

Notice is given that an ordinary meeting of the Motueka Community Board will be held on:

**Date:** Tuesday 25 November 2025  
**Time:** 3.00pm Inaugural Meeting  
**Meeting Room:** Motueka Library  
**Venue:** 32 Wallace Street, Motueka  
**Zoom conference link:** <https://us02web.zoom.us/j/86266914111?pwd=zyrbCslcbl9OH1usTkmQgaepjhw2a0.1>  
**Meeting ID:** 862 6691 4111  
**Meeting Passcode:** 832133

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## Motueka Community Board

### AGENDA

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#### MEMBERSHIP

##### Members

C Hutt  
J Katene  
L Lusk  
D Ogilvie  
Deputy Mayor B Maru  
Cr K Ferneyhough  
Cr T Walker

(Quorum 4 members)

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## AGENDA

### 1 OPENING, WELCOME, KARAKIA

### 2 APOLOGIES AND LEAVE OF ABSENCE

#### Recommendation

That the apologies be accepted.

### 3 DECLARATIONS OF INTEREST

### 4 LATE ITEMS

Nil

### 5 CONFIRMATION OF [MINUTES](#)

Nil

### 6 PRESENTATIONS

Nil

### 7 REPORTS

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### 8 CORRESPONDENCE

Nil

### 9 CONFIDENTIAL SESSION

Nil

### 10 CLOSING KARAKIA

## 8 REPORTS

### 8.1 ELECTION OF MOTUEKA COMMUNITY BOARD CHAIR 2025-2028 AND ADOPTION OF THE VOTING SYSTEM

Decision Required

<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Robyn Byrne, Governance Manager
<b>Report Authorisers:</b>	Steve Manners, Chief Operating Officer
<b>Report Number:</b>	RMCB25-11-1

#### 1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To advise on the two systems of voting available for the appointment of the Chairperson and Deputy Chairperson of the Motueka Community Board; and
- 1.2 To appoint a chair and deputy chair of the Motueka Community Board.

#### 2. Summary / Te Tuhinga Whakarāpoto

- 2.1 At its inaugural meeting, the Motueka Community Board is required to elect a Chairperson and may elect a Deputy Chairperson.
- 2.2 [Clause 25, Schedule 7 of the Local Government Act 2002 \(LGA\)](#), requires all local authorities to determine by resolution which voting system they will use for the election of certain appointments. This includes the election Chairperson of the Community Board (LGA, Schedule 7, Clause 37).
- 2.3 Two systems are available for this process under the Local Government Act 2002:
- 2.4 System A requires the successful candidate to get the majority of the votes of the members present and voting. It is akin to a transferable voting system and only works if there are three or more candidates in the contest for one position. Multiple voting rounds may be needed.
- 2.5 System B is a majority vote system akin to first past the post and requires the successful candidate to get more votes than any other candidate during a single voting round. This report recommends that System B is adopted.
- 2.6 The Community Board may then use the adopted system of voting to make any other appointments for representatives of the Motueka Community Board that it deems necessary, at a subsequent meeting.



## Voting Systems

2.7 The two systems are as follows (Clause 25(3) and (4), Schedule 7 of the LGA):

### 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 two 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 one round of voting; and*
  - ii. *If two or more candidates tie for the most votes, the tie is resolved by lot.*

2.8 For clarity, 'by lot' means by drawing lots, e.g., name drawn from a hat.

## 3. Recommendation/s / Ngā Tūtohunga

### That the Motueka Community Board

1. **receives the Election of Motueka Community Board Chair 2025-2028 and Adoption of the Voting System Report RMCB25-11-1; and**
2. **adopts System B, outlined in clause 25(4) of Local Government Act 2002 for the election of a Chairperson and any other appointment as representatives of the Motueka Community Board, which require that a person is elected or appointed; and**
3. **elects..... as Chairperson of the Motueka Community Board; and**
4. **elects..... as Deputy Chairperson of the Motueka Community Board.**

## 4. Attachments / Tuhinga tāpiri

Nil

## 8.2 EXPLANATION OF THE LAWS AFFECTING ELECTED MEMBERS AND THEIR CONDUCT

Information Only - No Decision Required

<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Leith Townshend, General Counsel
<b>Report Authorisers:</b>	Steve Manners, Chief Operating Officer
<b>Report Number:</b>	RMCB25-11-2

### 1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To inform the incoming members of the Community Board for the 2025 – 2028 triennium about the relevant provisions of several laws affecting members. This ensures the Council meets the requirements of Clause 21, Schedule 7 of the [Local Government Act 2001](#) (LGA).

### 2. Summary / Te Tuhinga Whakarāpoto

- 2.1 The LGA requires the Chief Executive, or their nominee, to give a general explanation of the [Local Government Official Information and Meetings Act 1987](#) (LGOIMA) and the other laws affecting elected members.
- 2.2 It is considered appropriate for the same explanation to be provided to Community Board members as well.
- 2.3 The specific laws affecting members that the Chief Executive is required to explain to elected members are:
  - 2.3.1 the appropriate provisions of the Local Authorities (Members' Interests) Act 1968;
  - 2.3.2 sections 99, 105, and 105A of the Crimes Act 1961;
  - 2.3.3 the Secret Commissions Act 1910; and
  - 2.3.4 Financial Markets Conduct Act 2013.
- 2.4 In addition, this report provides a high-level overview of the following as they relate to elected members:
  - 2.4.1 The Protected Disclosures (Protection of Whistleblowers) Act 2022;
  - 2.4.2 The sections of the Local Government Act 2002 (LGA) that relates to members pecuniary interests; and
  - 2.4.3 elected members obligations under the Health and Safety at Work Act 2015.
- 2.5 This information is provided to support elected members to meet their statutory obligations whilst serving on the Community Board.

### **3. Recommendation/s / Ngā Tūtohunga**

**That the Motueka Community Board**

- 1. receives the Explanation of the Laws Affecting Elected Members and their Conduct report RMCB25-11-2.**

### **4. Explanation of laws affecting elected members**

#### **Introduction**

- 4.1 The LGA requires the following laws to be explained at the first meeting of a local authority after each triennial general election:
  - 4.1.1 Local Government Official Information & Meetings Act 1987
  - 4.1.2 The Local Authorities (Members' Interests) Act 1968
  - 4.1.3 Sections 99, 105 and 105A of the Crimes Act 1965
  - 4.1.4 The Secret Commissions Act 1910; and
  - 4.1.5 The Financial Markets Conduct Act 2013.
- 4.2 In addition, this report provides a high-level overview of the following as they relate to elected members:
  - 4.2.1 The Protected Disclosures (Protection of Whistleblowers) Act 2022;
  - 4.2.2 The sections of the Local Government Act 2002 that relates to members pecuniary interests; and
  - 4.2.3 Elected members obligations under the Health and Safety at Work Act 2015.
- 4.3 This report provides an overview of these laws and is intended to inform elected members of the type of legislation that may directly affect their actions. The conduct of meetings and elected members' relationships with each other and with Council employees is also covered by Standing Orders and the Code of Conduct.
- 4.4 The conduct of the Council's business is subject to the law. Despite the empowering nature of the LGA, at least compared to the Acts that predate it, councils are still statutory bodies. Most of the Council's powers, duties and responsibilities are set out in the law. Where the Council has discretion in its decision making there are prescribed processes to follow, including to consult and consider the views and preferences of communities before making key decisions.

#### **Local Government Official Information & Meetings Act 1987 (LGOIMA)**

- 4.5 LGOIMA has two main parts.

#### **Requesting information**

- 4.6 The first half of LGOIMA covers the public's right to request information from the Council and sets out how the Council responds to these requests. In many ways it reflects the provisions of the Official Information Act 1982.
- 4.7 The fundamental principle underpinning LGOIMA is that all information held by a local authority should be publicly accessible unless there is good reason for withholding it. These 'good reasons' are specified in LGOIMA and the Ombudsman has provided guidance which are considered by Council staff before a decision is made. Some of the common withholding

grounds are when the information requested contains private information, is legally privileged or subject to commercial negotiations.

- 4.8 The disclosure of information arising from information requests is not something that elected members generally get involved in. Where elected members are affected by a request for information, they will usually be informed about the decision. However, they will not have any influence over the release.
- 4.9 There may be occasions on which elected members will be requested to use the LGOIMA process to obtain official information, for instance, during the elections period. This is to ensure the protection of both elected members and Council staff and ensure compliance with the Local Electoral Act 2001.
- 4.10 The Council publishes LGOIMA responses on its website when it considers there is a wider public interest in the response. These can be found here - [LGOIMAs and information of public interest | Tasman District Council](#)

### **The holding of formal meetings**

- 4.11 This part covers conduct of formal meetings of the Council, Committees and Community Boards where resolutions or decisions are made. LGOIMA includes requirements of giving notice, public attendance, reasons for excluding the public and availability of agendas and reports.
- 4.12 The Council's Standing Orders reflect many of the provisions of LGOIMA which affect meetings.
- 4.13 LGOIMA requires agendas to be available to members and to the public at least two working days prior to meetings. The Council aims to have agendas made available to elected members five working days prior to meetings and will try to meet this commitment wherever possible.
- 4.14 A meeting must be open to the public unless there are good reasons for excluding the public. These reasons are to be stated by resolution at the time the decision is taken to exclude the public. The reasons for excluding the public are generally the same as those applying to the withholding of official information except that you cannot exclude the public to have a 'free and frank' discussion.

### **Local Authorities (Members' Interests) Act 1968 (LAMIA)**

- 4.15 Further information on LAMIA and conflicts of interest will be provided in elected members' induction material and as part of the elected member induction programme.
- 4.16 Elected members can be disqualified from office if they are 'concerned or interested' in contracts with the Council if the total payments made, or to be made, exceed \$25,000 in any financial year. A pecuniary interest still exists below that threshold.
- 4.17 As a general rule, elected members may take part in a debate and may vote on any issue in which their interest is no greater than that of a member of the general public. If their personal interest is greater than that of the general public, they should 'declare an interest' at the relevant item, this will be recorded in the meeting minutes, and staff advice would be that they take no further part in the debate nor vote on the matter.
- 4.18 Section 6(1) of the Act prohibits members of a local authority from discussing or voting on a matter if they have a financial (or "pecuniary") interest in it. Section 6(4) enables the Auditor-General to give a declaration that this prohibition will not apply if its application impedes the business of the local authority or is against the interests of electors.

- 4.19 Managing conflicts of interest is an elected member's individual responsibility and while staff will assist and provide advice, an elected member cannot rely upon staff to advise them of a possible breach.
- 4.20 Failure to effectively manage conflicts of interest under LAMIA can result in decision making being challenged in Court and undermines the public's confidence in Council decisions.

#### **Crimes Act 1961**

- 4.21 Sections 99, 105 and 105A of the Crimes Act 1961 cover corruption and bribery of and by officials and the corrupt use of official information by officials, which includes members of local authorities.
- 4.22 Section 105 indicates that the misuse of any official's power in these respects can result in the imprisonment of the official for up to seven years. Section 105A indicates that similar penalties are possible for the corrupt use of official information.
- 4.23 Should the Council have legitimate concerns about breaches of the Crimes Act 1961 it will escalate those concerns to the Police or the Serious Fraud Office in a way that preserves their ability to investigate further.

#### **Secret Commissions Act 1910**

- 4.24 The Secret Commissions Act defines an officer or member of a local authority as an agent of that local authority. It then specifies that the corrupt giving of gifts or other consideration to an agent for favours, or acts being done or not being done, is an offence.
- 4.25 Reasonably enough, the acceptance of gifts or other consideration in such circumstances is also an offence. An offence is committed even if the reward is obtained for another person. An agent who makes a contract on behalf of the principal (the Council) and fails to disclose a financial interest the agent has in the making of the contract, commits an offence.
- 4.26 The giving of false or misleading receipts, invoices, or accounts to an agent with intent to deceive the principal is an offence. So too is the delivery or presentation of such documents to the principal by the agent. The receiving of secret rewards for procuring contracts is an offence.
- 4.27 The Council's Gifts Received Policy requires elected members to notify the Chief Executive if any gifts are accepted and, where a gift the to the value of \$250 or more is received by virtue of an elected member's position, elected members are required to immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

#### **The Financial Markets Conduct Act 2013**

- 4.28 The Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places members in the same position as company directors whenever the Council offers stock to the public. Elected members may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

#### **The Protected Disclosures (Protection of Whistleblowers) Act 2022**

- 4.29 The elected members of the Council, alongside the Chief Executive and officers are committed to maintaining high standards of ethical and accountable conduct. The Council encourages positive reporting as an obligation of all elected members and officers.
- 4.30 The purpose of the Act, and the Council's policy and procedures, are to meet the Council's responsibilities:

- 4.30.1 To promote the public interest by facilitating the disclosure and timely investigation of matters of serious wrongdoing in, or by, the Council.
- 4.30.2 To protect disclosers, who in accordance with the provisions of the Act, make disclosures of information about serious wrongdoing in, or by, the Council.
- 4.30.3 To show our commitment to high standards of ethical and accountable conduct, to not tolerate any form of wrongdoing, and to encourage reporting as an obligation of our organisation.
- 4.31 Should elected members become aware of 'serious wrongdoing' they are encouraged to disclose this to the Mayor or Chief Executive (as appropriate). They can also escalate the complaint to an 'appropriate authority' such as the Police, Ombudsman or Serious Fraud Office.

