



AGENDA

Ordinary Council Meeting Wednesday, 26 October 2022

Date: Wednesday, 26 October 2022

Time: 2.00 pm

**Location: Ngā Hau e Whā, William Fraser Building,
1 Dunorling Street, Alexandra**

(A link to the live stream will be available on the Central Otago District Council's website.)

**Sanchia Jacobs
Chief Executive Officer**

Notice is hereby given that a Council Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra and live streamed via Microsoft Teams on Wednesday, 26 October 2022 at 2.00 pm. The link to the live stream will be available on the Central Otago District Council's website.

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Members His Worship the Mayor T Cadogan (Chairperson), Cr N Gillespie, Cr T Alley, Cr S Browne, Cr L Claridge, Cr I Cooney, Cr S Duncan, Cr S Feinerman, Cr C Laws, Cr N McKinlay, Cr M McPherson, Cr T Paterson

In Attendance S Jacobs (Chief Executive Officer), J Muir (Three Waters Director), Q Penniall (Infrastructure Manager), S Righarts (Group Manager - Business Support), L van der Voort (Executive Manager - Planning and Environment), M De Cort (Communications Coordinator), W McEnteer (Governance Manager)

1 APOLOGIES

2 REPORTS

22.8.1 DECLARATION OF OFFICE

Doc ID: 589362

1. Purpose

Each member will be required to take a declaration of office.

2. Attachments

Appendix 1 - Mayor's Declaration of Office [↓](#)

Appendix 2 - Councillors' Declarations of Office [↓](#)

Declaration by Mayor

I, Tim Cadogan, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
Chief Executive Officer

Declaration by Member

I, Tamah Alley, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Sarah Browne, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Lynley Claridge, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Ian Cooney, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Stuart Duncan, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Sally Feinerman, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Neil Gillespie, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Cheryl Laws, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Nigel McKinlay, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Martin McPherson, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

Declaration by Member

I, Tracy Paterson, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Central Otago, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Central Otago District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Alexandra 26 October 2022

Signature:

Signed in the presence of:
His Worship the Mayor

22.8.2 STATUTORY ADVICE AND CODE OF CONDUCT

Doc ID: 589354

1. Purpose of Report

To provide Council with advice concerning legislation relevant to the role of members and to adopt a Code of Conduct.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Notes the advice given on relevant legislation.
 - C. Adopts the Code of Conduct.
-

2. Background

Schedule 7 clause 21(5) of the Local Government Act 2002 requires the Chief Executive Officer to advise members of legislation relevant to their office and performance of duties, at the first meeting following the local authority triennial general election. Schedule 7 clause 15 of the Act also requires Council to adopt a Code of Conduct at this meeting.

The Code of Conduct has been updated from the 2019-22 version. These changes include clearer guidelines on when and which members should be informed that a code of conduct complaint has been received as well as a clearer procedure when an external investigator is used.

3. Discussion

Aside from being required by law, the Chief Executive Officer informing new Councillors of their legal obligations is vital to both individual members and the Council as an organisation. It sets the parameters of member conduct and protects the Council from the risk of member misconduct.

The proposed option will allow Councillors to debate the revised Code of Conduct and decide if any amendments are required before formal adoption. This debate is important as it enables Councillors to consider the rules which they agree to be bound by in the performance of their official duties.

There have been revisions of the Code of Conduct from the 2019-2022 version of the document. Additions include a clearer process on who should be informed of a complaint and when, clearer guidelines for the appointment of an external investigator, and provisions for a situation where the Chief Executive Officer wishes to place a complaint. The additions and changes proposed can be found highlighted in yellow in Appendix 1.

The statutes identified in Schedule 7 clause 21 of the Local Government Act 2002 are:

Local Government Official Information and Meetings Act 1987

Section 10 provides that any person or group may request access to any specified official information. There are specific grounds for refusing such information, and these grounds are explained in ss6 and 7. It is important to note that the default position in the Act is the principle of availability set out in s5 – "... information shall be made available unless there is good reason for withholding it."

A person may request the Office of the Ombudsman to investigate and review any decision to refuse access to official information; the Ombudsman cannot direct the Council to release information - an Ombudsman is empowered to recommend the release of information if the Ombudsman considers that in a given set of circumstances that is the right approach. The Ombudsman has the power to escalate a copy of their report to the Prime Minister if no appropriate action is taken by the Council to address the report.

The definition of information in the Act extends to any information obtained by a member in that person's official capacity. For example, if the Council appoints a member to represent the Council on another organisation which is entirely independent of the Council, any information (relating to that other organisation) obtained by the member is deemed to have been obtained by the Council and could thus be subject to requests under the Act. Council itself would not necessarily have the information contained within its records, but the member may have to supply it if so requested under the Act.

The Act also deals with meetings of local authorities; the principal issue affecting Council meetings is the exclusion of the public. The philosophy underpinning the Act is that every meeting of a Council, Community Board, Committee and/or Sub-Committee is open to the public. Each resolution to exclude the public has to be in the form prescribed by the Act and must contain the reasons for excluding the public.

Agendas and reports are to be made available to the public at least two working days before each meeting in accordance with s46 of the Act. This then enables the news media to publish reports (or extracts) prior to those reports being considered by members.

