting processes.
- Ensure that decision-making procedures and practices meet the standards of natural justice, including the importance of decision-makers having, and being seen to have, open minds.
- Have a high standard of behaviour which fosters the participation of all members, including the expression of their views and opinions, without intimidation, bullying, or personal criticism.
- Act with professionalism by ensuring their conduct is consistent with the principles of good governance and the behaviours outlined in the Council's Code of Conduct.

In addition, application of these standing orders must comply, as appropriate, with the decision-making provisions of Part 6, LGA 2002, and be consistent with section 39, LGA 2002, that "governance structures and processes are effective, open, and transparent" (LGA 2002, s 39).

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## **1. Introduction**

### **Kupu whakataki**

These standing orders have been prepared to enable the orderly conduct of council meetings. They incorporate both legislative provisions relating to meetings, decision making, and transparency. The standing orders also provide practical guidance on the operation of meetings to ensure compliance with statutory provisions and meet the spirit of the legislation.

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

- Part 1 general items.
- Part 2 pre-meeting procedures.
- Part 3 meeting procedures.

The Appendices, which follow Part 3, provide templates and additional guidance for implementing provisions within the Standing Orders. The Appendices are an attachment to the Standing Orders and not part of the Standing Orders themselves. Amendments to the Appendices do not require the agreement of 75 per cent of those present.

The 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders and is not part of the Standing Orders.

### **1.1 Statutory references**

#### **Ngā tohutoro ā-ture**

These Standing Orders include statutory and non-statutory meeting provisions and provide guidance on how those provisions should be applied in practice.

These standing orders have been rewritten in plain English. Where a statutory provision applies a statutory reference is provided in the standing order.

Statutory references apply throughout the period of the meeting whether or not Standing Orders have been suspended.

Use of the word 'must' in a standing order implies a mandatory legislative requirement.

### **1.2 Acronyms**

#### **Ngā kupu rāpoto**

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

### **1.3 Application**

#### **Te whakamahinga**

These Standing Orders do not apply to workshops or meetings of working parties and advisory groups, unless specifically included in their terms of reference.

## **2. Definitions**

### **Ngā whakamārama**

#### **Adjournment**

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

#### **Advisory group**

A group of people convened by a community board 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, forums, portfolio groups, briefings, and other similar bodies.

#### **Agenda**

A document listing the items for consideration at a meeting, together with associated 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**

Any change or proposed change to an original or substantive motion.

#### **Appointed member**

A member of a committee, subcommittee, or subordinate decision-making body of a community board who is not elected.

#### **Audio link**

Technology that enables audio communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

#### **Audiovisual link**

Technology that enables audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

#### **Casting vote**

A second vote exercised by a chairperson to break a tied vote.

#### **Chairperson**

The person with authority to lead a meeting or other gathering.

**Chief executive**

The chief executive of a city or district council appointed under s 42 of the LGA 2002. For the purposes of these Standing Orders, references to chief executive includes any other officer authorised to act as the chief executive.

**Clear working days**

The number of working days (business hours) prescribed in these Standing Orders for giving notice. A calculation of clear working day excludes the date of the meeting and date on which the notice is given.

**Committee**

Includes, in relation to a community board:

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

**Community board**

A community board established under s 49 of the LGA 2002.

**Conflict of Interest**

Includes:

- a) Any pecuniary (financial) interest;
- b) Any interest arising because of a person's position as a trustee, director, officer, employee, or member of another body; and
- c) Any personal non-pecuniary interest, such as pre-determination or bias.

**Contempt**

Being disobedient to, or disrespectful of, the meeting chairperson, members, officers, or the public, or otherwise not complying with these standing orders

**Council**

In the context of these Standing Orders, the governing body of a city or district council.

**Debate**

Discussion by members that occurs once a motion has been moved and seconded.

**Deliberative vote**

The ordinary vote of a member (as compared to the casting vote of a chairperson).

**Deputation**

A request from any person or group to make a presentation to the community board which is approved by the chairperson. A deputation may be made in English, te reo Māori or New Zealand Sign Language.

**Division**

A formal vote at a meeting where the names of those members present, including the chairperson, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

**Electronic link**

Both an audio and audiovisual link.

**Emergency meeting**

Has the same meaning as defined in cl 22A of sch 7 of the LGA 2002.

**Extraordinary meeting**

Has the same meaning as defined in cl 22 of sch 7 of the LGA 2002.

**Foreshadowed motion**

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

**Internet site**

In relation to a council or other person or entity, an Internet site that is maintained by, or on behalf of, the council, person, or entity and to which the public has free access.

**Joint committee**

A committee in which the members are appointed by more than one community board in accordance with cl 30A of sch 7 of the LGA 2002.

**Karakia timatanga**

An opening prayer or blessing.

**Karakia whakamutunga**

A closing prayer or blessing.

**Lawfully excluded**

A member of a local authority who has been removed from a meeting due to behaviour that a chairperson has ruled to be contempt.

**Leave of absence**

A pre-approved absence for a specified period of time consistent with any council policy.

**Local authority**

The territorial authority named in these Standing Orders, and, if the context requires, any community boards, local boards, committees or subordinate decision-making bodies established by the territorial authority.

**Mayor**

The Mayor of a city or district council elected under the Local Electoral Act 2001.

**Meeting**

Any first, inaugural, ordinary, extraordinary, emergency or urgent meeting of a local authority convened under the provisions of LGOIMA.

**Member**

Any person elected or appointed to the local authority.

**Member of the Police**

Means a Constable of the New Zealand Police within the definition of s 4 of the Policing Act 2008.

**Mihi whakatau**

A brief welcome typically delivered by one person without any further formalities.

**Minutes**

The record of the proceedings of any meeting.

**Motion**

A formal proposal to a meeting.

**Mover**

The member who initiates a motion.

**Newspaper**

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.

**Non-elected member**

See Appointed Member.

**Notice of motion**

A motion given in writing by a member in advance of a meeting in accordance with these Standing Orders.

**Officer**

Any person employed by the council either full or part time, on a permanent or casual or contract basis.

**Open voting**

Voting which is conducted openly and transparently (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted electronically. The result of the vote must be announced immediately after it has concluded. Secret ballots are specifically excluded.

**Ordinary meeting**

Any meeting, other than the first meeting, of a community board publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

**Original motion**

The first motion moved in a debate, prior to amendment (if any).

**Pecuniary Interest**

In relation to a member, means a matter or activity of financial benefit to that member, including any interest described in s 3 or 6 of LAMIA.

**Petition**

A request to a community board which contains at least 20 signatures.

**Pōwhiri**

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

**Present at the meeting**

Present at the meeting to constitute a quorum means the member is to be either physically present in the room or attending the meeting by audio/visual link, if allowed by these standing orders.

**Procedural motion**

A motion 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 or proposed to be considered with the public excluded. It includes:

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

**Public excluded session**

Refers to those meetings or parts of meetings from which the public is excluded by the community board as provided for in LGOIMA. Also referred to as confidential or in-committee session.

**Public forum**

A period set aside, usually at the start of a meeting, for the purpose of public input.

**Public notice/publicly notified**

A notice or notification to members of the public that is made publicly available until any opportunity for review or appeal in relation to the matter notified has lapsed, on the council's website. The notice/notification must be published in at least one daily newspaper circulating in the region or district of the council, or one or more other newspapers that have a combined circulation in that region or district, which is at least equivalent to that of a daily newspaper circulating in that region or district.

**Qualified privilege**

The privilege conferred on member by s 52 and s 53 of LGOIMA.

**Quasi-judicial**

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**

The minimum number of members required to be present to constitute a meeting.

**Resolution**

A motion or amendment that has been adopted by the meeting.

**Right of reply**

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

**Secunder**

The member who seconds a motion or amendment.

**Sub judice**

Means under judicial consideration and therefore prohibited from public discussion elsewhere.

**Subordinate decision-making body**

A decision-making body appointed by a local authority which is required by the local authority to follow these standing orders. For clarity local boards, community boards and joint committees are not subordinate decision-making bodies.

**Substantive motion**

An original motion which has been amended by the meeting.

**Subcommittee**

A body appointed by a community board, or a committee of a community board, local board or community board. See definition of “committee”.

**Urgent meeting**

has the same meaning as defined in cl 21A of sch 7 of the LGA 2002.

**Working day**

A day of the week other than:

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

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

**Working party**

A group set up by a community board to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

**Workshop**

In the context of these Standing Orders, a gathering of elected members for the purpose of considering items of importance to the community board at which no decisions are made and to which these Standing Orders will not apply, unless required by the community board. Workshops may include non-elected members and may be described as briefings.

## General matters

### Ngā take arowhānui

#### 3. Standing orders

##### Ngā tikanga whakahaere hui

#### 3.1 Obligation to adopt standing orders

Te takohanga ki te whai i ngā tikanga whakahaere hui

- Community boards are required to adopt a set of standing orders.
- Standing orders set out how meetings are conducted.
- Standing orders must not contravene any Act.
- If a standing order is inconsistent with a legal requirement, that requirement prevails over the standing order.

This obligation applies to city and district Councils, regional councils, local boards and community boards.

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

#### 3.2 Process for adoption and alteration of standing orders

Te tukanga mō te whai me te whakarerekē i ngā tikanga whakahaere hui

Adopting new standing orders requires a vote of not less than 75 per cent of the members present.

Amending the current standing orders also requires a vote of not less than 75 per cent of the members present.

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

#### 3.3 Members must comply with standing orders

Me ū ngā mema ki ngā tikanga whakahaere hui

All members must comply with these standing orders.

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

All external meeting participants, including appointed members, must comply with these standing orders.

### **3.4 Application of standing orders**

Te whakamahinga o ngā tikanga whakahaere hui

These Standing Orders apply to all meetings. This includes meetings of committees, subcommittees and any other subordinate decision-making body.

Standing Orders apply to any meeting (or part meeting) where the public have been excluded.

### **3.5 Temporary suspension of standing orders**

Te whakatārewa taupua i ngā tikanga whakahaere hui

A meeting can temporarily suspend a standing order(s), provided the suspension does not contravene any legislative requirement.

The meeting must suspend standing order(s) by resolution.

The meeting's motion to suspend a standing order(s), must include:

- a) The reason for suspending the standing order(s).
- b) The standing order(s) being suspended.

A motion to suspend standing order(s) can be taken before or during a debate.

Once seconded, the meeting chairperson must put the motion without debate.

To be carried, at least 75 per cent of members present and voting must support the motion.

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

### **3.6 Quasi-judicial proceedings**

Ngā whakawākanga ā-kaunihera

A meeting which is undertaking quasi-judicial proceedings may set their own meeting procedures.

Quasi-judicial proceedings are held for the purpose of conducting hearings and/or considering disputes.

Some committees may have additional powers under the Commissions of Inquiry Act 1908.

### **3.7 Physical address of members**

Te wāhi noho o ngā mema

Every member, whether elected or appointed, must provide the chief executive with an electronic address where meeting notices and information may be sent.

Where a member does not have an electronic address, they must provide the Chief executive with a physical address within the district or region, where material can be sent.

It is preferable for all members to provide both an electronic and physical address.

Members should inform the chief executive which contact information can be made publicly available.

Personal information provided by a member is subject to the Privacy Act 2020.

## **4. Meetings**

### **Ngā hui**

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

##### **Te herenga ā-ture kia whakatū hui**

The community board must hold the meetings necessary for the good government of its community.

The calling of meetings, and their conduct must be in accordance with:

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

Meetings must be held at the times and places set by the community board.

*LGA 2002, Sch. 7, cl 19(1) & (3) & (4)*

#### **4.2 Meeting duration**

##### **Te roa o ngā hui**

Unless the meeting resolves to continue, meetings cannot:

- a) sit for more than two hours without a break of at least ten (10) minutes.
- b) continue more than six (6) hours (including adjournments) from when it convened, or
- c) continue after 10.30pm.

If there is no resolution to continue, any business remaining must be:

- a) Adjourned,
- b) Transferred to the next meeting, or
- c) Transferred to an extraordinary meeting.

### **4.3 Language**

#### **Reo**

A member may address a meeting in English, te reo Māori, or New Zealand Sign Language.

The chairperson may require that a speech is translated and printed in English or te reo Māori.

A member intending to address the meeting in New Zealand Sign Language, or te reo Māori, when the normal business of the meeting is conducted in English, must advise the chairperson not less than two working days before the meeting.

A member intending to address the meeting in English when the normal business of the meeting is conducted in te reo Māori must advise the chairperson not less than two working days before the meeting.

Any written materials should be forwarded to the chief executive at least two days before the meeting for translation.

### **4.4 Webcasting meetings**

#### **Ngā hui kauhaurangi**

Webcast meetings should be provided in accordance with the protocols contained in the LGNZ Guide to Standing Orders.