#### **The Local Government Act 2002 (as it relates to members pecuniary interests)**

- 4.32 The LGA is a foundational piece of legislation for the Council and covers a range of matters such as the powers of the Council, its decision-making requirements, bylaw creation and the creation of various plans and policies such as the Long Term and Annual Plans.
- 4.33 Since 2022 the LGA also contains additional provisions and requirements in relation to elected members declaration of their pecuniary (financial) interests.
- 4.34 There are four main obligations for councils. They must:
  - 4.34.1 keep a register of elected members' pecuniary interests (the Register);
  - 4.34.2 appoint a Registrar, who will compile and maintain the Register for the council;
  - 4.34.3 make a summary of the information contained in the Register publicly available; and
  - 4.34.4 in order to maintain compliance with the Privacy Act 2020, ensure that information contained in the Register is:
    - 4.34.4.1 only used or disclosed in accordance with the purpose of the Register, and
    - 4.34.4.2 retained for seven years after the date on which an elected member provides the information and is then removed from the Register.
- 4.35 Audit NZ usually requests access to the Register as part of its audit processes. A summary of the information provided on interests is also accessible on the Council's website.
- 4.36 It is explicitly stated in the LGA that elected members are expected to take personal responsibility for making sure that they satisfy their own obligations. Where elected members have any questions about making returns, or their obligations more generally, they can seek advice from the Registrar.
- 4.37 The Council has previously appointed the Governance Manager to be the Registrar.

#### **Health and Safety at Work Act 2015**

- 4.38 Community Board members may owe duties of a "worker or other" which include:
  - 4.38.1 taking reasonable care of his or her own health and safety;
  - 4.38.2 take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
  - 4.38.3 comply so far as reasonably able, with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with the HSW Act; and

- 4.38.4 as a worker co-operate with any reasonable policy or procedure of the PCBU relating to health and safety at the workplace.

<b>5. Conclusion / Kupu Whakatepe</b>
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- 5.1 The Council, as a creature created by statute, operates under numerous pieces of legislation on a daily basis. As decisions progress through the triennium elected members will be provided with the guidance they need to make decisions.
- 5.2 Should elected members require further information on any of these issues, staff will be happy to assist.

<b>6. Attachments / Tuhinga tāpiri</b>
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Nil

### 8.3 DATE OF FIRST ORDINARY MOTUEKA COMMUNITY BOARD MEETING FOLLOWING THE INAUGURAL MEETING 2025

Decision Required

<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Robyn Byrne, Governance Manager
<b>Report Authorisers:</b>	Steve Manners, Chief Operating Officer
<b>Report Number:</b>	RMCB25-11-3

#### 1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 The purpose of this report is to agree the date and time of the next ordinary meeting following the inaugural meeting of the Motueka Community Board.

#### 2. Summary / Te Tuhinga Whakarāpoto

- 2.1 A local authority is required under the Local Government Act 2002 to conduct certain business at the first meeting of the local authority after the election. This is outlined in Clause 21(5), Schedule 7 of the Act.
- 2.2 One of the requirements is “the fixing of the date and time of the first meeting of the local authority or the adoption of a schedule of meetings”.
- 2.3 The Motueka Community Board is requested to set 16 December 2025 at 3.00pm as the date and time of the first ordinary meeting of the Board after the inaugural meeting. The meeting will be held in the Motueka Library, 32 Wallace Street, Motueka.

#### 3. Recommendation/s / Ngā Tūtohunga

**That the Motueka Community Board**

1. **receives the Date of First Ordinary Motueka Community Board Meeting following the Inaugural Meeting 2025 Report RMCB25-11-3; and**
2. **sets the date and time of the first ordinary Motueka Community Board meeting as 16 December 2025, commencing at 3.00pm in the Motueka Public Library, 32 Wallace Street, Motueka.**

#### 4. Attachments / Tuhinga tāpiri

Nil



**8.4 MOTUEKA COMMUNITY BOARD APPOINTMENTS****Decision Required**

<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Robyn Byrne, Governance Manager
<b>Report Authorisers:</b>	Steve Manners, Chief Operating Officer
<b>Report Number:</b>	RMCB25-11-4

**1. Purpose of the Report / Te Take mō te Pūrongo**

- 1.1 To appoint members of the Board as liaison roles with various community organisations and to Council and its standing committees.

**2. Summary / Te Tuhinga Whakarāpoto**

- 2.1 After each election, the Motueka Community Board appoints Board members to liaise with various community organisations during the triennium. A list for consideration for the 2025-2028 triennium has been prepared and is included in this report.
- 2.2 The Board is also able, in its own right, to appoint members to liaise with Council, its standing committees, and to various community organisations.

**3. Recommendation/s / Ngā Tūtohunga**

**That the Motueka Community Board**

- receives the Motueka Community Board Appointments Report RMCB25-11-4; and**
- agrees that the following Community Board members will be the liaison for Council and Council Standing Committee meetings; and**

<b>Council Standing Committee</b>	<b>Liaison representative</b>
<b>Council</b>	Chairperson
<b>Strategy Finance and Performance Committee</b>	
<b>Environment Regulatory and Operations Committee</b>	
<b>Information Forum</b>	

- appoints the following representatives to community organisations for the three years of the 2025 – 2028 triennium; and**

<b>Community Organisation</b>	<b>Liaison representative</b>
<b>Riwaka Hall</b>	
<b>Lower Moutere Recreation Reserve</b>	
<b>Lower Moutere Hall</b>	
<b>Our Town Motueka</b>	
<b>Keep Motueka Beautiful Committee</b>	
<b>Motueka and District Museum Trust Board</b>	
<b>Coastal Cycle Group</b>	
<b>Motueka Port Users Committee</b>	
<b>Accessibility for All (A4A)</b>	
<b>Lower Motueka Rivercare Group</b>	
<b>Motueka Arts Council</b>	
<b>Tasman Area Community Association</b>	
<b>Marahau Sandy Bay Ratepayers and Residents Association</b>	
<b>Motueka Valley Association</b>	
<b>Motueka Aerodrome Health &amp; Safety and Operational Group</b>	
<b>Tasman Bay Promotions Association</b>	
<b>Motueka Youth Council</b>	
<b>Special Olympics Committee</b>	
<b>Motueka Swimming Pool Committee</b>	
<b>Sport Tasman (Motueka Rec Centre)</b>	
<b>Te Awhina Marae</b>	

4. requests staff to advise the Council, the management committees and other organisations of the liaison appointments made at the 25 November 2025 meeting; and
5. notes that all previous appointments to external organisations and committees cease from the date of this inaugural meeting, 25 November 2025.

#### **4. Background / Horopaki**

- 4.1 The Board has the power to appoint liaison representatives to some community organisations, hall or park management committees and to be liaison representatives to Council and its various standing committees.
- 4.2 At its meeting on 20 December 2022, the Motueka Community Board made liaison appointments to relevant committees in the Motueka Ward. These appointments were made for a three-year term, and it is now time to consider appointments for the 2025-2028 triennium.
- 4.3 The appointments are liaison roles because formal Council or Community Board appointees to Boards and Trusts and have legal obligations and liabilities, whereas liaison representatives have responsibility for liaising with groups and providing a conduit of information and engagement between the Council or Community Board and the community organisation they are liaising with. They provide a conduit for information to flow between both organisations and to help understanding of each other's position during discussion.
- 4.4 Liaison representatives also assist with enabling common objectives and outcomes to be achieved. They don't have voting rights at meetings of the community organisations and they are not Trustees of any organisation.
- 4.5 The advantage of being liaison representatives, rather than appointed as Board members or Trustees, is that the liaison role is less likely pose a conflict with Board members' roles at Community Board meetings.
- 4.6 The table below lists the organisations the Community Board appointed liaison representatives to for the previous triennium, that being 2022-2025. The Board should discuss and agree which members should be appointed as liaison representatives to any organisation on the list which the Board considers appropriate.
- 4.7 Only one representative should be appointed to any organisation. Community Board members may work with, or be on any group in a personal capacity, separate from the Council/Board role if they choose to, noting this membership should be included in the Members' Interests Register. Being on a group in your personal capacity is outside any Council responsibility and Council will not accept any liabilities associated with your personal roles.
- 4.8 The criteria used for assessing whether a Board Member is appointed as a liaison representative to an organisation include:
  - 4.8.1 if the organisation is managing a Council asset (e.g., reserve or hall) then it is desirable for a Council liaison representative to be appointed to it;
  - 4.8.2 if the organisation is a Government agency (e.g., school or hospital) or is a social service agency (e.g. employment trust or Police) then it is not necessary for a Council representative to be appointed to it;
  - 4.8.3 if there is a critical relationship between the organisation and Council (e.g. Keep Motueka Beautiful) then it is desirable for a Community Board liaison representative to be appointed to the organisation.
- 4.9 The Board can make liaison appointments to none, some, or all of the organisations listed below. The names listed below were the representatives during the last triennium.
- 4.10 The Chairperson has, by convention, been assigned to Council meetings. Members will need to consider who is appointed to the two Standing Committees and the Information

Forum. The representatives for the Council Standing Committees are responsible for liaison on matters within the portfolio responsibilities.

## **5. Analysis and Advice / Tātaritanga me ngā tohutohu**

- 5.1 Whilst these appointments are not required under the Local Government Act 2002, it is recommended that the Motueka Community Board make these appointments.

## **6. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea**

- 6.1 There are no financial or budgetary implications arising from these appointments which are not otherwise covered under existing budget arrangements.

## **7. Options / Kōwhiringa**

- 7.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Appoint liaison representatives to community boards	Engagement with community groups	
2.	Do not appoint liaison representatives to community boards	Less work for Community Board members.	No engagement with community groups.

- 7.2 Option 1 is recommended.

## **8. Legal / Ngā ture**

- 8.1 There are no current requirements regarding Councillor/Board Member involvement in community organisations. The Board may, therefore, choose whether to make appointments to these organisations.

## **9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori**

- 9.1 Iwi have not been consulted in writing this report.

## **10. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui**

- 10.1 The appointment of these positions is of low significance as there are no financial or level of service implications. The appointments will be of some level of public interest, but it is likely to be relatively low.
- 10.2 The Board has traditionally made such appointments in the past and has the power to do so. Therefore, staff consider that there is no need for community consultation prior to making these decisions.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
5.	Does the decision create a substantial change in the level of service provided by Council?	No	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	No	

## **11. Communication / Whakawhitiwhiti Kōrero**

- 11.1 Any appointments made will be listed in the minutes and published to Tasman District Council's website and staff will advise the Council, the management committees and other organisations of the liaison appointments.

## **12. Risks / Ngā Tūraru**

- 12.1 There are advantages with the Board maintaining links with many of the organisations listed in the tables, through having liaison representatives on these groups. As noted above, such representation assists with community engagement, communication and enabling common objectives and outcomes to be achieved.
- 12.2 There are minimal risks associated with making the appointments solely as liaison representatives for the Board.
- 12.3 Board members do, however, need to be aware of their responsibilities and obligations to both the organisations and to Council and the Community Board when accepting appointments.

## **13. Conclusion / Kupu Whakatepe**

- 13.1 Members of the Motueka Community Board are asked to make these appointments in it's inaugural meeting or decide that some areas do not require representation.

## **14. Next Steps and Timeline / Ngā Mahi Whai Ake**

- 14.1 Once the appointments are made, the various affected external organisations will be notified.

## **15. Attachments / Tuhinga tāpiri**

Nil

**8.5 ADOPTION OF MOTUEKA COMMUNITY BOARD STANDING ORDERS****Decision Required**

<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Robyn Byrne, Governance Manager
<b>Report Authorisers:</b>	Steve Manners, Chief Operating Officer
<b>Report Number:</b>	RMCB25-11-5

**1. Purpose of the Report / Te Take mō te Pūrongo**

- 1.1 To adopt the Motueka Community Board Standing Orders as provided in Attachment 1.

