

AGENDA

Meeting of the **Buller District Council**

**Commencing at 3:00pm
Wednesday 26 October 2022**

To be held at the
Clocktower Chambers
Palmerston Street
Westport

Council

Chairperson: Mayor

Membership: The Mayor and all Councillors

Meeting Frequency: Monthly – or as required

Quorum: A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement 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 or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.
-

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.

Common Delegations

The following delegations from Council are common to the Finance Audit and Risk Committee, Strategic Infrastructure Committee, and Community, Environment and Services Committee, within their respective areas of responsibility.

General Principal

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

Strategy, plans and policy

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

Bylaws

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation
2. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

Submissions and legislation

1. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Assets Management Plans/Strategic Infrastructure Plan.

Contracts

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a) Do not require the approval of the whole of Council.
 - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

Buller District Council

Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel



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BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 1

Prepared by Sharon Mason
Chief Executive Officer

APOLOGIES

1. REPORT SUMMARY

That Buller District Council receive any apologies or requests for leave of absence from elected members.

2. DRAFT RECOMMENDATION

That there are no apologies to be received and no requests for leave of absence.

OR

That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 2

Prepared by Sharon Mason
Chief Executive Officer

MEMBERS INTEREST

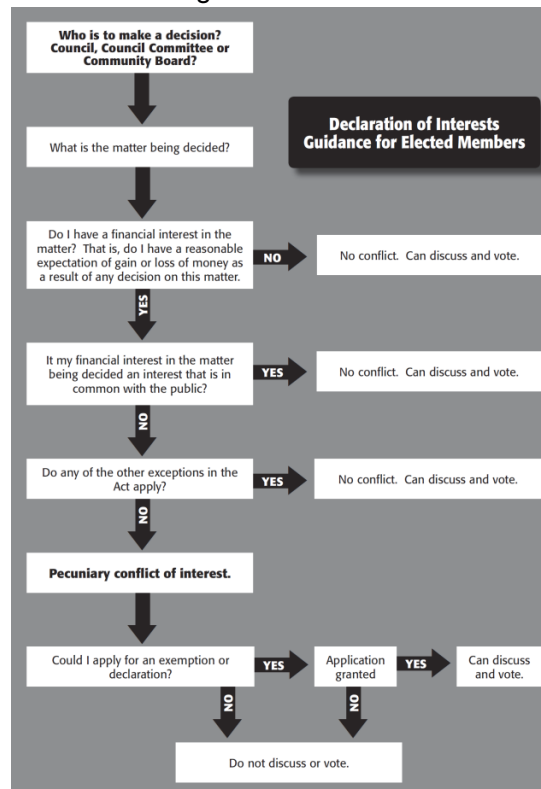
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

DRAFT RECOMMENDATION:

That Members disclose any financial or non-financial interest in any of the agenda items.



BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 3

Prepared by Sharon Mason
Chief Executive Officer

CONFIRMATION OF MINUTES

Draft Recommendation that Council receive and confirm minutes from the meetings of 19 October 2022, 5 October 2022 and 28 September 2022.



SPECIAL MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 10.00AM ON WEDNESDAY 19 OCTOBER 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

PRESENT: Mayor J Cleine, DM A Basher, Councillors P Grafton, J Howard, Cr G Neylon, Cr T O'Keefe, Cr A Pfahlert, Cr C Reidy, Cr R Sampson (arrived 2pm), Cr L Webb, Cr G Weston

ICB: R Abbey, A Bollinger, A Neil, D Giddens (arrived 2pm)

APOLOGIES: N Tauwhare (Iwi Representative)

IN ATTENDANCE: S Mason (CEO), R Townrow (Deputy CEO), G Barrell (Governance Secretary)

MEDIA: Ellen Curnow

MEETING DECLARED OPEN AT 10:02am by CEO S Mason

CEO S Mason welcomed new members and members of the public to the Swearing In Ceremony.

Apologies were received from N Tauwhare and it was noted that Cr R Sampson will arrive late to the meeting due to attending the opening of the new Karamea Area School.

Ms Mason passed on a welcome to all members from Ngati Waewae Representative, Francois Tumahai.

1. DECLARATION BY MAYOR (Page 3)

Jamie Cleine was sworn in as Mayor and received the Mayoral Chains.

Mayor J Cleine took over as Chair for the remainder of the meeting.

2. DECLARATION BY COUNCILLORS AND INANGAHUA COMMUNITY BOARD (Page 4)

The following Council members were sworn in:

DM A Basher, Cr P Grafton, Cr J Howard, Cr G Neylon, Cr T O'Keefe, Cr A Pfahlert, Cr C Reidy, Cr L Webb, Cr G Weston.

The following ICB were sworn in:

Robyn Abbey, Alun Bollinger, Ashleigh Neil.

3. MEMBERS INTEREST (Page 5)

Discussion:

Nil

RESOLVED that members disclose any financial or non-financial interest in any of the agenda items.

Mayor J Cleine/Cr J Howard
11/11
CARRIED UNANIMOUSLY

4. ELECTION OF DEPUTY MAYOR (Page 6)

Discussion:

Nil

RESOLVED:

1. that Council receives the report for information and notes:
2. that Mayor Jamie Cleine has exercised the power that the Mayor has in accordance with 41A(3)(a) Local Government Act 2002 Amendment Act 2012 and appointed Andrew Basher as Deputy Mayor

Mayor J Cleine/Cr G Neylon
11/11
CARRIED UNANIMOUSLY

5. APPOINTMENTS TO INANGAHUA COMMUNITY BOARD (Page 9)

Discussion:

Nil

RESOLVED that Council appoint the following to the Inangahua Community Board:

- Linda Webb
- Graeme Neylon

Mayor J Cleine/DM A Basher
11/11
CARRIED UNANIMOUSLY

The meeting was adjourned at 10.21am.

The meeting reconvened at 2pm whereby Cr R Sampson and Dean Giddens arrived and were sworn in.

- There being no further business, the meeting concluded at **2.10pm**.
- **Next meeting:** 3:00pm, Wednesday 26 October 2022, Clocktower Chambers, Palmerston Street, Westport.

Confirmed: **Date:**



EXTRAORDINARY MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 2.00PM ON WEDNESDAY 5 OCTOBER 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

PRESENT: Mayor J Cleine, Deputy Mayor S Roche, Councillors J Bougen, D Hawes, J Howard, M Montgomery, R Nahr, P Rutherford, R Sampson, G Weston,

APOLOGIES: N Tauwhare (Iwi Representative)

IN ATTENDANCE: S Mason (CEO), G Barrell (Governance Secretary)

MEDIA: Ellen Curnow

MEETING DECLARED OPEN AT 2.01pm

1. APOLOGIES (Page 8)

Discussion:

N Tauwhare

RESOLVED:

That Buller District Council receives apologies from N Tauwhare.

DM S Roche/Cr M Montgomery
10/10
CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (Page 9)

Discussion:

Nil

RESOLVED that members disclose any financial or non-financial interest in any of the agenda items.

Mayor J Cleine/Cr R Nahr
10/10
CARRIED UNANIMOUSLY

3. **LETTER OF RESIGNATION - S MASON (Page 9)**

Discussion:

Mayor J Cleine and DM S Roche received S Mason's letter of resignation and agreed to bring this paper to Council.

Cr P Rutherford requested to know who they would be seeking Expressions of Interest from for the recruiting of a new Chief Executive.

Naming of the contacted parties was declined as maintaining commercial sensitivity was key.

Mr Rutherford asked how we would know these are the best people suited for the job of recruiting?

S Mason explained the people in question are a group of recruiters familiar, and successful in recruiting CEs for Councils.

Mayor J Cleine noted he and DM S Roche had sought independent advice outside of council and the names and agencies were recommended to them.

Cr D Hawes stated there are never any guarantees of quality in this process through agencies etc.

Mayor J Cleine noted it will be a busy time with upcoming elections. Using this process could allow staff to bring a report to the new Council as early as possible.

They will have the option to choose one of these proposals or to work with their own recruiting process.

RESOLVED that Council:

1. Accepts the resignation of Mrs Sharon Mason from her role as Chief Executive Officer of Buller District Council, effective from 2 December 2022.
2. Notes that although the CEO employment contract requires three months' notice and that Mrs Masons' notice period would technically end at 28 December 2022, Council is happy to accept that her resignation becomes effective from 2 December 2022.
3. Notes that timing of the current Council elections means that any decision regarding the appointment of an Acting Chief Executive Officer or regarding the commencing of a recruitment process for the permanent appointment for a new Chief Executive Officer would be made by the incoming Council after the election.
4. Agrees that because of the timing of the elections, and rather than overly delay the Chief Executive Officer recruitment process following the elections, that four recruiters should be invited to submit a formal proposal for conducting the recruitment process to the Human Resource Advisor by 5pm, Friday 14 October 2022 for consideration by the incoming Council.

5. Agrees that the recruiters to be invited to submit proposals would be advised that Council reserves the right to accept or decline any proposal, and that Council might choose to seek other proposals should it so desire.
6. Agrees that four recruitment providers be approached for such a proposal.

Cr R Nahr/Cr J Bougen
10/10
CARRIED UNANIMOUSLY

Mayor J Cleine acknowledged S Mason for her work.

- There being no further business the meeting concluded at 2.11pm
- **Next meeting:** 3:00pm, Wednesday 26 October 2022, Clocktower Chambers, Palmerston Street, Westport.

Confirmed: **Date:**



MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 3.00PM ON WEDNESDAY 28 SEPTEMBER 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.

PRESENT: Mayor J Cleine, Deputy Mayor S Roche, Councillors J Bougen, D Hawes, J Howard, M Montgomery, R Nahr, P Rutherford, R Sampson, G Weston,

APOLOGIES: N Tauwhare (Iwi Representative).

IN ATTENDANCE: S Mason (CEO), R Townrow (Deputy CEO), M Duff (NTU Transitional Director), M Williams (Group Manager Infrastructure Services), S Judd (Group Manager Regulatory Services), D Marshall (Chief Financial Officer), K Trigg (Acting Group Manager Community Services), L Brooks (Finance Manager), G Barrell (Governance Secretary)

PUBLIC ATTENDANCE: Jack Collin

MEDIA: Ellen Curnow

MEETING DECLARED OPEN AT 3.01pm

1. APOLOGIES (Page 8)

Discussion:

N Tauwhare

RESOLVED:

That there are no apologies to be received and no requests for leave of absence.

OR

That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.

DM S Roche/Cr P Rutherford

10/10

CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (Page 9)

Discussion:

Cr R Nahr declared a non-financial interest in Item 14. She will abstain from voting in this item.

RESOLVED that members disclose any financial or non-financial interest in any of the agenda items.

Cr G Weston/Cr M Montgomery

10/10

CARRIED UNANIMOUSLY

3. CONFIRMATION OF MINUTES (Page 10)

Discussion:

Nil

RESOLVED that Council receive and confirm minutes from the Council meeting of 31 August 2022.

DM S Roche/Cr J Howard

10/10

CARRIED UNANIMOUSLY

4. COUNCIL ACTION POINT LIST (Page 25)

Discussion:

Nil

RESOLVED that Council receive the Action Point List for information

Mayor J Cleine/Cr J Bougen

10/10

CARRIED UNANIMOUSLY

5. SEPTEMBER 2022 FLOOD COST UPDATE (Page 22)

Discussion:

R Townrow spoke to the report noting costs are an estimate regarding Waka Kotahi roading works

She advised that Extraordinary External Funding is not available in these instances.

Cr R Sampson queried why the roading figures are not yet complete.

M Williams replied that the claim was originally entered. Waka Kotahi disputed and reassessed. They now agree on what can be and what is able to be done

and there is now a new claim in system. They are hoping to hear back in next two to three weeks. Still awaiting some replies under legal obligations.

Cr P Rutherford noted he was unaware of the \$300k from Lottery funds. How was this distributed and how were applications made?

R Townrow advised that this had previously been noted and that this funding was fully administered by Lotteries DIA. Council had no input in this and there were very specific criteria for applicants.

Cr J Howard asked if the community meals were also DIA funded?

R Townrow replied that yes the community kitchen was included.

RESOLVED that Council receive the report for information

Cr R Nahr/Cr D Hawes
10/10
CARRIED UNANIMOUSLY

6. DISTRICT ECONOMIC STIMULUS FUND UPDATE (Page 33)

Discussion:

K Trigg spoke to the report.

Cr P Rutherford moved the recommendation while reminding Councillors that BDC was the only council that fully expended the \$1m allocation as per the terms in the original offer, in helping increase employment in the district. We should be proud with how this was used.

RESOLVED that Council resolves to adopt the timeline suggested to distribute the DESF.

Cr P Rutherford/DM S Roche
10/10
CARRIED UNANIMOUSLY

7. SENIOR HOUSING REPORT (Page 39)

Discussion:

K Trigg spoke to the report

Cr R Sampson noted regarding the \$50k put aside from the Annual Plan before the last one to employ someone to do some work into identifying options. Was this spent? Who was employed and what were the recommendations?

K Trigg advised that Tony Joseph was employed for this and will continue to look at the options moving forward.

Cr R Nahr spoke that this has been a long process. She urged Ms Trigg to keep pushing to make something happen noting it needs to go into a trust to ensure the outside money is there to keep it up to standard.

Cr D Hawes said that this was a partnership between central and local government. It became wholly reliant on funding by ratepayers which in turn made it harder to meet the costs. He noted that the closed account accumulates debt and feels this needs to change.

Mr Hawes went further to say that Council did not make a decision where we didn't want to renew the lease. This was beyond our control. We would have if the conditions rolled over. This decision was with for the landowner and the landowner wanted to sell. This was not a decision made by Council. Mr Hawes hopes it will be taken to a place where it works better for our elderly.

Cr J Howard noted as a West Coast Housing Forum representative, she would like to see a new representative from Council after elections and would like to see the action plans being more case based - more district, or town orientated.

Mayor J Cleine acknowledged that elderly housing is important for our community and that it needs to be remembered that it is about the service provision as opposed to who owns it. This paper presents a few options for the new Council to pursue.

RESOLVED that Council

1. Notes the assumption in the 2021-2031 Long Term Plan that Council will continue to operate its existing housing for seniors' units for the first three years of this plan, after which an alternative operating model will be in place;

and

2. Receives this report for information.

Cr R Sampson/Cr M Montgomery

10/10

CARRIED UNANIMOUSLY

8. PROPERTY RATIONALISATION PROJECT (Page 48)
Discussion

K Trigg spoke to the report noting that there are currently two offers on the table.

Cr R Nahr noted this has been a long time coming and it is great to see it happening.

Mayor J Cleine noted sometimes public comments show the frustration in the time it takes to get some things done and reminded that the local government

process in freeing up land is more complex than the average selling of a house section.

Cr D Hawes sought clarification on the William/Bridge/Don Streets final bullet point regarding the legal advice.

Ms Trigg advised that this is currently on one title, and they are seeking legal advice on making this viable.

Mr Hawes replied that the opportunities should be added into senior housing. The money to replace senior housing in Reefton was repositioned from Reefton to Karamea. There are now two sets of flats being withdrawn from use in Reefton, no longer suitable for senior housing. He requested that we identify that this part of property rationalisation be used for information that will be available to the new council to help with their decision making.

Ms Trigg advised that yes this will be added to rationalisation information for the new council.

ACTION POINT: Ms Trigg to add this as information for new council.

RESOLVED that Council receive the report for information.

Mayor J Cleine/Cr G Weston

10/10

CARRIED UNANIMOUSLY

9. CONTINUATION OF WESTPORT RATING DISTRICT JOINT (Page 54)

Discussion:

R Townrow spoke to the report noting they are asking council to resolve that the Joint Committee, as a committee, be able to continue after council is dissolved.

Cr D Hawes questioned the wording in Resolution Two.

There was discussion around amending the resolution.

Cr P Rutherford asked if there was any indication when there would be a new announcement regarding the business case before the government?

S Mason replied they are currently working through this process with agencies and reviewing technical information within that. We expect to hear back around the end of October, early November.

Cr D Hawes noted the importance of continuity of this committee. We need all parties around the table.

Mayor J Cleine clarified we are endorsing the continuation of the structure. We are not seeking to disperse the community and other agency stakeholders, and that the new council will fill in the names of the mayor and the two new councillors.

It was agreed.

The resolution was amended from:

- 1. The Westport Rating District Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election; and*
- 2. individuals currently appointed to the Westport Rating District Joint Committee by Council continue until the date the new Council resolves to make any new appointments.*

To:

RESOLVED that:

1. the Westport Rating District Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election; and
2. the community individuals and agencies currently appointed to the Westport Rating District Joint Committee by Council continue until the date the new Council resolves to make any new appointments.

Cr D Hawes/Cr J Bougen
10/10

CARRIED UNANIMOUSLY

10. CEO REPORT (Page 66)

Discussion:

Noting the update in 10.2

S Mason apologised for the late change requiring delegations to go to CEO during election period. Noting also that the final item in the recommendation (3) is simply a note as opposed to a recommendation.

Mrs Mason then spoke to the report

She gave her thanks on behalf of council staff, to all for their triennium, stating it had been an interesting three years. It had been challenging at times but from a strategic, leadership and operational point of view, council is now in a very different and positive place.

Mayor J Cleine noted he had received enquiries regarding the progress of the NTU, pending legislation yet to be passed.

Mrs Mason advised that the final section goes to parliament in December this year. The NTU have been charged with having the water entities established and ready to go by 1 July 2024.

She noted that all councils have been asked to participate and that all councils are participating. If we were not participating in providing the required information, we would be significantly disadvantaged and simply be left behind the process.

Cr P Rutherford thanked Mrs Mason stating she had been outstanding. Her leadership has set the bar which reflected down through to SLT. He went further to thank SLT. He appreciated Mrs Mason's input and her team right through the organisation.

RESOLVED

- 1. That the Council Note content of CEO Report.**
- 2. That Council delegates all of its responsibilities, duties and powers to the Chief Executive, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, during the period beginning the day after the declaration of the official election result until the day of the swearing in of the new Council, subject to:**
 - (a) Following consultation with the person elected to the position of Mayor,**
 - (b) Attending only to those matters that cannot reasonably wait until the first meeting of the new Council and;**
 - (c) By reporting all decisions made under delegation to the first meeting of the new Council; and**
 - (d) Calling an Extraordinary meeting of Council if any urgent decisions arise in this period requiring significant political input.**
- 3. Clause 30(7) of Schedule 7 to the LGA sets out that a committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.**

**Cr P Rutherford/DM S Roche
10/10**

CARRIED UNANIMOUSLY

11. MAYOR'S REPORT (Page 71)

Discussion:

Mayor J Cleine spoke to his report.

He acknowledged working relationship with all councillors, acknowledged the support he has had, how everyone has worked together and brought differences of opinion and expertise around the table.

He felt everyone around the table should ourselves some slack, noting it had been an extraordinary three years. Not at all a normal three years.

Mr Cleine acknowledged N Tauwhare for his valuable contribution and insight of iwi, noting that Mr Tauwhare does a lot of good work in the community.

He wished those not seeking re-election all the very best.

Mr Cleine spoke to the MTFJ and was looking forward to the graduation for those studying trades for their effort and contribution in getting their trade qualification.

The NEMA exercise in Wellington was very well received by NEMA professionals and the minister in that Buller had been seen to be giving back to the Emergency Management professional development.

He spoke of it being an honour to attend the State Memorial Service for Her Majesty The Queen Elizabeth II, noting it was very fitting.

The correspondence was spoken to. Cr J Howard questioned if Page 79 (Hon Keiran McNaulty) should be under Incoming Correspondence as opposed to Outgoing Correspondence? NOTED

DM S Roche spoke regarding the Mayoral Relief Fund offering her thanks to Mayor J Cleine for the honour of heading this . She acknowledged the team and the grants received from central government . Also, those from the community around New Zealand and offshore. There had been over 700 applications and Ms Roche spoke that these were at times heart wrenching to read. She believes it has made a difference to people and offered her thanks to the people at the Hub. Ms Roche finished by wishing all those affected by the floods her very best.

Cr R Sampson queried regarding the regional transport committee. As yet there is no comment. Where does the Buller Bridge fall into that whole system?

M Williams replied that we are a strong participant with Waka Kotahi. We are always there, and they listen to us but whether they do what we ask is a different story. Waka Kotahi has a set regime they go through.

Cr R Sampson thought there would have been a thread of reference in the minutes. Mayor J Cleine stated he raised a discussion regarding Karamea SPR and ensured that it was not accepted unless it was fully funded by the Agency.