### **4.5 First meeting (inaugural)**

#### **Hui tuatahi (ōkawa)**

The chief executive calls the first meeting following a triennial general election.

The meeting must be called as soon as practicable after election results are known.

Unless an emergency exists, the chief executive must give elected members not less than seven days' notice of the first meeting.

In the case of an emergency, the chief executive may give elected members notice of the meeting as soon as practicable.

*LGA 2002, Sch. 7, cl 21(1) - (3).*

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

#### **Ngā herenga mō te hui tuatahi**

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the chairperson has made an oral declaration and attested the declaration (see 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 members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the chairperson and the making and attesting of the declaration required of the chairperson under cl. 14 Schedule7, (LGA 2002);
- (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 community board, or the adoption of a schedule of meetings.

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

Although it is common for community boards to adopt standing orders at their first meeting, this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

## **5. Appointments and elections**

### **Ngā kopounga me ngā pōtitanga**

#### **5.1 Election of chairpersons and deputy chairpersons**

Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko Komiti

The community board must decide by resolution to use one of two voting systems (see standing order 5.6) when electing the chairperson and deputy chairperson.

*cl. 25 Sch. 7, LGA 2002*

#### **5.2 Voting system for chairs and deputy chairs**

Pūnaha pōti mā ngā Kahika Tuarua me ngā Upoko komiti

The community board must use one of the following two voting systems for electing:

- a) A Deputy Mayor; and/or
- b) A committee chair.

## **System A**

The successful candidate must receive a majority of the votes of members present and voting.

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

### *Round One*

- There is one round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the first round is excluded and a further round of voting occurs.

### *Round Two (if required)*

- There is a second round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes in the second round is excluded and a further round of voting occurs.

### *Subsequent rounds (if required)*

- There is a further round of voting.
- If a candidate receives the majority of votes they are elected.
- If no candidate receives the majority of votes, the candidate receiving the fewest votes is excluded and a further round of voting occurs.

## **System B**

- The successful candidate must receive more votes than any other candidate.
- There is only one round of voting.
- If two or more candidates tie for the most votes, the tie is resolved by lot.

*LGA 2002, Sch. 7, cl 25.*

## **6. Delegations**

Te tuku mana

### **6.1 Only the holder of a delegated authority can rescind or amend a previous decision**

Ka taea anake e te kaupupuri o te mana tuku te whakakore, te whakarerekē rānei i tētahi whakatau o mua

Where a community board has delegated authority to another body, member or officer, they cannot rescind or amend a decision made under that delegated authority.

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

However, the current holder of the delegated authority may rescind or amend a previous decision made under the same authority.

*Refer to Standing Orders Guide for scenarios on delegation practice.*

### **6.2 Duty to consider delegations to community boards**

Te haepapa ki te whai whakaaro ki te tuku mana ki ngā poari hapori

A council which has community board(s) must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

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

### **6.3 Community boards may delegate**

Ngā tepenga o te tuku mana

A community board may delegate any of its responsibilities, duties, or powers to a subcommittee or person.

A sub-delegation is subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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

### **6.4 Use of delegated powers**

Te whakamahi i te mana tuku

The body, member or officer of the community board who has been delegated authority to act may exercise those responsibilities, powers or duties:

- a) without confirmation by the body that delegated the authority; and
- b) in a like manner and with the same effect as the community board or committee could have exercised or performed them.

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

## **6.5 Bodies are subject to the direction of the community board**

E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

A committee or subcommittee of a community board is subject in all things to the control of the community board that appointed it.

A committee, subcommittee or other subordinate decision-making body must carry out all general and special directions given to them by the community board.

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

## **7. Committees**

Ngā komiti

### **7.1 Appointment of committees and subcommittees**

Te kopou i ngā komiti me ngā komiti iti

A community board may appoint the decision-making bodies that it considers appropriate. This includes committees, subcommittees and any other subordinate decision-making body.

Unless the community board prohibits it, a committee can appoint subcommittees.

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

### **7.2 Discharge or reconstitution of committees and subcommittees**

Te whakakore, te whakahou rānei i ngā komiti me ngā komiti iti

Unless legislation or regulation prevents it:

- a) a community board can discharge or reconstitute a committee, a subcommittee, or sub-ordinate decision-making body;
- b) every committee, subcommittee, or other subordinate decision-making body is discharged following a triennial general election.

*LGA 2002, Sch. 7, cl 30(5) (7)*

### **7.3 Appointment or discharge of committee members and subcommittee members**

Te kopou, te whakakore rānei i ngā mema komiti me ngā mema komiti iti

A community board may appoint or discharge any member of a committee, or subcommittee.

Committees may appoint or discharge members of the subcommittees they have established unless the community board directs otherwise.

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

#### **7.4 Membership of committees and subcommittees**

Te memātanga o ngā komiti me ngā komiti iti

- A community board may appoint non-elected members (appointed members) to a committee or subcommittee.
- At least one member of a committee must be an elected member.
- An appointed member on a committee or subcommittee must, in the opinion of the community board or the committee, have the skills, attributes or knowledge to assist the committee or subcommittee.
- A staff member of the community board, in the course of their employment, can be a committee and/or subcommittee member.

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

#### **7.5 Community board may replace members if committee not discharged**

Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

- A community board may resolve that a committee or subcommittee is not to be discharged following a triennial general election.
- Where a committee has not been disestablished at a triennial general election, a community board may replace the members of that committee following the election.

*LGA 2002, Sch. 7, cl 31(5) & cl 30(7)*

#### **7.6 Decision not invalid despite irregularity in membership**

Ka whai mana tonu te whakatau ahakoa te rangirua o te memātanga

A decision of a community board or committee is not invalidated if:

- a) there is a vacancy in the membership of the community board at the time of the decision; or
- b) following the decision, some defect in the election or appointment process is discovered and/or that the membership of a person on the community board at the time is found to have been ineligible.

*LGA 2002, Sch. 7, cl 29.*

## **7.7 Appointment of joint committees**

### **Te koupounga o ngā komiti taihono**

A community board may appoint a joint committee with another community board, or other public body, if it has reached prior agreement with each community board or public body.

The agreement must specify:

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

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

*LGA 2002, Sch. 7, cl 30A(1) - (3).*

## **7.8 Status of joint committees**

### **Te mana o ngā komiti taihono**

A joint committee is deemed to be both a committee of a community board and a committee of each participating community board, or public body.

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

## **7.9 Power to appoint or discharge individual members of a joint committee**

### **Te mana ki te kopou, ki te whakakore rānei i tētahi mema o te komiti taihono**

Individual members of a joint committee may only be discharged or appointed by the community board or public body that made the original appointment.

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

## Pre-meeting

### Hui tōmua

#### 8. Giving notice

##### Te tuku pānui

#### 8.1 Public notice – ordinary meetings

##### Pānui tūmatanui – ngā hui noa

The community board must publicly notify all upcoming meetings:

- a) Every month:
  - i. by publishing a list of meetings scheduled for the following month;
  - ii. the list must be publicly notified not more than 14 and not less than 5 days before the end of the preceding month; and
  - iii. the public notice must include the dates, times and places of each meeting.
- b) Alternatively, where a meeting is scheduled to be held after the 21st day of any month:
  - i. the community board can publicly notify the meeting(s) no more than 10 (and not less than 5) **working** days before the day on which the meeting is to be held.

*LGA 2002 s.5, LGOIMA, s.2 & s 46*

#### 8.2 Public notice/publicly notified means:

Ko te tikanga o te pānui tūmatanui/te tuku pānui ki te hunga tūmatanui ko:

- a) publicly available on the council's internet site; and
- b) published in at least:
  - i. 1 daily newspaper which circulates in the region or district of the council; or
  - ii. 1 or more other newspapers that have a combined circulation equivalent to the newspaper in i) above.

*LGA 2002 s.5, LGOIMA, s.2 & s 46, (see LGNZ Guide to Standing Orders for more information).*

### **8.3 Notice to members - ordinary meetings**

Te tuku pānui ki ngā mema – ngā hui noa

- The chief executive must advise every member of the time and place of every meeting.
- That advice must be given in writing.
- If the community board has adopted a schedule of meetings, the advice must be given not less than 14 days before the first meeting of the schedule.
- If the community board has not adopted a schedule of meetings, the advice must be given not less than 14 days before the meeting.

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

### **8.4 Extraordinary meeting may be called**

Ka āhei ki te karanga hui motuhake

An extraordinary community board meeting may be called by:

- a) community board resolution; or
- b) a written requisition delivered to the chief executive. The requisition must be signed by:
  - i. the Chairperson; or
  - ii. not less than one third of the total membership of the community board (including vacancies).

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

### **8.5 Notice to members - extraordinary meetings**

Te tuku pānui ki ngā mema – ngā hui motuhake

The chief executive must give written notice to members advising them of the time and place of an extraordinary meeting (called under Standing Order 8.3).

The notice must:

- a) include the general nature of the business to be considered; and
- b) be provided to each member of the community board at least three working days before the meeting day.

If the meeting is called by resolution, the chief executive can provide the notice in a lesser period (as specified in the resolution) provided it is not less than 24 hours.

*LGA 2002, Sch. 7, cl 22(2).*

## **8.6 Emergency meetings may be called**

Ka āhei te karanga hui ohorere

In some instances, the community board must deal with business urgently.

An Emergency Meeting may be called:

- a) when the notice requirements for an extraordinary meeting cannot be met; and
- b) it is not practicable to call the meeting by resolution.

An Emergency Meeting may be called by:

- a) the Chairperson; or
- b) the chief executive (if the Chairperson is unavailable).

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

## **8.7 Process for calling an emergency meeting**

Te tukanga mō te karanga hui ohorere

Given the need for an emergency meeting, the person calling the meeting (or another person on their behalf) must give notice of the time and place of the meeting by whatever means is reasonable in the circumstances, at least 24 hours before the meeting.

Notice must be given to each member of the community board and the chief executive.

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

## **8.8 Public notice – emergency and extraordinary meetings**

Pānui tūmatanui – ngā hui ohorere me ngā hui motuhake

Where an emergency or extraordinary meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the community board must still publicly notify the meeting.

The public notice must also include the general nature of the items being discussed at the meeting.

The public notice must

- a) be publicly notified as soon as practicable before the meeting; or

- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
  - i. as soon as practicable on the council's website; and
  - ii. in any other manner which is reasonable in the circumstances.

*LGOIMA, s 46(3).*

## **8.9 An urgent meeting may be called**

**Ka āhei ki te karanga hui wawe**

The chief executive may call an urgent meeting of the community board before candidates to be declared elected after a recount are known if:

- a) an application for a recount has been made following a triennial general election; and
- b) an event occurs that, in the chief executive's opinion, requires the community board to deal with a matter urgently; and
- c) the first meeting of the community board has not yet been called.

*LGA 2002, Sch. 7, cl 21A (1 & 2)*

## **8.10 Process for calling an urgent meeting**

**Te tukanga mō te karanga hui wawe**

If the chief executive calls an urgent meeting, the chief executive must give notice of that meeting as soon as practicable to every person who:

- a) is not an affected candidate; and
- b) has been declared to be elected to the community board.

Notice must be given to each of those persons:

- a) by whatever means is reasonable in the circumstances; and
- b) at least 24 hours before the meeting commences.

The notice must specify:

- a) the time and place of the urgent meeting; and
- b) the matter for determination at the urgent meeting.

*LGA 2002, Sch.7, cl 21A (3(a) & 5), Sch.7, cl 21A (3)(b)*

## **8.11 Public notice – urgent meetings**

### **Pānui tūmatanui – ngā hui wawe**

Where an urgent meeting is called and the public notice requirements of LGOIMA and/or these Standing Orders cannot be met, the community board must still publicly notify the meeting.

The public notice must include the general nature of the matter being discussed at the meeting and must:

- a) be publicly notified as soon as practicable before the meeting; or
- b) if it is not practicable to publish in newspapers before the meeting, it must be notified:
  - i. as soon as practicable on the council’s website; and
  - ii. in any other manner which is reasonable in accordance.

*LGA 2002, Sch.7, cl 21A(4) & LGOIMA, s 46(3).*

## **8.12 Conduct of urgent meetings**

### **Ngā whakahaere o ngā hui wawe**

The community board may only conduct the following business at an urgent meeting:

- a) in respect of the persons described in LGA 2002, sch7, cl21A(3)(a), the oral and written declarations of the mayor (if any) and members (under clause 14);
- b) a general explanation of LGOIMA and other laws affecting members, including the appropriate provisions of LAMIA; ss 99, 105, and 105A of the Crimes Act 1961; the Secret Commissions Act 1910; the Financial Markets Conduct Act 2013, and the LGA2002 provisions relating to the register of members’ pecuniary interests (ss54A – 54I);
- c) The matter in respect of which the urgent meeting has been called.
- d) The election of a member to preside at the urgent meeting (if required).