**2. Summary / Te Tuhinga Whakarāpoto**

- 2.1 The Local Government Act 2002 (LGA) requires all local authorities to adopt a set of Standing Orders.
- 2.2 Standing Orders are a set of rules that provide formal guidance about the way that local authorities conduct their meetings. They also outline the agreed principles of behaviour within meetings.
- 2.3 The proposed Standing Orders (Attachment 1) are adapted from the Local Government New Zealand ((Ko Tātou) LGNZ) model Standing Orders, which are used by councils. A guide to Standing Orders prepared by LGNZ is also attached (Attachment 2).
- 2.4 There are a number of optional clauses in the Model Standing Orders, these are further discussed below in Section 5.
- 2.5 An amendment to quorum is recommended to align with the update to Quorum under cl. 23 (3)(a) Schedule 7 of the Local Government Act 2002.
- 2.6 It is recommended that the Motueka Community Board adopt the Standing Orders as attached to this report. Under the Community Board Terms of Reference, Clause 7.4 states that Community Boards will adopt Standing Orders at their first meeting. Until adopted the previous Standing Orders apply.

**3. Recommendation/s / Ngā Tūtohunga****That the Motueka Community Board**

- 1. receives the Adoption of Motueka Community Board Standing Orders Report RMCB25-11-5; and**
- 2. in accordance with Clause 27, Schedule 7 of the Local Government Act 2002, adopts the Motueka Community Board Standing Orders as contained in Attachment 1 of the agenda report, with the following options and amendments:**
  - 2.1 no provision of a casting vote for the Chairperson (SO19.3); and**

**2.2 the choice of Option B as the default option for speaking and moving motions (SO 22.1); and**

- 3. In accordance with Clause 23, Schedule 7 of the Local Government Act, amends Standing Orders by removing the wording ‘physically’ to allow for members attending remotely to count towards quorum.**

**4. Background / Horopaki**

- 4.1 Clause 27, Schedule 7 of the Local Government Act requires local authorities to adopt a set of Standing Orders for the conduct of its meetings. The Community Board’s Terms of Reference provides for adopting Standing Orders at its inaugural meeting.
- 4.2 Standing Orders are a set of rules that provide a formal framework for the way Council conducts its meetings. They outline the Council’s agreed principles of behaviour within meetings.
- 4.3 Standing Orders also ensure that the Council meets the requirements of the Local Government Act and the Local Government Official Information and Meetings Act 1987 (LGOIMA), amongst other legislation.
- 4.4 The Standing Orders include legislative references for statutory provisions. Any statutory references apply throughout the period of the meeting. Where the word ‘must’ is used, unless otherwise stated, this identifies a mandatory legislative requirement.
- 4.5 Community Board members must abide by the Standing Orders adopted by the Community Board unless the Standing Orders are temporarily suspended during a meeting (see below).

**3.5 Temporary suspension of standing orders**

*Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried. cl. 27(4), Schedule 7, LGA 2002.*

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

- 4.6 Any amendment to, or suspension of Standing Orders, or the adoption of new Standing Orders, requires the support of not less than 75% of the members present and voting.
- 4.7 There are a number of optional clauses in the model Standing Orders These optional clauses are:
- 4.8 A casting vote for the Chairperson (clause 18.3); and
- 4.9 The choice of a default option for speaking and moving motions (clause 21):
- 4.9.1 A - formal, or
- 4.9.2 B - medium, or
- 4.9.3 C – informal.

**Casting Vote**

- 4.10 The LGA allows chairpersons to use a casting vote if provision for such a vote is made in a council’s standing orders. The vote can be used when there is an equality of votes.



- 4.11 The Motueka Community Board's Standing Orders have not previously allowed a casting vote for the chairperson and no change is proposed.

### **Speaking and Moving Options**

- 4.12 The LGNZ standing orders template offers a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

4.12.1 **Option A** 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 a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)

4.12.2 **Option B** is less formal than Option A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.

4.12.3 **Option C** provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

- 4.13 Option B is recommended as Community Board meetings are less formal and Option B is considered more suitable.

### **Update to requirements for a Quorum**

- 4.14 During COVID-19, quorum rules for local government meetings in New Zealand were temporarily modified under the Epidemic Preparedness Act 2006 and related emergency orders. Specifically, the Epidemic Preparedness (Local Government Act 2002) Immediate Modification Order 2020 allowed councillors participating remotely (via audio or audiovisual link) to be counted toward quorum.

- 4.15 The Local Government Act was amended on 1 October 2024 to continue to provide for members participating remotely to count towards quorum and it is appropriate that these changes are included in the Board's Standing Orders.

### **Standards NZ Model Standing Orders**

- 4.16 The Department of Internal Affairs is updating NZS 9202:2003 Model Standing Orders.

- 4.17 A draft standard (DZ 9202:2025) was released for consultation on 17 October 2025.

- 4.18 This update aligns with the upcoming Local Government (System Improvements) Amendment Bill, which will empower the Secretary for Local Government to issue model standing orders.

- 4.19 It is expected that once enacted, all councils will be required to adopt these updated standing orders, ensuring consistency and transparency across local authorities.

## **5. Analysis and Advice / Tātaritanga me ngā tohutohu**

- 5.1 Under clause 7.4 of the Terms of Reference, the Motueka Community Board is required to operate under Standing Orders, adopted at the first meeting of the triennium.

## 6. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

6.1 There are no financial considerations associated with adoption of Standing Orders.

## 7. Options / Kōwhiringa

7.1 The Local Government Act 2002 (LGA) requires all local authorities, including Community Boards, to adopt a set of Standing Orders. The current Standing Orders apply until a new set is adopted.

## 8. Legal / Ngā ture

8.1 The adoption of a set of Standing Orders fulfils the requirements of Clause 27, Schedule 7 of the Local Government Act 2002, and also ensures that other legislation, such as the Local Government Official Information and Meetings Act 1987, is complied with.

## 9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

9.1 There has been no engagement with Iwi when compiling this report.

## 10. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

10.1 10.1

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
5.	Does the decision create a substantial change in the level of service provided by Council?	No	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	

	Issue	Level of Significance	Explanation of Assessment
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	No	

#### **11. Communication / Whakawhitiwhiti Kōrero**

11.1 Not applicable.

#### **12. Risks / Ngā Tūraru**

12.1 No risks have been identified.

#### **13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi**

13.1 There are no climate change considerations.

#### **14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru**

14.1 This decision fulfils the requirement of the Local Government Act, Schedule 7, Clause 27 (1).

14.2 The decision fulfils the requirements of the Terms of Reference of the Motueka Community Board, Clause 7.4.





#### **15. Conclusion / Kupu Whakatepe**

15.1 It is recommended that the Motueka Community Board adopt the Standing Orders 2025 as in Attachment 1 to the agenda report.

## **16. Next Steps and Timeline / Ngā Mahi Whai Ake**

- 16.1 The Motueka Community Board Standing Orders will come into effect when adopted by resolution. Until they are adopted, the previous Standing Orders will apply.

## **17. Attachments / Tuhinga tāpiri**

- |  |   |     |
|--|---|-----|
| 1.   | Motueka Community Board Standing Orders, Adopted 15 November 2022 | 25  |
| 2.   | LGNZ Guide to Standing Orders 2022                                | 104 |



# Standing Orders

**Motueka Community Board**

Adopted 15 November 2022

## **Preface**

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for community boards and their committees and subcommittees. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that community boards adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

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

All members of a community board must abide by standing orders.

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## **1. Introduction**

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

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

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

### **1.1 Principles**

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

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

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

## 1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

## 1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

## 1.4 Application

For the removal of any doubt 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

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

**Advisory group** means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

**Agenda** means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

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

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

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

**Chairperson** means the person presiding at a meeting – the presiding member.

**Chief executive** means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

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

**Committee** includes, in relation to a local authority:

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

**Community board** means a community board established under s.49 of the LGA 2002.

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

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

**Deputation** means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

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

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

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

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

**Internet site** means, in relation to a local authority or other person or entity, 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.

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.



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

**Leave of absence** means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

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

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

**Member** means any person elected or appointed to the local authority.

**Mihi whakatau** is a greeting ceremony or official welcome speech. Unlike a pōwhiri, a mihi whakatau can be more informal and can be used outside of a marae setting. It often doesn't include a karanga. It can be used to welcome people and kaupapa (topics).

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

**Motion** means a formal proposal to a meeting.

**Mover** means the member who initiates a motion.

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

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

**Open voting** means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

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

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

**Petition** means a request to a local authority which contains at least 20 signatures.

**Powhiri** A pōwhiri / pōhiri is a ceremonial process that most often occurs on a marae. A pōwhiri is a way for tangata whenua (home people of the marae) to welcome manuhiri (visitors) onto their marae. It will involve karanga and whaikōrero and manuhiri will also offer a koha to the tangata whenua. On rare occasions a pōwhiri may be held in other locations at the discretion of tangata whenua. If a

welcome ceremony is to take place off marae it is usually referred to as a mihi whakatau and utilises different tikanga (practices) to a formal pōwhiri.

**Present at the meeting to constitute quorum** means the member is to be physically present in the room.

**Presiding member** means the person chairing a meeting.

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

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

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

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

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

**Public notice** in relation to a notice given by a local authority, means one that 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 in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, 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.

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

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

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

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

**Regional Council Chairperson** means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

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

**Right of reply** means 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).

**Second** means the member who seconds a motion.

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

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

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

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

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

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

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed 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 local authority wish to meet between the 20<sup>th</sup> of December and the 10<sup>th</sup> 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** means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

**Workshop**, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

**Youth Council Advisor**, means a member of the Tasman District Youth Council who can attend and act in an advisory capacity, at specific Council Standing Committee meetings and community board meetings, where the Committee or Board has permitted their attendance.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

A community board is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

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

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

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

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

#### 3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

For the avoidance of doubt, Youth Council Advisors must also obey all standing orders while present at Standing Committee meetings and community board meetings.

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

#### 3.4 Application of standing orders

These standing orders apply to all meetings of community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

#### 3.5 Temporary suspension of standing orders

Any member of a community board, committee or subcommittee may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

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

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

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

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

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

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

## **4. Meetings**

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

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

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

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

### **4.2 Meeting duration**

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

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

### **4.3 Language**

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

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

#### **4.4 Webcasting meetings**

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

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

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

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

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

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

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

- (a) The making and attesting of the declarations required of the Chairperson (if any) and 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; and
- (e) The election of the deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

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

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

## **5. Appointments and elections**

### **5.1 Elections of Chairpersons, and deputy Chairpersons**

The community board must decide by resolution to use one of two voting systems (see standing order 5.3) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a community board;
- The Chairperson and deputy Chairperson of a committee; or
- A representative of a local authority.

*cl. 25 Schedule 7, LGA 2002.*

### **5.2 Removal of a Chairperson deputy Chairperson**

A Chairperson or deputy Chairperson can only be removed in accordance with the process set out in cl. 18, Schedule 7, of the LGA 2002. See Appendix 9.

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

### **5.3 Voting system for Chairpersons, deputy Chairpersons and committee chairs**

When electing a community board Chairperson, deputy Chairperson or committee chair the Motueka Community Board will use Voting System B.

#### **System A**

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

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

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.

**System B**

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

*cl. 25 Schedule 7, LGA 2002.*

**6. Delegations****6.1 Limits on delegations**

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

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

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

**6.2 Committees may delegate**

A community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

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



### **6.3 Use of delegated powers**

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

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

### **6.4 Decisions made under delegated authority cannot be rescinded or amended**

Nothing in these standing orders allows a community to rescind or amend a lawfully made decision of a committee or subcommittee carried out under a delegation authorising the making of that decision.

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

### **6.5 Committees and sub committees subject to the direction of the community board**

A committee or subcommittee established by a community board is subject in all things to the control of the community board, and must carry out all general and special directions given to them by the community board.

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

### **6.6 Duty to consider delegations to community boards**

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

*cl. 32(6) Schedule 7, LGA 2002.*

## **7. Committees**

### **7.1 Appointment of committees and subcommittees**

A community board may appoint the committees and subcommittees that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the community board.

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

## **7.2 Discharge or reconstitution of committees and subcommittees**

Unless expressly provided otherwise in legislation or regulation:

- (a) A community board may discharge or reconstitute a committee or subcommittee; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee or subcommittee is, unless a community board resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

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

**Please note:** s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. This may also apply to District Licensing Committees (see SO Guide).

## **7.3 Appointment or discharge of committee members and subcommittee members**

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

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

## **7.4 Elected members on committees and subcommittees**

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A community board or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the community board or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the community board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

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

## **7.5 Local authority may replace members if committee not discharged**

If a community board resolves that a committee or subcommittee is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the community board may replace the members of that committee or subcommittee after the next triennial general election of members.

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

## **7.6 Decision not invalid despite irregularity in membership**

For the purpose of these standing orders a decision of a community board is not invalidated if:

1. There is a vacancy in the membership of community board or committee at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the community board or committee at the time is found to have been ineligible.

