

Standing Orders

Policy Owner	Chief Executive
Approved By:	Waikato District Council
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Adoption of Standing Orders

Waikato District Council confirms that it will continue to conduct its meetings using NZ Model Standing Orders NZS 9202:2003 incorporating Amendment No. 1 and clauses as follows.

In respect of clause 2.5.2 (casting vote) Waikato District Council confirms that this clause be replaced as follows: *"Unless otherwise provided in the Local Government Act or any Standing Orders the Mayor or Chairperson or other person presiding at the meeting has a deliberate vote and in the case of equality of votes the Mayor or Chairperson or other person presiding at the meeting has a casting vote."*

In respect of clause 2.6, this clause be replaced with the new standing order 2.6 as set out herein, and in respect of this clause 2.6 - (*Voting Systems for Certain Appointments*) Waikato District Council adopts Voting System B.

In respect of clause 2.7 (*Appointment of Committees and other Subordinate Decision-Making Bodies*) this clause be replaced with the new standing order 2.7 as set out herein.

2.6 MAYOR RESPONSIBLE FOR CERTAIN APPOINTMENTS

2.6.1 Provisions for appointment of deputy mayor, chairpersons and deputy chairpersons of local authorities and committees, and representatives of the local authority

The mayor has the following powers:

- (a) to appoint the deputy mayor:
- (b) to establish committees of the territorial authority:
- (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor -
 - (i) may make the appointment before the other members of the committee are determined; and
 - (ii) may appoint himself or herself.

2.6.2 Mayor may decline to exercise the powers in Standing Order 2.6.1 as above

The mayor may decline to appoint the deputy mayor or to establish committees or appoint chairpersons to committees. In that case the procedure to appoint a deputy mayor, committees and committee chairpersons shall follow the procedure contained

in the Model Standing Orders for Local Authorities and Community Boards (incorporating Amendment No 1) Standing Order 2.6.1 (page 13).

2.6.3 Removal of deputy mayor, discharging or reconstituting a committee, appointing additional committees or discharging a committee chairperson by the territorial authority

A territorial authority may—

- (a) remove, in accordance with clause 18 of Schedule 7 of the Local Government Act 2002 (LGA), a deputy mayor appointed by the mayor under standing order 2.6.1(a);
or
- (b) discharge or reconstitute, in accordance with clause 30 of Schedule 7 of the LGA, a committee established by the mayor under standing order 2.6.1(b);
or
- (c) appoint, in accordance with clause 30 of Schedule 7 of the LGA, one or more committees in addition to any established by the mayor under standing order(b);
or
- (d) discharge, in accordance with clause 31 of Schedule 7 of the LGA, a chairperson appointed by the mayor under standing order 2.6.1(c).

2.6.4 Power to remove deputy mayor or chairperson

At a meeting that is in accordance with this clause, a territorial authority may remove its deputy mayor or a committee chairperson from office.

If a deputy mayor or a committee chairperson is removed from office at that meeting, the territorial authority may elect a new deputy mayor or a committee chairperson at that meeting.

A meeting to remove a deputy mayor or a committee chairperson may be called by—

- (a) a resolution of the territorial authority;
or
- (b) a requisition in writing signed by the majority of the total membership of the territorial authority (excluding vacancies).

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 deputy mayor or a committee chairperson is removed from office, a new deputy mayor or a committee chairperson is to be elected at the meeting if a majority of the total membership of the territorial authority (excluding vacancies) so resolves.

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.

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.

A resolution removing a deputy mayor or committee chairperson carries if a majority of the total membership of the territorial authority (excluding vacancies) votes in favour of the resolution.

[cl. 18, Schedule 7, LGA]

2.6.5 Voting System for certain appointments

Where the mayor declines to appoint a deputy mayor or committee chairs, or where the territorial authority exercises the powers under standing order 2.6.3 to remove the deputy mayor or a committee chairperson a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- (a) voting system A;
or
- (b) voting system B.

System A—

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting;
and
- (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates;
and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded;
and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded;
and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B—

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

[cl.25, Schedule 7, LGA]

- Appointment of Committees and Other Subordinate Decision-Making Bodies 2.7

Replace all of Standing Order 2.7 with the following:

2.7 DISCHARGE OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

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

“Unless expressly provided otherwise in an Act:

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

A committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

[cl.30(5) & (7), Schedule 7, LGA]

2.7.2 Committees and subordinate decision-making bodies subject to direction of local authority

A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, subcommittee, or another subordinate decision-making body.”

[cl.30(3), (4) & (6), Schedule 7, LGA]

- Councillors have been provided with a full copy of Standing Orders. They should familiarise themselves with the rules as outlined.