Items such as 'general business', 'questions', and 'late business' are not provided for on the agenda; if an issue is not contained in the agenda, that issue cannot be considered at that particular meeting. Section 46A(7) does provide an element of flexibility however to include further items on the agenda so long as the following pre-requisites are satisfied:

1. The meeting by resolution agrees to the item being considered, and;
2. The chairperson of the meeting must explain in open meeting why the item is not on the agenda and why a discussion on the item cannot be delayed until a subsequent meeting.

Section 46A(7A) qualifies this ability to discuss items not on the agenda by prohibiting any decision other than referring the item to a subsequent meeting of the local authority for further discussion.

The general principle is that an issue should only be discussed if it has been included in the agenda. This enables members to have some time before a meeting to consider the ramifications of the issue, rather than having to address topics without preparation. This statutory provision is aimed at enabling better decision-making by giving prior notice to the public of matters to be canvassed by members.

Local Authorities (Members' Interests) Act 1968

This Act relates to the making of contracts between local authorities and their members, and to the restrictions on the actions of members when matters in which they have a pecuniary interest are under consideration.

A person is not eligible to be a member of the Council if the total of all payments made by the Council in respect of all Council contracts in which that person is concerned or interested exceeds \$25,000 in any financial year. Should the total sum be expected to exceed \$25,000 in a financial year, the approval of the Office of the Auditor-General is required. The Council needs to apply for that approval.

In addition to dealing with significant contracts between the Council and a member, the Act also prohibits a member from participating in discussion or voting on a matter in which the member has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.

The contract or the pecuniary interest need not relate solely to the member - a member's spouse may well have a financial involvement with the Council, and that is deemed by the Act to raise a potential conflict of interest with the member.

The obligation on declaring an interest greater than the general public rests with the individual member - the Council cannot require a member to refrain from discussion and voting on a particular matter. However, it is an offence under the Act for a member to discuss or vote on matters in which they have a pecuniary interest.

Crimes Act 1961

The relevant provisions are ss99, 105 and 105A which deal with the bribery and corruption of an official. The offences could be either offering a bribe or accepting a bribe, both of which may result in imprisonment of up to seven years. The Act defines a bribe as "any money, valuable consideration, office or employment, or any benefit, whether direct or indirect."

If a member corruptly uses information acquired in an official capacity to obtain an advantage or a pecuniary gain, that member is potentially liable to a term of imprisonment for up to seven years.

It should be noted that in terms of this Act, an "official" relates to either a member or an employee.

Secret Commissions Act 1910

This Act prohibits the receipt or giving of gifts as a means inducement or showing favour. It also relates to gifts to a parent, spouse or child of a member, to a partner, clerk or servant of a member, or any other person.

The Act also deals with a member having an undeclared pecuniary interest in a contract and with the receipt of a secret reward for procuring a contract. It imposes a duty on members and their agents to disclose any such pecuniary interests they may have in a contract. Depending on the nature of the offence, a breach of this duty can attract imprisonment for a term of up to seven years.

Financial Markets Conduct Act 2013

The Act essentially places members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Members may also be liable if the requirements of the Act are breached concerning offers of financial products.

Local Government Act 2002

In terms of Schedule 7 clause 1 of the Act, where a member is convicted of an offence punishable by a term of imprisonment of two years or more or ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993, that person is deemed to have vacated their office as a member of the Council or Community Board.

Clause 4 protects the right of a member to resign from office, and clause 15 requires members to adopt and abide by a Code of Conduct.

Sections 44, 46 and 47 of the Act together provide for members being personally liable for losses of the Council through unlawful acts or intentional failure to recover money that the local authority is entitled to receive. It is a defence to the charge if the member acted in good faith, on the reliance of certain advisers, voted or protested against the action or was unaware of the action.

Public Records Act 2005

The Act provides a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs, members may receive information directly, for example, from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

Privacy Act 2020

The Privacy Act governs how organisations and businesses can collect, store, use, and share information. The Act has 13 privacy principles that govern how Council should collect, handle, secure, store, disclose and use personal information.

The Privacy Act 2020 came into force on 1 December 2020, replacing the Privacy Act 1993. Changes included strengthening requirements for notifiable breaches, the addition of compliance notices, and new criminal offences when misleading an organisation to access documentation, or destroying a document containing personal information knowing a request has been made.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 provides protection for employees when disclosing serious wrongdoing by their employer or fellow employees. The Act protects the discloser from any reprisals as a result of the disclosure.

It was updated in 2022 to strengthen the support provided to an employee when disclosing. The act prescribes processes that should be followed, including a requirement Council have appropriate internal procedures.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Receive the information on relevant legislation and adopt an updated Code of Conduct as required under the Local Government Act 2002.

Advantages:

- Councillors are made aware of their legislative obligations.
- Councillors are given an opportunity to provide input into a new Code of Conduct.
- Council complies with its statutory obligations.

Disadvantages:

- None.

Option 2

Refuse to receive the information and decline to adopt an updated Code of Conduct.

Advantages:

- None.

Disadvantages:

- Councillors may be unaware of their legislative obligations
- Councillors would be bound by the current Code of Conduct, which they would not have had an opportunity to debate and provide input into.
- Council would be in breach of the Local Government Act.