S Mason replied further that we brought to council the strategic plan. We have signed up to the plan and we fare positively. Council staff are following through with what council signed off.

RESOLVED that Council

1. That Council receive the report for discussion and information.
2. That Council receive and note incoming and outgoing correspondence and Councillors provide direction for any responses or additions.

Cr J Howard/Cr D Hawes

10/10

CARRIED UNANIMOUSLY

COMMITTEE CHAIRS:

ICB: Cr J Bougen spoke that Inangahua has really benefited from Mayor J Cleine, S Mason and SLT. A lot of items that have been an issue for 20+ years have been done and offered his thanks. This wouldn't have happened if we hadn't had the back up of SLT. EnviroSchools: There are three of these in Reefton. He thanked Cr D Hawes for ensuring Reefton was represented.

CESC: Cr M Montgomery spoke that we have done well in three years. K Trigg and M Schwill have been well organised for community. Money has gone to a whole raft of groups over three years. She noted that Cr J Howard and K Trigg have been hugely involved in Punakaiki and thanked them for their dedication. Ms Montgomery thanked Cr G Weston for his work with youth noting that youth now want to be involved in making decisions for the future.

FRAC: DM S Roche spoke that being Chair for nine years was an honour. She thanked S Mason, the former CEOs and SLT. Ms Roche noted there had been a lot of chit chat about council's finances but is leaving knowing they are in tip top shape. Finally, she thanked council and her fellow councillors.

REGULATORY: Cr P Rutherford spoke on behalf of council and offered his thanks to Sean Judd for last three years. He said Mr Judd's team is one of the most hard-working teams as a consequence of events. He spoke of the negative comments in public arena noting the Regulatory staff have stood up very well.

12. VALEDICTORY SPEECHES (Page 84)

Discussion:

The following outgoing councillors offered their valedictory speeches.

Cr D Hawes

Cr M Montgomery

Cr R Nahr

Cr P Rutherford

Cr J Bougen

DM S Roche

R Curnow arrived at 4.36pm

RESOLVED that Council receive the valedictory speeches from the outgoing Councillors of Buller District Council.

Mayor J Cleine/Cr G Weston
10/10
CARRIED UNANIMOUSLY

Mayor J Cleine adjourned the meeting at 4.40pm.

Live stream ended.

The meeting resumed at 5.05pm.

13. PUBLIC EXCLUDED REPORT (Page 85)

Discussion:

RESOLVED That the public be excluded from the following parts of the proceedings of this meeting

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
14	Douglas Marshall - Chief Financial Officer	Report of BHL Proposed Land Purchase	Section (2)(b)(ii) - Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Cr M Montgomery/Cr G Weston
10/10
CARRIED UNANIMOUSLY

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 4

Prepared by - Sharon Mason
- Chief Executive

STATUTORY RESPONSIBILITIES OF MEMBERS

1. REPORT SUMMARY

The Local Government Act requires the Chief Executive to provide the Council with an overview of key legislation that they need to be aware of and have an understanding of in their role as Mayor and as a District Councillor.

These will include:

- Local Government Act 2002
- Local Authority (Members' Interests) Act 1968
- Crimes Act 1961 – Sections 99, 105 and 105A
- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013
- Local Government Official Information and Meetings Act 1987
- Health and Safety at Work Act 2015
- Privacy Act 1993

2. RECOMMENDATION

That Council receive the report for information.

3. OVERVIEW OF INFORMATION

The report is for information of council members only and no consultation is involved.

4. BACKGROUND

There are certain legal provisions which members must be aware of to avoid risk to Council and a risk of disqualification from office. There is also a requirement to have these brought to members' attention at the Inaugural meeting of the Council under Clause 21 (5) of Schedule 7 of the Local Government Act 2002.

These are:

- The Local Government Official Information and Meetings Act 1987 (LGOIMA)
- The appropriate provisions of the Local Authorities (Members Interests) Act 1968; and
- Sections 99, 105 and 105A of the Crimes Act 1961;
- The Secret Commissions Act 1910; and
- Financial Markets Conduct Act 2013

An information pack will be provided to new Council members which will cover this material in more depth and also will include:

1. The Code of Conduct (which outlines the ethical and conduct expectations of each member of Council against the background of the legislation).
2. Elected Members' Grow Tipu Handbook 2019 - Local Government New Zealand publication (GROW)

Orientation training during October and November 2022 will also cover in detail the roles and responsibilities of elected members, the Code of Conduct and decision-making and consultation processes under the Local Government Act 2002.

The in-house orientation combined with the re-elected and newly elected members' induction workshop being held in Hokitika by Equip on 2 November 2022 "will introduce all elected members to their local government role, their key support networks and start the development journey towards being an effective community leader".

Important Acts applicable to council include:

Local Government Act 2002

The Local Government Act 2002 represents the most important legislative framework for local government in New Zealand and, as such covers a wide range of topics which include the role of local authorities, its members, its association with, responsibility to the community including Iwi, accountability, its services and all associated matters.

Over the last two decades, the focus on representative democracy has been replaced with a need for participatory democracy, something this Council has embraced, and which

is adding immeasurable value to the democracy in the District. Council members are still elected to represent, but the focus on public consultation and interaction ensures not only participation, but also greater “ownership” within the community.

Council staff are well versed in the Act and its provisions and can provide guidance to Council. Such staff also introduces a strong focus on best practice which further supplements the provisions of the Act.

Local Authorities (Members Interest) Act 1968

This Act stipulates that any member who has “...directly or indirectly any pecuniary interest other than an interest in common with the public” in any matter being dealt with by the Council shall not vote on the matter or take part in its discussion. The general “test” is to declare an interest when in doubt. It is important to note that the interest of a spouse is deemed to be the interest of the member for the purposes of the Act.

The Act helps to protect the integrity of Council as a body and its decision-making by ensuring that Council members are not influenced by personal motives when they participate in Council decision-making and cannot use their position to further their own position commercially or otherwise.

This Act deals with two forms of “interest”, pecuniary interest and non-pecuniary interest.

Pecuniary Interest

The two specific rules in the Act are that members cannot:

Enter into contracts with their local authority worth more than \$25,000 (including GST) or participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule).

Breach of this rule is a criminal offence and conviction results in automatic disqualification from office.

The Office of the Auditor General is the agency which oversees this legislation, and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test:

“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 concerned.”

A pecuniary interest is therefore one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision **for themselves**, to declare any interest when appropriate and to ensure that the principles of the Act are complied with at all times.

Once a Council member declares an interest, he/she shall not vote on the matter nor participate in any discussion on the matter.

In deciding whether a Council member has a pecuniary interest he/she should consider the following factors:

- 1) Am I influenced in any way by monetary gain or loss in how I cast my vote?
- 2) Is my financial interest one that is in common with the public?
- 3) Do any of the exceptions in the Act apply to me?
- 4) Should I not rather discuss my personal interest with the Office of the Auditor-General as a means of determining my eligibility to participate and vote?

Further guidance is provided in the booklet “Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1968” which is being provided to elected members. It is important that members pay particular attention to the contents of this booklet as this is one of the few areas of the Council’s business where staff does not as a rule offer formal advice.

The important principle is that it is a personal decision that each Council member has to take, with the assistance of the Auditor-General if in doubt.

Again, the healthy principle is to rather declare an interest as soon as a conflict of interest arises and desist from taking any further part in the item.

Non-Pecuniary Interest

Non-pecuniary interest is any interest the member may have in an issue that does not necessarily involve money. It manifests in “bias” and or as “pre-meditation”. These two manifestations are in many respects difficult to differentiate but for purposes hereof, the following practical definitions are offered:

“Bias” is involved where a decision-maker allows him/herself to be influenced by factors other than the facts provided or arguments offered in discussion of the issue.

“Pre-determination” is where a decision-maker forms an opinion on a specific issue and then closes his/her mind to any argument or point of view contrary to the set opinion.

Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done.

Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree.

Again, the booklet provided by Office of the Auditor General provides some excellent advice and information on this issue. Should a Council member have any concerns on having an “interest” in any matter before the Council or a sub-committee the practical way of addressing is to seek advice from the Mayor, the Committee Chair, Chief Executive or a Manager before the meeting. While this will not relieve the member of his/her obligations under the Act it will provide some independent guidance.

A Members’ Interest Register is maintained as a public document. It represents a declaration by each member of personal and direct family member interests. Members are responsible for keeping their written declarations up to date at all times. In addition, Members will be reminded on an annual basis to update their declaration.

Note: The **member** decides whether or not he/she has an interest as the **member** takes the responsibility for that decision. Consulting the Mayor, CEO or any other member does not absolve the member with the interest from determining whether or not to declare an interest.

In summary, there are various other Acts, Regulations, directives, Policies of importance to local authorities. Elected members can rest assured that full legal background for issues of significance serving before Council is given as part of the officer reports that serve before Council.

Personal Liability of Elected Members

Elected Members are indemnified in respect of their actions as a member of the Council subject to specific circumstances. Section 43 of the Local Government Act 2002 provides for this indemnity (by the Council) in relation to:

- civil liability (both for costs and damages) if the member is acting in good faith and in pursuance of the responsibilities or powers of the Council;
- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.

Section 46 provides for a theoretical personal exposure on the part of elected members in certain circumstances if the Council has incurred loss due to actions of the Council. The loss must arise out of one of the following situations:

- 1) if the Council unlawfully spends money;
- 2) if the Council unlawfully sells or disposes of an asset;
- 3) if the Council unlawfully incurs a liability;
- 4) if the Council intentionally or negligently fails to enforce the collection of money it is lawfully entitled to receive.

If the Auditor-General has reported on a "loss", then that loss is recoverable as a debt due. The outcome of this is that elected members jointly and severally may be held responsible for the repayment of the loss. However, if a member can provide proof that the act or failure which led to the loss occurred:

- 1) without his/her knowledge; or
- 2) with his/her knowledge but against his/her protest made at or before the time when the loss occurred; or contrary to the manner in which he/she voted on the issue at a meeting of the Council; or in circumstances where he/she acted in good faith and relied on information or professional or expert advice given by a Council officer or professional advisor on matters which you reasonably believed were within that person's competency.

Crimes Act 1961

Section 99 of the Crimes Act 1961 defines a member or employee of a local authority as an "official" for purposes of the Act. Section 99 also defines a "bribe" as being "any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect". The words "or indirect" open this definition considerably, e.g. an offer of employment to a member's son or a daughter could be construed as amounting to be a bribe, so members need to be aware of their exposure under this Act through other family members.

Under this Act it is unlawful for an officer to:

- 1) Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council;
- 2) Use information gained in the course of their duties for their, or another person's monetary gain or advantage.

Under Section 105 of the Crimes Act 1961, every "official" who accepts a bribe is liable to imprisonment for a term of up to seven years.

Under Section 105A, an "official" is also liable to imprisonment for up to seven years who "...corruptly uses or discloses any information acquired by him in his official capacity to obtain directly or indirectly an advantage or a pecuniary gain for himself or any other person".

Prosecutions made for offences under this Act require the approval of the Attorney-General who has the power to decide whether any such prosecution shall be dealt with as an indictable offence or as one punishable on summary conviction.

If any such offence is treated as an indictable offence penalty for individuals include up to two years imprisonment or a fine of up to \$1,000.00. If found guilty, there may be consequences of loss of office.

This Act basically establishes offences relating to the giving, receiving or soliciting of gifts or other consideration which may be seen as an inducement or reward for doing or forbearing to do something in relation to the affairs of the Council, or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (section 4(1)).

It covers any such gifts given, received or solicited by "any parent, husband, wife, or child of any agent, or to his partner, clerk, or servant, or (at the agent's request or suggestion) to any other person".

The Act makes it an offence for any agent (for the purposes of the Act an elected member is deemed to be an "Agent" of the Council) (section 16(1)(b)) to accept gifts without the consent of the principal (the Council), not to disclose a pecuniary interest in any contract which the agent makes on behalf of the principal, or who knowingly delivers to their principal a false receipt, invoice, account or other document in relation to the principal's business.

It is an offence to divert, obstruct, or interfere with the proper course of the affairs or business of the Council, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or other consideration from any person interested in the affairs or business of the Council (section 4(2)).

It also provides that it is an offence for any person to advise a party to enter into a contract with a third party and to receive gifts or consideration from that third party as reward for procuring the contract, unless that person is known by the party to be the agent of that third party. It further provides that the act of aiding or abetting or in any way facilitating an offence against the Act is itself an offence.

Such a conviction would also have the consequences of loss of office in terms of Clause 1 of Schedule 7 of the Local Government Act 2002.

Secret Commissions Act 1910

As its title suggests, this Act has the purpose of prohibiting secret commissions which term includes gifts and all other forms of valuable consideration.

Under this Act, a member of the Council could commit an offence by, for example:

- 1) Corruptly accessing or soliciting gifts as an inducement or reward for carrying out, or forbearing to carry out some act in relation to the Council's business; or
- 2) Securing a Council contract for a third person in exchange for a reward; or
- 3) By falsifying receipts.

Financial Markets Conduct Act 2013

This Act essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

LGOIMA (Local Government Official Information and Meetings Act 1987)

The Local Government Official Information and Meetings Act 1987 has the following purposes:

- 1) To make official information held by local authorities more freely available.
- 2) To provide for proper access by each person to official information relating to that person which is held by local authorities.
- 3) To provide for meeting procedures and the admission of the public to meetings of local authorities.
- 4) To protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- 5) To protect local authorities in releasing official information, subject to correct procedures being followed.

Most requests for information made to the Council come within the ambit of this Act. However, releasing information may have serious consequences and the Act provides for clear process and reasons when information should not be released.

It also provides for clear protection if information is correctly released. Official information does not only extend to documents, emails etc. held by Council but it includes any such information held by Council members.

Some Council staff are well trained in understanding the legal principles and processes involved and for that reason, the release of any information is deemed an executive function with the Chief Executive Officer having been appointed as LGOIMA Officer for Council.

The Act also outlines the legal principles and background to Land Information Memorandums (LIMs).

The Act also contains clear statutory provisions in relation to Council meetings and conduct of meetings of Council. These provisions are supplementary to those contained

in Schedule 7 of the Local Government Act 2002 and in the Council's Standing Orders although there is considerable overlapping.

Health and Safety at Work Act 2015

On 4 April 2016, the Health and Safety at Work Act 2015 (HSWA) came into force. The HSWA provides a significant change to New Zealand's current health and safety legislation and is a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy.

The Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.

One of the significant changes is the introduction of "Officers", who is any person occupying a position in relation to the business or undertaking, that allows the person to exercise significant influence over the management of the business or undertaking.

For the purposes of the HSWA, elected Council members (which include the Mayor and Councillors) and the Chief Executive are identified as "Officers".

Officers have obligations of due diligence, which are:

- a) to acquire, and keep up-to-date, knowledge of work health and safety matters; and
- b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
- c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
- e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
- f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

The duties of the Officers and of the PCBU are independent of each other. This means if a PCBU has failed to meet its duty, but the Officers exercised due diligence then they would not be personally liable for the health and safety failings.

It is important to note that:

- a) penalties for contravening the provisions of the Act are high
- b) a PCBU cannot insure against being guilty under the Act.

In the Health and Safety at Work Act elected members are exempt from the liabilities of failure to meet the due diligence duty. The focus of any liability is on the Council as the PCBU. The Chief Executive is understood to have significant personal liability in this capacity.

The Privacy Act 1993

There is a statutory obligation to maintain the privacy of individuals and this obligation, in some respects even “trumps” the right to public information as it pertains to individuals. Amongst other things, the Act also imposes restrictions on the collection of personal information and the uses to which such information may be held.

Council takes specific care to respect privacy of residents.

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 5

Prepared by - Rachel Townrow
- Deputy Chief Executive Officer

Reviewed by - Sharon Mason
- Chief Executive Officer

ADOPTION OF ELECTED MEMBERS CODE OF CONDUCT 2022-2025

1. REPORT SUMMARY

The Council is required to adopt a Code of Conduct under clause 15 of Schedule 7 of the Local Government Act 2002. Once adopted, all Elected Members are required to comply with the Code of Conduct.

2. RECOMMENDATION

That Council adopt the Code of Conduct for Elected Members as per attachment one.

3. ISSUES AND DISCUSSION

The Code is designed to deal with the behaviour of Elected Members towards:

- each other;
- the Chief Executive Officer ('CEO') and staff;
- the media; and
- the public.

Under the Act, Elected Members are required to:

- comply with all legislative requirements applying to their role, abide by the code of conduct, and act in accordance with the trust placed in them by the public to be responsible for their decisions and actions, and be prepared to justify these.
- act in an open and transparent manner.

- ensure Council resources are used prudently.

4. CONSIDERATIONS

4.1 Strategic Impact

Adopting as well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code of Conduct is of value to the Council as a resource and information guide for existing Elected Members and an aid to the public - enabling the public to evaluate behaviour.

4.2 Significance Assessment

In accordance with our policy the significance of this decision is deemed as low.

4.3 Values Assessment

Our values are: Future Focussed, One Team, Community Driven, Integrity and We Care. Under 'Community Driven' this move demonstrates that we are moving with the times and therefore future focussed.

4.4 Risk Analysis

Adopting standardised Code of Conduct that have been developed according to best practice reduces the risk of procedural errors.

4.5 Policy/Legal Considerations

The Code of Conduct is compliant with the requirements of the LGA 2002.

4.6 Tangata Whenua Considerations

None noted

4.7 Views of Those Affected

It was not deemed necessary to canvass public opinion on this decision due to the low significance.

4.8 Media/Publicity

There will be little media and public interest in this move.



Code of Conduct for Elected Members

Drafted: October 2022

1&2

Scope & Application

Buller District Councillors and the Mayor (“Elected Members”) have an important role representing the people of Buller. This Code of Conduct (“the Code”) represents a commitment from all Elected Members to maintain high standards of behaviour, which is important for their credibility as district leaders and for the reputation of Buller.

As well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code is of value to the Council as a resource and information guide for existing Elected Members and an aid to the public—enabling the public to evaluate behaviour.

Mission of Council is to serve the residents of the Buller District, conscious of their needs, by providing facilities and services, and, creating an appropriate environment for progress and development while preserving the distinctive natural environment, as well as the cultural and historical environments.

1. Scope

The Council is required to adopt a code of conduct (clause 15 of Schedule 7 of the Local Government Act 2002 (‘LGA’)). Once adopted, all Elected Members are required to comply with the Code.

The Code is designed to deal with the behaviour of Elected Members towards:

- each other;
- the Chief Executive Officer (‘CEO’) and staff;
- the media; and
- the public.

It is also concerned with the disclosure of information that Elected Members receive in their capacity as members and information which impacts on the ability of the Council to give effect to its statutory responsibilities.

2. Application

The Code applies to Elected Members at all times.

The LGA requires Elected Members to comply with the provisions of this Code. Members are also bound by the LGA, the Local Authorities (Members’ Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961, the Financial Markets Conduct Act 2013, the Health and Safety at Work Act 2015, and the Protected Disclosures Act 2000.

The CEO will ensure that an explanation of these Acts is provided at the first meeting after each triennial election and that copies of the above Acts are freely available to Elected Members.

Short explanations of the obligations that each of these Acts has with respect to the conduct of Elected Members are set out in Schedule 1 of this Code.

3

Principles of Governance

The Code gives effect to the following general principles of good governance with which Elected Members have agreed to comply:

3.1 Integrity and Honesty

Elected Members will be honest and act with integrity. This includes:

- behaving in accordance with the trust that the public places in them.
- being fair and consistent in dealings with others and following through on commitments.
- not making statements or doing anything that will, or is likely to, mislead or deceive.
- not placing themselves in situations where their honesty and integrity may be questioned.
- being open to constructive feedback.
- complying with relevant legislation and Council policies and procedures.
- making decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.

3.2 Accountability

Elected Members will:

- comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public to be responsible for their decisions and actions, and be prepared to justify these.
- act in an open and transparent manner.
- ensure Council resources are used prudently.

3.3 Respect

Elected Members may not always get their own way. Elected Members will treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights. This includes:

- treating people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
- recognising and encouraging ideas and contributions from others.
- being courteous and approachable.
- not engaging in aggressive, offensive, abusive or bullying behaviour.
- not making personal attacks.
- respecting the impartiality and integrity of staff.
- not interrupting when others are expressing their point of view.