Community boards cannot consider any items other than those specified above.

If multiple urgent meetings are required, the items outlined in a) and b) (above) may be omitted from the business to be conducted if they have previously been dealt with.

The chief executive (or their nominee in the chief executive’s absence) must chair the urgent meeting until:

- a) the mayor (if any) has made their oral and written declarations; or

- b) the members that are present have:
  - i. made their oral and written declarations; and
  - ii. elected one of their number to preside at the urgent meeting.

An affected candidate cannot participate in the meeting but may attend the meeting if it is open to the public.

*LGA 2002, Sch. 7 Cl21B*

### **8.13 Meetings not invalid**

#### **Ngā hui e whai mana tonu ana**

Failing to publicly notify a meeting does not, of itself, invalidate a meeting.

Where a community board becomes aware that a meeting has not been properly notified, it must, as soon as possible, give public notice that the meeting has been held.

The public notice must state:

- a) the meeting has occurred without proper notice;
- b) the general nature of the items discussed; and
- c) the reasons why the meeting was not notified.

*LGOIMA, s 46(5) & (6).*

### **8.14 Resolutions passed at an extraordinary meeting**

#### **Ngā tatūnga i ngā hui motuhake**

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

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

*LGOIMA, s 51A.*

### **8.15 Meeting schedules**

#### **Ngā hōtaka hui**

A community board may adopt a schedule of meetings. The schedule may cover any period of time that the community board considers appropriate.

The community board can amend the schedule at any time.

- Notifying the schedule to members is considered to be notification of every meeting on the schedule.
- Notifying members of an amendment to the schedule is notification of the amended meeting.

Nothing in this clause replaces the community board's obligations under the LGOIMA for public notification of meetings.

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

## **8.16 Non-receipt of notice to members**

Te kore e whiwhi i te pānui ki ngā mema

A meeting of a community board is not invalid if an elected member does not receive (or does not receive in time) notice of the meeting unless:

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

A member may waive the need to be given notice of meetings.

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

## **8.17 Meeting cancellations**

Te whakakorenga o ngā hui

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

## **9. Meeting agenda**

Rārangi take o te hui

### **9.1 Preparation of the agenda – for members**

Te whakarite i te rārangi take – mā ngā mema

At least two working days prior to a meeting the chief executive must prepare an agenda for the meeting, to be circulated to all members attending the meeting.

Even though the agenda is the chief executive's responsibility, where practicable, the chief executive should consult the chairperson for the meeting about the agenda.

The agenda must:

- a) list the items to be brought before the meeting;
- b) include the reports and other attachments associated with the list of items in the agenda; and
- c) indicate which items are expected to be discussed with the public excluded. (see also standing order 9.14.).

*LGOIMA, s 46A.*

## **9.2 Process for raising items for a decision**

Te tukanga hei whakaara take kia whakatauhia ai

Council, committees, local boards and/or community boards and subordinate decision-making bodies may, by resolution, request reports on matters they determine.

For all decision-making bodies other than the council, requests for reports must fall within the scope of their terms of reference.

## **9.3 Chief executive may delay or refuse request**

Ka āhei te tumu whakarae ki te whakaroa, te whakakore rānei i tētahi tono

The chief executive may delay commissioning, or not produce, reports that involve significant cost, unless agreed by the council, or are beyond the scope of the body that made the request.

Where the chief executive refuses a request to prepare a report, they will:

- a) discuss options for meeting the request with the respective chairperson;
- b) report back to a subsequent meeting:
  - i. with an estimate of the resourcing and/or cost involved; and
  - ii. seek direction on whether the report should still be prepared.

A chief executive may refuse a direct report request from an individual member. In this instance, an explanation should be provided to the member.

## **9.4 Order of business**

Te raupapatanga o ngā take

At the meeting, the items are to be dealt with in the order in which they are listed on the agenda unless the chairperson, or the meeting (by resolution), decides otherwise.

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

## **9.5 Chairperson’s recommendation**

### Te tūtohunga a te Upoko

A chairperson may provide a recommendation on an agenda item.

- The chairperson’s recommendation can be provided before or during the meeting.
- Where a chairperson’s recommendation varies significantly from an officer’s recommendation, the chairperson must provide the reasons for the recommendation.
- The recommendation, and reasons, must comply with the decision-making requirements of Part 6 of the LGA 2002.

## **9.6 Chairperson may prepare report**

### Ka āhei te Upoko ki te whakarite pūrongo

The chairperson of a meeting may prepare a report to be included in the agenda provided the matter falls within the terms of reference for the meeting.

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

## **9.7 Public availability of the agenda**

### Te noho wātea o te rārangi take ki te hunga tūmatanui

The meeting information provided to members must be publicly available unless the information relates to a matter reasonably expected to be discussed with the public excluded.

*LGOIMA, s. 5 & 46A.*

## **9.8 Public inspection of agenda**

### Te tirohanga a te hunga tūmatanui i te rārangi take

A member of the public is entitled to inspect, during normal office hours, the agendas including associated reports provided to members.

The agendas must be available for viewing at the public offices of the council (including service delivery centres) and the public libraries under the council’s control.

Agendas must be accompanied by

- a) the associated reports; or
- b) a notice advising where the reports can be inspected.

While the documents must be available for viewing at least two working days before a meeting, they should be made available with as much notice as possible before the meeting date.

It is sufficient for the documents to be available for electronic inspection.

No charge can be imposed for the inspection of the agendas (including reports).

*LGOIMA, s 46A(1) - (3).*

## **9.9 Withdrawal of agenda items**

Te tango take i te rārangi take

The chief executive may withdraw an item from an agenda.

The chief executive should inform the chairperson of the reason(s) for the withdrawal.

## **9.10 Distribution of the agenda to members**

Te tohatoha i te rārangi take ki ngā mema

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting.

In the case of extraordinary, emergency, or urgent meeting, the agenda must be made available as soon as is reasonable in the circumstances.

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

## **9.11 Status of agenda**

Te tūnga o te rārangi take

No matter included on a meeting agenda, including any recommendations in associated reports, has been decided as final until it has been the subject of a formal resolution of the meeting.

## **9.12 Items not on the agenda – decision cannot be delayed**

Ngā mea kāore i runga i te rārangi take – kāore e taea te whakatōmuri i te whakatau

A meeting may deal with an item 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 discussion of the item cannot be delayed until a subsequent meeting.

*LGOIMA, s 46A(7).*

Items not included on an agenda may be considered at a meeting if included in a report from the chief executive or the chairperson.

Nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002.

### **9.13 Items not on the agenda – minor issues for discussion only**

Ngā mea kāore i runga i te rārangi take – ko ngā take iti hei kaupapa kōrero anake

A meeting can discuss minor items which are not on an agenda if:

- a) the matter relates to community board business; and
- b) at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

The meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting.

The meeting can, however, refer the matter to a subsequent meeting for further discussion.

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

### **9.14 Public excluded business on the agenda**

Ngā take tūmataiti o te rārangi take

The chief executive may exclude a report, or part of a report, from an agenda where they expect it to be discussed once the public has been excluded (by resolution) from the meeting.

Where reports, or parts of reports, are withheld, the agenda and proposed recommendation must clearly indicate:

- a) the matter is expected to be discussed with the public excluded;
- b) the general subject of any items to be considered while the public is excluded;
- c) the reasons for passing a resolution (with reference to the particular provision relied on for each matter); and
- d) the actual ground in section 48(1) relied on to exclude the public.

*LGOIMA, s. 46A(8)-(9) and 48(3)*

**Note:** The Ombudsman advises that the reason for passing a resolution should contain specific details about the harm the Community board is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA.

### **9.15 Qualified privilege relating to agenda and minutes**

Te whakaaetanga motuhake e pā ana ki te rārangi take me ngā meneti

Where a meeting is open to the public and:

- a) a member of the public is given a copy of the agenda or further statements;  
or
- b) a member of the public is given a copy of the minutes;

The publication of any defamatory matter included in the agenda or minutes is privileged, unless it is proved (through defamation proceedings) that the defendant:

- a) was motivated by ill will toward the plaintiff, or
- b) took improper advantage of the publication.

*LGOIMA, s 52.*

## Meeting Procedures

### Ngā tikanga o ngā hui

#### 10. Opening and closing

Te whakatuwhera me te whakakapi

The chairperson, or any person authorised by the chairperson, may make a statement or prayer, or similar, to open/close a meeting.

Appropriate karakia timitanga and mihi whakatau, or pōwhiri, may also be considered to open, and karakia whakamutunga to close, a meeting where appropriate.

#### 11. Quorum

Kōrama

**Note:** A meeting is constituted if a quorum is present, regardless of whether all of the members are voting or entitled to vote (*LGA 2002, Sch. 7, cl 23(1)*).

No business may be conducted if a quorum of members is not present for the whole time the business is being considered.

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

##### 11.1 Community board meetings

Ngā hui kaunihera

The quorum for a meeting of the community board is:

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

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

##### 11.2 Committee and subcommittee meetings

Ngā hui komiti me ngā hui komiti iti

- A community board sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the body's terms of reference.
- A committee may set the quorum for any subcommittees it establishes.
- The minimum quorum for a committee or subcommittee is two members.
- The quorum of a committee (but not a subcommittee) must include at least one member of the community board.

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

### **11.3 Joint Committees** **Ngā Komiti Taihono**

The quorum for a meeting of a Joint Committee is:

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

A Joint Committee Agreement may vary the quorum requirement above to provide that a quorum must include 1 or more members appointed by each party.

*LGA 2002, Sch. 7, cl 30A(6)(b) &(c).*

### **11.4 Meeting lapses where no quorum** **Te tārewatanga o ngā hui mēnā karekau he kōrama**

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

- The chairperson has the discretion to wait for a longer period if members are known to be travelling to the meeting but have been delayed.
- If a quorum is lost during a meeting, the meeting lapses if the quorum is not present within 15 minutes.
- No business may be conducted while waiting for the quorum to be reached.

Minutes must record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended and left, causing the quorum to lapse.

### **11.5 Business from lapsed meetings** **Ngā take o ngā hui tārewa**

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting or refers the matter to another body with appropriate decision-making authority, and this is notified by the chief executive.

## **12. Public access and recording** **Te āheinga a te hunga tūmatanui me ngā hopunga**

### **12.1 Meetings open to the public** **E tuwhera ana ngā hui ki te hunga tūmatanui**

Every meeting of the community board (including its committees) must be open to the public unless the public has been excluded.

Members of the news media are considered to be members of the public.

*LGOIMA, s 47, 48 & 49(a).*

## **12.2 Grounds for removing the public**

Ngā take e panaia ai te hunga tūmatanui

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

*LGOIMA, s 50(1).*

## **12.3 Community board may record meetings**

Ka āhei te mana ā-rohe ki te hopu i ngā hui

Where the community board intends to record a meeting(s), the venue should contain clear signage indicating that proceedings may be recorded.

## **12.4 Public may record meetings**

Ka āhei te hunga tūmatanui ki te hopu i ngā hui

- Members of the public may make electronic or digital recordings of meetings which are open to the public.
- Any recording of meetings should be notified to the chairperson at the commencement of the meeting.
- The process of recording must not distract the meeting from conducting its business.
- Where circumstances require, the chairperson may direct the recording to stop for a specified period of time.

## **13. Attendance**

Taetaenga

### **13.1 Members right to attend meetings**

Te mōtika a ngā mema ki te tae ki ngā hui

A member of a community board, has the right to attend any meeting of the community board or a committee unless they have been lawfully excluded.

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

If a member of a community board is not an appointed member of the meeting which they are attending, they:

- a) may not vote on any matter at that meeting; but
- b) may, with the permission of the chair, take part in the meeting's discussions (subject to standing order 13.2).

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 of LGOIMA. Consequently, if the meeting resolves to exclude the public, any members present may remain, unless they are lawfully excluded.

**Note:** this section does not confer any rights to appointed members on community boards.

### **13.2 Attendance when a committee is performing judicial or quasi-judicial functions**

Te tae atu i te wā e whakahaere whakawākanga ana tētahi komiti

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

### **13.3 Leave of absence**

Tamōtanga ōkawa

A community board may grant a member leave of absence following an application from that member.

To protect members' privacy the council may delegate authority to the Chair to grant a leave of absence to a member. In the absence of the Chair, the Deputy Chair may exercise that authority.

The Chair, or Deputy Chair, will inform all members of the council whenever a member has been granted leave of absence under delegated authority.

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

### **13.4 Apologies**

Ngā whakapāha

A member who does not have leave of absence may tender an apology if they intend being 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 apology.

Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

### **13.5 Recording apologies**

Te tuhi i ngā whakapāha

The minutes must record:

- a) any apologies tendered before or during the meeting, including whether they were accepted or declined; and
- b) the time of arrival and departure of all members.

### **13.6 Absent without leave**

Tamōtanga ōpaki

Members who miss four consecutive meetings of the Council (the governing body), without a leave of absence or apology having been accepted, will create an extraordinary vacancy.

This standing order doesn't apply to extraordinary meetings.

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

### **13.7 Right to attend by audio or audiovisual link**

Te mōtika kia tae atu mā te hononga oro, ataata rongō rānei

Provided the conditions in Standing Orders 13.11 and 13.12 are met:

- a) Members of the council and its committees have the right to attend meetings by electronic link unless they have been lawfully excluded.
- b) Members of the public, for the purpose of a deputation or public forum, approved by the chairperson, have the right to attend meetings by electronic link, unless they have been lawfully excluded.

### **13.8 Member's status: quorum**

Te tūnga a te mema: kōrama

Where these standing orders provide for members attendance by electronic link, members who attend meetings by electronic link are counted as present for the purposes of the quorum.

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

### **13.9 Member's status: voting**

Te tūnga a te mema: te pōti

Where a meeting has a quorum, the members attending by electronic link can vote on any items raised at the meeting.

### **13.10 Chairperson's duties**

Ngā haepapa a te Upoko

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

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

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

### **13.11 Conditions for attending by audio or audiovisual link**

Ngā here o te tae atu mā te hononga oro, ataata-rongo rānei

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting.

Examples of situations where approval can be given include:

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

### **13.12 Request to attend by audio or audiovisual link**

Te tono kia tae atu mā te hononga oro, ataata-rongo rānei

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

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

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

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

Ka āhei te Upoko ki te momotu i te hononga

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

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

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

Te hoatu, te whakaatu tuhinga rānei

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

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

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

### **13.15 Link failure**

Mūhoretanga o te hononga

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

## **13.16 Confidentiality**

### Te matatapu

A member who is attending a meeting by audio, or audio-visual link, must ensure that the meeting's proceedings remain confidential during any time that the public is excluded.

The chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

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

### Te mahi a te Upoko i ngā hui

### **14.1 Community board meetings**

#### Ngā hui kaunihera

- The chairperson must chair all council meetings unless they vacate the chair. The chairperson may vacate the chair for an entire meeting or part of a meeting.
- The Deputy chairperson must chair the council meeting if the chairperson is absent from a meeting or vacates the chair.
- The members present must elect an acting chairperson if the chairperson and Deputy chairperson are not present and/or have vacated the chair.
- The Deputy chairperson or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the duration of the meeting.

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

### **14.2 Other meetings**

#### Ētahi atu hui

The chairperson of a committee or subcommittee must chair each meeting unless they vacate the chair for all or part of a meeting.

The deputy chairperson (if any) must chair the meeting if the chairperson is absent or has vacated the chair.

The committee members present must elect an acting chairperson if the deputy chairperson is absent or has not been appointed.

The deputy chairperson or the acting chairperson has all the responsibilities, duties and powers of the chairperson for the meeting.

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

### **14.3 Addressing the chairperson**

#### Te kōrero ki te Upoko

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

### **14.4 Chairperson's rulings**

#### Ngā whakataua a te Upoko

The chairperson will decide all procedural questions, including those where insufficient provision is made by the Standing Orders.

Where a point of order questions the chairperson's ruling, the deputy chairperson will decide.

Refusal to obey a chairperson's ruling or direction constitutes contempt (see Standing Order 20.5).

### **14.5 Chairperson standing**

#### Te mana o te Upoko

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

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

#### Te mōtika o te mema ki te kōrero

Members are entitled to speak in accordance with these Standing Orders.

Members should address the chairperson when speaking.

Members may not leave their place while speaking unless they have the leave of the chairperson.

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

#### Ka āhei te Upoko ki te whakaraupapa i ngā kaikōrero

When two or more members want to speak the chairperson will determine the speaking order and name the member who may speak first.

Members who wish to speak have precedence where they intend to:

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

## **15. Public Forums**

### **Ngā Wānanga Tūmatanui**

Public forums are a defined period of time, put aside for the purpose of public input.

Public forums enable members of the public to bring items of their choice, not on the meeting's agenda, to the attention of the council.

In the case of a committee, any issue, idea, or matter raised in a public forum must fall within the terms of reference of that committee.

### **15.1 Time limits**

#### **Ngā tepenga wā**

A period of up to 30 minutes will be available for the public forum at each scheduled council meeting.

Speakers can speak for up to five minutes (excluding questions).

Requests to speak at a public forum must be:

- a) made to the chief executive (or their delegate);
- b) made at least one clear day before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

The chairperson has discretion to:

- a) extend a speaker's allocated speaking time;
- b) where there are more than six speakers presenting in the public forum, restrict one or more speakers allocated speaking time, or
- c) waive the time requirement for requesting permission to speak in the public forum.

### **15.2 Restrictions**

#### **Ngā aukatinga**

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

- a) a speaker is repeating views presented by an earlier speaker at the same public forum;
- b) more than two speakers have requested to speak on the same matter at the same meeting;

- c) the speaker is criticising elected members and/or staff;
- d) the speaker is being repetitious, disrespectful or offensive;
- e) the speaker has previously spoken on the same issue;
- f) the speaker has caused disruption at multiple previous committee and/or council meetings;
- g) the matter is subject to legal proceedings;
- h) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity; and/or
- i) decision-making authority on the matter rests with another body or individual.

### **15.3 Questions at public forums**

Ngā pātai i ngā wānanga tūmatanui

With the chairperson's permission, members may ask questions of speakers at the conclusion of their presentation.

Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

The speaker may not ask questions of either members or staff.

### **15.4 No resolutions**

Kāore he tatūnga

No debate or decisions can be made at the meeting on issues raised during the public forum.

## **16. Deputations**

Ngā whakaaturanga ōkawa

The purpose of a deputation is to enable a person, group, or organisation, to make a presentation about an item(s) on a meeting agenda.

Deputations may be heard at the commencement of the meeting, or at the time that the relevant agenda item is being considered.

Requests to make a deputation must be:

- a) made to the chief executive (or their delegate);
- b) made at least five clear days before the meeting; and
- c) must outline the items that will be addressed by the speaker(s).

Any documents to be included in the deputation must be received at least two days in advance to allow time for translation

The chairperson has the discretion to waive the time requirement for requesting permission to make a deputation.

Members of the public may not question either members or staff.

### **16.1 Time limits**

#### **Ngā tepenga wā**

Unless the chairperson has restricted the speaking time under Standing Order 16.2:

- a) speakers can speak for up to five minutes (excluding questions); and
- b) no more than two speakers can speak on behalf of a deputation.

The chairperson has discretion to extend a speaker's speaking time.

### **16.2 Restrictions**

#### **Ngā aukatinga**

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

- a) a speaker is repeating views presented by an earlier speaker at the meeting;
- b) the speaker is criticising elected members and/or staff;
- c) the speaker is being repetitious, disrespectful or offensive;
- d) the speaker has previously spoken on the same issue;
- e) the matter is subject to legal proceedings;
- f) the matter is subject to a hearing, including the hearing of submissions where the council or committee sits in a quasi-judicial capacity and/or
- g) where a member of the public has previously caused a disruption at multiple meetings, the chairperson may decline a deputation request and require the individual to provide their views in writing.

### **16.3 Questions of a deputation**

#### **Ngā pātai o te whakaaturanga ōkawa**

With the permission of the chairperson, members may ask questions of any speakers at the conclusion of the deputation.

Questions are to be confined to obtaining information or clarification on items raised by the deputation.

Those making the deputation may not ask questions of either members or staff.

## **16.4 Resolutions**

### Ngā tatūnga

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

## **17. Petitions**

### Ngā petihana

### **17.1 Form of petitions**

#### Te āhua o ngā petihana

Petitions may be presented to a council or committee meeting provided the subject matter falls within the terms of reference of the intended meeting.

Petitions must:

- a) contain at least 20 signatures and consist of fewer than 150 words (not including signatories);
- b) be received by the chief executive at least five working days before the meeting at which they will be presented; and
- c) must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege); and
- d) May be written in English, te reo Māori, or given in sign language. Petitioners should inform the chief executive in sufficient time to allow translation services to be arranged.

The chairperson may waive the requirement that petitions are required five working days before the meeting.

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

#### Petihana i whakaaturia e te kaipetihana

A petitioner who presents a petition to the council or a committee may speak for five minutes (excluding questions) about the petition unless the meeting resolves otherwise.

The chairperson must terminate the presentation if they believe the petitioner is being disrespectful, offensive, or making malicious statements.

### **17.3 Petition presented by member**

#### Petihana i whakaaturia e tētahi mema

A member may present a petition on behalf of a petitioner. In doing so the member must confine themselves to presenting:

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

## **18. Exclusion of public**

Te aukati i te hunga tūmatanui

### **18.1 Motions and resolutions to exclude the public**

Ngā mōtini me ngā tatūnga ki te aukati i te hunga tūmatanui

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

Every motion to exclude the public must be put while the meeting is open to the public with copies of the motion made available to any member of the public who is present.

A resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The council must:

- a) include the general subject for each matter to be excluded;
- b) describe the grounds in section 48 for excluding the public;
- c) have considered whether the public interest in the matter weighs against excluding the public;
- d) provide reason(s), should the resolution pass, set out in plain English and including sufficient detail.

The resolution forms part of the meeting's minutes.

**Note:** Section 7(2)(f)(i) (free and frank expression) cannot be used as a ground to exclude the public from meetings.

*LGOIMA, s 48.*

### **18.2 Specified individuals may remain**

Ka āhei ētahi tāngata ka tautuhia ki te noho atu

A resolution to exclude the public may provide for specified individuals to remain if the meeting believes they have knowledge that will assist the meeting.

If it is proposed that specified individuals should stay, the resolution must state how their knowledge is relevant and will be of assistance.

No resolution is needed for people entitled to be at the meeting (such as relevant staff and officials contracted to the council for advice on the matter).

*LGOIMA, s 48(6).*

### **18.3 Public excluded items**

Ngā take tūmataiti

The chief executive must indicate, on the agenda, any matter they expect the meeting to consider with the public excluded.

The chief executive may exclude reports, the content or items from reports, expected to be discussed with the public excluded.

*LGOIMA, s 46A(8) & (9).*

### **18.4 Non-disclosure of information**

Te kore e whāki mōhiohio

Members and officers may only discuss the information relating to public excluded agenda items and reports with another member, an officer, or a person authorised by the chief executive.

This restriction does not apply where a meeting has resolved, or the chief executive has decided, to make the information publicly available because:

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

### **18.5 Release of information from public excluded session**

Te tuku i ngā mōhiohio o tētahi hui tūmataiti

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

The chief executive may release information which has been considered at a public excluded session when it is determined that the grounds to withhold the information no longer exist.

## **19. Voting**

Te pōti

### **19.1 Decisions by majority vote**

Ngā whakatau mā ngā pōti a te tokomaha

Unless the LGA 2002 or council's standing orders provide otherwise, council and committees must decide all items before a meeting by:

- a) a vote; and
- b) the majority of members that are present and voting.

*LGA 2002, Sch. 7, cl 24(1) & (4).*

## **19.2 Open voting**

Te pōti tuwhera

All items must be determined by open voting.

Everyone present at a meeting must be able to see (or hear) how each individual councillor votes.

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

## **19.3 Chairperson has a casting vote**

Mā te Upoko te pōti whakatau

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

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

## **19.4 Method of voting**

Tikanga pōti

The method of voting must be as follows:

- a) The chairperson, in putting the motion, must:
  - i. call for an expression of opinion on the voices; or
  - ii. take a show of hands; and
  - iii. announce the result.
- b) The chairperson's announcement is conclusive unless it is questioned immediately by a member, in which event the chairperson will call a division.
- c) The chairperson, or a member, may call for a division instead of, or immediately after, voting by voice and/or taking a show of hands.

Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division. The result must be publicly displayed and notified to the chairperson who must declare the result.

## **19.5 Calling for a division**

Te karanga wehewehenga

When a division is called, the chief executive must:

- a) record the names of the members voting for and against the motion
- b) record the names of members abstaining
- c) provide the outcome to the chairperson to declare the result.

The result of the division, including members' names and the way in which they voted, must be entered into the minutes.

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

## **19.6 Request to have votes recorded**

Te tono kia tuhia ngā pōti

- A member may request their vote, or abstention is recorded in the minutes.
- The request must be received immediately after the vote is taken.
- The minutes must record the member's vote or abstention.
- Recording any other items, such as a members' reason for their vote or abstention, is not permitted.

## **19.7 Members may abstain**

Ka āhei ngā mema ki te noho puku

- A member may abstain from voting.
- A member does not need to provide a reason for their abstention.