6. Compliance

Local Government Act 2002 Purpose Provisions	Receiving the information and adoption of a Code of Conduct complies with Schedule 7 of the Local Government Act. It is also consistent with the purpose of local government set out in s10 as it enables better informed democratic local decision-making to occur on behalf of the people of Central Otago.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this report.
Risks Analysis	There are no risks to council from the recommended option.
Significance, Consultation and Engagement (internal and external)	This decision is procedural and does not trigger the requirements for consultation or engagement set out in council's Significance and Engagement Policy.

7. Next Steps

The Code of Conduct, if adopted, will come into effect immediately and will be published on the council's website. No further communication is considered necessary.

8. Attachments

Appendix 1 - Tracked changes for the Code of Conduct [↓](#)

Appendix 2 - Tracked changes for appendix 3 of the Code of Conduct [↓](#)

Appendix 3 - Council Code of Conduct [↓](#)

Report author:

A handwritten signature in cursive script that reads "Sanchia Jacobs".

Sanchia Jacobs
Chief Executive Officer
18/10/2022

Central Otago District Council

Code of Conduct

Adopted on x

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<i>Local Government Official Information and Meetings Act 1987</i>	<u>2120</u>
<i>Secret Commissions Act 1910</i>	<u>2120</u>
<i>Crimes Act 1961</i>	<u>2120</u>
<i>Financial Markets Conduct Act 2013</i>	<u>2120</u>
<i>The Local Government Act 2002</i>	<u>2321</u>

1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any Local Boards as well as the members of any Community Boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their official capacity and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the council operates, including a regular review and assessment of council's collective performance.¹

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles in s39 of the LGA 2002.

¹ See Code of Conduct Guide for examples.

4. Role and responsibilities

The Code is designed to strengthen the good governance of your district. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of council resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of council; and
- Employing, on behalf of the council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused 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 aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor;
- Make themselves aware of the obligations that Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, members should be aware that failure to observe this portion of the Code may compromise Council's obligation to be a good employer and consequently expose Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of Council's annual audit.

5.3 Relationship with the public

Given the role that democratic local government plays in our communities it is important that council has the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizen concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of Council. Any failure by members to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media, members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of Council or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as members should be open and transparent;
 - Social media pages controlled by members should not display content which is abusive, inflammatory or likely to bring the Council into disrepute; and
 - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as a member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

8. Conflicts of Interest

Members will maintain a clear separation between their personal interests and their duties in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek 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.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the member open to prosecution (see **Appendix B**). In the event of a conviction, members can be ousted from office.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the member's spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Register of Pecuniary Interests

In order to meet the requirements of the Local Government (Pecuniary Interests Register) Amendment Act 2022, members must supply a list of pecuniary interests once a year to add to a register.

In each triennium, the due dates for return are:

- a) Year 1: the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
- b) Year 2: the last day of February in the second year of the triennium; and
- c) Year 3: the last day of February in the third year of the triennium.

A summary of the register will be available publicly.

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40-11. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the Code.

44.12. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the council's performance and operating style during the triennium.²
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

² A self-assessment template is provided in the Guidance to the code.

42.13. Breaches of the Code

Members must comply with the provisions of the Code (LGA 2002, Schedule 7, clause 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

42.13.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes 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 the Code. This includes, conditional on the nature of an alleged breach, directly 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 confidence that any hearing will be impartial;
 - Have a right to seek appropriate advice and be represented; and
 - Have their privacy respected.

42.13.2 Complaints

Only members and the Chief Executive may make a complaint under the code.

Complaint received from an elected member

All complaints made under the Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor or, where the Mayor is a party to the complaint, an independent investigator. **The independent investigator could be the Chair of the Audit and Risk Committee or from the list of approved investigators.** The Chief Executive will inform the bodies - Council and/or community board - of both the complainant and respondent (if they are different) of the complaint. **For the sake of clarity in this process, a member of Council is a councillor first and an appointed member of a community board second. In the instances where a member sits as both a councillor and a community board member their complaint will be managed in their capacity as a councillor.**

Complaint received from the Chief Executive

In cases where a complaint is received from the Chief Executive, it will automatically be referred to an independent investigator. In such cases, the administration of the complaint will be carried out by the Governance Manager with the oversight of the Independent Chair of the Audit and Risk Committee.

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Complaint referred to Mayor

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint;
- Interview the member(s) subject to the complaint;
- Assess the complaint to determine materiality;

- Where a complaint is assessed by the Mayor to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution. In cases where a complaint is found to be trivial, frivolous, minor or non material, the Mayor will deliver their decision to the Chief Executive who will inform the bodies of both the complainant and respondent (if they are different) of this outcome.

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- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.³

If the Mayor chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to an independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor, or from the Mayor after initial consideration, the Chief Executive will forward that complaint to an independent investigator for ~~an preliminary~~ assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

12.313.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

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³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

43-14. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

43-14.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

43-214.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);

- Breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the member liable for criminal prosecution).

44.15. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media⁵

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be referring to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B: Legislation bearing on the role and conduct of members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between a member's family trust and the Council.