3.4 Good Faith

Elected Members will faithfully and impartially perform their powers, authorities and duties in the best interest of the community of Buller District. A breach of this Code could indicate a lack of good faith and could be relevant to assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

3.5 Proper Use of Position

Elected Members must not abuse their position, including they must not:

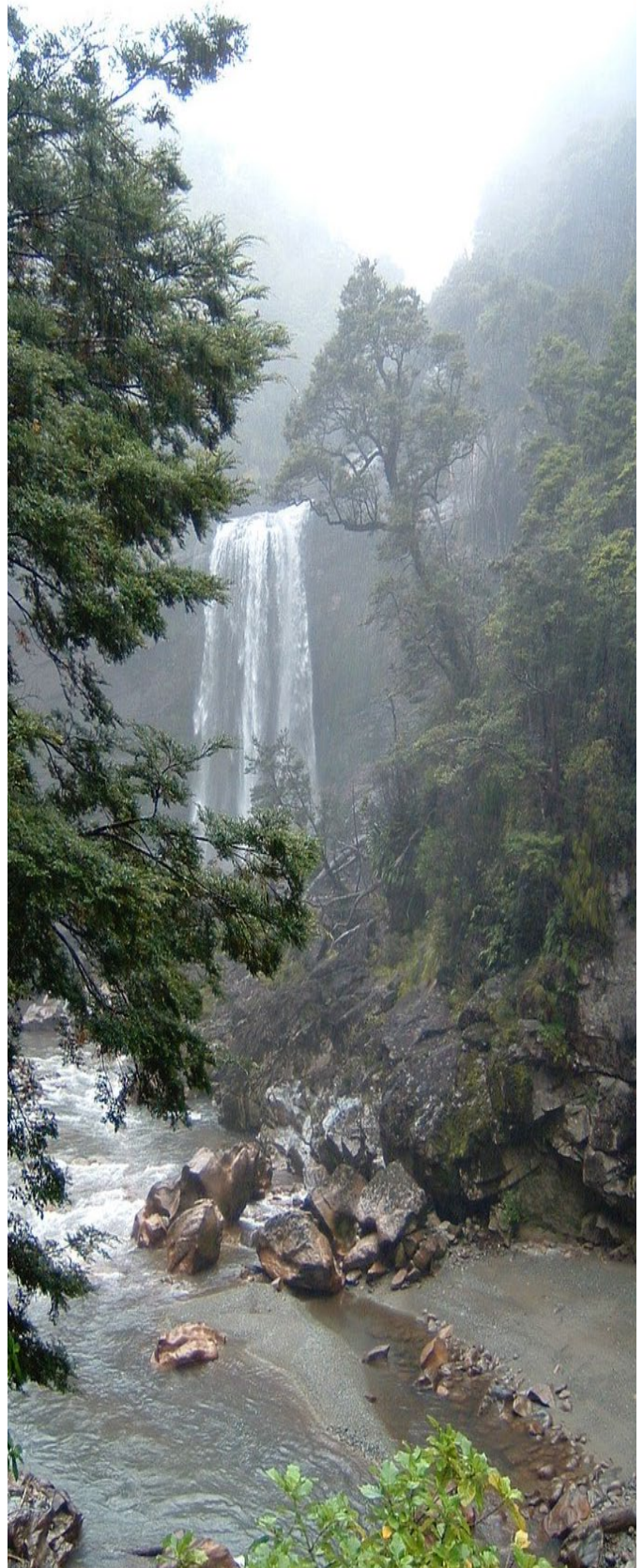
- solicit, demand or request any gift or benefit because of their position.
- claim expenses which are not legitimate.
- fail to declare gifts given to them because of their position (see explanation of declaring gifts set out under Section 5.6 of this Code).
- influence, or attempt to influence, any Council employee, or another member, in order to benefit their own, or family's, personal or business interests.
- use information and/or Council resources for any purpose which is not directly related to Council business, including use of Council resources to promote personal or business interests.
- Use, directly or indirectly, any Council resources and/or branding for the purpose of seeking reelection.

Note: refer to the OAG Guidelines – [“Good Practice for Managing Public Communications by Local Authorities”](#).

3.3 Leadership

Elected Members agree to be bound by this Code and demonstrate adherence to these principles through their leadership of the district. They should always endeavour to act individually and collectively in a way that maintains public confidence in the good governance of the Council.

These principles complement, and work in conjunction with, the governance principles relating to local authorities (sections 14 and 39 LGA).



4

Roles & Responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of the Council's decisions. This section of the Code describes the roles and responsibilities of Elected Members, the Mayor, Deputy Mayor, Committee Chairpersons, and Chief Executive Officer.

4.1 Elected Members

Elected Members, acting as the Council, are responsible for governance, including:

- the development and approval of Council plans, policies and budgets;
- monitoring the performance of the Council against its stated objectives and policies;
- prudent stewardship of Council resources; and
- employment of the CEO.

Elected Members are also responsible for representing the interests of the residents and ratepayers of the district.

Unless otherwise provided in the LGA or in the Council's Standing Orders, the Council can only act by majority decisions at meetings. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless provided for by statute or the Council has expressly delegated such authority.

Elected Members are committed to achieving the highest standards of conduct and behaviour at all times and will carry out their role to the best of their skill and judgment. To achieve this, Elected Members should:

- take responsibility for ensuring that they understand their roles and responsibilities and the Code;

- attend all meetings (including for external organisations to which they are appointed), task force groups (as appropriate) and any appropriate training opportunities provided by Council;
- come to meetings prepared, including having read relevant material;
- seek personal and skill development opportunities to effectively fulfil their statutory declaration of office and contribute to the good governance of Buller;
- maintain an appropriate standard of dress at public meetings, events or functions that does not discredit the Council.
- Generally, the more formal the occasion, the more formal the standard of dress required (monthly council meetings are deemed to be a formal occasion).

4.2 Mayor

The Mayor is elected by the district as a whole. Section 41A of the LGA states that role of a Mayor is to provide leadership to other members of the Council and to the people of Buller. The Mayor also has the following roles:

- lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority;
- appoint the Deputy Mayor;

- establish committees of the Council and appoint the chairperson of each committee established. However, nothing limits or prevents the Council from discharging or reconstituting committees or chairpersons of those committees established by the Mayor by way of Council resolution at a later date.
- presiding at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during Council meetings (as determined by Standing Orders);
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of the Council;
- providing leadership and feedback to other Elected Members on teamwork and chairing of committees; and
- keeping the Council informed of matters brought to his/her attention.

4.3 Deputy Mayor

If the Mayor has not appointed the Deputy Mayor as noted above, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council.

The Deputy Mayor exercises the same roles as other Elected Members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above).

The Deputy Mayor may be removed from office by resolution of the Council.

4.4 Committee Chairpersons

A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the Council and the orderly conduct of business during committee meetings (as determined by Standing Orders).

Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees.

Chairpersons may be removed from office by resolution of the Council. The Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

4.5 Chief Executive Officer

Section 42 of the LGA provides that the CEO is the only person directly employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the CEO.

As the principal administrative officer of the local authority, it is the CEO, not the Elected Members, who is responsible for:

- implementing the decisions of the Council;
- providing advice to the Council and its committees;
- ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the local authority, or imposed or conferred by an Act, regulation or bylaw, are properly performed or exercised;
- managing the Council's activities effectively and efficiently;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
- providing leadership for the staff of the Council;
- employing staff on behalf of the Council (including negotiation of the terms of employment for the staff of the local authority).

While the Council is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, committee structures and Elected Members day-to-day dealings with the CEO should recognise the statutory responsibilities of the CEO for the effective management of Council staff and for implementing the decisions of the Council.

5

Relationships & Behaviours

This section of the Code sets out the Council's agreed standards of behaviour between members; members and staff; and members and the public. Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, sections 5.1 to 5.3 include (but is not limited to) any written communication between Elected Members, or from an Elected Member, including through social media platforms.

5.1 Relationship with Other Members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. Members must conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and honest;
- focus on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids conduct which is aggressive, offensive or abusive or which may constitute unlawful or inappropriate behaviour.

5.2 Relationship with the Chief Executive Officer and Staff

Elected Members should be aware that failure to observe the standards in section 5.2 of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.

Effective performance of the Council requires a high level of cooperation and mutual respect between Elected Members and staff. Members will:

- recognise the CEO is the employer (on behalf of the Council) of Council staff and only the CEO (or his/her delegate) may hire, dismiss, instruct or discipline an employee;
- make themselves aware of the obligations that the Council and the CEO have as employers and observe those requirements at all times;
- treat all Council staff with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- observe any guidelines that the CEO puts in place regarding contact with employees;
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee;
- raise concerns about employees only with the CEO, and concerns about the CEO only with the Mayor or Deputy Mayor;
- not seek to improperly influence staff in the normal undertaking of their duties.

5.3 Relationships with the public

Effective Council decision-making depends on productive relationships between Elected Members and the community at large. Elected Members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority and values community involvement in local democracy.

5.4 Contact with the Media

The media plays an important part in local democracy. To fulfil this role, the media needs access to accurate and timely information about the affairs of the Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an Elected Member in their own right.

The following rules apply for media contact on behalf of the Council:

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.
- Elected Members are free to express a personal view in the media, at any time, provided the following rules are observed:
 - i. media comments must not state or imply that they represent the views of the Council;
 - ii. where an Elected Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;

- iii. media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
- iv. media comments must not be misleading and should be accurate within the bounds of reasonableness.



5.5 Information available to Elected Members

Any failure by members to act in the manner described in this section 5.5 will be treated seriously and will immediately be referred by the CEO to an independent investigator for assessment under section 6.2 and Schedule 3 of this Code.

Confidentiality

To enable Elected Members to properly discharge their duties, members are entitled to, and receive, a broad range of information which is publicly accessible. In the course of their duties, Elected Members will also receive information that may be classified as confidential. This includes information received at meetings which are closed to the public or information that is identified as confidential.

Elected Members may also be provided with, confidential information held by Council. Confidential information includes information that staff have determined there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 ('LGOIMA'). This will often be information that is either commercially sensitive or is personal to a particular individual. The Council's Privacy Officer is responsible for the release of information under LGOIMA.

Elected Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Elected Member. Elected Members should be aware that failure to observe these provisions relating to confidential information will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. They may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

Information received in capacity as an Elected Member

Members will disclose to other members and, where appropriate the CEO, any information received in their capacity as an Elected Member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Elected Members are accountable to the public.

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.
- Official information, if sought as part of a request, must be made available immediately to the CEO (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.

5.6 Gifts and Hospitality

A person in a position of trust, such as an Elected Member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Schedule 1). Gifts can include discounts, commissions, bonus or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Elected Members must notify the Governance Assistant (or delegate) if any gifts are accepted for inclusion in the Gifts Register maintained by the Council. Where a gift to the value of \$150 or more is offered to a member, it will also be included in the Register of Members Interests maintained by the Council.

As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times through the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's representative.
- Working lunches and social occasions should be undertaken with a recognition of the public perception regarding undue influence on Elected Members.

5.7 Conflicts of Interest

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 ('LAMIA') could potentially invalidate a decision made, or action taken, by the Council. Failure to observe these requirements could also leave the Elected Member open to prosecution. In the event of a conviction, Elected Members can be removed from office.

Schedule 2 of this Code sets out the Code's conflict of interest requirements. Elected Members must fully acquaint themselves, and adhere strictly to, these requirements.

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- **A financial conflict of interest:** is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to an elected member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- **A non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Elected Members are required to complete declarations of interest following their inauguration, and to update their declarations as and when required.

5.8 Bankruptcy

Elected Members who are declared an undischarged bankrupt shall notify the CEO when elected or as soon as practicable after being so declared. The member will provide the CEO with a brief explanatory statement of the circumstances surrounding the bankruptcy, including its likely outcome. This must be recorded in the Register of Interests.

5.9 Disqualification from Office

The LGA and Standing Orders provide for disqualification of Elected Members from office for example, if they:

- are convicted of a criminal offence punishable by two or more years imprisonment;
- cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993;
- breach the LAMIA; or
- are absent without approved leave from the Council for four consecutive ordinary meetings of the Council.



6

Breaches of the Code

Members must comply with the provisions of this Code (clause 15(4), Schedule 7, LGA). The exact nature of the action taken to resolve any allegations relating to misconduct of an Elected Member will depend on the nature of the alleged breach and whether there are statutory provisions dealing with the issue in question.

6.1 Principles

The following principles will guide any processes for investigating and determining whether a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented;
 - have their privacy respected.

6.2 Complaints Process

Only an Elected Member, or the Chief Executive Officer (either for him/herself or on behalf of an employee), who believes that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the culmination of a series of incidents.

Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

All complaints made under this Code must be made in writing and addressed to the CEO, setting out the alleged breach of the Code and providing corroborating evidence. On receipt of a complaint, the CEO must follow the process set out in Schedule 3. For the purpose of the Code, (an) Elected Member(s) who is/are the subject of a complaint under the Code is/are 'the respondent'.

Panel of Independent Investigators

On behalf of the Council, the CEO will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council. The CEO may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators. The Panel of Independent Investigators is not a committee of the Council.

Materiality

An alleged breach under this Code is material if, in the reasonable opinion of an independent investigator, it would, if proven, bring an Elected Member or the Council into disrepute or, if not addressed, reflect adversely on another Elected Member of the Council.

An alleged breach of section 5.5 of the Code (Information available to Elected Members) will automatically be considered material and referred to an independent investigator for assessment.

6.3 Penalties and actions

Where a complaint is determined to be a material breach of the Code and referred to the Council for determination, the nature of any penalty or action will depend on the seriousness of the breach.

Material breaches

In the case of material breaches of this Code the Council may require one or more of the following:

- a letter of censure to the member;
- a request (made either privately or publicly) for an apology; a vote of no confidence in the member;
- removal of certain Council-funded privileges or Council appointments;
- restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- limitation on any dealings with Council staff so that they are confined to the CEO only;
- suspension or removal from Committees (including joint committees), task forces or other Council bodies; or
- an invitation for the member to consider resigning from the council.

The Council may decide that a penalty will not be imposed where the respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

Breaches of Legislation

If there are statutory provisions dealing with the issue in question, the issue will not be dealt with as a breach of the Code but may be addressed in accordance with the relevant statutory provisions:

- Issues relating to members' interests may render members liable for prosecution by the Auditor General under the Local Authorities (Member's Interests) Act 1968 and, if convicted, the Member can be removed from office;
- Issues which result in the Council suffering financial loss or damage may be reported on by the Auditor General under the LGA, which may result in the member having to make good the loss or damage;
- Issues relating to the commission of a criminal offence may leave the Elected Member liable for criminal prosecution.

Council may refer an issue to the relevant body, any member of the public may make a complaint to that body, or the Auditor General or the Police may take action of their own initiative.

Breaches of the Code during meetings

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.

Elected Members should raise alleged breaches of the Code with the Chairperson at the time. If an Elected Member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Elected Member may initiate the procedures set out in Section 6.2 and Schedule 3 in the Code.

7

Review or Changes to the Code

The Council may by resolution of 75 percent or more, change the Code at any time. The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the full Council for its consideration and vote. The Code should be read in conjunction with the Council's Standing Orders.



Summary of Legislation

This Schedule is a summary of the legislative requirements that have some bearing on the duties and conduct of Elected Members. Copies of the legislation can be found on www.legislation.govt.nz or requested from the Governance Assistant.

Local Government Act 2002 ('LGA')

Governance Principles

In performing its role the Council must act in accordance with nine broad principles as set out in section 14(1) of the LGA as follows:

- conduct its business in an open, transparent, and democratically accountable manner; and give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of and have regard to the views of all its communities;
- when making a decision, take account of the diversity of the community and the various community's interests;
- the interests of future as well as current communities and the likely impact of any decision on these interests;
- provide opportunities for Maori to contribute to its decision-making process;
- collaborate and cooperate with other local authorities;
- undertake commercial transactions in accordance with sound business practices and assess periodically the expected returns from investing in or undertaking a commercial activity;
- ensure prudent stewardship and efficient and effective use of its resources in the interests of the district;
- take a sustainable development approach that takes into account the social, economic and cultural interests of people and communities and the need to maintain and enhance the quality of the environment and the reasonably foreseeable needs of future generations.

If any of the principles are in conflict, the Council must resolve that conflict in an open, transparent and democratically accountable manner. These principles are helpful in determining the governance structure as they are indicative of the spirit and intent of the LGA and govern the way in which the Council undertakes decision-making. A Council that is seen to act in conflict with these principles can be subject to judicial review.

In deciding on a governance structure, section 39 is also helpful to consider as it defines the following governance principles:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community;
- a local authority should ensure that the governance structures and processes are effective, open and transparent;
- local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities;
- a local authority should be a good employer; and
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

Decision-Making Responsibility

Every decision made by a local authority, including a decision not to take any action, must be made in accordance with sections 77, 78, 80, 81 and 82 of the LGA. Specifically, the Council must during the decision-making process:

- 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;
- identify those options which involve a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna and other taonga;
- give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter;
- determine the matters significance in relation to Council's Significance and Engagement Policy;
- identify whether the proposed decision would be significantly inconsistent with any existing policy or plan;
- establish and maintain processes to provide opportunities for Maori to contribute to the decision-making process;
- consider ways in which the Council may foster the development of Maori capacity to contribute to the decision-making process;
- provide relevant information to Maori;
- undertake consultation in accordance with the principles of consultation as set out in section 82.

Significance and Engagement

A higher standard of compliance with the decision making process is required when the Council is making a significant decision. The definition of "significance" is defined in the LGA and in the Council's Significance and Engagement Policy.

If the Council determines that the decision or matter is significant in terms of the Council's Policy, then the Council must apply greater diligence in regards to the decision making requirements of the LGA.

This includes the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

The more significant a matter, the greater the level, and detail, of analysis is required.

Section 78 alone does not require the Council to undertake a consultation process, provided the Council has sought to make itself aware of the views of those interested or affected. The Council may, for example, have gathered information through a process, formal or informal, which has provided the Council with the information it needs to take community views into account. The Significance and Engagement Policy provides guidance on when consultation will and will not be undertaken.

Personal liability of members

Although having qualified privilege, Elected Members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under section 44 LGA, it is found that one of the following applies:

- money belonging to, or administered by, a local authority has been unlawfully expended; or
- an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- a liability has been unlawfully incurred by the local authority; or
- a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- without the member's knowledge;
- with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- contrary to the manner in which the member voted on the issue; and
- in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (section 47 LGA 2002).

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

LAMIA regulates situations where an Elected Member's personal interests impinge, or could be seen as impinging on their duties as an Elected Member.

Members may contact the Office of the Auditor General ('OAG') for guidance as to whether that member has a pecuniary interest, and if so, may seek (through an application from the Council) an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The CEO must also seek approval from the OAG for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the Elected Member open to prosecution under the LAMIA. In the event of a conviction Elected Members can be removed from office. Further guidance is detailed under Schedule 2 of the Code.

Local Government Official Information and Meetings Act 1987 ('LGOIMA')

The purpose of LGOIMA is to provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business in meetings of local authorities.

The general principle is that information held by local authorities is to be made available unless there is good reason for withholding it. The principal grounds for withholding information are set out in sections 6 and 7 of LGOIMA.

LGOIMA sets out a number of statutory procedures and requirements for local authority meetings. Meetings are to be publicly notified, and open to the public unless there is good reason for withholding information and excluding the public.

The Chair has the responsibility to maintain order at meetings, but all Elected Members should accept personal responsibility to maintain acceptable standards of address and debate in line with the principles detailed in section 3 of this Code.

Secret Commissions Act 1910 ('SCA')

It is unlawful for an Elected Member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result. It is also unlawful for an Elected Member (or officer) to present false receipts to the local authority.

If convicted of any offence under the SCA, a person can be imprisoned for up to 7 years. Elected Members convicted of an offence will be removed from office.

Crimes Act 1961

It is a crime for any Elected Member to accept, or solicit for themselves (or anyone else), any gift or reward for acting or not acting in relation to the business of the local authority. It is also a crime for any Elected Member to use information acquired in his or her official capacity for monetary gain or advantage.

These offences are punishable by a term of imprisonment of 7 years or more. Elected Members convicted of these offences will be removed from office.

Financial Markets Conduct Act 2013 ('FMCA')

The FMCA regulates the offer, issue and re-sale of financial products, which includes shares, debt securities and derivatives.

Council is unable to issue shares, but can issue debt securities and derivatives, and may from time to time sell financial products. If Council does issue financial products or, in certain cases, sells financial products that it holds, members will be potentially subject to personal liability for breaches of the offer and other provisions of the FMCA.

Health & Safety at Work Act 2015 ('HSWA')

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The HSWA places obligations on four duty holders- a person conducting a business or undertaking ('PCBU'); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under HSWA i.e. to ensure so far as is reasonably practicable, the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an 'officer' (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under HSWA. The CEO and Senior Leadership Team are also officers under HSWA.