## **20. Conduct**

Whanonga

### **20.1 Calling to order**

Te whakatuwhera i te hui

When the chairperson calls members to order they must be seated and stop speaking.

If a member fails to stop speaking and take their seat, the chairperson may direct the member to leave the meeting immediately.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

## **20.2 Behaviour consistent with Code of Conduct**

### **Me ū ngā whanonga ki te Tikanga Whanonga**

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

## **20.3 Retractions and apologies**

### **Ngā whakakahoretanga me ngā whakapāha**

The chairperson may require a member, or speaker, to apologise and/or withdraw offending comments where the individual:

- a) has been disrespectful of another member, staff or the public; or
- b) contravened the council's Code of Conduct.

If the member refuses to comply with the chairperson's instruction, the chairperson may:

- a) direct that the individual leave the meeting for a specified time and/or
- b) make a complaint under the Code of Conduct.

## **20.4 Disorderly conduct – members and public**

### **Whanonga kino – ngā mema me te hunga tūmatanui**

A member whose behaviour is disorderly or is creating a disturbance may be asked by the chairperson to leave the room immediately.

The chairperson must specify whether the member is required to leave for:

- a) the remainder of the meeting; or
- b) a lesser period.

The chairperson may also adjourn the meeting:

- a) if other people cause disorder; or
- b) in the event of an emergency.

If the disorder continues the chairperson may adjourn the meeting for a specified time.

## **20.5 Contempt**

### Te whakahāwea

Where the chairperson has repeatedly cautioned a member for disorderly conduct the meeting may resolve that the member is in contempt.

The resolution must be recorded in the meeting's minutes.

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

## **20.6 Removal from meeting**

### Te pana tangata i te hui

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

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and:

- a) the member has refused or failed to do so; or
- b) has left the meeting and attempted to re-enter it without the chairperson's permission.

## **20.7 Financial conflicts of interests**

### Ngā pānga taharua ahumoni

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

The nature of the interest does not need to be disclosed.

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:

- a) an exception set out in s. 6 of the LAMIA applies to them, or
- b) the Auditor-General has granted an exemption or declaration under s 6(4), 3(a) or 3(aa) of the LAMIA.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded, in which case they should leave the room. The chairperson, chief executive and/or the meeting cannot 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 members' abstention from any discussion and voting on the matter.

*LAMIA, ss 3, 6 & 7.*

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

### Ngā pānga taharua ahumoni

- Non-financial interests involve questions about whether the judgement of a member could be affected by a separate interest, or duty, which that member may have in relation to a particular matter.
- If a member considers that they have a non-financial conflict of interest in a matter that may influence their judgement, 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.
- The chairperson, chief executive and/or the meeting cannot rule on whether a member has a non-financial interest in the matter being discussed.

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

### Te whakaaetanga motuhake i roto i ngā tuhinga hui

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

*LGOIMA, s 53.*

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

### He āpitihanga te whakaaetanga motuhake ki ētahi atu whakaritenga

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies because of any other enactment or rule of law applying to any meeting of the council.

*LGOIMA, s 53.*

## **20.11 Electronic devices at meetings**

### Ngā pūrere hiko i ngā hui

Electronic devices and phones should only be used to advance the business of a meeting.

## **21. General rules of debate**

Ngā tikanga ahuwhānui o te tautohetohe

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

Ka āhei te Upoko ki te whakarite i tāna ake whakatau

The chairperson has discretion to apply any procedural items in this section of Standing Orders as they see fit.

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

Ngā tepenga wā mō ngā kaikōrero

The following time limits apply to members speaking at meetings:

- a) movers of motions when speaking to the motion – five minutes;
- b) movers of motions when exercising their right of reply – five minutes; and
- c) other members – five minutes.

Time limits can be extended by:

- a) resolution, or
- b) at the chairperson's discretion.

### **21.3 Questions to staff**

Ngā pātai ki ngā kaimahi

The chairperson has discretion to decide whether questions can be put to staff once the debate has begun.

The chairperson has discretion to determine:

- a) how the question is to be dealt with; or
- b) whether the question needs to be answered or not.

### **21.4 Questions of clarification during debate**

Ngā pātai whakamārama i te wā o te tautohetohe

At any point in a debate a member may ask the chairperson:

- a) for clarification about the nature and content of the motion; and/or
- b) the particular stage the debate has reached.

## **21.5 Members may speak only once**

Kotahi anake te wā e kōrero ai ngā mema

A member, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 - 22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson.

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

## **21.6 Limits on number of speakers**

Te tepenga o te nui o ngā kaikōrero

If three speakers have spoken in support of, or in opposition to, a motion, the chairperson may call for a speaker to the contrary.

If there is no speaker to the contrary, the chairperson must put the motion after the mover's right of reply.

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

## **21.7 Mover and seconder may reserve speech**

Ka āhei te kaimōtini me te kaitautoko ki te tārewa i ā rāua kōrero

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

## **21.8 Speaking only to relevant items**

Te kōrero mō ngā take hāngai anake

Members may only speak to:

- a) a matter on the meeting agenda;
- b) a motion or amendment which they propose; or
- c) to raise a point of order.

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on these items are final and not open to challenge.

## **21.9 Restating motions**

Te whakapuaki anō i ngā mōtini

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

## **21.10 Criticism of resolutions**

### Te whakahē tatūnga

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

## **21.11 Objecting to words**

### Te whakahē kupu

A member may object to words used by another member in debate and ask that the objection be recorded in the minutes.

The objection must be lodged at the time the words are used, and before any other member has spoken.

The chairperson must order the minutes to record the objection.

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

## **21.12 Right of reply**

### Mōtika whakautu kōrero

The mover of a motion has a right of reply.

The mover of an amendment to the motion does not.

In their reply, the mover must confine themselves to answering previous speakers and not introduce any new items.

A mover has only one right of reply. The mover can exercise their right of reply either at the end of the debate on the motion (whether original, substituted or substantive) or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing their right of reply.

If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote.

## **21.13 No other member may speak**

### Kāore tētahi atu mema e āhei ki te kōrero

No member may speak:

- a) after the mover has begun their reply;
- b) after the mover has indicated that they want to forego their reply; or

- c) where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

## **21.14 Adjournment motions**

### Ngā mōtini whakatārewa

The carrying of any motion to adjourn a meeting supersedes other business, including business yet to be resolved.

Any adjourned business must be considered at the next meeting.

Business referred to, or referred back to, another decision-making body must be considered at the next ordinary meeting of that body, unless otherwise specified.

## **21.15 Chairperson's acceptance of closure motions**

### Te whakaae a te Upoko ki ngā mōtini whakakapi

The chairperson may only accept a closure motion where:

- a) there have been at least two speakers for and two speakers against the motion proposed to be closed; or
- b) 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 (unless the mover has already exercised that right) after which the chairperson puts the motion or amendment to the vote.

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

### Ngā tukanga mō te kōrero me te whakatau mōtini

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

#### Kōwhiringa ki te kōrero me te mōtini

This subsection provides three options for speaking and moving motions and amendments at a meeting of council and its committees.

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

## **22.2 Option A**

### **Kōwhiringa A**

- 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 a matter in the report. In this case the original mover or seconder may also move or second the amendment).
- b) Only members who have not spoken to the motion (whether original, substituted or substantive) motion may move or second an amendment to it.
- c) A member may only move or second one amendment in a debate. It does not matter whether the amendment is carried (and becomes the substantive motion) or lost.
- d) Members can speak to any amendment. The meeting may reword a motion provided that:
  - i. the mover and seconder agree to the rewording; and
  - ii. the majority of members agree to the rewording.

## **22.3 Option B**

### **Kōwhiringa B**

- 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 move or second the amendment).
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.
- c) The mover or seconder of an amendment that is carried can move or second a subsequent amendment.
- d) A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- e) Members can speak to any amendment.
- f) The meeting may reword a motion provided that:
  - i. the mover and seconder agree to the rewording; and
  - ii. the majority of members agree to the rewording.

## **22.4 Option C**

### **Kōwhiringa C**

- a) The mover and seconder of a motion can move or second an amendment.
- b) Any members, regardless of whether they have spoken to the motion (whether original, substituted or substantive), may move or second an amendment to it.
- c) The mover or seconder of an amendment (whether it is carried or lost) can move or second further amendments.
- d) Members can speak to any amendment.
- e) The meeting may reword a motion provided that:
  - i. the mover and seconder agree to the rewording; and
  - ii. the majority of members agree to the rewording.

## **23. Motions and amendments**

### **Ngā mōtini me ngā menemana**

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

#### **Te whakatakoto me te tautoko mōtini**

- All motions, and amendments to motions moved during a debate, must be seconded (including notices of motion).
- The chairperson may then state the motion and propose it for discussion.
- A motion should be moved and seconded before debate but after questions.
- Any motion, including substituted motions and amendments, that are not seconded are not valid and should not be entered in the minutes.
- Members who move or second a motion are not required to be present for the entirety of the debate.

### **23.2 Motions in writing**

#### **Ngā mōtini ā-tuhi**

The chairperson may require movers of motions, including substituted motions and amendments, to provide them in writing.

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

Ngā mōtini i whakatakotohia ki ngā wāhanga

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

### **23.4 Substituted motion**

Ngā mōtini whakakapi

The meeting may replace a motion with a substitute provided that:

- a) the substituted motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its replacement.

All members may speak to the substituted motion.

### **23.5 Amendments to motions**

Ngā menemana ki ngā mōtini

Subject to standing order 23.6, the meeting may amend a motion provided that:

- a) the motion has been moved and seconded; and
- b) the mover and seconder of the original motion agree to its amendment.

All members may speak to the amendment.

### **23.6 Amendments must be relevant and not direct negatives**

Me hāngai ngā menemana, otirā kia kua e whakakahore

Every proposed amendment must be relevant to the motion under discussion.

Proposed amendments cannot be similar to an amendment that has already been lost and an amendment cannot be a direct negative to the motion.

Amendments must comply with the decision-making provisions of Part 6 of the LGA 2002.

Reasons for not accepting an amendment include:

- a) not directly relevant;
- b) in conflict with a carried amendment;
- c) similar to a lost amendment;
- d) would negate a committee decision if made under delegated authority;
- e) being in conflict with a motion referred to the governing body by that meeting; or
- f) direct negative.

### **23.7 Foreshadowed amendments**

Ngā menemana i tūtohua

Only one amendment can be debated at a time.

The meeting must dispose of a proposed or existing amendment before a new amendment can be moved.

Members may foreshadow, to the chairperson, an intention to move further amendments and may advise the nature of those amendments.

### **23.8 Lost amendments**

Ngā menemana mūhore

Where a proposed amendment is lost, the meeting will resume the debate on the motion (whether original, substituted or substantive).

Any member who has not spoken to that motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

### **23.9 Carried amendments**

Ngā menemana i mana

Where an amendment is carried;

- a) The motion, incorporating the amendment, becomes the substantive motion.
- b) the meeting will resume the debate on the substantive motion.

Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

### **23.10 Where a motion is lost**

Ina hinga tētahi mōtini

Where a motion that recommends a course of action is lost, a new motion, with the consent of the chairperson, may be proposed to provide an alternative course of action.

### **23.11 Withdrawal of motions and amendments**

Te tango mōtini, menemana hoki

The meeting owns a motion or amendment once it has been moved, seconded and put to the meeting for discussion.

The mover cannot withdraw a motion or amendment without the agreement of the majority of members who are present and voting.

The mover of an original motion cannot withdraw the motion if an amendment has been moved, seconded and put to the meeting for discussion unless the amendment has been lost, or withdrawn .by agreement

*Refer to Standing Order 23.4.*

### **23.12 No speakers after reply, or motion has been put**

Kāore e āhei te kōrero i muri i te whakatakoto whakautu, mōtini rānei

No member may speak to a motion once:

- a) the mover has started their right of reply; or
- b) the chairperson has started putting the motion.

## **24. Revocation or alteration of resolutions**

Te whakakore, te whakarerekē rānei i ngā tatūnga

### **24.1 Member may move revocation of a decision by notice of motion**

Ka āhei te mema ki te whakakore i tētahi whakataunga mā te whakatakoto mōtini

A member of a decision-making body may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the same decision-making body.

The notice of motion must set out:

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

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

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

Mā te rōpū nā rātou te whakatau e whakakore

Where a committee, subcommittee, joint committee, other subordinate decision-making body has made a resolution under delegated authority, only that body may revoke or amend the resolution (assuming the resolution has been legally made).

This provision does not prevent the body that delegated authority from removing or amending a delegation.