Determining whether a pecuniary interest exists

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)

In deciding whether they have a pecuniary interest, members should consider the following factors:

- 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/Chair or other 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 legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention need to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are 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 you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or Committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The 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 focus should be 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:

- A member's 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 or not they might be perceived as biased, members must also consider the context and circumstance of the issue or question under discussion. 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 a hearing under the Resource Management Act 1991).

Local Government (Pecuniary Interests Register) Amendment Act 2022

The Act sets out the requirement for elected members to supply a copy of their pecuniary interests for public inspection. A return must be supplied by members each year of the triennium.

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Local Government Official Information and Meetings Act 1987

The LGOIMA sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the council, other members, any employee of the council or any member of the public.

See the Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for a 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, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a member (or officer) to:

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

Members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

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

The Local Government Act 2002

The LGA 2002 sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) 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:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) 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 situations, members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

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Appendix C: Process where a complaint is referred to an independent investigator

The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.

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Step 1a: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor) or from the Mayor after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to an independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

- Inform the members of the relevant bodies of the complaint. If there is a complaint from a community board member regarding the mayor or a councillor, both the Council and the relevant board should be informed.

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- The complaint will be treated as a public document unless there are reasons for it to remain confidential, eg. LGOIMA or other legislation.

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Step 1b

Complaint received from the Chief Executive

In cases where a complaint is received from the Chief Executive, it will automatically be referred to an independent investigator. In such cases, the administration of the complaint will be carried out by the Governance Manager with the oversight of the Independent Chair of the Audit and Risk Committee.

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Step 2: Investigator makes preliminary assessment on materiality

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On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial-inquiry is deemed necessary to determine their recommendations, including interviewing relevant parties. The

~~results will~~, which are then ~~be~~ forwarded to the council's Chief Executive. On receiving the investigator's ~~preliminary~~ assessment, the Chief Executive will ~~then initiate the next step determined by the investigator's findings as below~~:

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Outcome 1: Action where a complaint is found to be trivial and frivolous

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1. Where an investigator determines that a complaint is trivial or frivolous, ~~the Chief Executive will~~ inform the complainant, respondent and other members ~~of the relevant bodies~~ (if there are no grounds for confidentiality) of the investigator's decision.

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~~Or:~~

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1- Outcome 2: Action where a breach is outside the scope of the code

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2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, ~~they shall~~ forward the complaint to the relevant agency ~~(eg. Police)~~. ~~The investigator will~~ inform the Chief Executive who will then inform the complainant, the respondent and members ~~of the relevant bodies of the decision~~.

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~~Or:~~

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Outcome 3 Step 3: Actions where a breach is found to be minor or non-material

If the subject of a complaint is found to be minor or non-material, but more than trivial or frivolous, the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council. The Chief Executive will inform the members of the relevant bodies of the outcome and the investigator's recommendations.

or

Step 4: Outcome 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. They will also inform the Council (if not already informed) of a material breach and their need to adjudicate. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5:- Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on complaints made under the Code, or any other body that the Council may resolve, noting that the process will meet the principles set out in clause 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

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The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist for instance if it is subject to LGOIMA or other legal process, ~~without debate.~~

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Central Otago District Council

Code of Conduct

Adopted on x

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1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any Local Boards as well as the members of any Community Boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their official capacity and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the council operates, including a regular review and assessment of council's collective performance.¹

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles in s39 of the LGA 2002.

¹ See Code of Conduct Guide for examples.

4. Role and responsibilities

The Code is designed to strengthen the good governance of your district. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

4.1 Members

The role of the governing body includes:

- Representing the interests of the people of the city, district or region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of council resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of council; and
- Employing, on behalf of the council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused 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 aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor;
- Make themselves aware of the obligations that Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, members should be aware that failure to observe this portion of the Code may compromise Council's obligation to be a good employer and consequently expose Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of Council's annual audit.

5.3 Relationship with the public

Given the role that democratic local government plays in our communities it is important that council has the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizen concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of Council. Any failure by members to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media, members must clarify whether they are communicating a view endorsed by their Council, committee or community board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - Comments shall be consistent with the Code;
 - Comments must not purposefully misrepresent the views of Council or the views of other members;
 - Social media pages controlled by members and used for making observations relevant to their role as members should be open and transparent;
 - Social media pages controlled by members should not display content which is abusive, inflammatory or likely to bring the Council into disrepute; and
 - Social media posts about other members, council staff or the public must be consistent with section five of this Code. (See **Appendix A** for guidelines on the personal use of social media).

7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as a member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

8. Conflicts of Interest

Members will maintain a clear separation between their personal interests and their duties in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek 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.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the member open to prosecution (see **Appendix B**). In the event of a conviction, members can be ousted from office.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the member's spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Register of Pecuniary Interests

In order to meet the requirements of the Local Government (Pecuniary Interests Register) Amendment Act 2022, members must supply a list of pecuniary interests once a year to add to a register.

In each triennium, the due dates for return are:

- a) Year 1: the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
- b) Year 2: the last day of February in the second year of the triennium; and
- c) Year 3: the last day of February in the third year of the triennium.

A summary of the register will be available publicly.

11. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the Code.

12. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment or evaluation of the council's performance and operating style during the triennium.²
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

² A self-assessment template is provided in the Guidance to the code.

13. Breaches of the Code

Members must comply with the provisions of the Code (LGA 2002, Schedule 7, clause 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

13.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- That the processes 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 the Code. This includes, conditional on the nature of an alleged breach, directly 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 confidence that any hearing will be impartial;
 - Have a right to seek appropriate advice and be represented; and
 - Have their privacy respected.

13.2 Complaints

Only members and the Chief Executive may make a complaint under the code.

Complaint received from an elected member

All complaints made under the Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor or, where the Mayor is a party to the complaint, an independent investigator. The independent investigator could be the Chair of the Audit and Risk Committee or from the list of approved investigators. The Chief Executive will inform the bodies - Council and/or community board - of both the complainant and respondent (if they are different) of the complaint. For the sake of clarity in this process, a member of Council is a councillor first and an appointed member of a community board second. In the instances where a member sits as both a councillor and a community board member their complaint will be managed in their capacity as a councillor.

Complaint received from the Chief Executive

In cases where a complaint is received from the Chief Executive, it will automatically be referred to an independent investigator. In such cases, the administration of the complaint will be carried out by the Governance Manager with the oversight of the Chair of the Audit and Risk Committee.

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Complaint referred to Mayor

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint;
- Interview the member(s) subject to the complaint;
- Assess the complaint to determine materiality;

Where a complaint is assessed by the Mayor to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution. In cases where a complaint is found to be trivial, frivolous, minor or non material, the Mayor will deliver their decision to the Chief Executive who will inform the bodies of both the complainant and respondent (if they are different) of this outcome.

- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.³

If the Mayor chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to an independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor, or from the Mayor after initial consideration, the Chief Executive will forward that complaint to an independent investigator for an assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

13.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

14. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

14.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
5. Restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

14.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);

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- Breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the member liable for criminal prosecution).

15. Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media⁵

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be referring to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B: Legislation bearing on the role and conduct of members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between a member's family trust and the Council.

Determining whether a pecuniary interest exists

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)

In deciding whether they have a pecuniary interest, members should consider the following factors:

- 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?

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Members may seek assistance from the Mayor/Chair or other 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 legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention need to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are 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 you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or Committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The 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 focus should be 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:

- A member's 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 or not they might be perceived as biased, members must also consider the context and circumstance of the issue or question under discussion. 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 a hearing under the Resource Management Act 1991).

Local Government (Pecuniary Interests Register) Amendment Act 2022

The Act sets out the requirement for elected members to supply a copy of their pecuniary interests for public inspection. A return must be supplied by members each year of the triennium.

Local Government Official Information and Meetings Act 1987

The LGOIMA sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the council, other members, any employee of the council or any member of the public.

See the Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for a 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, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a member (or officer) to:

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

Members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

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

The Local Government Act 2002

The LGA 2002 sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or
- d) 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:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; and
- d) 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 situations, members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process where a complaint is referred to an independent investigator

Step 1a: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor) or from the Mayor after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to an independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.
- Inform the members of the relevant bodies of the complaint. If there is a complaint from a community board member regarding the mayor or a councillor, both the Council and the relevant board should be informed.
- The complaint will be treated as a public document unless there are reasons found within the Local Government Official Information and Meetings Act 1987 or other legislation allowing for it to remain confidential.

Step 1b: Complaint received from the Chief Executive

In cases where a complaint is received from the Chief Executive, it will automatically be referred to an independent investigator. In such cases, the administration of the complaint will be carried out by the Governance Manager with the oversight of the Independent Chair of the Audit and Risk Committee.

Step 2: Investigator makes preliminary assessment on materiality

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever inquiry is deemed necessary to determine their recommendations, including interviewing relevant parties. The results will then be forwarded to the council's Chief Executive. On receiving the investigator's assessment, the Chief Executive will then initiate the next step determined by the investigator's findings as below:

Outcome 1: Action where a complaint is found to be trivial and frivolous

Where an investigator determines that a complaint is trivial or frivolous, the Chief Executive will inform the complainant, respondent and other members of the relevant bodies (if there are no grounds for confidentiality) of the investigator's decision.

or:

Outcome 2: Action where a breach is outside the scope of the code

In cases where the investigator finds that the complaint involves a potential legislative breach, *they may choose to recommend* forwarding the complaint to the relevant agency (eg. Police) *instead of dealing with the matter through the provisions of the Code*. The investigator will inform the Chief Executive of this will contact the relevant agency and also inform the complainant, the respondent and members of the relevant bodies of the decision.

or:

Outcome 3: Actions where a breach is found to be minor or non-material

If the subject of a complaint is found to be minor or non-material, but more than trivial or frivolous, the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent should apologise or take another appropriate course of action;
- That the respondent is referred to the Mayor for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council. The Chief Executive will inform the members of the relevant bodies of the outcome and the investigator's recommendations.

or:

Outcome 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. They will also inform the Council (if not already informed) of a material breach and their need to adjudicate. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on complaints made under the Code, or any other body that the Council may resolve, noting that the process will meet the principles set out in clause 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, for instance if it is subject to LGOIMA or other legal process.