*cl. 29, Schedule 7, LGA 2002.*

## **7.7 Appointment of joint committees**

A community board may appoint a joint committee with another community board or other public body if it has reached 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 are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

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

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

## **7.8 Status of joint committees**

A joint committee is deemed to be both a committee of a community board and a committee of each other participating community board or public body.

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

## **7.9 Power to appoint or discharge individual members of a joint committee**

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

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

## Pre-meeting

### 8. Giving notice

#### 8.1 Public notice – ordinary meetings

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

*s. 46, LGOIMA.*

#### 8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the community board of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the community board has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

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

#### 8.3 Extraordinary meeting may be called

An extraordinary community board meeting may be called by:

- (a) Resolution of the community board; or
- (b) A requisition in writing delivered to the chief executive which is signed by:
  - i. The Chairperson; or
  - ii. Not less than one third of the total membership of the community board (including vacancies).

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

#### 8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the community board at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

### **8.5 Emergency meetings may be called**

If the business a community board needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

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

### **8.6 Process for calling an emergency meeting**

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

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

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

### **8.7 Public notice – emergency and extraordinary meetings**

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

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

*s. 46 (3) LGOIMA.*

### **8.8 Meetings not invalid**

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

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

*s. 46 (6), LGOIMA.*

## **8.9 Resolutions passed at an extraordinary meeting**

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

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

*s. 51A, LGOIMA.*

## **8.10 Meeting schedules**

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

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

## **8.11 Non-receipt of notice to members**

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

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a community board may waive the need to be given notice of a meeting.

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

## **8.12 Meeting cancellations**

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

## **9. Meeting agenda**

### **9.1 Preparation of the agenda**

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

### **9.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the community board, committee or subcommittee and, in the case of decision-making bodies other than the community board, must fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 13.

### **9.3 Chief executive may delay or refuse request**

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

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

### **9.4 Order of business**

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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

### **9.5 Chairperson's recommendation**

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

## **9.6 Chairperson's report**

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

## **9.7 Public availability of the agenda**

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

*s. 5 & 46A, LGOIMA.*

## **9.8 Public inspection of agenda**

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

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

*s. 46A (1), LGOIMA.*

## **9.9 Withdrawal of agenda items**

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

## **9.10 Distribution of the agenda**

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

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**

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



### **9.12 Items of business not on the agenda which cannot be delayed**

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

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

*s. 46A (7), LGOIMA.*

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

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

### **9.13 Discussion of minor matters not on the agenda**

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

*s. 46A (7A), LGOIMA.*

### **9.14 Public excluded business on the agenda**

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

For the avoidance of doubt, Youth Council Advisors are to be excluded from the meeting during discussion on any public excluded matters, unless standing order 17.2 of these standing orders applies.

*s. 46A (9), LGOIMA.*

### **9.15 Qualified privilege relating to agenda and minutes**

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

*s. 52, LGOIMA.*

## Meeting Procedures

### 10. Opening and closing

Community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or pōwhiri as well as a karakia whakamutunga to close a meeting where appropriate.

### 11. Quorum

#### 11.1 Community board meetings

The quorum for a meeting of the community board is:

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

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

#### 11.2 Committees and subcommittee meetings

A community board sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the community board.

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

#### 11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.3. Community boards participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each community board or any party.

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

#### **11.4 Requirement for a quorum**

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

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

#### **11.5 Meeting lapses where no quorum**

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

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

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

#### **11.6 Business from lapsed meetings**

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

### **12. Public access and recording**

#### **12.1 Meetings open to the public**

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

*s.47 & 49(a), LGOIMA.*

#### **12.1(a) Youth Council Advisors attendance at meetings**

Youth Council Advisors have the right to attend specific Council Standing Committee meetings and community board meetings where that Committee or Board has agreed to permit their attendance.

Youth Council advisors are to attend meetings in an advisory capacity and are not elected members of the Council. They have the right to speak at meetings but do not have voting rights.

There may be up to two Youth Council Advisors at any given meeting. The Youth Council advisors may change from meeting to meeting. Youth Council Advisors do not constitute part of the quorum for Council Standing Committee meetings and community board meetings.

Youth Council Advisors must abide by these standing orders during Standing Committee meetings and community board meetings.

Youth Council Advisors are to be excluded from meetings during discussion on any public excluded matters, unless standing order 17.2 of these standing orders applies.

Youth Council Advisors will not be paid for their attendance at Council Standing Committee meetings or community board meetings.

## **12.2 Grounds for removing the public**

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

## **12.3 Local authority may record meetings**

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

## **12.4 Public may record meetings**

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

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

# **13. Attendance**

## **13.1 Members right to attend meetings**

A member of a community board has, unless lawfully excluded, the right to attend any meeting of the community board or committees or subcommittees established by the board.

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

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

A community board member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to

exclude the public any members of the community board who are present may remain unless they are lawfully excluded.

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

### **13.2 Attendance when a committee is performing judicial or quasi-judicial functions**

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

### **13.3 Leave of absence**

A community board may grant a member leave of absence following an application from that member. The community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Chairperson may approve a members' application, and the Community board may approve an application from the Chairperson. The Chairperson will advise all members of the community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

### **13.4 Apologies**

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on community board business where their absence is a result of a commitment made on behalf of the community board.

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

### **13.5 Recording apologies**

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

### **13.6 Absent without leave**

Where a member is absent from four consecutive meetings of their community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

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

### **13.7 Right to attend by audio or audio visual link**

Provided the conditions in standing orders 13.11 and 13.12 are met members of the community board and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

### **13.8 Member's status: quorum**

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

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

### **13.9 Member's status: voting**

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

### **13.10 Chairperson's duties**

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

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

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

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

### **13.11 Conditions for attending by audio or audio visual link**

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 audio visual link**

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

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

### **13.13 Chairperson may terminate link**

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

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

### **13.14 Giving or showing a document**

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

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

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

### **13.15 Link failure**

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

### **13.16 Confidentiality**

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

## **14. Chairperson's role in meetings**

### **14.1 Community board meetings**

The Chairperson must preside at meetings of the community board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as chairperson. If the deputy Chairperson is also absent the community board members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

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

### **14.2 Other meetings**

In the case of committees and subcommittees, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

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

### **14.3 Addressing the Chairperson**

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

### **14.4 Chairperson's rulings**

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

### **14.5 Chairperson standing**

Whenever 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**

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

#### **14.7 Chairperson may prioritise speakers**

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

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

### **15. Public Forums**

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a community board and its committees, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

#### **15.1 Time limits**

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled community board meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

#### **15.2 Restrictions**

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

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

### **15.3 Questions at public forums**

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

### **15.4 No resolutions**

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

## **16. Deputations**

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

### **16.1 Time limits**

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

### **16.2 Restrictions**

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

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

### **16.3 Questions of a deputation**

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

### **16.4 Resolutions**

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

## **17. Petitions**

### **17.1 Form of petitions**

Petitions may be presented to the community board or any of its committees, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

### **17.2 Petition presented by petitioner**

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

### **17.3 Petition presented by member**

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

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

## **18. Exclusion of public**

### **18.1 Motions and resolutions to exclude the public**

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

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

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

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

*s. 48 LGOIMA.*

### **18.2 Specified people may remain**

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

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

*s.48 (6) LGOIMA.*

### **18.3 Public excluded items**

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

*s.46A (8) LGOIMA.*

### **18.4 Non-disclosure of information**

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

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

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

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

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

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

## **19. Voting**

### **19.1 Decisions by majority vote**

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a community board must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

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

### **19.2 Open voting**

An act or question coming before the community board must be done or decided by open voting.

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

### **19.3 Chairperson does not have a casting vote**

The Chairperson or any other person presiding at a meeting has a deliberative vote but, in the case of an equality of votes, **does not** have a casting vote.

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

### **19.4 Method of voting**

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and

notified to the Chairperson who must declare the result.

### **19.5 Calling for a division**

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

### **19.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

### **19.7 Members may abstain**

Any member may abstain from voting.

## **20. Conduct**

### **20.1 Calling to order**

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

### **20.2 Behaviour consistent with Code of Conduct**

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

### **20.3 Retractions and apologies**

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

#### **20.4 Disorderly conduct**

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

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

#### **20.5 Contempt**

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

#### **20.6 Removal from meeting**

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

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

#### **20.7 Financial conflicts of interests**

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

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

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

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

*s. 6 & 7 LAMIA.*

## **20.8 Non-financial conflicts of interests**

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

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

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

## **20.9 Qualified privilege for meeting proceedings**

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

*s. 53, LGOIMA.*

## **20.10 Qualified privilege additional to any other provisions**

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

*s. 53, LGOIMA.*

## **20.11 Electronic devices at meetings**

Electronic devices and phones can only be used to advance the business of a meeting.

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

# **21. General rules of debate**

## **21.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.



## **21.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

## **21.3 Questions to staff**

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

## **21.4 Questions of clarification**

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

## **21.5 Members may speak only once**

A member may not speak more than once to a motion at a meeting of the community board, 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**

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

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

## **21.7 Second may reserve speech**

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

### **21.8 Speaking only to relevant matters**

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

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

### **21.9 Restating motions**

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

### **21.10 Criticism of resolutions**

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

### **21.11 Objecting to words**

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

### **21.12 Right of reply**

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

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

### **21.13 No other member may speak**

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (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**

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

### **21.15 Chairperson's acceptance of closure motions**

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

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

## **22. General procedures for speaking and moving motions**

### **22.1 Options for speaking and moving**

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

**Option B** applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option C for the meeting generally, or for any specified items on the agenda.

### **22.2 Option A**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.3 Option B**

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.4 Option C**

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

### **22.5 Procedure if no resolution reached**

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

## **23. Motions and amendments**

### **23.1 Proposing and seconding motions**

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

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

### **23.2 Motions in writing**

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

### **23.3 Motions expressed in parts**

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

### **23.4 Substituted motion**

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

### **23.5 Amendments to be relevant and not direct negatives**

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment that, if carried, would have the same effect as defeating the motion, is a direct negative and is not allowed.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

### **23.6 Chairperson may recommend amendment**

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the community board can include in the motion an amendment to the committee or sub-committee's recommendation.

### **23.7 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

### **23.8 Lost amendments**

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

### **23.9 Carried amendments**

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

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

In a situation 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 direction.

### **23.11 Withdrawal of motions and amendments**

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

### **23.12 No speakers after reply or motion has been put**

A member may not speak to any motion once:

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

## **24. Revocation or alteration of resolutions**

### **24.1 Member may move revocation of a decision**

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the community board. The notice must set out:

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

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 provide 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**

If a resolution is made under delegated authority by a committee or subcommittee, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent a community board that made the delegation from removing or amending the delegation given to a committee or subcommittee.

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

## **24.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the community board, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

## **24.4 Restrictions on actions under the affected resolution**

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

Exceptions apply where, in the opinion of the Chairperson:

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

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

## **24.5 Revocation or alteration by resolution at same meeting**

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

## **24.6 Revocation or alteration by recommendation in report**

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

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

## **25. Procedural motions**

### **25.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

### **25.2 Procedural motions to close or adjourn a debate**

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

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

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

### **25.3 Voting on procedural motions**

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

### **25.4 Debate on adjourned items**

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

### **25.5 Remaining business at adjourned meetings**

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



## **25.6 Business referred to the community board**

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

## **25.7 Other types of procedural motions**

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

## **26. Points of order**

### **26.1 Members may raise points of order**

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

### **26.2 Subjects for points of order**

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

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

### **26.3 Contradictions**

Expressing 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**

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**

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.

## **27. Notices of motion**

### **27.1 Notice of intended motion to be in writing**

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

### **27.2 Refusal of notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

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

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

### **27.3 Mover of notice of motion**

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

#### **27.4 Alteration of notice of motion**

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

#### **27.5 When notices of motion lapse**

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

#### **27.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the community board must be referred to that committee by the chief executive.

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

#### **27.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

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

### **28. Minutes**

#### **28.1 Minutes to be evidence of proceedings**

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting, the minutes will be authenticated and stored electronically. They, will be prima facie evidence of the proceedings they relate to.

*cl. 28 Schedule 7, LGA 2002.*

## **28.2 Matters recorded in minutes**

The chief executive must keep the minutes of meetings. The minutes must record:

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

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

## **28.3 No discussion on minutes**

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

## **28.4 Minutes of last meeting before election**

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

## **29. Keeping a record**

### **29.1 Maintaining accurate records**

A local authority 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.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

*s. 17 Public Records Act 2005.*

### **29.2 Method for maintaining records**

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

*s. 229(1) of the Contract and Commercial Law Act 2017.*

### **29.3 Inspection**

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

*s. 51 LGOIMA.*

### **29.4 Inspection of public excluded matters**

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

## Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

## Appendix 1: Grounds to exclude the public

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

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

- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

*See s.7 LGOIMA 1987.*

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

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
  - (a) Be contrary to the provisions of a specified enactment; or
  - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
  - (a) Any proceedings before 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.