The due diligence duty of officers supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive Office and Senior Leadership Team, Elected Members are not required to be directly involved in the day- to- day management of health and safety. They are, however, still required to take reasonable steps to understand Council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA.

This duty does not extend to ensuring that a council controlled organisation ('CCO') complies with the HSWA, unless the Elected Member is also an 'officer' of that CCO.

Taking 'reasonable steps' requires each Elected Member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of Council's business, and the Elected Member's position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of an offence. Elected members, however, when acting in the capacity of an elected member of the Council are expressly exempted from prosecution.

Protected Disclosures Act 2000

Under the PDA, the definition of an employee of a public sector organisation (PSO) includes Elected Members of a local authority. Elected Members (as 'employees') who disclose information about a serious wrongdoing by the Council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the Elected Member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence; oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.

Protection under the PDA applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and that employee desires protection under the Act.

For Elected Members, the default position requires a disclosure to be made to the CEO or Acting CEO. If the employee considers the CEO or Acting CEO may be involved in serious wrongdoing, the matter can also be escalated to an "appropriate authority". Appropriate authorities are defined in the Act and include the Commissioner of Police, the Controller and Auditor-General and the Parliamentary Ombudsman.

Conflicts of Interest

General

Elected Members are expected to approach decision making with an open mind- 'faithfully and impartially' and in 'the best interests of Buller District'. Elected Members must therefore be careful that they maintain a clear separation between their personal interests and their duties as a member of Council (as governing body, and as a member of a Council committee or other Council body). They must exercise care to avoid situations where they have, or appear to have, a conflict of interest.

Elected Members must carry out their duties free from bias (whether actual or perceived). Bias is the common factor in all conflict of interest situations. The rule about bias applies to both financial and non-financial conflicts of interest and is summed up in the saying 'no one may be judge in their own cause'.

In the local government context, financial conflicts of interest are governed primarily by the Local Authorities' (Members' Interests) Act 1968 ('LAMIA') and non-financial conflicts of interest are governed by the common law rule about bias.

Broadly speaking, a conflict of interest exists when an elected member could use, or uses, their position to further their own interests or those of their partner, or spouse. The various types of conflict of interest include:

- Direct financial interest- where a decision or act of the Council could reasonably give rise to an expectation of financial gain or loss to an elected member.
- Indirect financial interest- where cash doesn't change hands directly but, for example, may influence the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in;
- Non-financial interest- where an elected member's responsibilities as a member of Council could be affected by some other separate interest or duty that he/she may have in relation to a matter as a result of, for example, a personal relationship, or involvement with an external organisation, or from conduct that indicates prejudice or predetermination.

Conflicts of interest can be:

- Actual: where the conflict of interest already exists;
- Potential: where the conflict is about to happen, or reasonably could happen; or
- Perceived: where other people might reasonably think an Elected Member is not being objective or his/her position as an Elected Member has been compromised.

Financial conflicts of interest

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...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 concerned." (OAG, 2001)

Members should consider the following factors in considering whether they have a financial interest.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision- do I have a reasonable expectation of gain or loss of money by making that decision?

- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor or another person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek independent legal advice. Where uncertainty exists, members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

The two specific rules in the LAMIA relate to:

1. Contracts

An Elected Member is disqualified from office, or from election to office, if that member is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year (unless there is an exemption granted by the Office of the Controller and Auditor-General ('OAG')).

The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which a member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member.

It is an offence under LAMIA for a person to act as a member of the Council (or Council committee) while disqualified.

2. Participation in decision-making

Elected Members must not participate in any Council discussion or vote on any matter in which they have a financial interest (either directly or indirectly), other than an interest in common with the public.

Both rules apply in the case of an interest or concern through an Elected Member's spouse or partner, or through a company or trust.

How is bias determined?

Bias is determined by asking the following question:

"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?"

It is natural to expect that Elected Members will bring their own experience and knowledge to the decision-making process; that members may already have views – even strong or publicly stated views – about the matter; and that political considerations may play a part in the decision.

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether they might be perceived as biased, members must also consider the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Declarations of interest

To help identify possible conflicts of interest the Council operates a Register of Members' Interests.

Elected Members must make full and complete declarations of interests following the Inaugural Meeting of Council (after local government elections or by-election, as appropriate), and then every six months, using the Register of Members' Interests Declaration Form. These declarations of interests are a key individual responsibility of all Elected Members. They must notify the Council of the nature and extent of any interest as further detailed in the declaration form.

Declarations will be recorded in a Register of Members' Interests maintained by Council. The Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

The Register does not remove the requirement to disclose conflicts of interest as they arise. Members must therefore advise the Council, as soon as practicable during the year, if any new interests arise; complete a declaration of interests form every six months and update the Register whenever a member's interest has changed. Members must also declare their interests at meetings where matters in which they have a conflict of interest arise. The Elected Member must:

- declare the existence of a conflict to the meeting (the member does not have to disclose the nature of the interest concerned, though he or she is required if the interest is a financial one);
- abstain from discussion and voting (take no part in the consideration of the matter). Depending on the issue, the member may consider it best to leave the meeting room itself.

General awareness and support

There is no simple binding rule that covers all conflict of interest situations – each situation must be evaluated on its individual merits. If an Elected Member is in any doubt as to whether he/she should declare an interest and stand aside from decision-making (including a decision to take no action), then he/she should seek guidance from the Mayor immediately; seek advice from the OAG (as to whether there is a financial interest) or from his/her own lawyer.

In some situations of pecuniary interest, a member may be able to obtain an exemption from the OAG to allow him/her to participate or vote on a particular issue. Any exemptions must be obtained before the discussion or vote takes place.

The Auditor General can retrospectively approve contracts that would otherwise disqualify a member under the Act, in limited cases.

In a case of doubt, a member should refrain from discussing or voting on the matter in question and preferably physically withdraw from the meeting. The minutes of the meeting will record the member's declaration of interest and absence from voting.

Relevant guidelines include:

- [‘Guidance for Members of Local Authorities about the Local Authorities’ \(Members’ Interests\) Act 1968’](#) – Office of the Auditor General 2010;
- [‘Managing Conflicting Interests in Local Government: The Local Authorities \(Members’ Interests\) Act 1968 and Associated Issues’](#) – Department of Internal Affairs August 2011;

Consequences of bias and/or breach of the LAMIA

An Elected Member will be automatically disqualified from office if he/she is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year.

If an Elected Member has a financial interest in a matter and participates in discussion and voting on it, he/she will have committed an offence under the LAMIA. In the event of a conviction, an Elected Member can be removed from office.

An Elected Member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review).

If an Elected Member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the LGA (refer to Schedule 1).

Process for the investigation and determination of complaints

Summary

There is a five-stage process for dealing with complaints under the Code of Conduct:

Stage 1:

Acknowledgement of the complaint and the respondent is informed.

Stage 2:

Preliminary assessment of the complaint – led by either the CEO or an independent investigator.

Stage 3:

Informal resolution of complaint (where alleged breach is considered non-material).

Stage 4:

Independent investigator assessment where:

- the alleged breach is considered material;
- the complaint has not been able to be resolved informally; or
- the complaint is otherwise referred to an independent investigator by the CEO.

Stage 5:

The Council's consideration of the investigator's report.

Stage 1: Acknowledgment of complaint

1. Within two working days of receipt of a complaint, the CEO will:
 - a. acknowledge receipt and refer the complainant to the process for dealing with the complaint under this Code.
 - b. inform the respondent that a complaint has been made against them and refer them to the process for dealing with the complaint under this Code.

Stage 2: Preliminary assessment of complaint

2. The CEO, with the Mayor (or Deputy Mayor if the complaint involves the Mayor) will assess whether:
 - a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;
 - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
 - d. the complaint is not material and should progress to informal resolution (refer to Stage 3); or
 - e. the complaint is material and a full investigation is required by an independent investigator (refer to Stage 4). An alleged breach of section 5.5 of the Code is deemed to be material.
3. The CEO may request further information/evidence from the complainant in support of the complaint and, if considered appropriate, may also request a preliminary statement in response from the respondent.
4. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraphs 2(a) or (c) above, the CEO will inform the complainant and the respondent directly. The CEO will also inform other Elected Members of the decision, unless there are grounds for the matter to remain confidential.

5. If it is determined that the complaint involves a potential legislative breach and is outside the scope of the Code, the CEO will forward the complaint to the relevant agency and inform both the complainant and respondent of the action.
6. Where the CEO and Mayor (or Deputy Mayor) determine the complaint is material, the matter must immediately be referred to an individual investigator for assessment (Stage 4).
7. The CEO has full discretion to refer any complaint to an independent investigator at any stage, even if it is considered not material.
8. The preliminary assessment of a complaint under Stage 2 will be completed within seven working days of receipt of the complaint. If additional time is required to complete the assessment, the CEO must notify the complainant and respondent with the date when the preliminary assessment is expected to be completed.

Stage 3: Informal Resolution

9. Where the CEO and the Mayor (or Deputy Mayor) determine the complaint falls under paragraph 2(d) (refer to Stage 2), they will endeavour to settle the matter informally between the parties within 10 working days from the completion of Stage 2. The process for informal resolution must be fair to, and include, the affected parties.
10. The outcome of this initial process may be that the parties reach an informal agreement to resolve the complaint, in which case no further action is required. A written record of the informal agreement must be kept by the CEO's office.
11. If agreement is not possible between the parties under Stage 3, the CEO will refer the complaint to an independent investigator for full investigation.
12. For clarity, Stage 3 is not available if the complaint has been assessed as material under Stage 2 or referred to an independent investigator under paragraph 7 above.

Stage 4: Independent Investigator Assessment

13. Where the CEO and the Mayor (or Deputy Mayor) determines the complaint falls under paragraph 2(e) in Stage 2, or the complaint is not otherwise resolved, the CEO will refer the complaint to an independent investigator selected from the approved Panel of Independent Investigators.
14. On receipt of a complaint the investigator will, if appropriate, assess whether:
 - a. the complaint is frivolous or without substance and should be dismissed;
 - b. the complaint is outside the scope of the Code and should be redirected to another agency or process;
 - c. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
 - d. the complaint is non-material; or
 - e. the complaint is material and a full investigation is required.
15. The investigator must carry out their assessment in accordance with the principles in section 6.1 and within the terms of engagement provided by the CEO. The assessment must be completed and sent to the CEO as soon as possible, no later than 20 working days from the date the complaint is referred to the investigator (unless otherwise agreed with the CEO).
16. In making the assessment, the investigator may make whatever initial inquiry is necessary to determine the materiality of an alleged breach and to recommend the appropriate course of action. The investigator has full discretion to recommend any complaint is dismissed which, in their view, fails to meet the test of materiality.
17. On receiving the investigator's assessment, the CEO will:
 - a. where an investigator determines that a complaint is frivolous or without substance or previously been assessed and actioned under the Code, inform the complainant and the respondent directly and inform other Elected Members (if there are no grounds for confidentiality) of the investigator's decision; or

- b. in cases where the investigator finds that the complaint involves a potential legislative breach and is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Stage 4A: Actions where a breach is found to be non-material

- 18. The investigator will inform the CEO if they find the breach is non-material as part of their assessment (under Stage 4), and, if they choose, recommend a course of action appropriate to the breach, such as the respondent:
 - a. receiving direction from the Mayor (or Deputy Mayor as appropriate) regarding behaviour or conduct expected from Elected Members;
 - b. attending appropriate training or counselling to better understand the behaviour or conduct that is expected from Elected Members in circumstances that lead to the complaint.
- 19. The CEO, in consultation with the Mayor (or Deputy Mayor, as appropriate) may determine which recommendation, if any, from the independent investigator's assessment should be actioned. The CEO will advise both the complainant and the respondent of the investigator's findings, which are not open to challenge, and any recommendations to be actioned. The CEO will also notify other Elected Members, unless there are grounds of confidentiality. A written record must be kept by the CEO's office.
- 20. If the CEO and Mayor (or Deputy Mayor) do not agree on the investigator's recommendations to be actioned, the CEO must report the investigator's assessment to the Council for determination (refer to Stage 5).

Stage 4B: Actions where a breach is found to be material

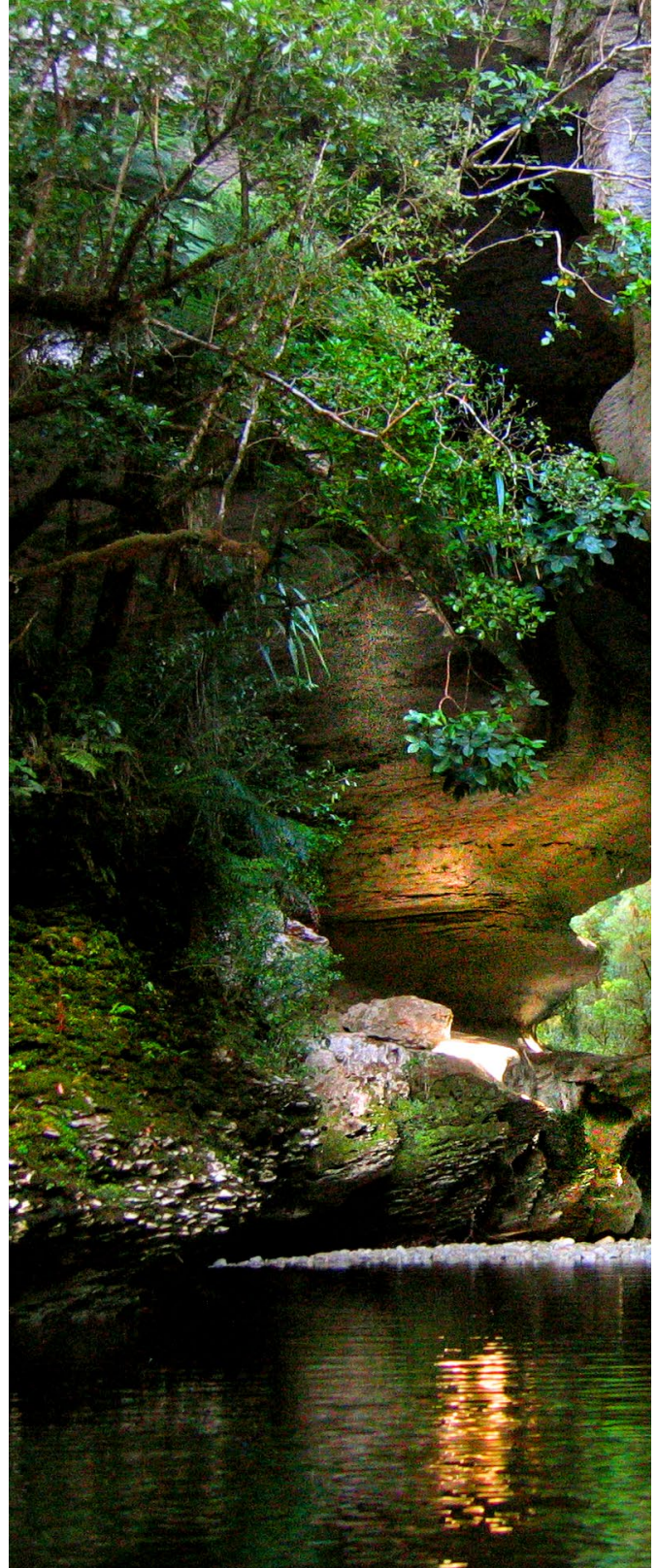
- 21. The investigator will inform the CEO if they find that the breach is material as part of their assessment (Stage 4). The CEO will then inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.
- 22. In preparing the report the investigator must:
 - a. consult with the complainant, respondent and any affected parties; and
 - b. refer to any relevant documents or information provided by the CEO, and may undertake a hearing with relevant parties.
- 23. On receipt of the investigator's report, the CEO will prepare a report for Council, which will meet within a month of the CEO receiving the investigator's report to;
 - a. consider the findings of the investigator's report; and
 - b. determine whether a penalty, or some other form of action, will be imposed.

The CEO's report will include the full report prepared by the investigator, including any recommendations.

- 24. The CEO will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by the Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the CEO and/or Mayor (or Deputy Mayor, as appropriate) prior to the Council meeting being held to determine the complaint.

Stage 5: The Council's consideration of an investigator's report

25. The CEO's report (with the investigator's full report or assessment, and any submission from the complainant or respondent, attached) will be considered by the full Council, excluding any interested members (including the complainant (if relevant) and respondent), only if:
- a. the CEO and Mayor do not agree on which recommendations from the investigator, if any, are to be actioned for a non-material breach (refer Stage 4A) or;
 - b. the breach is found to be material (refer State 4B)
26. The Council will consider the CEO's report in an open meeting, except when the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under section 48 of the LGOIMA, in which case it will be a Public Excluded meeting.
27. Before making any decision in respect of the investigator's report the Council will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings may not otherwise take part in these proceedings.
28. The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 6.3 of this Code.



BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM: 6

Prepared by - Rachel Townrow
- Deputy Chief Executive Officer

Reviewed by - Sharon Mason
- Chief Executive Officer

ADOPTION OF STANDING ORDERS 2022 - 2025

1. REPORT SUMMARY

This report presents a new set of Draft Standing Orders for adoption by Council for the triennium 2022-2025.

2. RECOMMENDATION

That Council adopt the Standing Orders 2022-2025 as tabled

3. ISSUES AND DISCUSSION

- a. The purpose of both the current (refer to attachment one) and proposed Standing Orders is to enable Buller District Council to exercise its decision-making responsibilities in a transparent, inclusive and lawful manner for the benefit of its residents.
- b. Standing Orders are the rules governing the conduct of proceedings for meetings of a council and its committees.
- c. All councils are required to adopt and operate within a set of standing orders (clause 27 schedule 7 of the Local Government Act 2002).
- d. Standing Orders are reviewed and updated as needed, typically once each triennium.
- e. The Deputy CEO and CEO staff have reviewed the Council's current Standing Orders that were adopted on 30 October 2019 and are proposing that the standing orders remain fit for purpose into the new triennium.

4. CONSIDERATIONS

4.1 Strategic Impact

Adopting the most updated Standing Orders based on best practice should improve our decision-making processes and make us more consistent with the rest of New Zealand.

4.2 Significance Assessment

In accordance with our policy the significance of this decision is deemed as low.

4.3 Values Assessment

Our values are: Future Focussed, One Team, Community Driven, Integrity and We Care. Under 'Community Driven' this move demonstrates that we are moving with the times and therefore future focussed.

4.4 Risk Analysis

Adopting standardised orders that have been developed according to best practice reduces the risk of procedural errors.

4.5 Policy/Legal Considerations

These orders are compliant with the requirements of the LGA 2002.

4.6 Tangata Whenua Considerations

None noted

4.7 Views of those affected

It was not deemed necessary to canvass public opinion on this decision due to the low significance.

4.8 Media/Publicity

There will be little media and public interest in this move.

Buller District Council

Standing Orders

Ngā Tikanga Whakahaere Hui

October 2022

Preface/Kupu whakapuaki

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees, 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 local authorities, their committees, subcommittees, subordinate decision-making bodies, and local and community boards. They fulfil, regarding the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

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 local authority must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction/Kupu Whakataki

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; the Guide is not part of the Standing Orders.

1.1 Principles/Ngā Mātāpono

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 2002; 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" (LGA 2002, s 39).

1.2 Statutory References/Ngā tohutoro ā-ture

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 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/Ngā kupu rāpoto

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

1.4 Application/Te hāngaitanga

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/Ngā whakamārama

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.

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

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

Audiovisual 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 in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under s 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 cl 30A of sch 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

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

Conflict of Interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

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.

Debate means discussion by members that occurs once a motion has been moved/seconded

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.

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

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

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

Foreshadowed motion 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.

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with cl 30A of sch 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.

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

Meeting means any first, inaugural, ordinary, extraordinary, or emergency 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.

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

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

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.

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

Pecuniary Interest includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968.

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 ss 46(1) and (2) of LGOIMA.

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

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

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

Presiding member means the chairperson.

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 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 website. 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 of sch 7 of the 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 or amendment.

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

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

Working party 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 will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings..

General Matters/Ngā take whānui

3. Standing Orders/Ngā tikanga whakahaere hui

3.1 Obligation to Adopt Standing Orders/Te kawenga ki te whakatū tikanga whakahaere hui

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

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

3.2 Process For Adoption and Alteration of Standing Orders/Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

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

3.3 Members Must Obey Standing Orders/Me whai ngā mema i ngā tikanga whakahaere hui

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.