22.8.3 ADOPTION OF STANDING ORDERS

Doc ID: 589358

1. Purpose of Report

For Council to adopt a revised version of Standing Orders.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
- B. Adopts the revised Local Government New Zealand Standing Orders with the following amendments:
 - i. Enable provisions for meetings by audio visual link
 - ii. Enable a casting vote for the chairperson
 - iii. Endorse option C (informal) as the default for speaking and moving motions.

2. Background

The Local Government Act 2002 (the Act) Schedule 7 Clause 27 states that a local authority must adopt a set of Standing Orders for the conduct of its meeting and those of its committees.

Local Government New Zealand have updated the Standing Orders for territorial authorities to ensure they give effect to changes in legislation and to improve wording and reduce ambiguity.

The last edition of the Standing Orders were adopted by the previous Council during their term from 2019 – 2022, and these will remain in effect until new Standing Orders are adopted by the new Council.

3. Discussion

Council is asked to adopt the updated Standing Orders and consider if any amendments are required. The key changes incorporated into the template are noted in appendix 2.

The Local Government New Zealand standing orders template also contains a number of optional provisions and, as part of the adoption process, members are given the choice of which options to include prior to being asked to adopt the full set of Standing Orders. These clauses are:

- Members' right to attend by audio or audio visual link (clauses 13.11 – 13.16);
- A casting vote for the Chairperson (clauses 19.3); and
- The choice of a default option for speaking and moving motions:
 - A - formal, (cl. 22.2); or
 - B - medium, (cl. 22.3); or

- C - informal, (cl. 22.4).

Factors to consider

Audio visual link

The Act allows members of a local authority to participate in meetings if they are not physically present by audio or audio visual means. This provision was made in response to requests from councils that represent large geographic areas in which it is often difficult for some members to attend meetings at short notice. Its use, however, is not limited by statute and councils can develop policies should they wish to constrain the use of the technology to certain types of meetings.

To make use of this option the relevant rules must be incorporated within a council's standing orders. Please note that members attending by audio or audio visual means are not counted as part of a meeting's quorum.

The previous Central Otago District Council included this clause in their Standing Orders.

Casting vote

The Act allows chairpersons to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is an equality of votes and, despite some views to the contrary, a casting vote is not limited to supporting the status quo.

The Local Government New Zealand standing orders template includes the casting vote option which will need to be removed should Council prefer that their chairpersons are unable to exercise such a vote.

A third option, in which a casting vote can only be used for prescribed types of decisions, is available. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the annual and long term plan.

The previous Council included a casting vote for the chairperson in their Standing Orders.

Speaking and moving options

The Local Government New Zealand standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.

- Option A is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion. Only members who have not spoken to a motion or substituted motion may move or second an amendment to it. (This is the framework used in the Standards New Zealand Model Standing Orders.)
- Option B: While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- Option C provides substantial flexibility by removing the limitations placed on movers and seconders by the other two options.

The Council is asked to agree on a default option which will apply to all meetings, unless a chairperson or meeting agree to apply one of the other two options at specific meeting.

The previous Central Otago District Council had selected Option C.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the revised Standing Orders and consider the three factors outlined above.

Advantages:

- Council has an up-to-date set of standing orders adapted to reflect legislative requirements.
- The Standing Orders will be supported and updated by Local Government New Zealand on an ongoing basis.

Disadvantages:

- None.

Option 2

Do not adopt the revised Standing Orders.

Advantages:

- None.

Disadvantages:

- Council will not be using the most up-to-date standing orders.
- The Standing Orders will not be supported and updated.

6. Compliance

Local Government Act 2002 Purpose Provisions	Adopting the Standing Orders enables democratic local decision-making and action by, and on behalf of communities by providing a framework of rules for making decisions, in a way that is open, transparent and fair.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this report.
Risks Analysis	There are no risks with the recommended option.

Significance, Consultation and Engagement (internal and external)

This is a procedural matter and, therefore, no consultation or engagement was required.

7. Next Steps

Once adopted, the Standing Orders will be published on the Central Otago District Council's website. Revised Standing Orders specific to community boards will go to the inaugural meeting of each community board for adoption.

8. Attachments

Appendix 1 - Standing Orders [↓](#)

Appendix 2 - Notes on changes made to the previous Standing Orders [↓](#)

Report author:



Sanchia Jacobs
Chief Executive Officer
18/10/2022



Standing Orders

Ngā Tikanga Whakahaere Hui

To be adopted

Kupu whakapuaki/Preface

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 Ngā whakawā a te Kaunihera/Quasi-judicial proceedings

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 o 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, cl 14;
- (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 9.

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 mema tangata 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 mema tangā

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 10.

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 tirotiro 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 Te tono kia tae mā te hononga ā-oro, ataata-rongo rānei/Request to attend by audio or audiovisual link

Where possible, a member will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or 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 tatunga

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 tatunga

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 mōhiohio

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 mōhiōhio 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 Secunder 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 Options for speaking and moving/Ngā kōwhiringa mō te kōrero me te mōtini

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

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

22.2 Option A/Kōwhiringa A

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

22.3 Option B/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.

22.4 Kōwhiringa C/Option C

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

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 has 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 tatūnga whai pānga

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

Exceptions apply 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/Āpitianga 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)).