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

*Refer also to Part 6 (Delegations) of these Standing Orders*

### **24.3 Requirement to give notice**

#### **Te herenga ki te whakamōhio atu**

A notice of motion to revoke, or alter, a previous resolution must:

- a) be in writing;
- b) be signed by not less than one third of the members of the council or body that made the resolution (including vacancies); and
- c) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of intended motion via email including the scanned electronic signatures of members.

If the notice of motion is lost, the chief executive cannot accept a similar notice of motion which is substantially the same in purpose and effect within the next twelve months.

### **24.4 Restrictions on actions under the affected resolution**

#### **Ngā herenga o ngā mahi i raro i te tatūnga whai pānga**

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

Exceptions apply if, 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; or
- b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the council or the committee that made the previous resolution.

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

## **24.5 Revocation or alteration by resolution at same meeting**

Te whakakore, te whakarerekē rānei mā te tatūnga i taua hui tonu

A meeting may revoke or alter a previous resolution made at the same meeting where:

- a) the meeting has received fresh facts or information concerning the resolution during the course of the meeting; and
- b) 75 per cent of the members present and voting have agreed, by resolution, to the revocation or alteration.

## **24.6 Revocation or alteration by recommendation in report**

Te whakakore, te whakarerekē rānei mā te tūtohunga i roto pūrongo

The community board, on a recommendation in a report by the chairperson, chief executive, or a committee, may revoke or alter all or part of a resolution passed by a previous meeting.

The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

## **25. Procedural motions**

Ngā mōtini ā-hātepe

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

Me wawe tonu te pōti mō ngā mōtini ā-hātepe

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

If a procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate.

The chairperson must accept a procedural motion to close or adjourn debate:

- a) after two speakers have spoken for the motion and two have spoken against the motion; or
- b) in the chairperson's opinion it is reasonable to accept the closure.

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

Ngā mōtini ā-hātepe hei whakakapi, hei whakatārewa rānei i tētahi tautohetohe

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 now be put (a closure motion);
- c) that the matter being discussed be adjourned to a specified time and place and not be further discussed at the meeting;
- d) that the matter of business being discussed lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- e) that the matter being discussed be referred (or referred back) to the relevant committee or local or community board.

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

### **25.3 Voting on procedural motions**

Te pōti mō ngā mōtini ā-hātepe

A majority of members present, and voting, must decide any procedural motion to close or adjourn a debate.

If a procedural motion is lost, no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

### **25.4 Debate on adjourned items**

Ngā tautohetohe mō ngā take kua whakatārewatia

When debate resumes on items that have been previously adjourned all members can speak on the items.

### **25.5 Remaining business at adjourned meetings**

Ngā take e toe tonu ana i ngā hui kua whakatārewatia

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

### **25.6 Business referred to the council, committee or local or community board**

Ngā take i tohua ki te kaunihera, komiti, poari ā-rohe, hapori rānei

Where a matter is referred to, or referred back to, a committee or a local or community board, the committee or board will consider the matter at its next meeting unless the meeting resolves otherwise.

## 25.7 Other types of procedural motions

### Ētahi atu momo mōtini ā-hatepe

The chairperson has the discretion to allow any other procedural motion not contained in these Standing Orders.

## 26. Points of order

### Ngā ui tikanga

### 26.1 Members may raise points of order

#### Ka āhei ngā mema ki te tuku ui tikanga

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 speaking must stop speaking and sit down (if standing).

### 26.2 Subjects for points of order

#### Ngā kaupapa hei tuku ui tikanga

A member 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	Highlighting use of disrespectful, offensive or malicious language.
c.	Irrelevance	Informing the chairperson that the topic being discussed is not the matter currently before the meeting.
d.	Misrepresentation	Alerting the chairperson of a misrepresentation in a statement made by a member, an officer or a council employee.
e.	Breach of standing order	Highlighting a possible breach of a standing order which must specify which standing order is subject to the breach.
f.	Recording of words	Requesting that the minutes record any words that have been the subject of an objection.

### **26.3 Contradictions**

Ngā whakahorihori

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

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

Ngā ui tikanga i te wā o te wehewehenga

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

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

Te whakatau a te Upoko i ngā ui tikanga

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

The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Where a point of order concerns the performance of the chairperson, the chairperson will:

- a) refer the point of order to the deputy chairperson; or
- b) if there is no deputy chairperson, another member to hear arguments and make a ruling.

## **27. Notice of motion**

Te pānui mōtini

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

Me tuhi te pānui mōtini

A notice of intended motion must:

- a) be in writing;
- b) be signed by the mover;
- c) state the meeting at which it is proposed the motion be considered; and
- d) be delivered to the chief executive at least five clear working days before the proposed meeting.

The mover can send the notice of an intended motion via email and include a scanned electronic signature of the mover.

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**

### **Te whakakāhore i te pānui mōtini**

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

- a) is disrespectful or which contains offensive language or statements made with malice;
- b) is not related to the role or functions of the council or the meeting concerned;
- 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;
- d) is concerned with matters which are already the subject of reports or recommendations to the meeting concerned;
- e) fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should recommend that the proposal is referred to the chief executive for consideration and report; or
- f) concerns a matter where the board has delegated decision-making authority to a subordinate body.

Where the refusal is due to f), the chief executive must refer the notice of motion to the appropriate body or board.

The chief executive should provide reasons for refusing a notice of motion to the mover.

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

### **Te kaimōtini o te pānui mōtini**

A meeting may not consider a notice of motion in the absence of the mover unless the mover has provided written authorisation for another member to move the motion.

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

Te whakarerekē i te pānui mōtini

Only the mover may alter a proposed notice of motion.

Any alteration requires the agreement of a majority of those present at the meeting and must be made at the time the motion is moved.

Once moved and seconded no amendments may be made to a notice of motion.

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

Āhea mōnehu ai te pānui mōtini

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

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

Te tuari i te pānui mōtini ki rōpū kē

Where a notice of motion refers to a matter ordinarily dealt with by the governing body, or a committee of the council, the chief executive must refer the notice of motion to the appropriate body.

Where notices are referred, the proposer of the intended motion, if not a member of the body the motion has been referred to has the right to move that motion and exercise a right of reply.

#### **27.7 Repeat notices of motion**

Ngā pānui mōtini tārua

When a motion has been considered and rejected by the council or a committee:

- a) 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.
- b) No other notice which, in the Chairperson's opinion, has the same effect, may be put while the original motion stands.

### **28. Minutes**

Meneti

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

Ko ngā meneti te taunakitanga o ngā hui

The council, its committees and subcommittees must authorise and keep minutes of their proceedings.

When confirmed by resolution at a subsequent meeting or following authorisation by the chairperson (by manual or electronic signature), the minutes will be authenticated and stored in hard or electronic copy.

Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

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

## **28.2 Items recorded in minutes**

### **Ngā take i tuhia ki ngā meneti**

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

- a) the date, time and venue of the meeting;
- b) the names of the members present;
- c) the chairperson;
- d) any apologies or leaves of absences;
- e) members absent without apology or leave of absence;
- f) members absent on council business;
- g) the arrival and departure times of members;
- h) any failure of a quorum;
- i) a list of any external speakers and the topics they addressed;
- j) a list of the matter considered;
- k) matter tabled at the meeting;
- l) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- m) the names of all movers, and seconders;
- n) any objections made to words used;
- o) all divisions taken and, if taken, a record of each members' vote;
- p) the names of any members requesting that their vote or abstention be recorded;
- q) any declarations of financial or non-financial conflicts of interest;
- r) the contempt, censure and removal of any members;

- s) any resolutions to exclude members of the public;
- t) the time at which the meeting concludes or adjourns; and
- u) the names of people permitted to stay in public excluded.

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

### **28.3 No discussion on minutes**

Kāore e kōrerorerotia ngā take kei ngā meneti

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

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

Ngā meneti o te hui whakamutunga i mua tonu i te pōtitanga

The chief executive (or his/her delegate) and relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the council before the next election of members.

## **29. Keeping a record**

Te pupuri mauhanga

### **29.1 Maintaining accurate records**

Te pupuri mauhanga tika

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

A council must maintain all public records that are in its control in an accessible form, to be able to be used for subsequent reference.

*Public Records Act 2002, s 17.*

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

Te tikanga pupuri mauhanga

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

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

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

### **29.3 Inspection**

#### Tirotirohanga

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

*LGOIMA, s 51.*

### **29.4 Inspection of public excluded items**

#### Tirotirohanga o ngā take tūmataiti

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

## Referenced documents

Ngā tuhinga i kōrerotia

1. Commissions of Inquiry Act 1908
  2. Crimes Act 1961
  3. Contract and Law Act 2017
  4. Financial Markets Conduct Act 2013
  5. Local Authorities (Members' Interests) Act 1968 (LAMIA)
  6. Local Electoral Act 2001 (LEA)
  7. Local Government Act 1974 and 2002 (LGA)
  8. Local Government Official Information and Meetings Act 1987 (LGOIMA)
  9. Public Records Act 2005
  10. Resource Management Act 1991 (RMA)
  11. Sale and Supply of Alcohol Act 2012
  12. Secret Commissions Act 1910
  13. Securities Act 1978
-

## Appendix 1: Grounds to exclude the public

### Āpitiḡanga 1: Ngā take e aukatihia ai te hunga tūmatanui

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

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

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

*LGOIMA, s 7.*

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

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

*LGOIMA, s 48.*

## Appendix 2: Sample resolution to exclude the public

### Āpitianga 2: Tauira o te tatūnga aukati i te hunga tūmatanui

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

1. that the public is excluded from:

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

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> <li>i. be contrary to the provisions of a specified enactment; or</li> <li>ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).</li> </ul>
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> <li>i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or</li> <li>ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).</li> </ul>
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

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

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

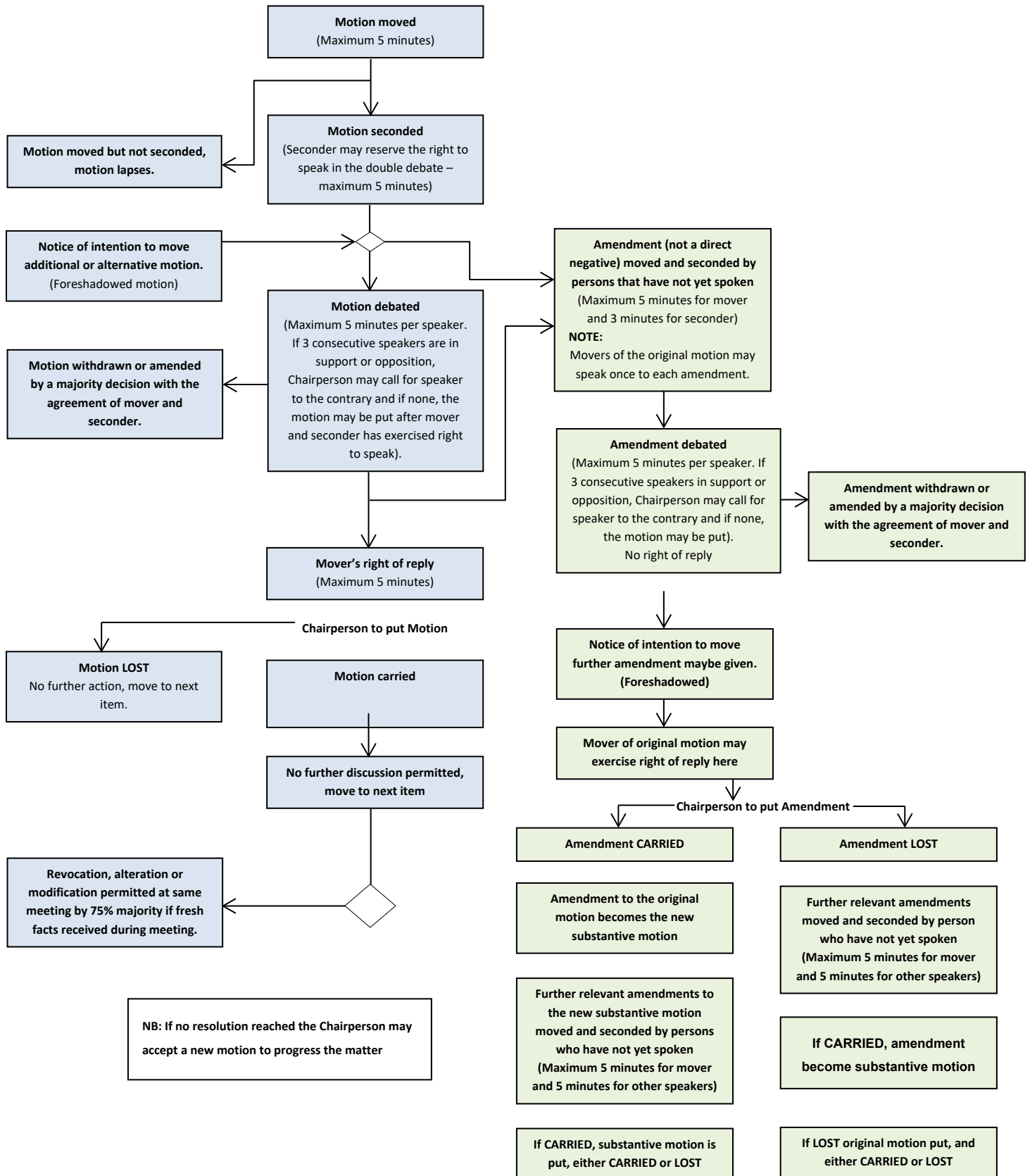
2. That (name of person(s)) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (specify topic under discussion). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (specify). (Delete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