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

3.4 Application of Standing Orders/Te whakahāngai i ngā tikanga whakahaere hui

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and 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/Te tārewa taupua i ngā tikanga whakahaere hui

Any member of a council, committee, subcommittee and subordinate body, and local and community board, 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.

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

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please Note: 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/Ngā whakawā a te Kaunihera

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

3.7 Physical Address of Members/Ngā wāhi noho ō ngā mema

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

4. Meetings/Ngā hui

4.1 Legal Requirement to Hold Meetings/Te tikanga ā-ture ki te whakahaere hui

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/Te roa o ngā hui

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, then 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/Te reo

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/Te pāho mataora i ngā hui

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First Meeting (Inaugural)/Te hui tuatahi

The first meeting of a local authority, 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.

LGA 2002, sch, cl 21(1) - (4).

4.6 Requirements For the First Meeting/Ngā tikanga mō te hui tuatahi

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

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (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 ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.

- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch 7, cl 17.

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

It is common for councils 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.

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

5. Appointments And Elections/Ngā kopounga me ngā pōtitanga

5.1 Mayoral Appointment of Deputy Mayor, Committee Chairs and Members/Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema

A Mayor may appoint the deputy Mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint themselves.

LGA 2002, s 41A(3).

5.2 Council Discharge of a Mayoral Appointment/Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee chairpersons in accordance with LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Establishment of Committees by the Mayor/Te whakatū a te koromatua i ngā komiti

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

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

Please note, a Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

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

5.4 Elections of Regional Chairpersons, Deputy Mayors and Deputy Chairpersons/Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

- The chairperson and deputy chairperson of a regional council;
- The deputy Mayor;
- The chairperson and deputy chairperson of a committee; and
- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

LGA 2002, sch 7, cl 25.

5.5 Removal of a Deputy Mayor/Te whakakore i te tūranga a tētahi Koromatua tuarua

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 7.

LGA 2002, sch 7, cl 18.

5.6 Voting System for Chairs, Deputy Mayors and Committee Chairs/Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

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.

LGA 2002, sch 7, cl 25.

6. Delegations/Te tuku mana

6.1 Duty to Consider Delegations to Community Boards/Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori

The council of a territorial authority must consider whether to delegate to a community board if the delegation will enable the community board to best achieve its role.

LGA 2002, sch 7, cl 32(6).

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

6.2 Limits On Delegations/Ngā tepenga o te tuku mana

Unless clearly stated in the LGA 2002 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.

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

6.3 Committees May Delegate/Ka taea e ngā komiti te tuku mana

A committee, subcommittee, subordinate decision-making body, local board, 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.

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

6.4 Use of Delegated Powers/Te whakamahi i ngā mana tuku

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

LGA 2002, sch 7, cl 32(2),(3), and (4).

6.5 Decisions Made Under Delegated Authority Cannot Be Rescinded or Amended/E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku

Nothing in these Standing Orders allows a council, committee, and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

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

6.6 Committees and Sub Committees Subject to the Direction of the Local Authority/Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe

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

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

7. Committees/Ngā komiti

7.1 Appointment of Committees and Subcommittees/Te kopounga o ngā komiti me ngā komiti āpiti

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

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

7.2 Discharge or Reconstitution of Committees and Subcommittees/Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti

Unless expressly provided otherwise in legislation or regulation:

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

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

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

Please note: Section 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. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

7.3 Appointment or Discharge of Committee Members and Subcommittee Members/Te kōupounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti

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

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

7.4 Elected Members on Committees and Subcommittees/Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti

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

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that 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.

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

7.5 Local Authority May Replace Members If Committee Not Discharged/Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti

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

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

7.6 Membership of Mayor/Te mematangā a te Koromatua

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A(5).

7.7 Decision Not Invalid Despite Irregularity in Membership/Kāore e noho manakore tētahi whakatau ahakoa i rangirua te mematangā

For the purpose of these Standing Orders a decision of a local authority, committee, local board and community board is not invalidated if:

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

LGA 2002, sch 7, cl 29.

7.8 Appointment of Joint Committees/Te kopounga o ngā komiti hono

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

- (a) The number of members each party may appoint;
- (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.

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

7.9 Status of Joint Committees/Te tūnga o ngā komiti hono

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

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

7.10 Power to Appoint or Discharge Individual Members of a Joint Committee/Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono

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

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

Pre-meeting/I mua i te hui

8. Giving Notice/Te tuku pānui

Please note; the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

8.1 Public Notice – Ordinary Meetings/Te pānui tūmatanui – ngā hui noa

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 the LGNZ Guide to Standing Orders for more information).

LGOIMA, s 46.

8.2 Notice to Members - Ordinary Meetings/Te pānui ki ngā mema – ngā hui noa

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

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

8.3 Extraordinary Meeting May Be Called/Ka āhei ki te karanga hui Motuhake

An extraordinary council meeting may be called by:

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

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

8.4 Notice to Members - Extraordinary Meetings/Te pānui ki ngā mema – ngā hui Motuhake

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the Standing Order 8.3, as well as the general nature of business to be considered, to

each member of the council 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.

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

8.5 Emergency Meetings May Be Called/Ka āhei ki te karanga hui ohotata

If the business a council 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 Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

LGA 2002, sch 7, cl 22A(1).

8.6 Process For Calling an Emergency Meeting/Te pūnaha mō te karanga hui ohotata

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 local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

LGA 2002, sch 7, cl 22A(2).

8.7 Public notice – Emergency and Extraordinary Meeting/Te pānui tūmatanui – ngā hui ohotata me te Motuhake

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 local authority 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 local authority's website and in any other manner that is reasonable in the circumstances.

LGOIMA, s 46(3).

8.8 Meetings Not Invalid/Kāore e manakore ngā hui

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

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

LGOIMA, s 46(6).

8.9 Resolutions Passed at an Extraordinary Meeting/Ngā tatūnga i whakamanahia i te hui Motuhake

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.

LGOIMA, s 51A.

8.10 Meeting Schedules/Ngā hōtaka hui

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 publicly notify each meeting.

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

8.11 Non-receipt of Notice to Members/Te kore e whiwhi pānui a ngā mema

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

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

A member of a local authority may waive the need to be given notice of a meeting.

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

8.12 Meeting Cancellations/Te whakakore hui

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/Te rārangi take o ngā hui

9.1 Preparation of the Agenda/Te whakarite i te rārangi take

It is the chief executive's responsibility, on behalf of the chairperson, 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 must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for Raising Matters for a Decision/Te pūnaha mō te whakatakoto take hei whakatau

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations.

9.3 Chief Executive May Delay or Refuse Request/Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the 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.

Where a Chief executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

9.4 Order of Business/Te raupapatanga o ngā mahi

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 8.

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

9.5 Chairperson's Recommendation/Te marohi a te ūpoko

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. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson May Prepare Report/Te pūrongo a te ūpoko

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public Availability of the Agenda/Te wātea o te rārangi take ki te marea

All information provided to members at a local authority, or local or 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.

LGOIMA, ss 5 & 46A.

9.8 Public Inspection of Agenda/Te tiroiro a te marea i te rārangi take

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.

LGOIMA, s 46A(1).

9.9 Withdrawal of Agenda Items/Te tango take i te rārangi take

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/Te tuari i te rārangi take

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 council business, to members by electronic means.

9.11 Status of Agenda/Te tūnga o te rārangi take

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

9.12 Items Of Business Not on The Agenda Which Cannot Be Delayed/Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

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.

LGOIMA, s 46A(7).

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 of the LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of Minor Matters Not on The Agenda/Te kōrerorero i ngā take iti kāore i runga i te rārangi take

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.

LGOIMA, s 46A(7A).

9.14 Public Excluded Business on the Agenda/Ngā take o te rārangi take kāore e whārikihia ki te marea

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including 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.

LGOIMA, s 46A(9).

9.15 Qualified Privilege Relating to Agenda and Minutes/Te maru whāiti e pā ana ki te rārangi take me ngā meneti

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.

LGOIMA, s 52.

Meeting Procedures/Ngā Tikanga Hui/

10. Opening and Closing/Te whakatuwhera me te whakakapi

Local authorities, local boards and 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 powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum/Kōrama

11.1 Council Meetings/Ngā hui Kaunihera

The quorum for a meeting of the council is:

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

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

11.2 Committees and Subcommittee Meetings/Ngā hui komiti me te komiti āpiti

A council 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 council, or if established by a local board or community board, the relevant board.

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

11.3 Joint Committees/Ngā komiti hono

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

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

11.4 Requirement for a Quorum/Te herenga mō te kōrama

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.

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

11.5 Meeting Lapses Where No Quorum/Ka tārewa te hui mēnā karekau he kōrama

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/Ngā take mai i ngā hui tārewa

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

12. Public Access and Recording/Te urunga a te marea me te hopunga

12.1 Meetings Open to the Public/E tuwhera ana ngā hui ki te marea

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.

LGOIMA, s 47 & 49(a).

12.2 Grounds For Removing the Public/Ngā take e panaia ai te marea

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Local Authority May Record Meetings/Ka āhei te mana ā-rohe ki te hopu i ngā hui

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/Ka āhei te marea ki te hopu i ngā hui

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

Where circumstances require, the chairperson may direct the recording to stop for a period of time.

13. Attendance/Te taenga

13.1 Members Right To Attend Meetings/Te mōtika a ngā mema ki te tae ki ngā hui

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

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

If a member of the local authority is not an appointed member of the meeting which they are attending, 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 member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

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

13.2 Attendance When a Committee is Performing Judicial or Quasi-Judicial Functions/Te tae ki ngā hui ina whakahaere whakawā te komiti

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/Te tuku tamōtanga

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies/Ngā whakapāh

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 Mayor (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 council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 Recording Apologies/Te hopu whakapāha

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/Te tamōtanga kāore i whakaaetia

Where a member is absent from four consecutive meetings of the council, local board or 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.

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

13.7 Right to Attend by Audio or Audiovisual Link/Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the local authority 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/Te tūnga a te mema: kōrama

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

LGA 2002, sch 7, cl 25A(4).

13.9 Member's Status: Voting/Te tūnga a te mema: te pōti

Where a meeting has a quorum, 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/Ngā mahi a te ūpoko

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

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

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

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.

13.11 Conditions for Attending by Audio or Audiovisual Link/Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to Attend by Audio or Audiovisual Link/Te tono kia tae mā te hononga ā-oro, ataata-rongo rānei

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 audiovisual 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 audiovisual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

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

13.13 Chairperson May Terminate Link/Ka āhei te ūpoko ki te whakakore i te hononga

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;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.14 Giving or Showing a Document/Te tuku, te whakaatu rānei i tētahi tuhinga

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

- (f) Transmitting it electronically;
- (g) Using the audio visual link; or
- (h) Any other manner that the chairperson thinks fit.

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

13.15 Link Failure/Ina mūhore te hononga

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

13.16 Confidentiality/Te matatapu

A member who is attending a meeting by audio or audio-visual link must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's Role in Meetings/Te mahi a te ūpoko i roto i ngā hui

14.1 Council Meetings/Ngā hui kaunihera

The Mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy Mayor is also absent the local authority 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 Mayor for that meeting.

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

14.2 Other Meetings/Ētahi atu hui

In the case of committees, subcommittees and subordinate decision-making bodies, 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.

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

14.3 Addressing the Chairperson/Me pēhea te whakaingoa i te ūpoko

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

14.4 Chairperson's Rulings/Ngā whakataunga a te ūpoko

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appointment of order questions the

chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Chairperson Standing/Ina tū te ūpoko

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/Te mōtika a te mema ki te korero

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/Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero

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/Ngā Matapakinga a te Marea

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 of their choice, not necessarily on the meeting's agenda, to the attention of the local authority.

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

15.1 Time Limits/Ngā tepenga wā

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 local authority 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. 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/Ngā Herenga

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/Ngā pātai i ngā matapakinga a te marea

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/Kāore he tatūnga

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 LGNZ Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations/Ngā Teputeihana

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; however, this requirement may be waived by the chairperson. 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/Ngā tepenga wā

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/Ngā Herenga

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/Te pātai i ngā teputeihana

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/Ngā tatūnga

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/Ngā Petihana

17.1 Form of Petitions/Te āhua o ngā petihana

Petitions may be presented to the local authority or any of its committees, local boards or community boards, 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 five working days before the meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 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/Te petihana ka whakatakotohia e te kaipetihana

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/Te petihana ka whakatakotohia e tētahi mema

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/Te aukati i te marea

18.1 Motions and Resolutions to Exclude the Public/Ngā mōtini me ngā tatūnga ki te aukati i te marea

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

Every motion to exclude the public must be put while the meeting is open to the public, 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.

LGOIMA, s 48.

18.2 Specified People May Remain/Ka āhei ngā tāngata ka tohua ki te noho mai

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.

LGOIMA, s 48(6).

18.3 Public Excluded Items/Ngā take e aukatihia ana ki te marea

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.

LGOIMA, s 46A(8).

18.4 Non-disclosure of Information/Te kore e whāki i ngā mōhiotio

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; and
- (b) The information is no longer confidential.

18.5 Release of Information from Public Excluded Session/Te tuku i ngā mōhiohio nō te nohoanga aukati ki te marea

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.

19. Voting/Te pōti

19.1 Decisions by Majority Vote/Mā te nuinga e whakatau

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, a local authority (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

LGA 2002, sch 7, cl 24(1).

19.2 Open Voting/Te pōti tuwhera

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

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

19.3 Chairperson Has a Casting Vote/Kei te ūpoko te pōti whakatau

The Mayor, Chairperson, or any other person presiding at a meeting, has a deliberative vote and, in the case of an equality of votes, has a casting vote.

LGA 2002, sch 7, cl 24(2).

19.4 Method of Voting/Te tikanga pōti

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/Te tono i te wehenga

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/Te tono kia tuhi i ngā pōti

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members May Abstain

19.8 Members May Abstain/Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

20. Conduct/Ngā whanonga

20.1 Calling to Order/Te tono kia tau ngā mema

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 immediately leave the meeting for a specified time.

20.2 Behaviour Consistent With Code Of Conduct/Ngā whanonga e hāngai ana ki te Tikanga Whakahaere

At a meeting no member may act inconsistently with their Code of Conduct, or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and Apologies/Te tango kōrero me te whakapāha

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

20.4 Disorderly Conduct/Ngā whanonga kino

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/Te whakahāwea

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.

A member who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal From Meeting/Te pana i te tangata i te hui

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

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and 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/Ngā take taharua ahumoni

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at 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.

LAMIA, ss 6 & 7.

20.8 Non-financial Conflicts of Interests/Ngā take taharua ahumoni-kore

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter 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/Te maru whāiti mō ngā whakaritenga hui

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.

LGOIMA, s 53.

20.10 Qualified Privilege Additional to Any Other Provisions/He āpitihanga te maru whāiti ki ētahi atu whakaritenga

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.

LGOIMA, s 53.

20.11 Electronic Devices at Meetings/Ngā pūrere hiko i ngā hui

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:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

21. General Rules of Debate/Ngā tikanga whānui mō te tautohetohe

21.1 Chairperson May Exercise Discretion/Kei te ūpoko te tikanga

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/Te tepenga wā mā ngā kaikōrero

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/Ngā pātai ki ngā kaimahi

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

21.4 Questions of Clarification/Ngā pātai whakamārama

At any point in 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/or the particular stage the debate has reached.

21.5 Members May Speak Only Once/Kotahi noa iho te wā e āhei ai te mema ki te korero

A member, depending on the choice of options for speaking and moving set out in SO 22.2 -22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on Number of Speakers/Ngā tepenga mō te maha o ngā kaikōrero

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 Seconder May Reserve Speech/Ka āhei te kaitautoko ki te whakatārewa i tana korero

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

21.8 Speaking Only to Relevant Matters/Me hāngai ngā kōrero ki ngā take whai panga

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

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/Te whakahua anō i te mōtini

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/Te whakahē i ngā tatūnga

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/Te whakahē kupu

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.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 Right of Reply/Te mōtika ki te whakautu

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.

The original mover may 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 may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right or reply until the closure motion.

21.13 No Other Member May Speak/E kore e āhei tētahi atu mema ki te korero

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

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment Motions/Ngā mōtini hei hiki i te hui

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/Te whakaae a te ūpoko ki ngā mōtini whakakapi

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/Ngā tikanga whānui mō te kōrero me te mōtini

22.1 Speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini

This subsection outlines the requirements for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

22.2 Option B/Kōwhiringa 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.

23. Motions and Amendments/Ngā mōtini me ngā whakahoutanga

23.1 Proposing and Seconding Motions/Te whakatakoto me te tautoko mōtini

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. A motion should be moved and seconded before debate but after questions.

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

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in Writing/Te tuhi i ngā mōtini

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

23.3 Motions Expressed in Parts/Ngā mōtini i whakawehea

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/Te whakakapi mōtini

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/Me hāngai ngā whakahoutanga me kaua e whakahē i te mōtini

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- a) Not directly relevant
- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

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

23.6 Foreshadowed Amendments/Ngā whakahoutanga kua kōrerotia kētia

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

23.7 Carried Amendments/Ngā whakahoutanga i whakaaetia

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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.8 Lost Amendments/Ngā whakahoutanga i whakahēngia

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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.9 Where a Motion is Lost/Ina whakahēngia tētahi mōtini

In a situation where a substantive motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.10 Withdrawal of Motions And Amendments/Te tango i ngā mōtini me ngā whakahoutanga

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement 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.

23.11 No Speakers After Reply or Motion Has Been Put/Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tono rānei i te pōti

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 chair started putting the motion.

24. Revocation or Alteration of Resolutions/Te whakakore, te whakahou rānei i ngā tatūnga

24.1 Member May Move Revocation of a Decision/Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga

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 council, subordinate body, local or 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 Part 6, 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/Mā te rōpū nāna te whakatau e whakakore

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

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

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

24.3 Requirement to Give Notice/Te herenga ki te tuku pānui

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 local authority, 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/Ngā herenga mō ngā mahi i raro i te tatunga whai pānga

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

Exceptions apply where, in the opinion of the chairperson:

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

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

24.5 Revocation or Alteration by Resolution at Same Meeting/Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu

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/Te whakakore, te whakahou rānei mā te marohi ki rō Pūrongo

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

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

25. Procedural Motions/Ngā mōtini whakahaere

25.1 Procedural Motions Must be Taken Immediately/Me pōti ngā mōtini whakahaere i taua wā tonu

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/Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe

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

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate 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); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

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

25.3 Voting on Procedural Motions/Te pōti mō ngā mōtini whakahaere

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/Te tautohetohe i ngā take i whakatārewatia

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/Ngā take e toe ana i ngā hui i whakatārewatia

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 Council, Committee or Local or Community Board/Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei

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

25.7 Other Types of Procedural Motions/Etahi atu momo mōtini whakahaere

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

26. Points of Order/Te tono ki te whakatika hapa

26.1 Members May Raise Points of Order/Ka āhei ngā mema ki te tono ki te whakatika hapa

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/Ngā kaupapa mō te whakatika hapa

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/Ngā whakahē

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/Te tono whakatika hapa i te wā o te wehenga

A member may not raise a point of order during a division, except with the permission of the chairperson.

26.5 Chairperson's Decision on Points of Order/Te whakatau a te ūpoko mō ngā tono whakatika hapa

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.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

27. Notices of Motion/Te pānui i ngā mōtini

27.1 Notice of Intended Motion to be in Writing/Me tuhi te pānui mō te mōtini e takune ana

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/Te whakahē i te pānui mōtini

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; 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 the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

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 board.

27.3 Mover of Notice of Motion/Te kaimōtini o te pānui mōtini

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/Te whakarerekē i te pānui mōtini

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/Ka tārewa te pānui mōtini

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

27.6 Referral of Notices of Motion/Te tuku i ngā pānui mōtini

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board 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/Ngā pānui mōtini tārua

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

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

28. Minutes/Ngā meneti

28.1 Minutes to be Evidence Of Proceedings/Ka noho ngā meneti hei taunakitanga mō te hui

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 or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, sch 7, cl 28.

28.2 Matters Recorded in Minutes/Ngā take ka tuhi ki ngā meneti

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

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The chairperson;
- (d) Any apologies or leaves of absences;
- (e) Member absent without apology or leave of absence;

- (f) Member absent on council business;
- (g) The arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) the names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No Discussion on Minutes/Kāore e āhei te whakawhiti kōrero mō ngā meneti

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

28.4 Minutes of Last Meeting Before Election/Ngā meneti o te hui whakamutunga i mua i te pōtitanga

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/Te whakarite mauhanga

29.1 Maintaining Accurate Records/Te whakarite i ngā mauhanga tika

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.