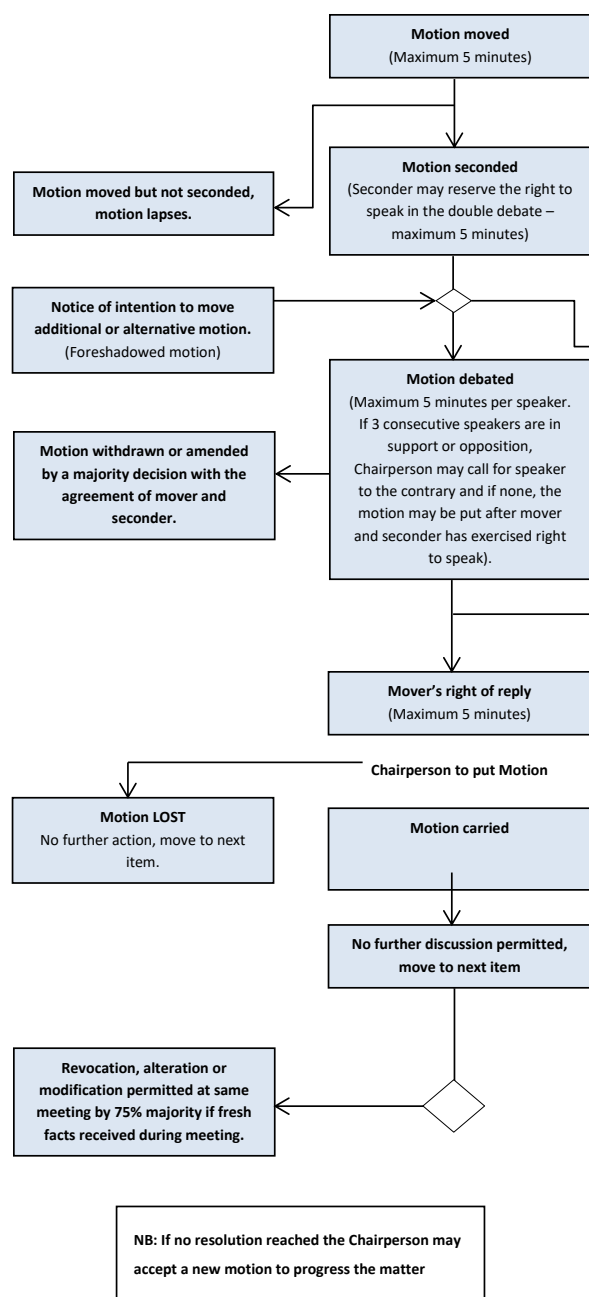
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural 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)).

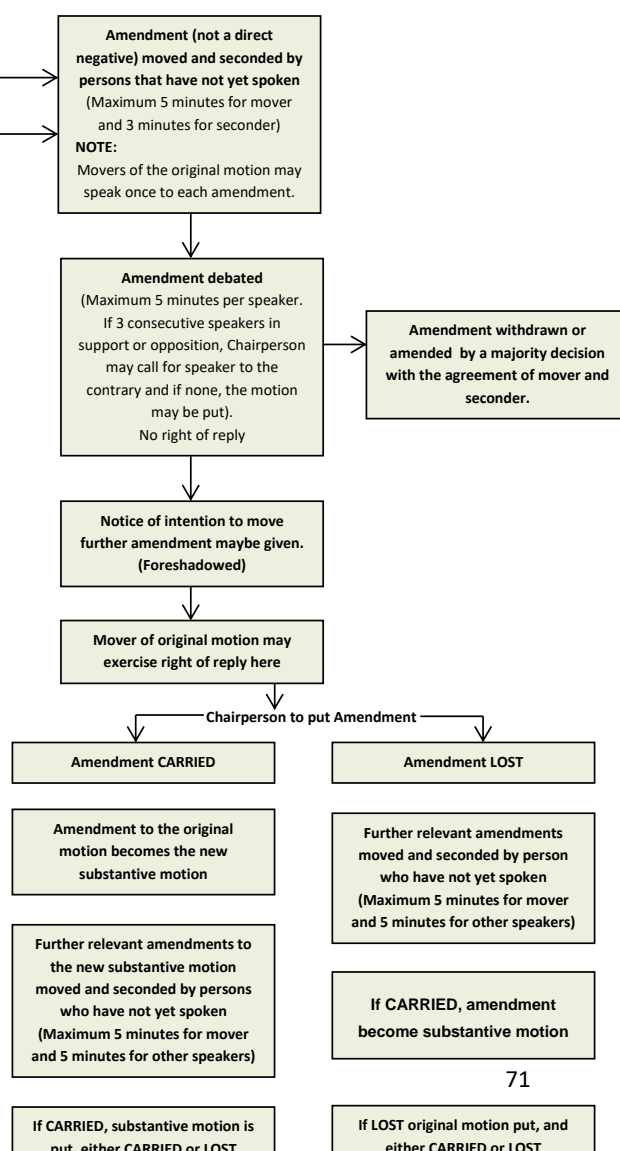
2. That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

Appendix 3: Motions and amendments (Option A)/Āpitihanga 3: Ngā mōtini me ngā whakahoutanga (Kōwhiringa A)

