

## Waikato District Council – LGNZ Remit

### Ability for members to be included in the quorum when attending local authority meetings remotely

**Remit:** That LGNZ requests central government amend legislation to enable elected or appointed members, connecting remotely to a public council meeting, be included in the quorum. This would provide an option for local authority meetings to be held completely remotely, if required.

**Proposed by:** Waikato District Council

**Supported by:** [TBC]

### Background information and research

#### I. Nature of the issue

Prior to the Covid-19 pandemic, legislation required that members had to be physically present at a meeting to be included in the quorum. Under the LGNZ template Standing Orders, members attending by audio or audio-visual means can participate and vote on matters presented at meetings.

To enable public meetings to continue during Covid-19, the [COVID-19 Response \(Urgent Management Measures\) Legislation Act 2020 \(the Covid-19 Act\)](#) amended sections of the Local Government Act 2002 (**LGA**) and Local Government Official Information and Meetings Act 1987. These amendments included:

- Local authority or committee members who join a meeting by audio or audio-visual means were counted for the purpose of a quorum.
- Open public meetings to be livestreams, where reasonably practicable to do so.
- Provide either an audio or video recording, or written summary, of the open public meetings on the local authority's website as soon as practicable after the meeting.

For many councils, this has provided an opportunity to adopt an innovative approach to hold public meetings, resulting in benefits for local government democratic processes, financial and resource efficiencies and environmental improvements (detailed further below).

This remit requests that the legislative amendments introduced for Covid-19 are retained (beyond the term of the Epidemic Preparedness (COVID-19) Notice 2020) as an option for local authorities to adopt via their Standing Orders. For clarity, the remit:

- contemplates that:
  - i. members attending meetings by audio or audio-visual link are still entitled to participate and vote on agenda items; and

ii. requests to attend a meeting by audio or audio visual link should still be made to the Chairperson, for his/her approval, prior to the meeting, as detailed in the LGNZ template Standing Orders;

- does not propose that meetings where a quorum (or more) of members attends remotely become the only or dominant means to hold local authority meetings; simply that this is retained as an option for each council to consider using via its Standing Orders; and
- supports the retention of the Covid-19 LGOIMA amendments to protect transparency and public access to local authority meetings.

## **2. Background to it being raised**

The LGA was amended in 2014 to enable members to join a meeting by audio or audio-visual link, subject to certain procedural requirements being met and the local authority's Standing Orders permitting such remote attendance. However, only members physically present are to be counted toward the meeting's quorum. For Council meetings, this requires:

- half of the members to be physically present (if the number of members (including vacancies) is even); or
- a majority of members to be physically present if the number of members (including vacancies) is odd.

The Covid-19 Act was enacted in response to the restrictions imposed on the New Zealand population, including travel prohibition and social distancing. The Covid-19 Act's amendments to the LGA and LGOIMA (noted above) meant public meetings could be undertaken entirely by remote means (i.e. audio or audio-visual), subject to certain requirements to protect public access and transparency of local authority meetings. In particular, all members of a local authority or committee could attend remotely and be included in the quorum for a meeting (rather than having to be physically present at a specified meeting venue). These legislative amendments will be repealed on the expiry or revocation of the Epidemic Preparedness (COVID-19) Notice 2020<sup>1</sup>.

The remit's proposal is made in a climate of uncertainty about the long-term impacts of the global pandemic, including financially for communities and councils alike, as well as the opportunities and flexibility that the legislative amendments have brought for local authorities and their respective communities in relation to public meetings.

## **3. New or confirming existing policy**

This remit supports LGNZ's existing policy framework around local democracy and the environment, in particular. No new policy work is required.

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<sup>1</sup> At the time of submitting this remit, the Notice is due to expire on 25 June 2020.

#### **4. How the issue relates to objectives in the current Work Programme**

The remit supports some of LGNZ's key policy priorities:

##### *Local democracy*

- Remote meetings help with LGNZ's goals of reinvigorating local democracy and modernising local government legislation.
- Wider public access to local authority and committee meetings, with potential of a significant increase in members of the public able to view livestreamed coverage compared to travelling to attend a meeting. This is a particular benefit for local authorities with large geographic boundaries or that have a significant rural resident population.
- The wider reach of livestreamed meetings also enhances community engagement and understanding of local government, which may have a positive effect on voter participation at local authority elections.
- The public still being able to participate in open public meetings, if required, via audio-visual tools available.
- Supporting more diversity in representation as this would facilitate people who are unable to travel or be present in person because of workload, family commitments, disability or other factors.

##### *Climate change*

- Enabling members and communities to adapt towards a low carbon economy through reduction in travel.

#### **5. What work or action on the issue has been done, and the outcome**

With the advance of Covid-19 Act changes, local authorities have been required to implement, and benefitted from, innovative ways to continue holding public meetings while maintaining the public's access to local government decision-making. This has been able to be achieved at minimal cost to local authorities, which may not otherwise be in a position to put in place more high-tech options for live-streaming of meetings from Council offices. As a result, for some councils, returning to a requirement for a quorum to be physically present at all meetings will be a 'step backwards'.

In addition to the advantages already canvassed, providing an option for local authorities to have a quorum (or more) of members attending meetings remotely has resulted in:

- more efficient use of members' time (e.g. reduction in travel required) for their other roles and responsibilities; and
- reduced operating costs associated with holding public meetings at Council premises.

The issues in this remit have been discussed at the Waikato Mayoral Forum.

## **6. Any existing relevant legislation, policy or practice**

The current, temporary legislative framework that has enabled greater utilisation of remote meetings has been noted above. The remit proposes that the legislative amendments to the LGA and LGOIMA are embedded permanently, with each council having the option of incorporating this framework in its Standing Orders (similar to that contemplated under clause 25A(1)(a), Schedule 7, LGA).

## **7. Suggested course of action envisaged.**

LGNZ to:

- work with central government and relevant stakeholders to advocate for legislative changes to the LGA and LGOIMA, enabling a quorum (or more) of members to attend a public local authority meeting remotely; and
- update the Standing Orders template to reflect the proposed legislative changes, which each local authority can adopt as an alternative option to holding 'in person' meetings.