Public Records Act 2002, s 17.

29.2 Method for Maintaining Records/Te tikanga mō te tiaki i ngā mauhanga

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

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

Contract and Commercial Law Act 2017, s 229(1).

29.3 Inspection/Te tiroiro

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

LGOIMA, s 51.

29.4 Inspection of Public Excluded Matters/Te tiroiro i ngā take aukati marea

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

Referenced Documents/Ngā tohutoro tuhinga

- 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/Āpitihanga 1: Ngā take e aukatihia ai te marea

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

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

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

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public 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.

LGOIMA, s 48.

Appendix 2: Sample Resolution to Exclude The Public/Āpitihanga 2: He tauira mō te tatūnga ki te aukati i te marea/

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

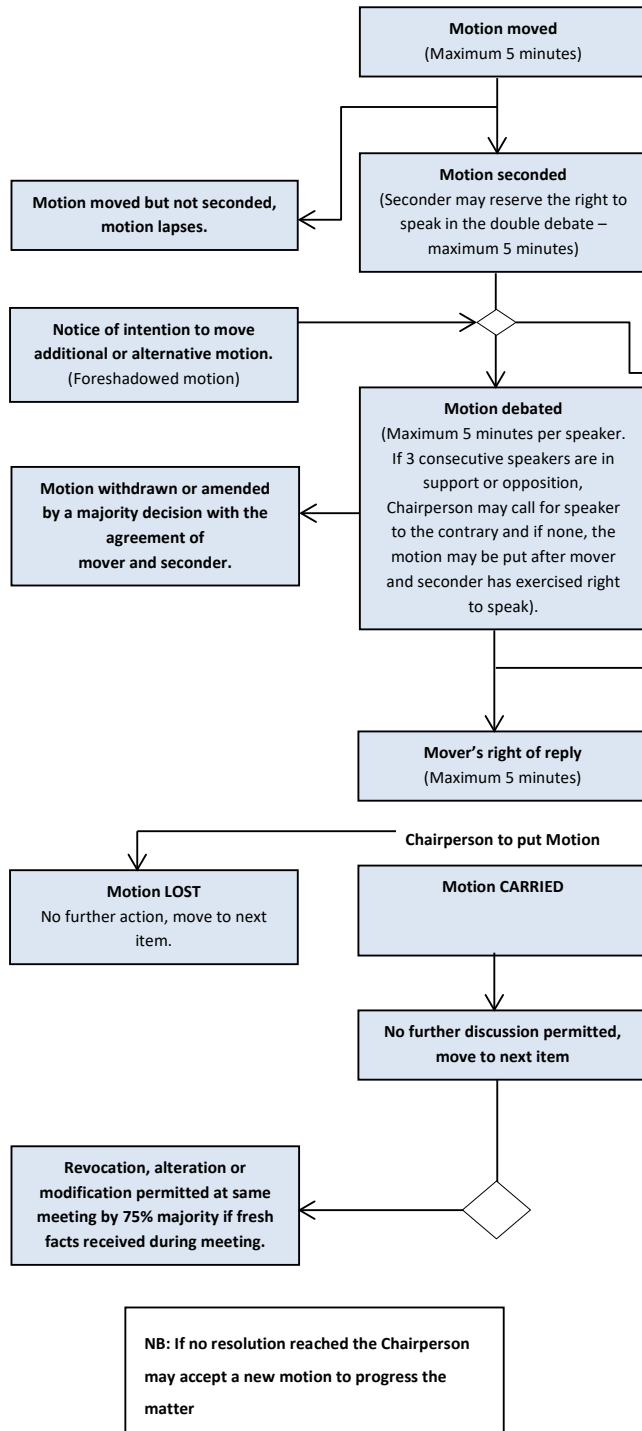
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

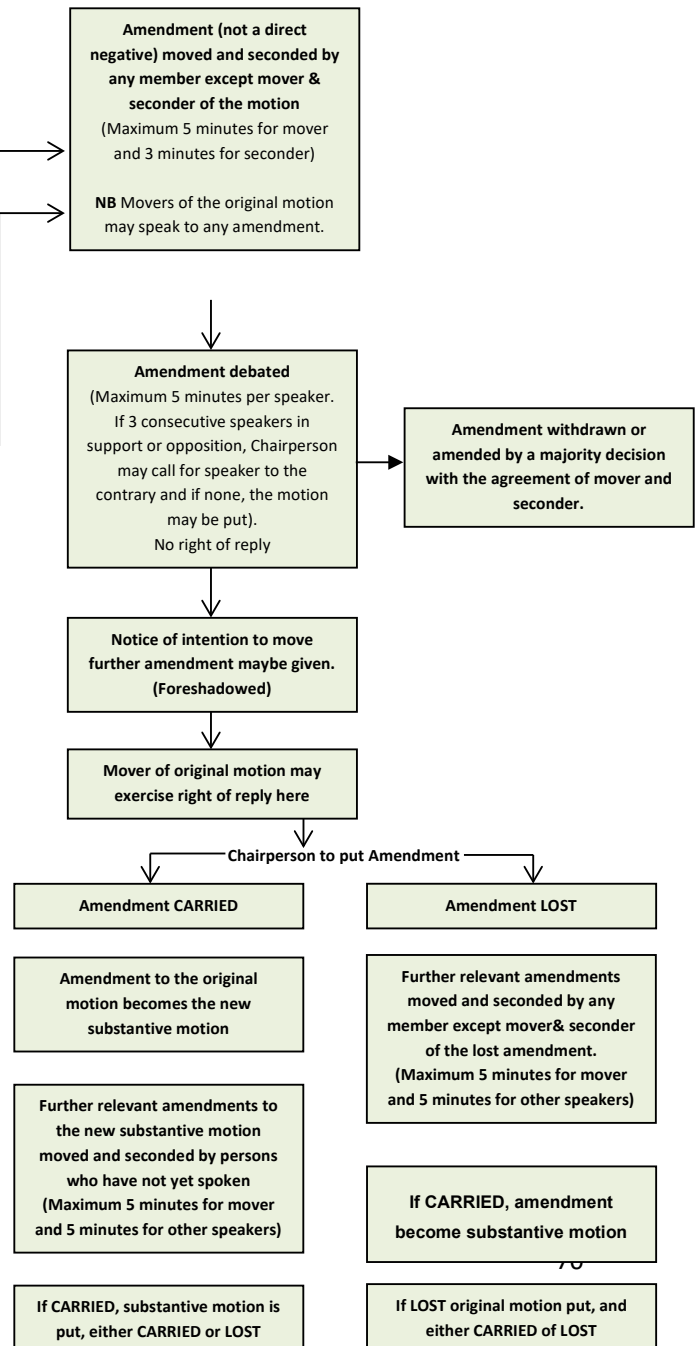
2. That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

Appendix 3: Motions and Amendments (Option B)/Āpitihanga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)

Motions without amendments



Motions with amendments



Appendix 4: Table of Procedural Motions/Āpitianga 4: Tūtohi mō ngā mōtini whakahaere

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	

ATTACHMENT A

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 5: Webcasting Protocols/Āpitihanga 5: Ngā tikanga mō te pāhotanga mataora

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 6: Powers of a Chairperson/Āpitihanga 6: Ngā Mana Whakahaere a te Ūpoko

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 (SO. 26.5)

The chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the chairperson.

Items not on the agenda (SO.9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO.19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Motion in writing (SO.23.2)

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

Motion in parts (SO.23.3)

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

Notice of motion (SO.27.2)

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions (SO.

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 (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

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 scheduled 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 (SO.21.8)

The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO.21.11)

The chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

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 (SO.14.5)

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

Members may leave places (SO.14.6)

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

Priority of speakers (SO.14.7)

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

Minutes (SO.28.1)

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

Questions of speakers (SO.16.3)

The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO.20.3)

The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

Chairperson's rulings (SO.14.4)

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance (SO.13.10)

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

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

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 7: Process for Removing a Chairperson or Deputy Mayor From Office/Āpitihianga 7: Te pūnaha mō te whakakore i te tūranga a te ūpoko, te Koromatua tuarua rānei

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

LGA 2002, sch 7, cl 18.

Appendix 8: Sample Order of Business/Āpitihanga 8: He tauira mō te whakaraupapatanga o ngā take

Open section

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

Public excluded section

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

Appendix 9: Process for Raising Matters for a Decision/Āpitihanga

9: Te pūnaha mō te whakatakoto take hei whakatau

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

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

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

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

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM: 7

Prepared by - Jamie Cleine
- Mayor Elect

Reviewed by - Sharon Mason
- Chief Executive Officer

Attachments: - A Committee Appointments
- B Governance Structure - Terms of Reference and Delegations 2022 - 2025

MAYOR REPORT

1. REPORT SUMMARY

This report seeks to establish committees of Council, and to appoint Councillors to roles within those committees and to various other committees and groups requiring the representation of Council. It also provides a commentary on the initial period of establishing the new Council and the efforts of the Mayor to establish positive relationships with key people and organisations. The report restates Buller District Council's commitment to our partnership with Ngati Waewae and having a representative from Ngati Waewae represented at committee governance level with voting rights, the exception being full council.

2. DRAFT RECOMMENDATION

That Council:

- 1. Receive the report for information.**
- 2. Notes that, pursuant to section 41A(3)(b) of the Local Government Act 2002, the Mayor has established the following committees of Council:**
 - a. Risk and Audit Committee**
 - b. Chief Executive Review and Performance Committee**
 - c. Community, Environment and Services Committee**

- d. Regulatory, Hearings and Planning Committee**
- 3. Notes that, pursuant to section 41A(3)(c) of the Local Government Act 2002, the Mayor has appointed the following chairpersons to the committees of Council:**
 - a. Mayor, Jamie Cleine as interim Chair of Risk and Audit Committee until an independent chair is in place.**
 - b. Deputy Mayor, Andrew Basher as Chair of Chief Executive Review and Performance Committee.**
 - c. Councillor, Joanne Howard as the Chair of the Community, Environment & Services Committee.**
 - d. Councillor, Rosalie Sampson as Deputy Chair of the Community Environment & Services Committee with responsibility for grants.**
 - e. Councillor Graeme Neylon as Chair Regulatory, Hearings and Planning Committee.**
- 4. Approve the appointment of Councillors to the following Subcommittees of the Community, Environment and Services Committee (CESC), in anticipation of their establishment at the first CESC meeting:**
 - a. Councillor Graeme Neylon to the Reefton Reserve Subcommittee.**
 - b. Councillor Linda Webb to the Springs Junction/Maruia Reserve and Hall and Inangahua Junction Hall Subcommittees.**
 - c. Councillor Toni O'Keefe to the Ngakawau/Hector, Mokihinui and Waimangaroa Reserve Subcommittees.**
 - d. Councillor Rosalie Sampson to the Karamea and Seddonville Hall and Little Wanganui Reserve and Hall Subcommittees, and the Creative Communities Subcommittee.**
 - e. Councillor Grant Weston to the Carters Beach Reserve and Hall and Omau Reserve Subcommittees.**
 - f. Councillor Annalise Pfahlert to the Creative Communities Subcommittee.**
- 5. Approve the Appointment of Councillors to Advisory Groups, Working Groups and other Committees requiring representation:**

- a. **Mayor, Jamie Cleine and Councillor Graeme Neylon to the Te Tai o Poutini Plan Committee (One District Plan), Councillor Joanne Howard as nominated reserve to cover any absence.**
 - b. **Councillor Toni O’Keefe to the Regional Transport Committee.**
 - c. **Mayor Jamie Cleine, Councillor Colin Reidy and Councillor Joanne Howard to the Westport Rating District Joint Committee.**
 - d. **Councillor Graeme Neylon to the District Licensing Committee (Alcohol Licensing) as Chair.**
 - e. **Councillor Joanne Howard to the Dolomite Point Redevelopment Project Steering Group and Social Hub Feasibility Working Group;**
 - f. **Councillor Rosalie Sampson to the West Coast Regional Housing Forum.**
 - g. **Councillor Graeme Neylon to the West Coast Health Localities project governance group.**
 - h. **Councillor Grant Weston to the West Coast Road Safety Co-Ordinating Committee**
- 6. **Note the appointment of Councillors, Graeme Neylon and Linda Webb to the Inangahua Community Board as per council resolution 19th October 2022.**
 - 7. **Council approves the continuation of Ngati Waewae representation and voting rights at committee level , the exception being full council.**
 - 8. **Adopt the Governance Structure including Terms of Reference as per Attachment one.**
 - 9. **Confirm the remainder of 2022 Council and Committee dates as per Attachment two.**

3. OVERVIEW OF INFORMATION

Committees - Section 41A of the Local Government Act 2002 (the Act) states that the Mayor has the power to establish committees of Council. It further states that the Mayor has the power to appoint the chairperson of each committee and that this may be made before the other members of the committee are determined, and may appoint himself.

Committees may establish subcommittees. Previous Councils have had reserve and hall subcommittees under the Community, Environment and Services Committee (CESC). A recommendation will be made at the first CESC meeting to establish these again. In anticipation of their establishment, Councillor appointments to each have been included in this report for completeness.

A Creative Communities Subcommittee has also previously been established under CESC. This subcommittee provides the legal structure for distributing funding provided by Creative New Zealand. As above, Councillor appointments to this subcommittee are included here for completeness, in anticipation of this being established at the first CESC meeting.

Committee Membership - In terms of schedule 7 clause 30 of the Act Council may at any time and from time to time appoint or discharge any member of a committee with the right existing for a Committee at any time to appoint or discharge any member of a Subcommittee appointed by that Committee.

4. MAYORAL UPDATE

On the 19 October 2022 it was excellent to be sworn in as Mayor and Councillors for another triennium. The swearing in ceremony completes the official formalities required to enact the 2022-25 Council.

Much of the remainder of the week has been focused on inducting the Council with information and equipment that will set everyone up for a successful three years.

I have already begun to extend and develop relationships with neighbouring Mayors and other Mayors from around New Zealand by attending a Mayors' training and induction workshop over two days in Wellington on 17/18 October. This is also part of establishing working relationships with key government Ministers and local MPs to ensure that I can continue to represent our district at the highest level in a constructive way.

Another key relationship is that with West Coast Regional Council. I have phoned both Westport WCRC elected members and offered my availability to meet or discuss matters at any time. I have also met with previous Chair Allan Birchfield who I understand is seeking to be re-elected Chair by his new Council.

I have been warmly welcomed back to office by staff across the organisation. We have a large workload to deliver as the major flood recovery infrastructure repairs get underway. We have established a strong partnership with Central Government to secure the high levels of funding support and it is imperative that this Council establishes quickly and maintains the kind of positive momentum we have enjoyed over the previous period. Buller District is well regarded by our partners as a Council that has a good governance process and an executive team with an ability to deliver. I am confident that as Elected Members we will be well supported as we progress over the three-year term.

Committee Appointments

It is my intention to build competency and experience across the governance group by delegating Councillors to roles that interest them or in which they have specific skills.

My expectation is that the Chairs whilst working closely with myself will take responsibility for governance of their respective committees, including working closely with fellow councillors and the appropriate senior staff lead in fulfilling the terms of reference.

I have had direct conversations with all Councillors and my appointments take into consideration those discussions. It is my intention to re-visit the effectiveness of these appointments in late 2023 and make any necessary adjustments. This may include re-assignment of responsibilities to different Councillors.

Relationship with Ngāti Waewae

Buller District Council has a memorandum of Understanding in place with Ngāti Waewae outlining our commitment to working in partnership and our commitment to supporting mana whenua. The relationship between council and Ngāti Waewae has matured significantly over the past triennium and transitioning from a presence around the council table to one of voting rights at a committee level.

Buller Council also recognises Ngāti Apa , and is further developing and cementing the relationship at a governance and operational level.

2022 Triennium Mayoral Appointments

The following are the key appointments to various committees and councillors that I have asked to take responsibility for particular areas of focus/Portfolios

Mayor:	TPP Plan (one district plan) Projects In Partnership Three Waters Reforms Future For Local Government Reforms Westport Rating District Joint Committee Civil Defence Emergency Management Group (Joint Committee)
Andrew Basher:	Deputy Mayor Chair, Chief Executive Review and Performance Committee
Graeme Neylon:	Chair Regulatory, Hearings and Planning Committee Council appointee to: District Licensing Committee (DLC) TTPP (one district plan) Primary Health Organisation (PHO) WC Health Localities project Reefton Reserve Subcommittee
Joanne Howard:	Chair of Community Environment & Services Committee (CESC) Council appointee to: Dolomite Point Redevelopment Group Westport Rating District Joint Committee Social Hub Feasibility Working Group TTPP (one district plan) as reserve representative
Rosalie Sampson:	Deputy Chair of Community Environment & Services Committee (CESC) Council appointee to: Creative Communities Subcommittee Carnegie Restoration working group Regional Housing Forum Karamea Reserve Subcommittee Little Wanganui Reserve and Hall Subcommittee Seddonville Reserve Subcommittee
Annalise Pfahlert	Youth Development as a member of CESC Council appointee to: Creative Communities Subcommittee
Colin Reidy:	Council appointee to: Westport Rating District Joint Committee
Grant Weston:	Council appointee to: Carters Beach Reserve and Hall Subcommittee Omau Reserve Subcommittee WC Road Safety Co-Ordinating Committee
Phil Grafton:	Council appointee to: Projects in Partnership group.
Linda Webb:	Council appointee to: Inangahua Community Board (ICB) Springs Junction Reserve/Maruia Hall Subcommittee Inangahua Junction Hall Subcommittee

Toni O’Keefe:

Council appointee to: Regional Transport Committee (RTC)
Ngakawau/Hector Reserve Subcommittee
Mokihinui Reserve Subcommittee
Waimangaroa Reserve Subcommittee

Governance Structure

**Terms of Reference and Delegations for Council,
and Committees of Council**

2022 - 2025 Triennium

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Introduction

Governance Structure

This document sets out the Governance Structure by which Buller District Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible.
2. The business of Council is transacted transparently and inclusively, whenever possible Committees are the whole of Council.
3. Decisions are made once, not twice. Draft recommendation to Committee. Committee recommendation to Council for adoption.
4. Committees are strategically aligned to Council's priorities.
5. Delegations to Committees and the Chief Executive Officer are optimised.
6. The expectation of full attendance by Elected Members at Council, Finance Risk and Audit Committee, and Community, Environment and Services Committee meetings.

The Governance Structure for Buller District Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Committees, including:

- **Common delegations**

There are a number of common delegations from Council to the following committees of the whole: Risk and Audit Committee, Community, Environment and Services Committee, and Regulatory, Hearings and Planning Committee. These common delegations are set out on page 7 and should be read in conjunction with the Terms of Reference for those committees.

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page 9.

The Governance Structure may also be reviewed and amended as necessary throughout the Triennium.

The Role of the Mayor

Section 41A of the Local Government Act 2002 confers a number of powers and responsibilities to the Mayor.

The Mayor may:

- Define and promote a vision for the advancement of Buller and the people of Buller, and provide leadership to achieve that vision.
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council.
- Ensure effective engagement between the Council and the people of Buller.
- Appoint the Deputy Mayor.
- Establish committees of the governing body (Council) and appoint the chairperson and deputy chairperson for each of those committees.

Non-elected Māori Representative Position

The inclusion of a non-elected, Iwi Representative role into the Buller District Council Governance structure formally recognises the importance of the crucial relationship with Te Rūnanga o Ngāti Waewae.

Te Rūnanga o Ngāti Waewae will have a non-elected, voting Māori Representative position on all Council Committees and will hold a non-elected, non-voting Māori Representative position at full Council meetings. Te Rūnanga o Ngāti Waewae are already legally recognised as mana whenua by Council in regard to meeting its existing obligations under legislation around consenting.

The appointment further strengthens, develops and extends the Council relationship with Te Rūnanga o Ngāti Waewae especially across Council's wider cultural, social, economic, environmental and legal interests in regard to its district obligations.

Under the Crown's obligations arising from Te Tiriti o Waitangi, Te Rūnanga o Ngāti Waewae as mana whenua are always going to be heavily engaged in future direction setting for the West Coast Te Tai Poutini in general, and also, specifically, for the Buller district. For Council then, a strong and positive relationship with Te Rūnanga Ngāti Waewae is important on every level.

Ambiguity and Conflict

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive Officer or other Council officer, are to be determined by the whole of Council.