*See s. 48 LGOIMA.*



## Appendix 2: Sample resolution to exclude the public

**THAT** the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s) .....*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1 <i>Report Title</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

4	<i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>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/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</p> <p>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

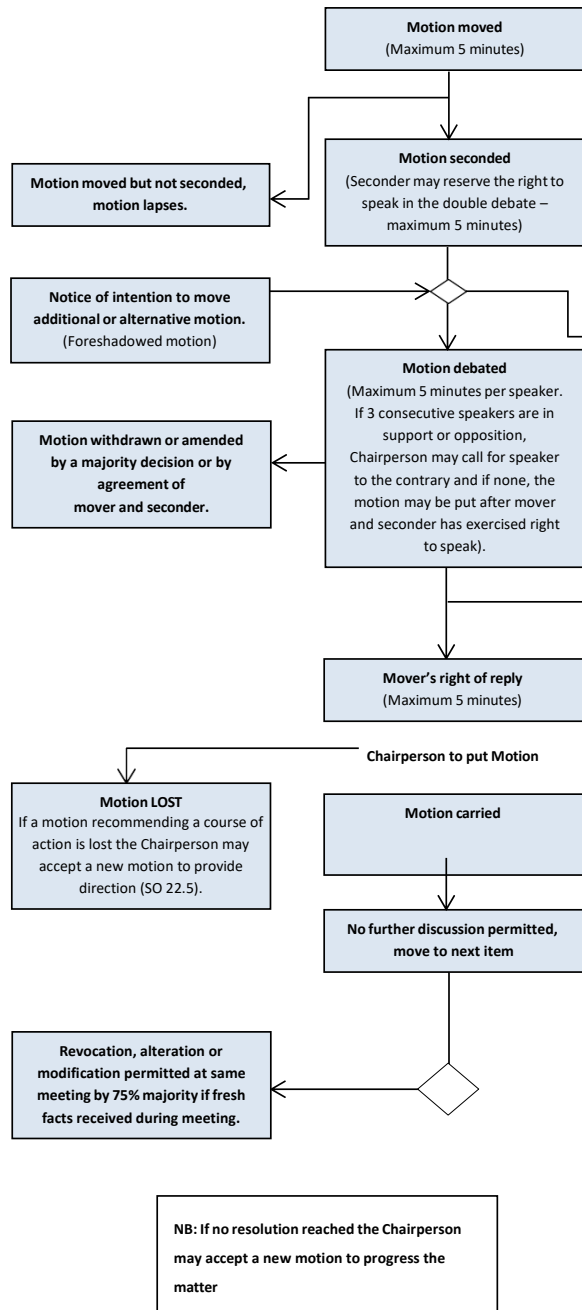
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	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 (Schedule 7(2)(ba))
	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 - (i) would 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) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

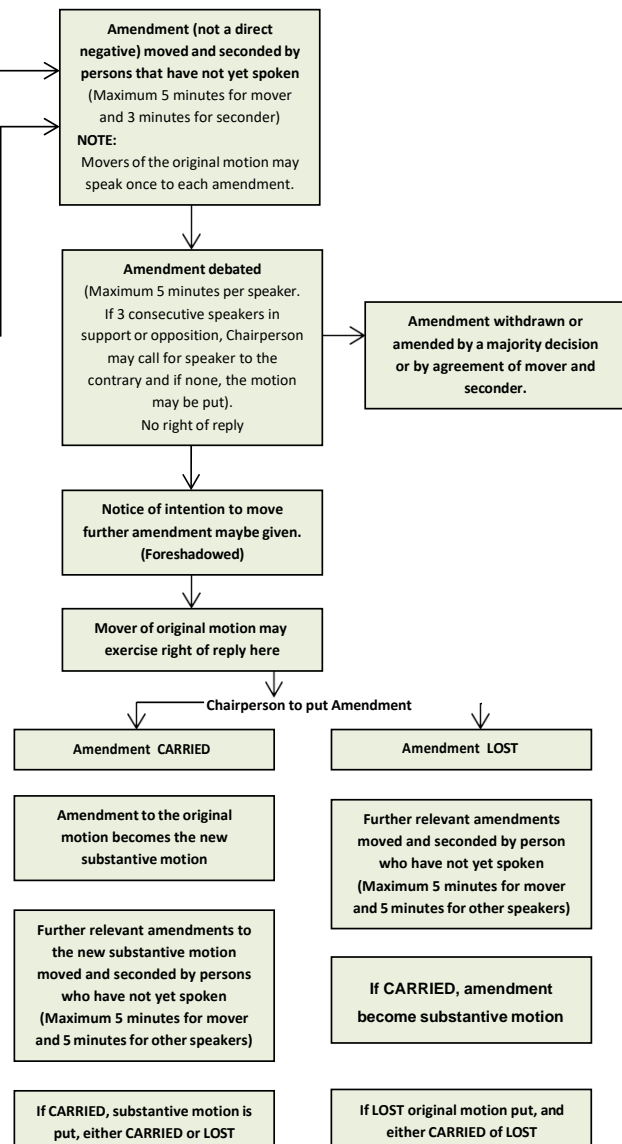
**THAT** XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