### Appendix 3: Motions and amendments (Option A)

#### Āpitianga 3: Ngā mōtini me ngā menemana (Kōwhiringa A)

##### Motions without amendments

##### Motions with amendments

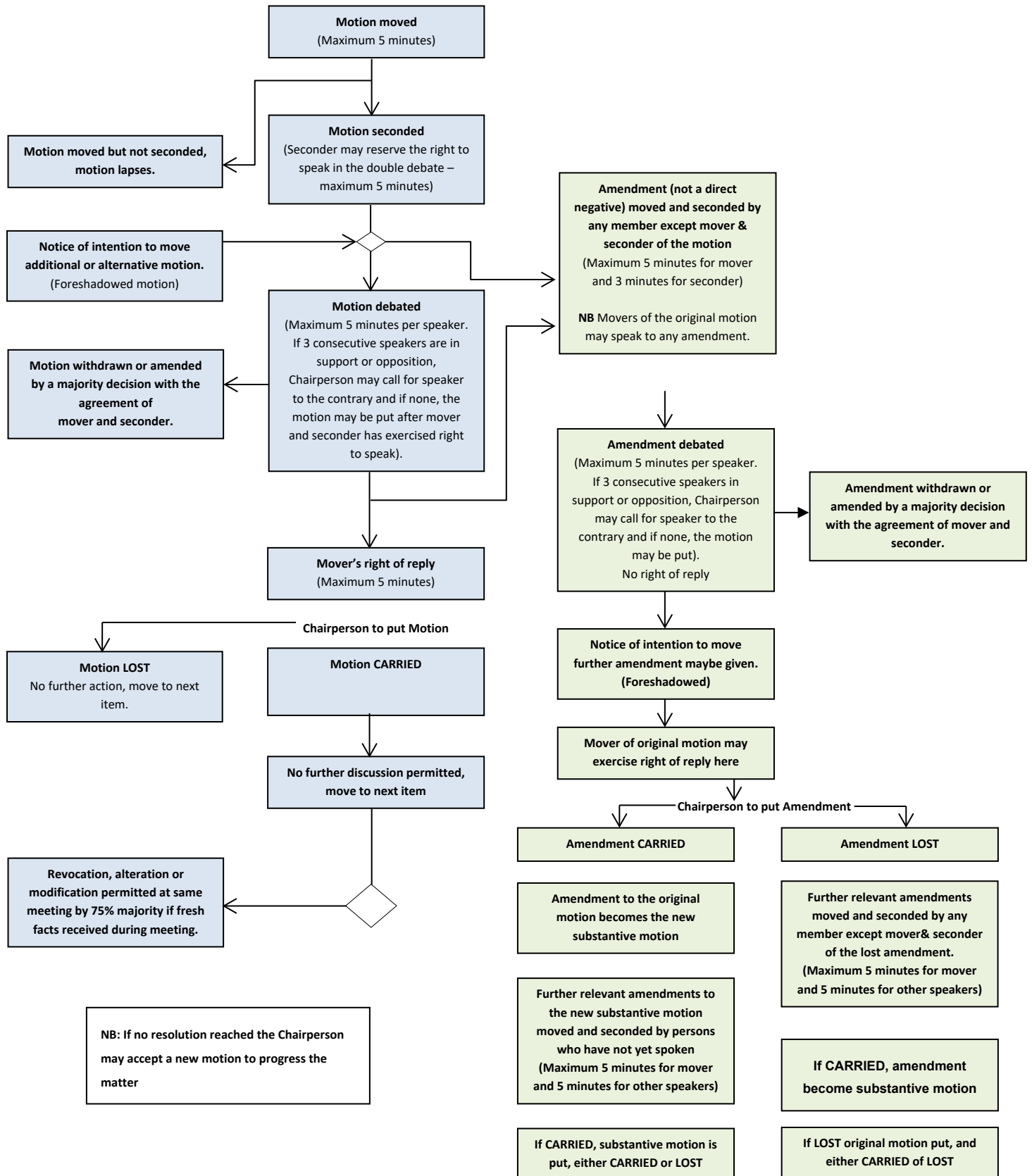


## Appendix 4: Motions and amendments (Option B)

### Āpitianga 4: Ngā mōtini me ngā menemana (Kōwhiringa B)

#### Motions without amendments

#### Motions with amendments

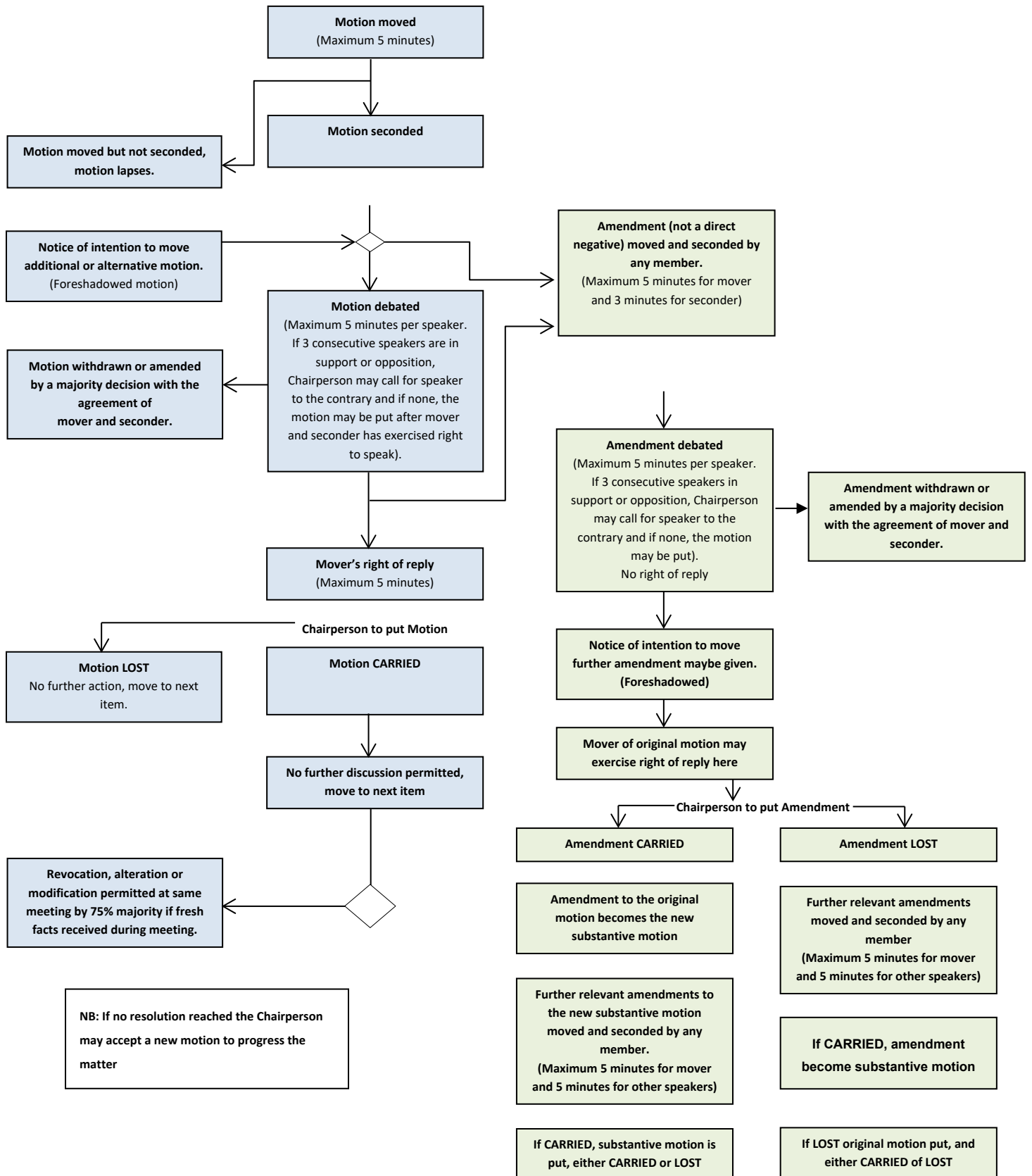


## Appendix 5: Motions and amendments (Option C)

### Āpitianga 5: Ngā mōtini me ngā menemana (Kōwhiringa C)

#### Motions without amendments

#### Motions with amendments



## Appendix 6: Table of procedural motions

### Āpitianga 6: Tūtohi o ngā mōtini ā-hātepe

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

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

## **Appendix 7: Powers of a Chairperson**

### **Āpitiḡanga 7: Ngā mana a te Upoko**

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

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

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

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

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

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

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

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

#### **Chairperson may call a meeting (SO. 11.6)**

The chairperson:

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

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

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

- a) The technology for the link is available and of suitable quality; and
- b) Procedures for using the technology in the meeting will ensure that:
  - i. Everyone participating in the meeting can hear each other;

- ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
- iii. The requirements of Part 7 of LGOIMA are met; and
- iv. The requirements in these Standing Orders are met.

#### **Chairperson to decide all questions (SO. 14.4)**

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

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

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

#### **Chairperson rising (SO.14.5)**

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

#### **Explanations (SO. 14.6)**

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

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

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

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

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

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

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

#### **Chairperson's voting (SO19.3)**

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

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

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

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

#### **Disorderly behaviour (SO.20.4)**

The chairperson may:

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

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

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

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

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

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

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

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

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

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

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

#### **Action on previous resolutions (SO.24.4)**

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

#### **Revocation or alteration of previous resolution (SO 24.6)**

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

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

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

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

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

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

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

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

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

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

#### **Minutes (SO.28.1)**

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

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To	Te Kauwhata Community Committee
Report title	Councillor's Report
Date:	Wednesday 6 May 2026
Report Author:	Cr Marlene Raumati Waerenga-Whitikahu Ward

### Purpose of the Report - Te Take moo te Puurongo

To provide an update on the activities of Councillor Raumati since the Te Kauwhata Community Committee Wednesday 4 March 2026.

### Staff recommendations - Tuutohu-aa-Kaimahi

THAT the report from Cr Raumati for the May 2026 period be received.

### Executive Summary - Whakaraapopotanga Matua

#### **TE KAUWHATA DOMAIN**

Proposed works at the Domain will involve a series of practical upgrades and refinements to improve access, safety, and long-term functionality across the reserve.

Key elements include installing and realigning gates and fencing, improving, and extending footpath connections (with potential upgrades to concrete), removing redundant structures such as tree stumps, fencing, troughs, and a container, and reshaping works to stabilise slope and maintain drainage.

Additional improvements include reinforcing sections of path for farm vehicle access, clearing swale to enhance water flow, and investigating opportunities such as wetland planting. The overall intent is to streamline the layout, improve usability for both community and agricultural needs, and ensure the site is safe, maintainable, and fit for purpose.

#### **RATES REBATE ELIGIBILITY**

Council's Rates Rebate Scheme is designed to aid homeowners, who are on a low income. Eligibility is determined by how much income is coming into the home, the number of dependants and how much one's annual rates bill is.

The maximum rebate is \$805.00. The closing date for property rebates for the 2025/2026 fiscal year is 30 June 2026.

<https://www.waikatodistrict.govt.nz/services-facilities/rates/rate-rebates>

## **COUNCIL CONFIRMS BELOW INFLATION RATE INCREASE**

Earlier this month, at a Draft Annual Plan meeting, Council approved a below inflation general rate increase of 2.8% and a resulting average rate increase of 3.79% including targeted rates.

Individual rated increases will vary for ratepayers according to the capital value of each property and the specific services they receive, such as rubbish collection. For properties connected to water services, there is a \$31.50 increase for drinking water and a \$110.72 increase for wastewater for the year – a total fixed charge increase of \$142.22 for 2026/2027.

The Annual Plan will be presented to Council in June, inclusive of forecast financial statements for the relevant year and will highlight any variations for the 2025/2026 LTP, such as the reduction. The Annual Plan will be adopted on 30 June together with the rates strike for the upcoming fiscal year.

## **GREEN STEEL FAST TRACK APPLICATION**

Central government has approved the Green Steel Fast Track Application for the Hampton Downs Steel Manufacturing Plant.