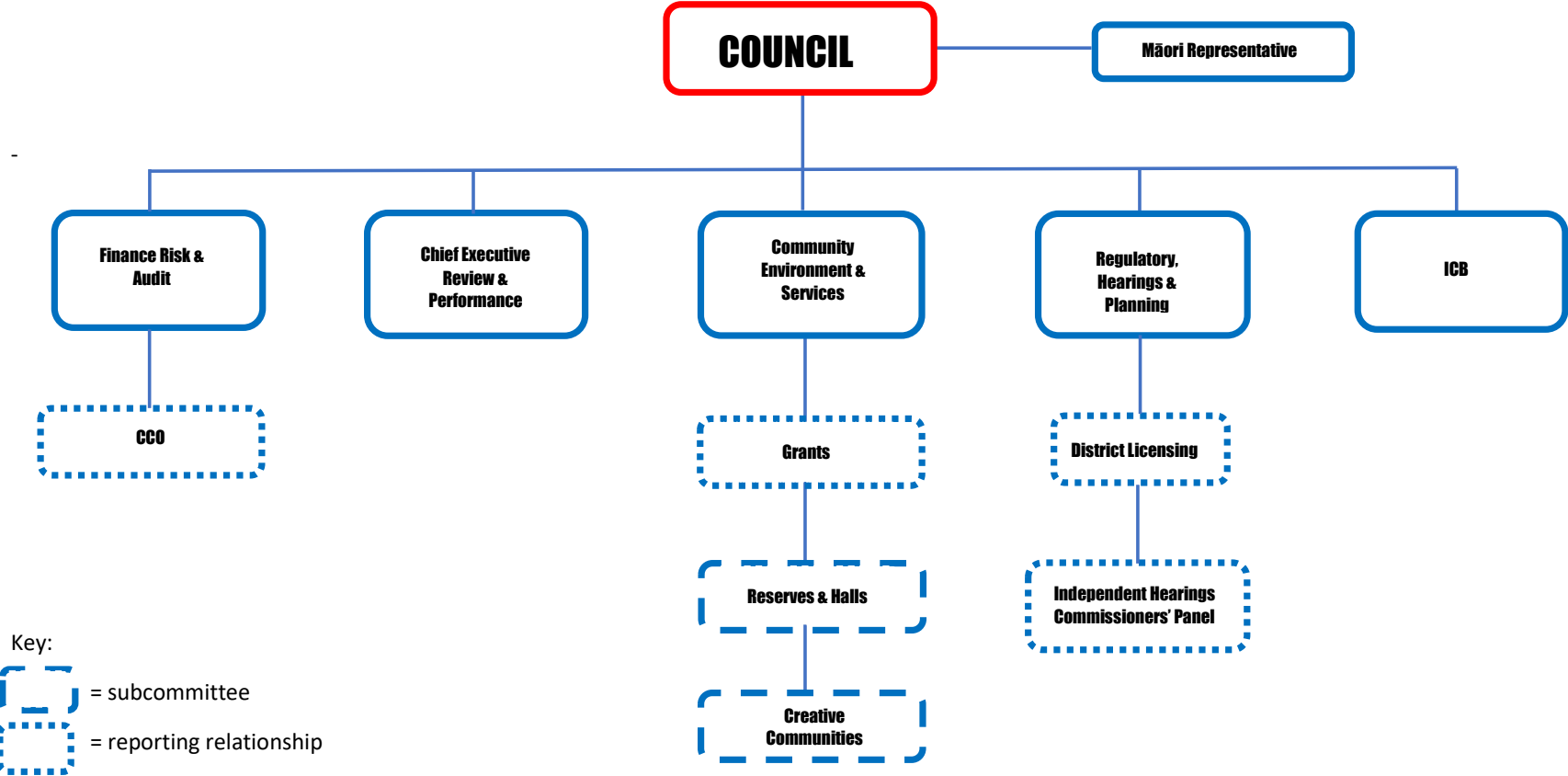
In the event of uncertainty or dispute as to which Committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive Officer will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

Interpretation

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.

Council and Committees of Council

2022-2025 Structure



Council

Chairperson: Mayor

Membership: The Mayor and all Councillors

Meeting Frequency: Monthly – or as required

Quorum: A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to set district rates.
 - b) The power to create, adopt and implement 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 or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive Officer.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) Health & Safety obligations and legislative requirements are met.

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - d) Approval of the Triennial Agreement.
 - e) Approval of the local governance statement required under the Local Government Act 2002.
 - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
 - g) Approval of any changes to the nature and delegations of the Committees.

Common Delegations

The following delegations from Council are common to the Risk and Audit Committee, the Community, Environment and Services Committee and the Regulatory, Hearings and Planning Committee within their respective areas of responsibility.

General Principal

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

Strategy, plans and policy

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

Bylaws

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation.
2. Recommend to Council new or amended bylaws for adoption.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

Submissions and legislation

1. Approve submissions to external bodies/organisations on legislation and proposals, related to the Committee's areas of responsibility, that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Asset Management Plans/Strategic Infrastructure Plan.

Contracts

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a) Do not require the approval of the whole of Council; and
 - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

Risk and Audit Committee

Reports to:	The Council
Chairperson:	Mayor Jamie Cleine (interim)
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	Monthly
Quorum:	A majority of members (including vacancies)

Purpose

The Risk and Audit Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Annual and Long Term Plans.
2. Monitoring Council's interests in its Council Controlled Organisations (CCOs).
3. Reviewing the Council's risk register and associated process for managing current and emerging risk.
4. Ensuring the independence and effectiveness of Council's External and Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies as required.
6. Ensuring that council policies and practices will prevent unethical, questionable or illegal activities.
7. Providing a communication link between management, internal auditors/external auditors and Council.
8. Supporting measures to improve management performance and internal controls.

In addition to the common delegations on page 7 the Risk and Audit Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To receive regular reports regarding Council's financial and non-financial performance against Annual and Long Term Plans.
2. To consider reports related to significant expenditure outside of the Annual and Long Term Plans and make appropriate recommendations to Council.
3. To develop and monitor policy related to the following matters:
 - a) Financial management;
 - b) Revenue generation;
 - c) Procurement and tendering; and

- d) The appointment and remuneration of directors and CCOs
4. To monitor the probity of processes relating to policies developed by the Risk and Audit Committee.
 5. To provide clear direction to Council's CCOs on Council's expectations, including feedback on draft statements of intent.
 6. To receive Quarterly reports of Council's CCOs, including board performance.
 7. To undertake any reviews of CCOs and make appropriate recommendations for approval by Council.
 8. Review CCO requests for major transaction approval and recommend appropriate actions to Council.
 9. To monitor Council's debt and investments to ensure compliance with Council policy.
 10. To monitor the Council's outstanding debtors' positions.
 11. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
 12. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

Internal Audit

13. Agree the scope of internal audits.
14. Monitor the delivery of the internal audit work programme and results
15. Assess whether Internal Audit's recommendations have been properly implemented by management.
16. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

Other Matters

17. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks
18. Review the effectiveness of the systems for monitoring the Council's compliance against legislation, regulation, policy, and guidelines (including health and safety).
19. Conduct and monitor special investigations in accordance with Council policy and approved budget or in response to material matters raised by staff or committee members, including engaging expert assistance, on matters within its Terms of Reference.
20. Provide an annual review of Council's risk management framework and amend as required.
21. Review and monitor business continuity planning.

The Committee is delegated the following powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

- The Committee will provide three-monthly reports to Council on its activities with appropriate recommendations.

Special Notes:

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- The Chairperson will be an independent appointment, not an elected member, to strengthen the independent nature of the Committee's monitoring responsibility of Council activities.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- The Chief Executive Officer and Chief Financial Officer are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the Committee meetings, as required.
- The Chairperson of the Committee shall review the travel and other reimbursed expenses of the Chief Executive Officer and confirm compliance with Council policies and practice. This information will be provided to the Chairperson on a monthly basis.
- The Chairperson shall review the travel and other reimbursed expenses of the Mayor and confirm compliance with Council policies. This information will be provided to the Chairperson on a monthly basis.
- The Chief Executive Officer (Principal Advisor) shall be responsible for drawing to the Committee's immediate attention to any material matter that relates to the financial condition of Council, any material breakdown in internal controls, and any material event of fraud or malpractice.
- The Chairperson shall present an annual Audit and Risk Self Review to Council summarising the Committee's activities during the year and any related significant results and findings.

Oversight of Policies:

- *Risk Management Framework*
- *Freeholding of Leasehold Land*
- *Revenue and financing*
- *Rates remission*
- *Development and financial contributions*
- *Significance and engagement*
- *Treasury Management*
- *Sensitive Expenditure*

Chief Executive Review and Performance Committee

Reports To:	The Council
Chairperson:	Deputy Mayor Andrew Basher
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	As required
Quorum:	A majority of members (including vacancies)

Purpose

The Chief Executive Review and Performance Committee is responsible for:

1. Acting for and advising Council on matters pertaining to the employment and performance of the Council's Chief Executive Officer.

Terms of Reference:

1. To develop and consult with Council annually on performance targets and key performance indicators for the Chief Executive, including associated methods of measurement and processes of judgement.
2. To negotiate annually with the Chief Executive performance targets and key performance indicators including associated methods of measurement and processes of judgement.
3. To conduct an annual review of the Chief Executive's performance and remuneration in accordance with the agreed processes, in April/May of each year or such other time as agreed with the Chief Executive.
4. To develop and consult with Council, appropriate amendments or adjustments to the terms and conditions of employment and the remuneration of the Chief Executive arising from the annual review.
5. To negotiate and determine any agreed amendments or adjustments to the terms and conditions of employment and the remuneration with the Chief Executive annually.
6. To develop and agree with the Chief Executive, an annual development plan to address any training needs or preferences.
7. To meet with the Chief Executive at least once each year to discuss progress on performance targets and key result areas and the agreed personal development plan and negotiate any revision or change as is considered necessary.
8. To consider and advise Council on all matters relevant to the employment of the Council's Chief Executive.
9. To represent Council in regard to any issues which may arise in respect to the Chief Executive's job description, agreement, performance objectives or other similar matters.

10. To conduct and complete a review of employment under clause 35 schedule 7 Local Government Act 2002, and make a recommendation to Council as to continued appointment or vacancy under clause 34 schedule 7 Local Government Act 2002.

The Committee is delegated the following powers to act:

- To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.
- To negotiate and recommend to Council on performance agreement measures and annual remuneration.
- To engage external advisors where required in order to fulfil its responsibilities.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.

Special Notes:

- The Chief Executive Review and Performance Committee is not delegated authority to:
 - Approve the Chief Executive's annual remuneration; or
 - Appoint the Chief Executive.

Oversight of Policies:

N/A

Community, Environment and Services Committee

Reports To:	The Council
Chairperson:	Joanne Howard
Deputy Chairperson:	Rosalie Sampson
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	Bi Monthly
Quorum:	A majority of members (including vacancies)

Purpose

The Community, Environment and Services Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the district and its communities.
2. Governance of recreational, event, and community facilities and amenities.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Funding to benefit the social, cultural, arts and environmental wellbeing of communities in Buller District.
5. Advising Council on the best ways to improve Buller district's people quality of life environmentally, socially, culturally and economically by protecting and enhancing the local environment.
6. Guiding the development of Council's Climate Change Adaptation Plan.
7. Facilitating Council's engagement with stakeholders and communities of interest, including but not limited to the Punakaiki community and Youth.

In addition to the common delegations on page 7, the Community, Environment and Services Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to district development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation, including Council's Climate Change Adaptation Plan.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.

4. To monitor Buller's social demographics and social climate to assess current and future impacts on the Council and Buller communities.
5. To determine the funding priorities for the Community Grants Allocation Panel, Long Term Plan and Annual Plan.
6. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
7. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for the environment, public art, recreational and community facilities and amenity.
8. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of the Finance Risk & Audit Committee.
9. To monitor Council sustainability principles and actions.
10. To monitor and oversee the Reserves and Halls Subcommittees.
11. To monitor and oversee the Creative Communities Subcommittee.

The Committee is delegated the following powers to act:

- Performing the Council's functions, powers and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act and the Reserves Act.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval of distributions from Council's contestable grant funding.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

Special Notes:

- The Deputy Chairperson has responsibility for the Council grants portfolio under this Committee.
- The Chief Executive Officer and Group Manager Community Services are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- Written updates may be requested to be provided to Council meetings from the Chair and Group Manager Community Services from time to time.

Oversight of Policies:

- *Dwellings on Unformed Legal Road*
- *Housing for the Elderly*
- *Building on Reserve Land*
- *National Representation – Financial Assistance*
- *ANZAC Day Observance*
- *Community Grants*
- *Smokefree Environments – Council Buildings and Public Spaces*
- *Use of Council Parks, Reserves and Buildings*
- *Verandas Over Public Places*
- *NZLGA Annual Conference and Zone Meetings*
- *Petitions/Referenda*

Regulatory, Hearings and Planning Committee

Reports To:	The Council
Chairperson:	Graeme Neylon
Membership:	The Mayor, all Councillors and Māori Representative
Meeting Frequency:	As required
Quorum:	The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson

Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - a) Implementation of Government requirements.
 - b) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office.

In addition to the common delegations on page 7, the Regulatory, Hearings and Planning Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road;
 - Supply and Sale of Alcohol Act 2012.
2. Guide the review of Council's bylaws, and policies required by statute (other than those incorporated in the Long Term Plan).
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.

4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendation to the Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through an independent advisor when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference or statute specify the requirement for expert, external or additional representation.
- The Chief Executive Officer, Group Manager Regulatory Services are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- Written updates may be requested to be provided to Council meeting from the Chair and Group Manager Regulatory Services from time to time.

Oversight of Policies:

- *Dangerous, Earthquake-prone and Insanitary Buildings*
- *Class 4 Gambling and Totalisator Agency Board Venue*
- *Dog Control*
- *Vegetation Overhanging Footpaths*
- *Election Signs*
- *Fencing of Swimming Pools*
- *Commercial Trading*
 - *Alcohol Consumption & Dining on Public Footpaths*
 - *Display of goods Furniture or Sandwich Board Signs*
 - *Mobile Shops*
 - *Street Stalls Raffles, Appeals & Busking*

Independent Hearings Commissioners' Panel

Reports to: Regulatory and Hearing Committee

Chairperson: As appropriate

Membership - with up to three sitting at any one time (including the Chairperson, if required):

Meeting Frequency: As required

Purpose:

To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

The Panel is delegated the following Terms of Reference and powers:
--

Terms of Reference:

1. The power to hear and decide any of the following RMA matters:
 - a) Application for a resource consent or change to conditions of resource consent;
 - b) Notice of objection; or
 - c) Notice of requirement to designate land and later a designation; for a heritage order and alteration to a heritage order.
2. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the Group Manager Regulatory Services until the date the final decision is delivered by the hearings commissioner(s).
3. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

Special Notes:

- The Group Manager Regulatory Services is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.

Inangahua Community Board

Reports to: Council

Meeting Frequency: Bi Monthly

Purpose:

1. The purpose of these delegations is to give effect to the local community empowerment model which is a partnership approach to the governance of the District that will primarily be delivered through the Inangahua community board.
2. The intent of these delegations is to delegate authority and, as far as possible, responsibility to the Inangahua community board to allow the community board to effectively govern and provide recommendations to the Buller District Council regarding local issues associated with their areas.
3. In making these delegations the Council recognises that it is ultimately responsible for the governance of the district and therefore retains the right to set minimum standards and to review community board recommendations associated with the exercise of these delegations.

In making these delegations the Council undertakes to:

1. Provide for and give consideration to community board input into significant governance decisions affecting the respective community board area.

The ICB is delegated the following Terms of Reference and powers:
--

Terms of Reference:

Community Board Status

A community board (Local Government Act 2002, s.51) is:

1. An unincorporated body; and
2. Not a local authority; and
3. Not a committee of the Council.

Role

The legislative role of community boards (*Local Government Act 2002, s.52*) is to:

1. Represent, and act as an advocate for, the interests of its community, and
2. Consider and report on all matters referred to it by Council, or any matter of interest or concern to the community board: and
3. Maintain an overview of services provided by the Council within the community: and
4. Prepare an annual submission to the Council for expenditure within the community: and
5. Communicate with community organisations and special interest groups within the community: and
6. Undertake any other responsibilities delegated to it by Council.

Delegations

In exercising the delegated powers, the community board will operate within:

1. Policies, plans, standards or guidelines that have been established and approved by Council:
2. The approved Council budgets for the activity

In addition to the community boards legislative role the community board is responsible for and accountable to the Council for:

1. Providing local leadership and developing relationships with Council, the community, and community organisations in developing local solutions within the Community board area.
2. Assisting the organisation with consultation with local residents, ratepayers, Iwi, community groups and other key stakeholders on local issues including input into the Long Term Plan and the Annual plan.
3. Making recommendations to Council on leases, licenses or concessions associated with all Council owned property included within the locally funded activities of the community board area, excluding Council administration land and buildings.
4. Making recommendations to council on property (including land & buildings) acquisitions and disposals in the local area.

Note:

None of the delegations may be sub delegated

1. Council retains decision making authority associated with new or existing maintenance contracts.

Additional financial delegations

Community Board has the authority to approve annual expenditure from a discretionary fund determined by Council on an annual basis, for local activities with the following parameters:

1. The decision meets relevant legislation and Council policy requirements including any controls on the use of funds from the respective account.
2. The decision is made after considering a report from staff or community members.
3. This expenditure may be operating or capital in nature, or a mixture of the two.
4. This expenditure cannot fund the “additional capacity” component of capital projects. It can only fund renewal or increased level of service components of capital projects

Power to delegate

The Community Board may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person

Matters which are not delegated.

Council does not delegate:

1. The power to:
 - Make a rate or bylaw.
 - Borrow money, or purchase or dispose of assets.
 - Acquire, hold or dispose of property.
 - Appoint, suspend or remove staff.
 - Adopt a long term plan or annual plan or annual report.
 - Institute an action for the recovery of any amount.
 - Issue and police building consents, notices, authorisations, and requirements under any Acts, Statutes, Regulations, By –laws and the like.
 - Enter into contracts and agreements.
 - Incur expenditure in excess of the approved Community budget; or
2. The powers and duties conferred or imposed (on Council) by The Public Works Act 1981 or those powers listed in the Section34 (2) of The Resource Management Act 1991

Review of a Community Board decision

In recognition of Council's ultimate responsibility for the governance of the District, that Council retains the right to review any decision of a community board where it believes:

1. The decision is not consistent with the Council's vision, mission, values and goals.
2. Where it believes the community board decision has contravened any relevant legislation.
3. The powers and functions of community boards as defined in the Local Government Act 2002 have been exceeded.
4. The delegations of the community board have been exceeded.
5. The decision will unduly impact on the ability of the Council to provide a district wide level of service where it believes it is necessary to do so.
6. The decision is contrary to the Council's Ten Year Plan, adopted council policy, plan or strategy or any other authority, license, consent or approval.

Decision review process

A decision to review and determine the associated course of action associated with a community board decision will be made jointly by the Mayor and Chief Executive. The relevant community board chairperson will be consulted in the process of the Council determining whether a community board decision will be reviewed. Generally the course of action will include one of the following:

1. Refer the decision back to the community board for reconsideration; or
2. Refer the decision to the Council, one of its committees or its delegated representative for determination.

Community Board to Council decision referral process

In exceptional circumstances, community boards may refer any decision to Council or its delegated committee for determination subject to that referral including the reasons the decision has been referred to the Council for determination.

Membership

The membership of the community board (Local Government Act 2002, s.50) consists of:

1. Members elected under the Local Electoral Act 2001; and
2. Members appointed in accordance with the Local Electoral Act 2001 by the Buller District Council.

Chairperson

The community board must have a chairperson (Local Government Act 2002, Schedule 7, Clause 37), who shall be elected at the first meeting of the community board in accordance with the Local Government Act 2002, Schedule 7, Clause 25 or in accordance with any subsequent amendment to this Act.

The chairperson is responsible for:

1. The efficient functioning of the community board.
2. Setting the agenda for community board meetings.
3. Ensuring that all members of the community board receive sufficient timely information to enable them to be effective community board members.
4. Attending Council meetings to represent the interests of the Community Board.
5. Being the link between the community board and Council staff.

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Community board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Group Manager for the community board area, after consultation with the Community Board Chair, will manage the formal communications between the community board and its constituents, and for the community board in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The community board shall meet at least two monthly.

Conduct of affairs

The community board shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Councils Standing Orders and Code of Conduct.

Quorum

The quorum at a meeting of the community board shall consist of:

1. Half of the members if the number of members (including vacancies) is even; or
2. A majority of members if the number of members (including vacancies) is odd.

Remuneration

Elected members will be reimbursed in accordance with the current Local Government Elected Members' Determination.