## Appendix 3: Motions and amendments (Option A)

### Motions without amendments

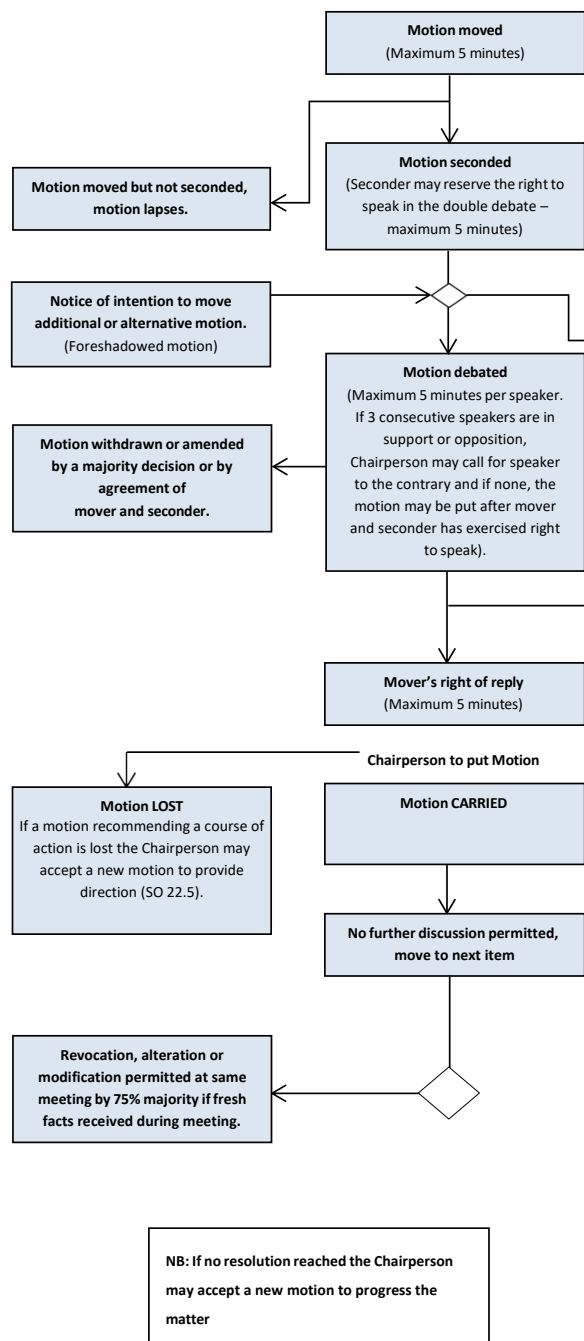


### Motions with amendments

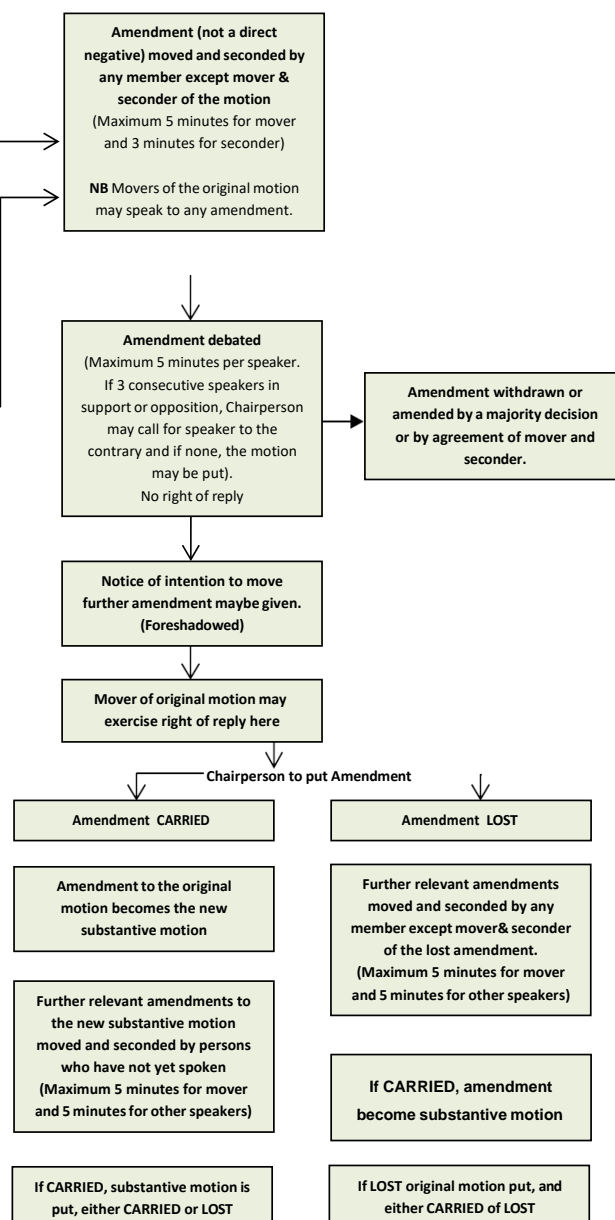


## Appendix 4: Motions and amendments (Option B)

### Motions without amendments

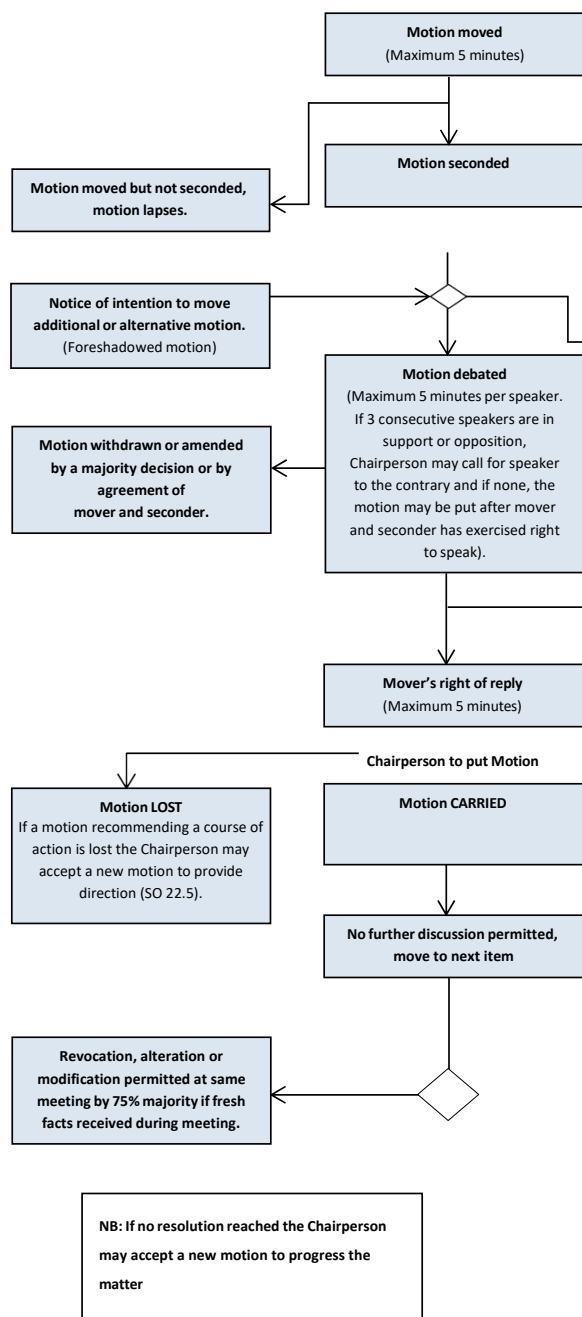


### Motions with amendments

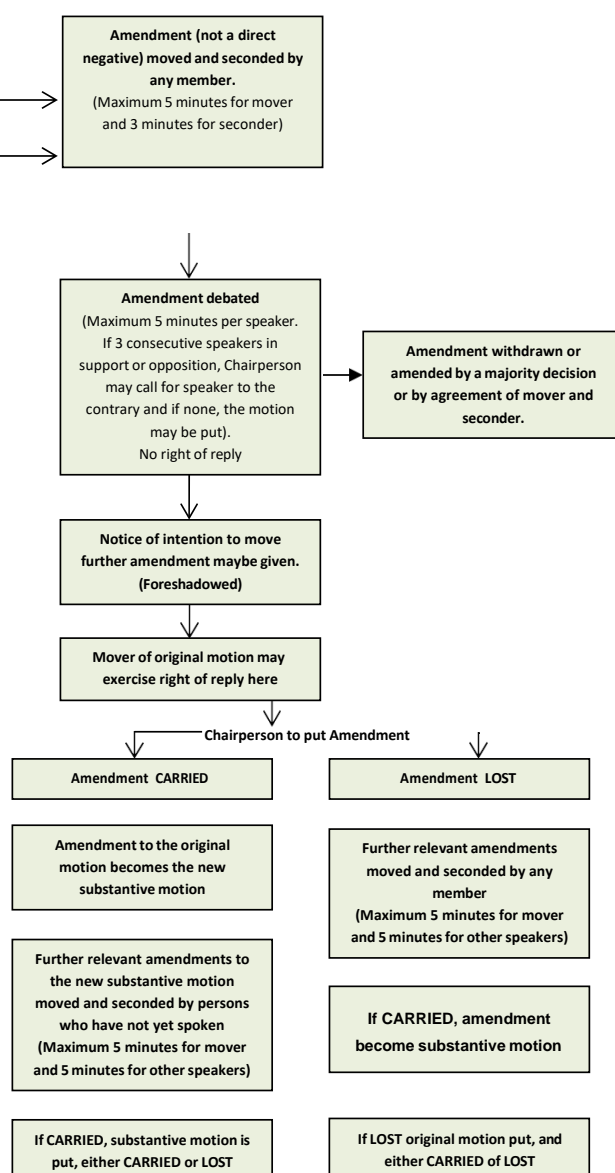


## Appendix 5: Motions and amendments (Option C)

### Motions without amendments



### Motions with amendments



**Appendix 6: Table of procedural motions**

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 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.  Members who have spoken in the debate may not speak again
(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: Webcasting protocols**

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

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. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

## **Appendix 8: Powers of a Chairperson**

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

### **Chairperson to decide all questions**

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 to decide points of order**

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.

### **Items not on the agenda**

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**

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**

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's voting**

The Chairperson at any meeting has a deliberative vote but, in the case of equality of votes, **does not** have a casting vote where standing orders make such provision.

### **Motion in writing**

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

### **Motion in parts**

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

### **Notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice;  
or
- (b) Is not 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.

### **Action on previous resolutions**

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.

### **Repeat notice of motion**

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.

### **Revocation or alteration of previous resolution**

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 may call a meeting**

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 meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

### **Irrelevant matter and needless repetition**

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**

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.

### **Explanations**

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.

### **Chairperson rising**

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

### **Members may leave places**

The Chairperson may permit members to leave their place while speaking.

### **Priority of speakers**

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

### **Minutes**

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

#### **Questions of speakers**

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.

#### **Withdrawal of offensive or malicious expressions**

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.

#### **Chairperson's rulings**

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.

#### **Disorderly behaviour**

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**

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.

**Audio or audio visual attendance**

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;
- (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.

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

## **Appendix 9: Process for removing a Chairperson or deputy Chairperson from office**

1. At a meeting that is in accordance with this clause, a community board may remove its Chairperson, or deputy Chairperson from office.
2. If a Chairperson or deputy Chairperson is removed from office at that meeting, the community board may elect a new Chairperson or deputy Chairperson at that meeting.
3. A meeting to remove a Chairperson, or deputy Chairperson may be called by:
  - (a) A resolution of the community board; or
  - (b) A requisition in writing signed by the majority of the total membership of community board (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 or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting if a majority of the total membership of the community board (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 or deputy Chairperson carries if a majority of the total membership of the community board (excluding vacancies) votes in favour of the resolution.

*See cl. 18 Schedule 7, LGA 2002.*

## **Appendix 10: Workshops**

### **Definition of workshop**

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### **Application of standing orders to workshops**

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### **Calling a workshop**

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees ;
- (b) The Mayor;
- (c) A committee Chairperson; or
- (d) The chief executive.

### **Process for calling workshops**

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

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

### **Record of workshop**

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.



## **Appendix 11: Sample order of business**

### **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) Chairperson and elected members' reports (information)

### **Public excluded section**

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

## **Appendix 12: Process for raising matters for a decision**

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

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee;
- Report of a community and/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 chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

### Document Version Control

Version	Date	Content
1.00	15 November 2022	Standing Orders adopted -



# GUIDE TO LGNZ STANDING ORDERS TEMPLATE

// SEPTEMBER 2022



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## Introduction

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

Your kaunihera (council) standing orders (SO) aims to achieve just this. They are a critical element of good governance and great local democracy, as well-run meetings and hui should increase community understanding of kaunihera decision-making processes and trust in our local political institutions.

Standing orders also have an important role to play in assisting kaunihera to meet their obligations and responsibilities under Te Tiriti o Waitangi, whether those responsibilities are set in legislation or reflect respectful practice.

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 (LGA) 2002.

The LGNZ standing orders template<sup>1</sup> draws heavily on those published by Te Mana Tautikanga o Aotearoa Standards New Zealand in 2001 and the Department of Internal Affairs' Guidance for Local Authority Meetings published in 1993. The template is updated every three years to ensure it reflects new legislation and incorporates evolving standards of good practice.

It contains a range of options to enable a kaunihera to adapt the template to meet their own styles and preferences. It is essential that kaunihera consider these options before adopting the standing orders.

We recommend that kaunihera delay adopting new standing orders until after the new governing body, local and community boards have had a period operating under the incumbent ones. That way, the discussion about options will be informed by experience, especially from new members who may not be familiar with how standing orders work.

We also recommend that kaimahi should encourage members to set time aside, at least once a year, to review how they are working and whether their decision-making structures are effective. For suggestions on building inclusive cultures and self-assessment see LGNZ's Guide to the Code of Conduct.

The team at LGNZ are continually looking at ways to make the standing orders more accessible to members and flexible enough to enable adjustment to local circumstances. We are always keen to hear your feedback

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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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## Local government obligations under Te Tiriti o Waitangi

Local governments are part of the governing framework of Aotearoa New Zealand with obligations that flow from the Crown's duties under Te Tiriti o Waitangi. In addition, as mechanisms through which communities make decisions about what matters to them, kaunihera can only be successful by building and operating through a wide network of community relationships. Chief amongst these are those iwi and hapū, who hold traditional and indigenous authority in their hapori (community).

Local government's empowering statute, the Local Government Act (LGA) 2002, along with other acts of parliament, sets out the expectations and requirements of local governments, that relate directly to the Crown's obligations to Māori.

Standing orders provide a mechanism for achieving the following:

1. Acknowledging the mandate of mana whenua as the traditional governors of Aotearoa New Zealand and the area of your kaunihera.
2. Enabling the participation of Māori as citizens in kaunihera decision-making processes.

## Acknowledging the mandate of mana whenua as the traditional governors

Iwi and hapū have a mandate based on their role as the indigenous governors of the land. This is quite different from the 'stakeholder' status given to many local organisations kaunihera works with. It is a status that would exist even if it wasn't enshrined in Te Tiriti o Waitangi.

It is incumbent on local authorities to work with relevant iwi and hapū to determine how best to recognise their status. A common approach involves developing a joint memorandum or charter of understanding which can provide clarity around expectations, including how current and future engagement should occur.

The scope of an agreement could include:

- Processes for ensuring relevant mana whenua concerns can be incorporated in governing body and committee hui agendas.
- Mechanisms for ensuring that papers and advice going to meetings incorporates 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 kaunihera processes, such as:
  - the inaugural hui, having a local kaumatua or mana whenua representative chair the hui and swearing in of members, or
  - enabling kaumatua or other mana whenua representatives to sit at the governing body table as advisors.

Other initiatives that can be included in standing orders and recognise the mandate of mana whenua, are:

- 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,

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- providing presentations at governing body meetings highlighting the history of the local area; and
- inviting mana whenua organisations to appoint representatives on kaunihera committees and working parties.

### Enabling the participation of Māori as citizens

Standing orders are a mechanism for enabling members to work collectively to advance the public interests of their hapori: they are a tool for promoting active citizenship. Enabling the participation of Māori citizens is one of the duties that the Crown has placed on local governments to give effect to Te Tiriti o Waitangi obligations, as set out in Article 3.

In the words of the Waitangi Tribunal:

*In article 3, the Crown promised to Māori the benefits of royal protection and full citizenship. This text emphasises equality.<sup>2</sup>*

To recognise and respect these responsibilities and to maintain and improve opportunities for Māori to contribute, parts 2 and 6 of the LGA provide principles and requirements for local authorities that aim to achieve these objectives (LGA 2002, section 4, Treaty of Waitangi).

The emphasis in this section is on facilitating the participation of Māori in decision-making processes. Local government decisions are made in meetings which are governed by standing orders. Kaunihera must consider how their standing orders facilitate such participation and proactively take steps to make it easy and encourage Māori citizens to become involved in decision-making processes.

The legislation itself 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 2002 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.

In relation to the LGA 2002 'capacity' is *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 kaunihera 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.

---

<sup>2</sup> The Waitangi Tribunal considers both the English Treaty of Waitangi and the Māori Te Tiriti o Waitangi in coming to an interpretation.

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Kaunihera also need to look at the degree to which their facilities are culturally welcoming and incorporate Māori tikanga values and customs. This is about incorporating practices, protocols and values from mātauranga Māori or Māori knowledge.

Examples to achieve this 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 kaunihera processes and cultural responses through a Te Tiriti o Waitangi lens, and
- offering members the option of making the declaration in te reo Māori.

#### Members 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 Wairoa hei kaikaunihera o te Kaunihera-a-rohe o Te Wairoa, 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.

He mea whakaū tēnei i Te Wairoa i tēnei rā rua tekau mā rua o Whiringa-ā-nuku i te tau rua mano tekau mā toru.

Waitohu: \_\_\_\_\_

Waitohu mai ki mua i a: \_\_\_\_\_

I, [.....], 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 or district], the powers, authorities, and duties vested in or imposed upon me as a member of the [name of local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

## Before adopting the standing orders template:

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 (LGA) 2002.

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, any governing body or local

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or community board intending to adopt the LGNZ template, must decide from the following options and ensure the standing orders template is updated to reflect these decisions.

#### **1. 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. However, members attending by audio or audio-visual means are not counted as part of a quorum of a meeting.

Should a governing body, local or community board decide they do not wish to allow members to do this, then this section of the standing orders 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).

#### **2. 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 kaunihera 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 statutory plans (see Part 3: Meeting Procedures for more information).

#### **Speaking and moving options**

The LGNZ template offers kaunihera 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 a motion or 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 any other member, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C (SO 22.4) is the least formal. It gives members more flexibility by removing the limitations on movers and seconders speaking which exist in the other two options.

The kaunihera might also consider which of the three should apply to committees. Given that committees are designed to encourage more informal debate, and promote dialogue with communities, the informal option, Option C is recommended.

#### **4. Time needed for kaimahi (staff) to prepare advice**

Standing orders provide for members of the community to engage with kaunihera, their various committees and local or community boards. It is common for officials (kaimahi) to be asked to prepare advice on the items to be discussed.

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Two examples are SO.16 Deputations and SO.17 Petitions. In both cases the default standing orders give officials five days in which to prepare the advice; whether this is practical will depend upon the size of a kaunihera and the way it works.

Before adopting the LGNZ template, the kaunihera should ensure that the five-day default is appropriate and practicable.

## Adopting and reviewing your standing orders

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

These matters should be discussed in detail at the initial members' induction hui or at a specially designed workshop held a few months after the elections, allowing time for new members to fully understand how local government works and 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 they bring. This applies to standing orders, your code of conduct, and your governance structures, such as whether to have committees or not and what powers those committees will have to make decisions.

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 is good practice for members to reassess their governance arrangements, including standing orders, in the middle of the second year of their term to ensure they remain inclusive and effective against the shifts in community make-up, values and expectations.

### Proposed resolution for adopting 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 kaunihera adopt the standing orders with the following amendments:*

- 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 X be adopted as the default option for speaking and moving motions.*

LGNZ recommends that local and community boards, and joint committees, undertake the same considerations before adopting their standing orders.

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## Part 1 – General matters

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 kaimahi 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: Appointments and elections - can you appoint co-chairs?