The new plant will process about 200,00 tonnes of recycled steel annually. The project will reduce structural steel imports and reduce the amount of scrap steel being exported. Green Steel has collection yards in Auckland, Hamilton, Putaaruru, Wellington and Christchurch. These yards recover metal resources from end-of-life vehicle, sheet metal, and beams.

The project is expected to create about two hundred skilled jobs in the region and will mean that the domestic industry can now re-use steel, using material sourced from across the country.

## **IAWAI-FLOWING WATERS**

### **Inaugural Water Services Strategy**

The IAWAI-Flowing Waters Strategy sets out a clear, long-term direction for water services across the sub-region. It provides a coordinated framework for how IAWAI will respond to rapid population growth, manage ageing infrastructure, meet increasing environmental and regulatory expectations, and continue delivering safe, reliable, and resilient water services.

The ability to plan and invest at a sub-regional scale will enable efficient delivery, smarter sequencing of infrastructure, and clearer alignment with growth and environmental objectives. The strategy also includes reduced water charge, down by \$247 per Waikato District households.

The financial model commits to a \$3 billion dollar capital programme over ten years to renew, upgrade and expand the network that our communities depend on. Smoothing price increases ensures that future users, who will benefit from past and current investments, will financially contribute.

The novation of the Watercare contract to IAWAI will ensure water services and commitments in Te Kauwhata, continue without interruption or variance.

## **Workshop Updates**

Annual Plan	09 March
IAWAI	10 March
Annual Plan Overflow	11 March
Guidelines for Temporary Traffic Management	17 March
LTP – Core Services	24 March
LTP – Draft Timeline, Finance & Infrastructure Strat	08 April
LTP – Core Services (PEX)	22 April
Roading Corridor Bylaw	28 April
Roading Corridor Bylaw Part B	29 April

## **Council Meetings**

Community Voice and Choice	10 March
Council	11 March

Roading Sub-committee	23 March
Council	23 March
Policy and Regulatory	31 March
Council	08 April
Community Voice and Choice	21 April

### **Other Meetings and Community Events**

Te Kauwhata Community Committee	04 March
Whitikahu Tennis Club	12 March
Strategy, Growth and Finance Briefing	17 March
Whitikahu Hall	18 March
JP Meeting	23 March
Citizenship Ceremony	26 March
TK Domain Walkway	01 April
Meremere Community Committee	02 April
Dawn Ceremony TK College Wharekai	20 April
Rangiriri Council/Ngaati Naho	21 April
Solar Farm Opening	24 April
ANZAC	25 April

### **MAY CALENDAR 2026**

Gordonton Woodlands Trustee Panel	01 May
Council	04 May
LTP Workshop	05 May
TKCC Meeting	06 May
Levels of Service Engagement Workshop	11 May
Roading Sub-committee	11 May
Strategy, Growth and Finance Pre-meeting Brief	11 May
Halls Workshop	12 May
MCC Meeting	14 May
Strategy, Growth and Finance	18 May
IAWAI Workshop	18 May
Assets and Infrastructure	19 May
Council	20 May
Seismic Risk Workshop	20 May
Orini Hall Meeting	21 May
Zone 2 Meeting	22 May
JP Meeting	25 May
Policy and Regulatory	26 May
Reserves and Beaches Bylaw Workshop	26 May

<b>To</b>	<b>Te Kauwhata Community Committee</b>
<b>Report title</b>	<b>Copy of Minutes - TK Domain Users Group (25th November 25 &amp; 3 March 2026)</b>
<b>Date:</b>	6 May 2026
<b>Report Author:</b>	Elizabeth Saunders, Senior Democracy Advisor
<b>Authorised by:</b>	Gaylene Kanawa, Democracy Manager

## **1. Purpose of the report**

### **Te Take moo te puurongo**

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To provide the committee with copies of the minutes from the Te Kauwhata Domain Users Group Meetings held on 25 November 2025 and 3 March 2026. The Chairperson noted at the previous meeting that copies of meeting minutes from other Te Kauwhata community groups would be attached to the agenda moving forward to ensure all members are across the discussions happening within the community.

## **2. Staff recommendations**

### **Tuutohu-aa-kaimahi**

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**THAT the Te Kauwhata Community Committee receives copies of the minutes from Te Kauwhata Domain Users Group meetings from 25 November 2025 and 3 March 2026.**

## **3. Attachments**

### **Ngaa taapirihanga**

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1. COPY - 20251111 - Minutes of the Te Kauwhata Domain Users Group Meeting 25 November 2025
2. COPY - 20260303 - Minutes of the Te Kauwhata Domain Users Group Meeting 3 March 2026

## Minutes of the Te Kauwhata Domain Users Group Meeting

11 November 2025 5.30pm Te Kauwhata Rugby Club Rooms

Present: Sunil Kumar (Te Kauwhata Cricket Club), Harjeet Kaur (Te Kauwhata Primary School), Tim Hinton (Te Kauwhata Community Committee), Frank Greene (Te Kauwhata Rugby Club), Alanah Budd (Te Kauwhata Scouts), Leigh Taylor (Te Kauwhata Agricultural and Pastoral Association), Estelle Kahui (??).

Apologies: Jeff Lyons (Squash Club), Kris Bryant (Te Kauwhata Community Events), Rhonda Irvine (Community Garden), Courtney Howells (Te Kauwhata Community Committee), Mario Vodnavich (Te Kauwhata Rugby Club)

Frank/Tim

Notes from Previous Meeting as circulated:

1. Utility Plan - Power cables, drainage lines, water lines. Alanah to have a look to see if she can find anything. Alternatively Tim to follow up with Marlene.
2. Car parking resurfacing – See discussion held this meeting.
3. Booking for Domain use - See discussion held this meeting.
4. Blueprints for Domain use and usage of space - See discussion held this meeting.
5. Planting works of north bank and replacement trees.
6. Scout Hall – See discussion held this meeting
7. Destination playground - See discussion held this meeting
8. Irrigation and drainage of fields 1 & 2 – See discussion held this meeting

General discussion:

1. **Blueprint and Domain concept** – Copies given to new attendees. Need to retain significant open areas to hold large scale events.  
Request Council to look into securing the land to the south of No 3 and No 4 fields to provide a green space between the Domain and housing.  
Link into Rimu Street.
2. **Drainage works of fields and Dog Park** – No 4 field needs to be drained to be a usable space. Dog Park to be drained also. Frank had a meeting with Rodica Morgan and Mark Janssen from WDC along with engineers. Suggestion to cut a drain across in front of the footpath, Novaflo and culverts and flow into existing drain. Tim has made a note to get Marlene Raumati to follow up.  
Planting along the bank to provide screening – Tim to follow up with Marlene Raumati.  
Dog exercise area very, very wet – Tim to follow up with Marlene Raumati
3. **Parking areas including the overflow in Dog Park area** – Tim to follow up with Marlene Raumati in respect of the planned renovation and resurfacing of the carpark – extend to enable more parking.

Concern from regular domain users that Freedom camper restrict access. Revisit looking at potential overflow areas for Freedom campers by the church or elsewhere.  
Parking for dog park users – currently limited.

Road crossings – WDC planning crossings at Aparangi and College. Possible restriction of parking on Mahi Road to one side of the road to relieve congestion. Utilise empty section which runs from Domain to Mahi Road?

4. **A&P Show** – Leigh advised that the Annual A&P Show will be held on 13 and 14 December 2025 (always the second weekend in December). The scale of the event was outlined reiterating the need for the preservation of large open spaces for this legacy event. 2025 will be the 76<sup>th</sup> Annual show.
5. **Booking System** – Tim outlined the new and improved booking system. Bookings must be made online. 10 days prior to the event for sporting events. Longer (but not specified) for large events due to the need to review Health and Safety. More than one user for each organisation can manage bookings. Arian Stephens and Emma are the contacts at WDC for bookings. Domain Users are encouraged to book every time they use the Domain. This will identify the actual usage of the Domain rather than anecdotal information and will therefore influence future investment in the facility.
6. **Destination Playground/Nature play areas** – Submission has been put in to bring funding forward from Y9 to Y3 of the LDP. Destination playground may not end up where originally planned. It may even be somewhere other than the domain.

Discussed at previous meeting of the potential for a Nature play area in the area between the church and No1 and 2 fields. This would be advantageous to the community but would need No4 field to be fit for purpose to be able to move portions of the A&P show there. Therefore the sequence of events needs to be planned to not disadvantage and users.

7. **Domain Walkway** – Planting – Try and get the likes of schools, scouts etc to have input. Frank asked about the Health and Safety aspect of projects undertaken by the community – Need dates and times of who will do what and when.
8. **Community Garden** – Nothing to report
9. **Scout Hall** – Alanah had a meeting with Gavin and Daniel from WDC. WDC is not prepared to put anything into the refurbishment/replacement of the Scout Hall but have advised that they are happy for Scouts to take the project on. Alanah currently focusing on Jamboree but advised that until there is something in writing from WDC to the effect that Scouts have full control over any facility that they fund eg; the ability to sublet and retain income then they are not in a position to move forward. Tim has had a discussion with Builtsmart and they have buildings which would be suitable. Discussed the bank behind the hall which used to be at least three metres away from the building and now isn't. Retaining wall would need to be investigated. Discussion of a multiuse building with potential for storage for the likes of athletics and cricket accessible from the outside.

10. **Te Kauwhata Primary School** – Harjeet advised that the roll is currently 403. Two new classrooms are planned for 2026. They will be utilising the Domain more often for physical education etc.

Meeting closed at 6.45pm

Next meetings:       3 March 2026  
                              7 July 2026  
                              6 October 2026

COPY

## Minutes of the Te Kauwhata Domain Users Group Meeting

3 March 2026 5.30pm Te Kauwhata Rugby Club Rooms

Present: Tim Hinton (Te Kauwhata Community Committee), Frank Greene (Te Kauwhata Rugby Club), Mario Vodnavich (Te Kauwhata Rugby Club and Te Kauwhata Athletics Club), Leigh Taylor (Te Kauwhata Agricultural and Pastoral Association), Jeff Lyons (Te Kauwhata Squash Club), Marlene Raumati (District Councillor).

Apologies: Harjeet Kaur (Te Kauwhata Primary School)

Frank/Tim

Notes from Previous Meeting were circulated: Tim gave a precise of the notes from the previous meeting.

Matters arising from previous minutes and general discussion/business:

Freedom camper parking has improved since the signage has been introduced. They are keeping beyond the yellow line however this is causing congestion around the Scout Hall.

Carpark refurbishment was potentially to be carried out in the 2025/26 year. Discussion held around the possibility of removing the destination playground from the LTP and putting the carpark in and extending at the same time as refurbishment. Need to have a clear mandate from the community that this would be beneficial to the community. Parking is at a premium from large games and other events held at the rugby club like funerals. Expansion would give the potential to increase the carparks available by approximately 50%. Talk to the Mayor in the first instance. Tim, Jeff and Mario to meet with xxxxx (name) from council to discuss.

Nature playground could be investigated as being an option rather than the destination playground. Cheaper option?

Jeff advised that the squash club has installed cameras and they have be very beneficial. Have caught a lot of undesirables in the area. Although having Freedom Campers there has reduced incidents, since installing the lines to regulate parking there has been more activity near the rugby and squash clubs. Movement being picked up between 10pm and 4-5am.

Squash club is looking at getting funding to light up the murals at night to showcase them.

Athletics are looking at installing a container. Space to be confirmed with parks but the preferred option is on the field behind the toilet block. Currently 100

plus attendees at athletics over summer. All present in favour of the container being installed.

The booking system is being utilised by Cricket and Primary School.

Rugby Club recently held a Fun Run which attracted 50 people and utilised the whole Domain including a path below the Squash Club.

This led on to discussion about the completion of the path around the Domain. To be followed up.

No report from Scouts.

Leigh asked about whether trees around the dairy tie ups could be replaced. Shade for the dairy cattle at the show is an animal welfare issue. Tim to follow up with the council arborist.

Leigh followed up with Tim on discussion that had been held regarding removing the A&P container which is only any good for scrap steel.

Frank asked how do we prioritise the projects on the Domain. This is to be discussed at Te Kauwhata Community Committee. Anything decided must come back to this group before commencement.

Mario asked about the feasibility of netball/tennis courts being included in planning. Not on the LTP and the question was asked can Rugby/Netball fund it themselves. The answer to that is yes. Would need to make a change to the reserve use plan and then be vested to council to maintain. Then the question would be how that would be funded. The replacement Scout Den is proposed to be a multiuse building and could fit in well with Netball/tennis courts. In the first instance Rugby/Netball need to produce a concept plan and then discuss with Marlene.

Meeting closed at 6.15pm

Next meetings:       7 July 2026  
                              6 October 2026