Appointments

Council Organisations and Council Controlled Organisations

Buller Holdings

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine and Deputy Mayor Andrew Basher

Joint Organisations and Advisory Groups

Regional Transport Committee

Reports to: Council
Membership: Toni O’Keefe

West Coast Road Safety Co-ordinating Committee

Reports to: Community, Environment and Services Committee
Membership: Grant Weston

Civil Defence Emergency Management Group (Joint Committee)

Reports to: Regulatory, Hearings and Planning Committee
Membership: Mayor Jamie Cleine

West Coast Primary Health Organisation Representative

Membership: Graeme Neylon (on a 3-year term)

West Coast Health Localities Project

Membership: Graeme Neylon

Te Tai o Poutini Plan (TTPP)

Reports to: Regulatory, Hearings and Planning Committee
Membership: Mayor Jamie Cleine & Graeme Neylon
Reserve Member: Joanne Howard

Projects in Partnership Steering Group

Reports to: Risk and Audit Committee
Membership: Mayor Jamie Cleine, Phil Grafton, Chair of Finance, Risk and Audit Committee, representatives from relevant partner agencies may be invited to attend as required.

Westport Rating District Joint Committee

Reports to: Council
Membership: Mayor Jamie Cleine, Joanne Howard & Colin Reidy

Dolomite Point Redevelopment Project Steering Group

Reports to: Community, Environment and Services Committee

Membership: Joanne Howard

Carnegie Library Restoration Working Group

Reports to: Community, Environment and Services Committee

Membership: Rosalie Sampson

Regional Housing Forum

Reports to: Community, Environment and Services Committee

Membership: Rosalie Sampson

Social Hub Feasibility Working Group

Reports to: Community, Environment and Services Committee

Membership: Joanne Howard



19 October 2022

| John Ryan

Tēnā koe

AUDIT AND RISK COMMITTEES AND SUPPORTING COUNCILS POST-ELECTION

I thought it would be useful to write to you now that the 2022 local body elections have concluded for two reasons. Both, to offer my Office's support in your induction of Councillors post-election, and to encourage you to consider your audit and risk committee arrangements.

Post-election plans

The months after an election are always a busy and important time for councils. Whether for first-time elected members, or those returning to the council table, there is a lot to consider and plan for at the start of the next local government three-year cycle.

We recognise that you will be actively planning your induction for elected members. During your induction process, or indeed at any time, we would be happy to meet with your council to provide an overview of my Office and matters of interest to us. Typically, councils have found our views on the matters below helpful:

- managing conflicts of interest, particularly the Local Authorities (Members' Interests) Act 1968;
- audit and risk committees;
- sensitive expenditure; and
- ethics and integrity.

If you think your council would benefit from talking to us about any of these topics, or any other relevant matters, please contact Mark Maloney (Assistant Auditor-General, Local Government) at mark.maloney@oag.govt.nz.

Audit and risk committees

For some time, my Office has been active in promoting the important role an audit and risk committee can play in strengthening the governance of councils. We recognise that most councils currently have an audit and risk committee, although these vary in the role that they play. We have seen good examples where committees have helped improve council governance and accountability to communities, in turn adding to trust and confidence in the council.

We have been recommending these committees should include independent members, in particular an independent chair. An independent chair can help to focus the agenda of the committee on key risks as well as audit matters, provide objective assurance and advice, ask the hard questions, and promote free and frank debate during committee meetings.

We would like to see new councils continue with audit and risk committees and consider whether any changes can be made to improve their effectiveness, including the mix of skills and experience on the committees. I particularly ask that you consider an appropriately qualified independent chair be appointed.

Our website at [Are you making the most of audit committees? — Office of the Auditor-General New Zealand \(oag.parliament.nz\)](https://oag.parliament.nz/are-you-making-the-most-of-audit-committees/) includes good practice guidance on audit and risk committees based on four fundamental principles – independence, clarity of purpose, competence, and open and effective relationships. We have also issued guidance specifically for Councils on matters you should consider when establishing your Audit and Risk Committee. This guidance is on our website at [Setting up a council's Audit and Risk Committee — Office of the Auditor-General New Zealand \(oag.parliament.nz\)](https://oag.parliament.nz/setting-up-a-councils-audit-and-risk-committee/).

I look forward to my office working with you and your councils in the future.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'John Ryan', with a stylized flourish at the end.

John Ryan
Controller and Auditor-General

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM 8

Prepared by - Rachel Townrow
- Deputy Chief Executive Officer

Reviewed by - Sharon Mason
- Chief Executive Officer

Attachment 1 - Current Meeting Calendar 2022

Attachment 2 - Proposed Meeting Calendar 2023

ADOPTION OF 2022/23 COUNCIL CALENDAR SCHEDULE

1. REPORT SUMMARY

Under clause 4.5(d) of the Buller District Council Standing Orders is required to adopt a schedule of meetings, including meeting dates and times for each calendar year.

2. DRAFT RECOMMENDATION

That Council:

- 1. adopt the proposed 2022/23 Council, Committee and Community Board Calendar Schedule dates as per Attachment One.**
- 2. agree to 2022/23 Council and Committee and meetings commencing at 3pm, with proposed workshops and/or presentations commencing prior to the scheduled meeting. Noting that Community Board meetings and ICB meeting start times will be resolved by members once the committees are established.**

3. ISSUES & DISCUSSION

The proposed calendar schedule has been drafted to allow for one (1) meeting to be held per day. This will permit workshops or presentation relating to the relevant

portfolio to be held prior to the scheduled meeting and not on a separate day during the month. Governance meetings have been realigned with the aim of optimising meeting times and workshops to Wednesday's therefore allowing elected members the opportunity to plan their availability and schedules well in advance.

Commencing meetings at 3pm will provide a flexible approach that will not disadvantage the community from participating at public forum or attending meetings. Governance meetings are lived streamed and recorded ensuring the community has access to view meetings.

With public forum to continue to at the commencement of the meeting to allow the community to address council on a matter relating to the agenda and the consideration of a second public forum at the conclusion of the meeting to address any matter not relating to the agenda.

The earlier meetings will address health and safety concerns of elected members traveling long distances on rural roads late in the evenings, especially during the winter months.

Council Meeting Schedule - 2022

ATTACHMENT 1

FRAC = Finance Risk & Audit
ISC = Infrastructure Strategy Committee

RHC = Regulatory & Hearings
ICB = Inangahua Community Board

CESC - Community Environment & Services Committee

January		February		March		April		May		June		July		August		September		October		November		December	
1	S			1	T			1	F	Submissions open (DAP)		1	S			1	T			1	T		
2	S			2	W			2	M			2	S			2	F			2	W		
3	M	Public Holiday		3	T			3	T			3	S			3	M			3	T		
4	T	Public Holiday		4	F			4	M			4	M			4	T	ICB		4	F		
5	W			5	S			5	T			5	T			5	M			5	S		
6	T			6	S			6	W			6	M	Public Holiday		6	T			6	S		
7	F			7	M	Public Holiday		7	S			7	T			7	W			7	M		
8	S			8	T	ICB		8	F			8	W			8	T	ELECTION DAY		8	T		
9	S			9	W			9	M			9	S			9	F			9	W	CESC	
10	M			10	T			10	T			10	S			10	M			10	T		
11	T			11	F			11	W	ISC	CESC	11	M			11	T			11	F		
12	W			12	S			12	T	ICB		12	S			12	M			12	S		
13	T			13	S			13	W			13	W	CESC		13	T			13	S		
14	F			14	M			14	S			14	T	ICB		14	W	ISC	CESC	14	M		
15	S			15	T			15	F	Public Holiday		15	F			15	T			15	T		
16	S			16	W	FRAC		16	M			16	S			16	F			16	W		
17	M			17	T			17	T			17	S			17	S			17	T		
18	T			18	F			18	W	FRAC		18	M			18	S			18	F		
19	W			19	S			19	T			19	T			19	M			19	S		
20	T			20	S			20	W	FRAC		20	M			20	T			20	S		
21	F			21	M			21	S			21	T			21	W	FRAC		21	M		
22	S			22	T			22	S			22	F			22	T			22	T		
23	S			23	W	AP WS COUNCIL		23	M			23	S			23	F			23	W	FRAC	
24	M			24	T			24	T			24	S			24	M	Public Holiday		24	T		
25	T			25	F			25	W	Public Holiday	COUNCIL	25	M			25	T			25	F		
26	W	AP workshop		26	S			26	T			26	T			26	M			26	S		
27	T			27	S			27	W	COUNCIL		27	W	COUNCIL		27	T			27	S		
28	F			28	M			28	T			28	T			28	W	COUNCIL		28	M		
29	S			29	T			29	S			29	F			29	T			29	T		
30	S			30	W	COUNCIL adopt DAP		30	M			30	S			30	F			30	W	council adopt AR	
31	M	Public Holiday		31	T			31	T	AP Hearing		31	S			31	M			31	S		

Council Meeting Schedule
2023

FRAC = Finance Risk & Audit

RHC = Regulatory & Hearings

CESC - Community Environment & Services Committee

ATTACHMENT 2

ICB = Inangahua Community Board

CNZ = Creative NZ

Date	Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	Date
1	S		W		W		S		M		T		S		T		F		S		W	REEFTON / SJ MARUIA SC	F		1
2	M		T		T		S		T		F		S		W		S		M		T		S		2
3	T		F		F		M	KARAMEA / L WANGANUI SC	W		S		M		T		S		T	ICB	F		S		3
4	W		S		S		T	ICB	T		S		T		F		M		W		S		M	NGAKAWAU SC	4
5	T		S		S		W		F		M		W		S		T		T		S		T	ICB	5
6	F		M		M		T		S		T	ICB	T		S		W		F		M	CNZ	W		6
7	S		T	ICB	T		F		S		W		F		M		T		S		T		T		7
8	S		W		W		S		M		T		S		T	ICB	F		S		W		F		8
9	M		T		T		S		T		F		S		W		S		M		T		S		9
10	T		F		F	REEFTON / SJ MARUIA SC	M		W		S		M		T		S		T		F		S		10
11	W		S		S		T		T		S		T		F		M		W	OMAU SC	S		M		11
12	T		S		S		W	SEDDONVILLE / MOKIHINUI SC	F		M		W	CESC / RHC	S		T		T		S		T		12
13	F		M		M		T		S		T		T		S		W	CESC / RHC	F		M	INANGAHUA SC	W	FRAC COUNCIL	13
14	S		T		T		F		S		W	WAIMANGAROA SC	F		M	CNZ	T		S		T		T		14
15	S		W	FRAC	W	CESC / RHC	S		M		T		S		T		F		S		W	CESC / RHC	F		15
16	M		T		T		S		T		F		S		W		S		M		T		S		16
17	T		F		F		M		W	CESC / RHC	S		M		T		S		T		F		S		17
18	W		S		S		T		T		S		T		F		M		W	SEDDONVILLE / MOKIHINUI SC	S		M	WAIMANGAROA SC	18
19	T		S		S		W	FRAC	F		M		W	FRAC	S		T		T		S		T		19
20	F		M		M	CNZ	T		S		T		T		S		W	FRAC	F		M		W		20
21	S		T		T		F		S		W	FRAC	F		M		T		S		T		T		21
22	S		W	COUNCIL	W	FRAC	S		M		T		S		T		F		S		W	FRAC	F		22
23	M		T		T		S		T		F		S		W	FRAC	S		M		T		S		23
24	T		F		F		M		W	FRAC	S		M		T		S		T		F		S		24
25	W		S		S		T		T		S		T		F		M	CARTERS BEACH SC	W	COUNCIL	S		M		25
26	T		S		S		W	COUNCIL	F		M		W	COUNCIL	S		T		T		S		T		26
27	F		M		M		T		S		T		T		S		W	COUNCIL	F		M		W		27
28	S		T	NGAKAWAU SC	T		F		S		W	COUNCIL	F		M		T		S		T		T		28
29	S				W	COUNCIL	S		M		T		S		T		F		S		W	COUNCIL	F		29
30	M				T		S		T		F		S		W	COUNCIL	S		M	KARAMEA / L. WANGANUI SC	T		S		30
31	T				F				W	COUNCIL			M		T				T				S		31
	Day	January	Day	February	Day	March	Day	April	Day	May	Day	June	Day	July	Day	August	Day	September	Day	October	Day	November	Day	December	

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM: 9

Prepared by - Jamie Cleine
- Mayor Elect

COUNCIL REMUNERATION - POST ELECTION 2022

1 REPORT SUMMARY

This Report sets out remuneration for Council under Remuneration Authority legislation for the incoming Council post the October 2022 elections.

Council is required to have a resolution to approve roles that attract additional remuneration above the base rate. This could include remuneration proposed for the deputy mayor, committee chairs, portfolio holders and Councillors.

2 DRAFT RECOMMENDATION

That Council resolve the following;

- 1. That Andrew Basher receive remuneration of \$45,000 per year for the role of Deputy Mayor.**
- 2. That Graeme Neylon receive remuneration of \$40,000 per year for the role of Chairperson Regulatory, Hearings and Planning Committee. The role includes organising the relevant Committee and additional liaison with Council staff.**
- 3. That Joanne Howard receive remuneration of \$40,000 per year for the role of Chairperson Community Environment & Services Committee. The role includes organising the relevant Committee and additional liaison with Council staff.**
- 4. That Rosalie Sampson receive remuneration of \$35,000 per year for the role of Deputy Chairperson Community Environment & Services Committee. The role includes organising the relevant Committee and additional liaison with Council staff.**

5. That Phil Grafton, Toni O'Keefe, Annalise Pfahlert, Colin Reidy, Linda Webb, Grant Weston receive remuneration of \$27,384 per year for the role of Councillor. The role includes appointees to reserve subcommittees as well as representation on other community bodies or organisations on behalf of Council as required.

3 ISSUES & DISCUSSION

Remuneration Authority Process

Local Authority elected member remuneration is set by the Remuneration Authority.

Remuneration for mayors and elected Councillors is determined within a local government pay scale which considers three factors:

- the size of the governance role of each Council,
- the average time required by an elected member on a Council of a particular size, and
- a general comparison with parliamentary salaries.

Based on this information, the remuneration authority determines an annual salary for a local authority's mayor, and a \$ value pool of remuneration as a collective, reflecting the size of the actual total governance roles of Councils rather than the number of Councillors for the balance of the Council elected members.

The Remuneration Authority allows each local authority to make recommendations on the allocation of their own pool amongst the various positions that Councillors undertake on their Council.

In addition to the set remuneration, there is also provision for elected members to be paid for their involvement in hearings and related meetings for resource consents and district/regional plans under the Resource Management Act.

Elected members are entitled to receive additional payments for the following work:

- Resource consent hearings under the Resource Management Act 1991 (RMA) or the
- Housing Accords and Special Housing Areas Act 2013 (HASHA)
- District Plan hearings
- Regional Plan or Regional Policy Statement hearings.

These fees are not part of the governance remuneration pool covering Councillors' remuneration and positions of additional responsibility. There is no annual cap on the payment of fees for these hearings.

The hourly rate paid is to be decided by the Council up to the following amounts:

- \$93 an hour for a hearing Member; and
- \$116 an hour for a hearing Chair.

Councils must include their hearings fees in their individual expense and reimbursement policy.

The Authority does not have any jurisdiction over fees related to alcohol licensing hearings.

Elected member remuneration, meetings fees and hourly rates noted above are all subject to income tax.

Elected members are also entitled to a range of allowances that reimburse them for expenditure required in undertaking their duties. All allowances are paid at the discretion of the Council. This has not altered significantly from past allowances that have been available for elected members to claim and is included in proposed Council expenditure.

Allowances includes mileage at \$0.83/km for the first 14,000 kilometres in the determination term, \$0.18/km after that point. Childcare allowances can be paid in certain circumstances. Travel time allowances can also be paid.

This Council provides a device to elected Council members plus an allowance for internet services and cell phone.

The Council will set these allowances if it decides to pay them and determine which arrangements will apply to the community board members.

Implementing the New Remuneration Pool

The key guidelines for implementing the new remuneration policy are as follows;

Each Council's governance pool is aligned with their ranking of the Council on the relevant size index and within the framework of the new local government pay scale.

The governance pool will provide the total amount that can be paid in remuneration to Councillors in each individual Council (aside from the mayor or Regional Council chair). The governance pool will not have any relationship to the number of Councillors. Thus, if a Council wishes to change the number of Councillors and the Local Government Commission agrees, the size of the

governance pool will not change, it will just have to be shared amongst more or fewer people.

Each Council will need to decide how it wants to allocate its pool according to its own priorities and circumstances. Roles to which additional differential remuneration can be attached may include not just “internal” Council roles such as Deputy Mayor, committee Chair or portfolio holder, but also other jobs representing the Council on outside groups.

There are four requirements for each Council:

- **The whole pool must be used.** We understand that in any community there will be pressure to “keep rates down” by paying Councillors less and we feel it is important that Councils are protected from such pressure.
- **The Council will need to decide a “base remuneration” for Councillors who have no additional responsibilities.** This could be higher than the minimum allowable remuneration set by the Authority.
- **For any roles which attract additional remuneration above the base rate, the Council will be required to have a formal vote** which must include the following: a title and short description of each role (i.e. what are the requirements for the Councillor who undertakes it), the proposed annual dollar value of remuneration attached to the role and, course, the name of the Councillor elected to fill that role.
- Following its formal decision-making, the Council will need to **forward their proposal for additional remuneration to the Authority** for consideration and inclusion in the determination.

Other key points in the implementation of the new remuneration pool structure are;

Councils can’t exceed the total remuneration pool set for each Council.

The allowances that cover all elected members are not part of the Council’s governance remuneration pool. The recompensing of allowances and hearing fees to elected members comes out of the fund set aside by the Council for such payments.

The governance remuneration pool does not apply to the annual remuneration of mayors or community board members. The remuneration of mayors community board members was set by the Authority in Schedule 2 of the above determination, and their new pay rates apply on and from the day following the date that their Council’s official results are declared.

If Council proposes to disestablish a position of responsibility, it will need to review its allocation of its governance remuneration pool. As the pool is required

to be fully allocated, the released amount available from the disestablished position will need to be reallocated amongst the other existing positions covered by the pool.

If Council proposes to establish a new position, it will need to review the allocation of its governance remuneration pool. Because the pool will already be fully allocated, the new position, if it is not replacing an existing position, will require a reallocation of the remuneration paid to other positions that were previously approved by the Authority.

The current elected Members remain in office until the official results are declared. This means that all current elected members will continue on current rates of pay till midnight on the day that the official results are declared. This applies to returning members, whether they were elected unopposed or in a contest, and to members who are defeated or did not contest the election.

On the day after the day Councils' official results are declared, all elected Councillors will be paid the minimum rate that is prescribed in the determination.

The new Council will need to make decisions regarding positions of responsibility and consequent remuneration, including the base remuneration for Councillors with no positions of responsibility.

The remuneration authority sets that annual remuneration of the Chairperson and members of a community Board. From the day after the election day, the annual \$ values of remuneration for the Inangahua Community Board are \$7,367 for the Chairperson and \$3,684 for each member.

Proposed Remuneration for Buller District Council

The overall allowable pool for allocation for Buller District Council is \$324,306.
The pool has a minimum Councillor base salary set at \$23,640.

The proposed remuneration based on the structure that was adopted by Buller District Council at its October meeting is set out in the table below.

Title of proposed position	Total number of members per position	Position remuneration		Total remuneration
Mayor	1	\$115,736		\$115,736
Deputy Mayor	1	\$45,000		\$45,000
Chairperson Regulatory & Hearings Committee	1	\$40,000		\$40,000
Chairperson Community, Environment & Services Committee	1	\$40,000		\$40,000
Deputy Chairperson Community, Environment & Services Committee	1	\$35,000		\$35,000
Councillor	6	\$27,384		\$164,306
	10			\$324,306
Base minimum councillor salary		\$23,640		\$324,306

The proposed allocation fully utilises the pool allocated to Buller District Council as required by the Remuneration Authority legislation.

BULLER DISTRICT COUNCIL

26 OCTOBER 2022

AGENDA ITEM: 10

Prepared by Sharon Mason
Chief Executive Officer

PUBLIC EXCLUDED

1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

2. DRAFT RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting

Item No.	Minutes/Report of:	General Subject	Reason For Passing Resolution Section 7 LGOIMA 1987
10	Jamie Cleine - Mayor	Appointment of Acting Chief Executive	section (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); section (2)(b)(ii) - Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
11	Sharon Mason - Chief Executive Officer	Request For Proposal Chief Executive Officer Recruitment	section (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); section (2)(b)(ii) - Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information