The provisions of Schedule 7 Local authorities, local boards, community boards and their members, LGA 2002, do not support this option, referring explicitly to individual members.

It would be a challenge for co-chairs to fulfil those standing order provisions that require a chair to make specific rulings, such as a ruling on member conduct or a ruling on whether to accept a Notice of Motion. What is the provision, where co-chairs are sharing chairperson duties, by which the co-chairs make a joint decision? What if they cannot agree on a ruling?

If the objective is to give committee or board members experience of being a chair, then an agreement by which a chair stands down to enable a deputy to chair the hui on an occasional or semi-formal way, might be more practicable (see below).

#### 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 kaunihera 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.

Appendix four sets out a recommended process for making 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 not 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.



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

While non-elected members such as community experts, academics, or business representatives, etc., may be appointed to committees and sub-committees, council kaimahi (staff), can only be appointed to a sub-committee. When appointing a sub-committee, a kaunihera 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 kaimahi 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 kaunihera, or a group of kaunihera 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 kaunihera would need to so resolve. In the case of joint committees, the appointment of new members and discharge of existing members sits with the Kaunihera 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: 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 kaunihera 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 kaunihera.

Enacted in 2019, the Local Government Regulatory Matters Act has provided for a new type of meeting referred to as 'emergency' meetings. The key differences between extraordinary and emergency meetings are outlined below.

Table 1 Extraordinary and emergency meeting compared

	Extraordinary meeting	Emergency meeting
Called by:	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> </ul>	The mayor or chair; or if they are unavailable, the chief executive

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	<ul style="list-style-type: none"> <li>not less than one-third of the total membership of the local authority (including vacancies).</li> </ul>	
Process:	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.
Period:	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.
Notification of resolutions	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 as applies to extraordinary meetings.

#### 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 kaunihera 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:

- seek to identify all reasonably practicable options for the achievement of the objective of a decision,
- assess the options in terms of their advantages and disadvantages,
- 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
- 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 kaunihera'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)

<sup>3</sup> The exceptions apply to decisions made during public excluded session or if the meeting was advertised at least 5 working days before the day on which it was held.





### 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 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 kaimahi report on the matter, or
- require members submit a draft NOM to kaimahi 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 kaunihera to delegate the authority to grant a leave of absence to a mayor or regional kaunihera chair. When deciding whether to grant a leave of absence, a consideration should be given to the impact of this on the capacity of the kaunihera to conduct its business.

Requests should be made in advance of a meeting and would generally apply to several meetings that the member knows they will be unable to attend.

Kaunihera 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, for example, a policy may provide for remuneration to continue to be paid for the first three months of a leave of absence.

### 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.

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### SO 13.6: Absent without leave

If a member is absent from four consecutive meetings without their leave or apologies 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 had failed to appear without a leave of absence.

## Part 2 - Pre-meeting arrangements

The pre-meeting section of the Standing Orders covers the various processes that need to be undertaken for a meeting to begin, including the preparation of an agenda. This section of the Guide includes:

- Setting and advertising meeting
- 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 kaunihera induction workshop to seek agreement from members on the times that will best suit them, their kaunihera, and their hapori.

### SO 8. Giving notice

Section 46(1) and (2) of the Local Government Official Information and Meetings Act 1986 (LGOIMA) prescribes timeframes for publicly advertising meetings. This is so the community has sufficient notice of when meetings will 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, kaunihera 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 21<sup>st</sup>.

### 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:

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- (i) One daily newspaper circulating in the region or district of the local authority; or
- (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 8.10: 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 re-located 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 kaunihera website and social media pages.

### SO 9.8: Managing confidential information

Occasionally kaunihera must address the issue of how confidential agenda items should be handled where there is a possibility, that the information in the agenda could benefit a member or individual, should it become public. Some kaunihera address this risk by tabling confidential papers at the meeting on the day and ensuring those papers are returned before members leave.

### 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 kaunihera, and is heavily influenced by its size. Some principles of good practice include:

- Start the process with a hui of the kaunihera committee chairs to identify upcoming issues and determine which committee will address them first.

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- 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.
- 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 kaimahi 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 kaunihera 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 (NOM). 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.

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.

### **Making agendas available**

Underpinning open and transparent government is the opportunity for members of your community to know in advance what matters will be debated in which meeting. Making kaunihera and committee agendas publicly available, whether in hard copy or digitally, is critical.

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 need to consider the abilities of young, old and visually or hearing impaired. 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 kaunihera and their communities.

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#### SO 9.14 Public excluded business - returning to an open session

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

14. Meeting resolution, 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.
15. End of the public excluded item, whereby public excluded status is 'tagged' to only those items that meet the criteria in the sample resolution set out in Appendix Two of the 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.

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## Part 3 Meeting procedures

Procedures for making decisions are the heart of kaunihera standing orders. This section of the Guide 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 10: Opening and closing your meeting

There is no obligation on a local authority to start their meeting with any reflection or ceremony, however, it is an increasingly popular approach.

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
He tio, he huka, he hau hū	sharpened air.
Tihei mauri ora.	A touch of frost, a promise of a glorious day.

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

Whether or not members must be 'at the table' to constitute a quorum is a question that usually arises in response to a member standing aside due to a conflict of interest.

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

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Standing order 10.4 states “a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote”. ‘Present’ is to be in the room, not necessarily around the table. If a member is excluded from the room due to a financial conflict of interest they are no longer considered ‘present’ for the purposes of the quorum.

### 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’ (the definition of lawfully excluded is in the Standing Orders). If attending, elected members have the same rights as the public. They may be granted additional speaking rights if permitted by the chair.

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

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

#### 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 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 submissions, 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.

### SO 14.1: Council 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 kaunihera) must preside over each kaunihera 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 “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, or an interest.

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.

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### 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 kaunihera wishes to allow members to join remotely, then provision must be made 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.

While a member can take part in discussions and vote when joining a hui electronically, they are not part of the quorum. Please note, the requirement to have a physical quorum is suspended while the Epidemic Preparedness Notices are in force.

### SO 13.16: Protecting confidentiality at virtual meetings

Some members have raised concerns about the risk to confidentiality at virtual hui. Concerns relate to the difficulty of ensuring that a member is alone or that confidentiality is not compromised where that member joins by audio means alone.

Kaunihera 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 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 matters the speaker raised. The chair has discretion to extend a speaker's time.

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, kaimahi may be asked to prepare advice on the topic, and members may move and adopt motions in response to a deputation.

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

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



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

Information may only be publicly released by a decision of the meeting or the chief executive. Each kaunihera will have systems and policy for controlling the release of information.

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]."*

### 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 have 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 template supports the right of members to abstain from voting, see standing order 19.7.

### SO 19.5: Calling for a division

Under standing 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 each individual member 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's 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 [www.lgnz.co.nz](http://www.lgnz.co.nz).

At the start of a triennium, kaunihera, 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 and 20.8: 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 with a financial or non-financial conflict of interest, determining whether one exists can be more challenging.

#### Financial conflicts of interest: (SO 20.7)

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, 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 be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG's guide on Conflicts of Interest published in 2004).

#### Non-financial conflicts of interest: (SO 20.8)

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.

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,

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- 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 for 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 kaunihera, 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 kaunihera 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 where this might be required.

### SO 24.2: Revoking a decision

A kaunihera 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 kaunihera can remove the specific delegation from that body and resolve to implement an alternative course of action.

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## 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.

## 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? Kaunihera take different approaches and practice may be affected by the nature of business that a kaunihera 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 kaunihera 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.

Kaunihera 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 interim?

From the moment that the final results are released and the first meeting of the new kaunihera, issues can arise that require an urgent decision. Given that councillors are yet to be sworn in, it is the chief executive who should make these decisions. To enable this a kaunihera, before the elections (preferably at the first or second ordinary council meeting when delegations are approved) should agree a time-limited delegation to the chief executive, giving them a broad discretion to act on behalf of the local authority.

A standard delegation for the chief executive might read, 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."*



## Part 4 Keeping records

### Recording reasons for decisions

Recent legal judgements have highlighted the importance of recording decisions in a manner that clearly and adequately explains what was decided and why.

In the decisions, the Courts acknowledged that giving 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 that 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 Court considered that the extent and depth of the reasoning recorded should consider:

- the function and role of the decision maker,
- the significance of the decision made upon those affected by the decision,
- the rights of appeal available; and
- the context and time available to make a decision.

In short, the level of detail should be sufficient so that any 'reasonably informed' reader of the minutes would have no difficulty identifying and understanding the reasons for the recommendations. A useful guide to the appropriate level of detail would be the Significance and Engagement Policy of a kaunihera.

#### Hard copy or digital

Te Rua Mahara o te Kāwanatanga Archives New Zealand has released guidance on the storage of records by digital means. [You can read it here](#). 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).

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### 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/G135.

### 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 kaunihera 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.

## SO 28. Keeping minutes

### What to record?

The purpose of taking minutes is to meet legal requirements set out in LGOIMA 1987, that is to *"create an audit trail of public decision-making and to provide an impartial record of what has been agreed"*. This also strengthens accountability and helps build confidence in our local democracy.

The level of proceedings recorded will vary according to the preferences however the style adopted should be discussed with, and agreed to, by those groups whose discussions and decisions are being 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

#### Good practice

- Minutes should be a clear audit trail of decision-making.
- Less is best.
- Someone not in attendance will be able to understand what was decided
- Anyone reading the minutes in 20 years' time will understand them.

<sup>5</sup> See [Authority to retain public records in electronic form only – Archives New Zealand](#)

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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.

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

### Regarding non-LGA 2002 hearings

The LGNZ Standing Orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which kaunihera 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 submission.

In cases where a kaunihera 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 kaunihera to continue to hold a common seal as there are some statutes that refer to it. A kaunihera may decide to require or authorise the use of its common seal in certain instances.

For example:

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- 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 kaunihera 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 kaunihera 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 we have seen (sourced from Simpson Grierson) recommends that local authorities have deeds signed by two elected members. While the common seal could be affixed in addition to this, it is not legally required.

If a kaunihera continues to hold a common seal, then it is up to the kaunihera 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: Alternatives to formal meetings

### Workshops

Workshops are frequently a contentious issue in local government because they are often held in public- excluded sessions and lack minutes, undermining principles of transparency and accountability. They are, however, an effective way to have 'blue skies' discussions and to give feedback to officials on policy work before an issue is too far advanced, such as identifying a range of options that would be comfortable to elected members.

Workshops are best described as informal briefing sessions where elected members get the chance to discuss issues outside the formalities of a kaunihera meeting. Informal hui can provide for freer debate than meetings where formal standards of discussion and debate apply. There are no legislative rules for the conduct of workshops and no requirement to allow the public or media access, although it is unlawful to make decisions at a workshop.

It is also unlawful to take a 'de facto' decision, that is agree a course of action and then vote it into effect at a following kaunihera meeting without debate.

To build trust in kaunihera decision-making, kaunihera should, unless dealing with confidential matters, make all workshops open to the public.

Key attributes are:

- Workshops can give guidance to kaimahi (for example to prepare a report covering various options).
- There are no legal requirements relating to a quorum.
- Standing orders do not apply, unless voluntarily complied with.

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 kaunihera 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 kaimahi on next steps (direction setting)."*<sup>6</sup>

They note that workshops provide an opportunity to:

- receive detailed technical information,
- 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,
- enable kaimahi to provide more detailed answers to questions and explore options that might otherwise be considered not politically viable.

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<sup>6</sup> See <https://www.meetinggovernance.co.nz/copy-of-learning-and-development>

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

Some kaunihera 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 governing body agenda and seek additional information that might complicate formal meetings.

Such practices are regarded with concern by both the Ombudsman and the Auditor General as they are seen as inconsistent with transparency and openness. If kaunihera find this a useful approach, then the pre-governing body workshop must 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 kaunihera, have ‘equal carriage’ of the issues to be considered. For example, 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 an 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.

A key feature of these processes are briefings. These are closed-door sessions during which councillors are provided with detailed briefings, oral and written, and provide councillors with the opportunity to discuss the issues between themselves and with senior kaimahi. They often involve robust discussion and the frank airing of controversial or tentative views.

The content and form of these briefings mean that they are not held in the public arena. This gives councillors the opportunity to work through the issues in a way that would not be possible in an open kaunihera meeting. Councillors do not commit to formal decisions at these sessions.

Features of kaunihera briefings:

- They should be used when complex and controversial issues are under consideration.
- They should involve all councillors and relevant senior kaimahi.
- 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.

When briefings are being planned it is important that issues of transparency and accountability are considered. If councillors use a briefing or workshop to determine a policy position, and only go through a brief or perfunctory endorsement at the meeting of kaunihera, they are making a de-facto-decision (without fulfilling the requirements of the LGA 2002, or natural justice).

Such practice can impact adversely on the public’s ability to follow the decision-making process and expose the kaunihera to judicial review, as well as investigation by a parliamentary agency.

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To ensure transparency and accountability, it is important that the administration is made accountable for the formal advice it provides to the kaunihera meeting which subsequently takes place. This advice may or may not be entirely consistent with the discussions which took place at the briefing.

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 issue more effectively. However, consideration should be given to opening kaunihera briefings to the public, unless confidential matters are to be considered. Public trust in institutions like local governments is highly correlated with openness.

### 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 at it. 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.

Public notice of a workshop is not required, and workshops can be either open to the public or public excluded.

### Making a record

A written record of the workshop should be kept and include:

- time, date, location, and duration of workshop,
- people present, and
- general subject matter covered.

**Please note**, when deciding to hold a workshop or briefing the first question that should be considered is whether there is a convincing reason for excluding the public. The default position should be to allow public access.

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## Appendix 2: Preparing for the next triennial election

### Governance handovers

To assist new kaunihera to get up to speed, prior to an election, incumbent members may like to prepare a letter, or report, for their successor (noting that this may also involve many existing members).

This is to provide new members with an insight into what the outgoing kaunihera considered as the major challenges and what they learned during their term in office that they might have done differently.

Whether or not to prepare advice for an incoming kaunihera and what that might be, is ideally a discussion that a mayor or regional kaunihera chair should have with their respective governing body before the last scheduled kaunihera meeting. It may be an ideal topic for a facilitated workshop.

### Reviewing decision-making structures

One of the first matters that new kaunihera must address is to decide their governance and decision-making structures. Frequently, new kaunihera end up adopting the decision-making body of their predecessors without much discussion.

When it comes to your governance arrangements, however, there is a wide menu of options. Kaunihera need to fully consider these to determine which best fits the culture they wish to establish over their term, and which will be best given the characteristics 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. Based on surveys and interviews the incoming kaunihera should be presented with a menu of decision-making options with the strengths and weaknesses of each set out clearly, see [www.lgnz.co.nz](http://www.lgnz.co.nz).

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## **Appendix 3: Mayors' powers to appoint under s.41A**

The role of a mayor is:

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

The mayor has authority to:

- (a) Appoint the deputy mayor.
- (b) Establish council committees, their terms of reference, appoint the chair of each of those committees and the members.
- (c) Appoint themselves as the chair of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

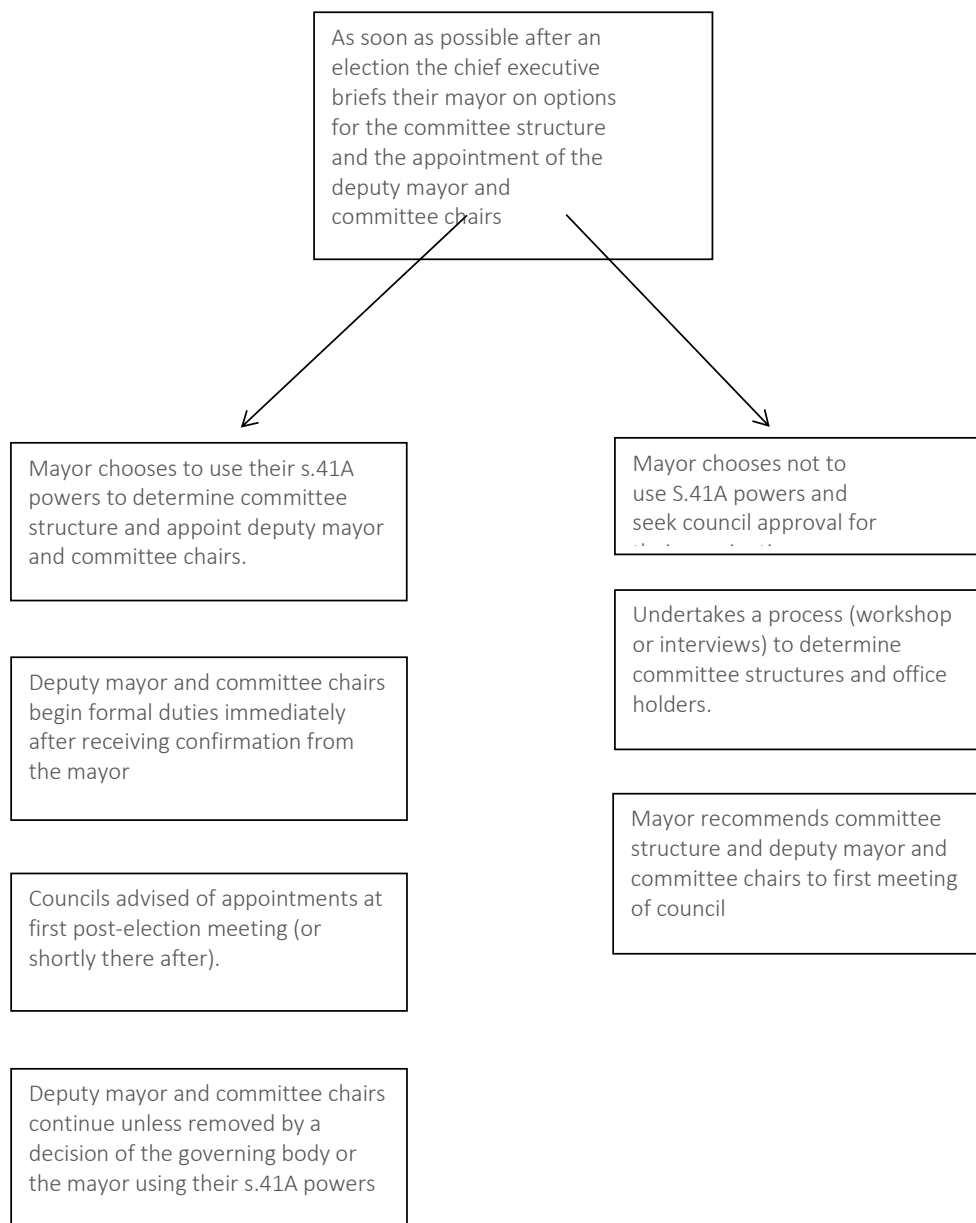
The council retains the ability to:

- (a) Remove a deputy mayor appointed by the mayor.
- (b) Discharge or reconstitute a committee established by the mayor.
- (c) Discharge a committee chair who has been appointed by the mayor.

The mayor is a member of each committee of the council.



## Appendix 4: Process for implementing s. 41A



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## Appendix 5 Changes made to the 2019 SO template

Standing Order	Changes made to the 2019 LGNZ standing orders template (2022)
Definitions	<p>New definitions and amendments:</p> <ul style="list-style-type: none"> <li>• Matariki as a public holiday</li> <li>• Member of the Police</li> <li>• Appointed member</li> <li>• Emergency under “meeting”</li> <li>• debate</li> <li>• conflict of interest,</li> <li>• division,</li> <li>• Item,</li> <li>• leave of the hui,</li> <li>• officer,</li> <li>• open voting, and</li> <li>• pecuniary interest</li> <li>• definition of chair and presiding member tweaked</li> <li>• definition of workshops tweaked with change to standing orders advice</li> <li>• definition of seconder expanded by addition of ‘amendment’.</li> </ul>
3.5	Motion to suspend standing orders – ‘may’ replaced with ‘must identify the specific standing orders to be suspended’.
7.2	Confirmed that District Licensing Committees do not need to be reconstituted.
9.1	Preparation of an agenda – amended to make it clear that a chief executive prepares an agenda on behalf of the chairperson and ‘must’ consult the chair, or person acting as chair, when preparing it.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
12.2	Statutory reference inserted - s. 50 LGOIMA.
12.4	Public may record hui - slight amendments to improve practicality.
13.3	Leave of absence – amended to remove ambiguity.
13.7 & 13.17	To confirm that if a chairperson is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link

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18.5	Release of public excluded information - requirement that the CEO will inform the subsequent hui, has been deleted due to administrative impracticality.
19.1	Decisions by majority vote - tweaked to better align with statutory reference in Schedule 7, LGA 2002.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
23.1	Commas after 'motion' and 'debate'.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.
23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.
23.6 (previous)	'Chairperson may recommend an amendment' - deleted.
23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.
23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
27.7	Repeat notices of motion – the phrase, 'in the opinion of the chairperson', deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that "items tabled at the hui" should be included in the minutes.
Appendix 8	Specific standing order references have to the powers of a chair where relevant.
Appendices shifted to Standing Order Guide	<ul style="list-style-type: none"> <li>• Process for applying S.41A</li> <li>• Workshops</li> </ul>



**8.6 FINANCIAL SUMMARY REPORT - OCTOBER 2025****Information Only - No Decision Required**



<b>Report To:</b>	Motueka Community Board
<b>Meeting Date:</b>	25 November 2025
<b>Report Author:</b>	Scarlett Witowski, Management Accountant
<b>Report Authorisers:</b>	Paul Egan, Management Accounting Manager
<b>Report Number:</b>	RMCB25-11-6

**1. Summary / Te Tuhinga Whakarāpoto**

- 1.1 The financial report for the period ending 31 October 2025 is attached (**Attachment 1**).
- 1.2 The Motueka Community Board's net financial position as at 31 October 2025 is a surplus of \$16,989.
- 1.3 Expenses for the Board during September and October 2025 were end of triennium meeting expenses of \$137 and elected members training of \$1,920.
- 1.4 The net position of the Motueka Community Board's overall funds as at 31 October 2025 is a surplus balance of \$191,662.
- 1.5 In October 2025, all member remuneration was shown under the Members Remuneration line in the attached financial summary.

**2. Recommendation/s / Ngā Tūtohunga****That the Motueka Community Board**

- 1. receives the Financial Summary Report - October 2025 RMCB25-11-6.**

**3. Attachments / Tuhinga tāpiri**1.   Financial Summary

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**TASMAN DISTRICT COUNCIL**  
**Motueka Community Board**

**October 2025**

Profit and Loss	October Monthly Actuals	October Monthly Budgets	Monthly Budget %	October YTD Actuals	October YTD Budgets	Annual Budget %	2025/26 Full Year Budget
<b>REVENUE</b>							
CCB Rate	6,677	6,693	100%	26,763	26,772	33%	80,321
Motueka Market	0	422	0%	4,254	2,317	29%	14,520
Closed Account Interest	480	677	71%	1,921	2,708	24%	8,123
<b>Total Revenue</b>	<b>7,157</b>	<b>7,792</b>		<b>32,939</b>	<b>31,797</b>		<b>102,964</b>
<b>EXPENSE</b>							
<b>Remuneration</b>							
Chairperson Monthly Remuneration	0	1,350	0%	4,207	5,400	25%	16,828
Members	2,805	2,827	99%	6,909	11,115	23%	30,172
Community Board Members Reimbursements	0	490	0%	73	1,960	1%	5,885
<b>Miscellaneous</b>							
Community Board Discretionary Fund	0	1,551	0%	1,400	3,043	24%	5,816
Youth Development Fund	0	0	0%	0	0	0%	1,000
Community Board Special Projects	0	0	0%	990	51,857	1%	82,946
Community Board Expenses	137	778	18%	450	1,149	17%	2,629
Community Board Member Training	1,920	0	0%	1,920	0	29%	6,689
<b>Total Expenses</b>	<b>4,862</b>	<b>6,996</b>		<b>15,950</b>	<b>74,524</b>		<b>151,965</b>
<b>Net Charges</b>	<b>2,295</b>	<b>796</b>		<b>16,989</b>	<b>(42,727)</b>		<b>(49,001)</b>

**Year to date**

**Equity**

Opening surplus/(deficit) balance 1 July 2025	174,672
Net income surplus/(deficit) October 2025	16,989
<b>Closing surplus/(deficit) balance 31 October 2025</b>	<b>191,662</b>

**Notes to the accounts**

**A) Discretionary fund**

Balance brought forward from 2024/25	12,937
Plus budget allocation	5,816
Available funds	18,753
Less expenditure	1,400
<b>Remaining balance</b>	<b>17,353</b>

**Discretionary fund expenditure**

Motueka Events Charitable Trust paid September 2025	700
Big Brothers Big Sisters paid September 2025	700
<b>Total expenditure to 31 October 2025</b>	<b>1,400</b>

**B) Youth development fund**

Balance brought forward from 24/25	5,825
Plus budget allocation	1,000
Available funds	6,825
Less expenditure	-
<b>Remaining balance</b>	<b>6,825</b>

**Youth development fund expenditure**

<b>Total expenditure to 31 October 2025</b>	<b>-</b>
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**C) Special projects**

Balance brought forward from 24/25	88,597
Plus budget allocation 2025/26	33,946
Available funds	122,543
Less expenditure	990
<b>Remaining balance</b>	<b>121,553</b>

**Special projects expenditure**

Saltwater Baths	990
<b>Total expenditure to 31 October 2025</b>	<b>990</b>