Motions without amendments

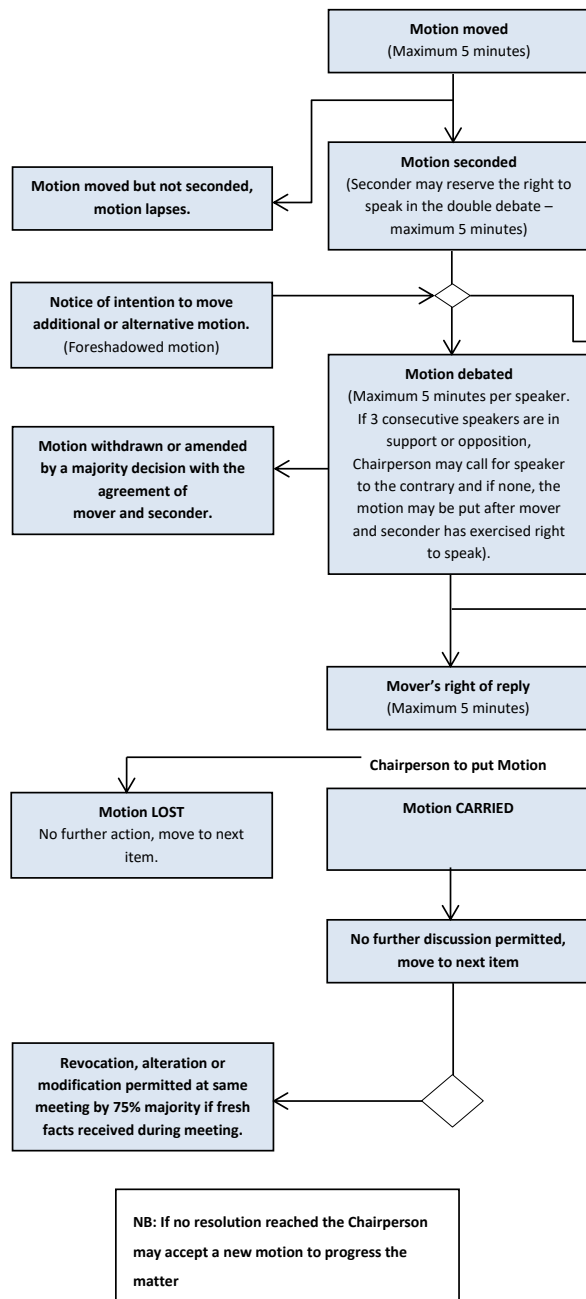


Motions with amendments

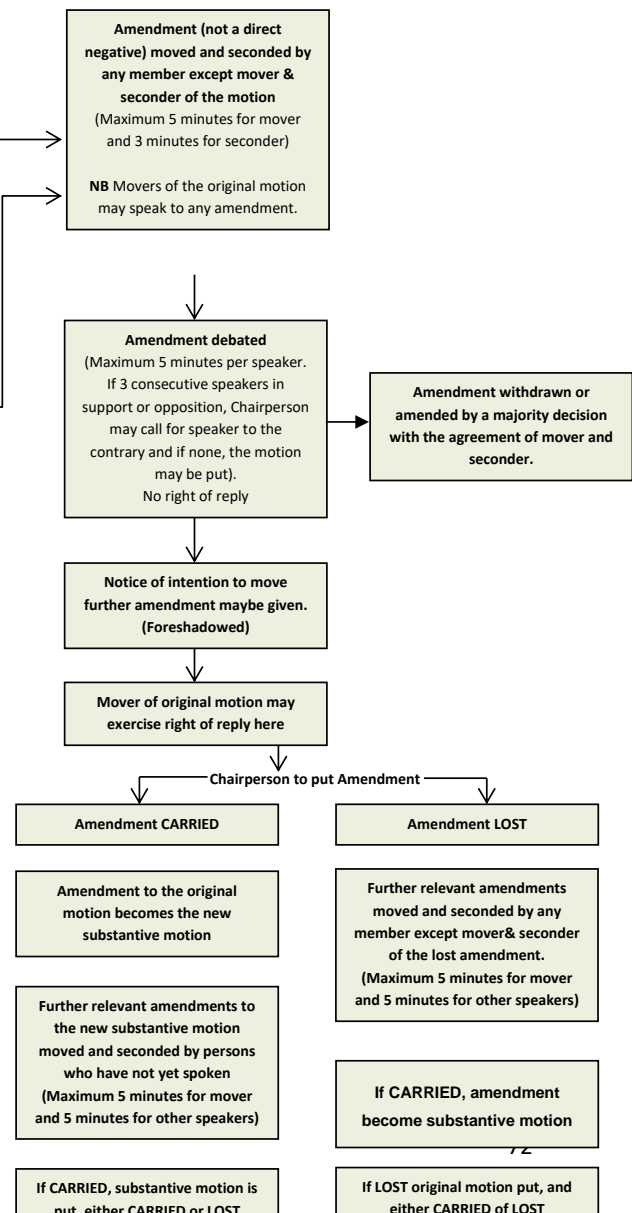


Appendix 4: Motions and amendments (Option B)/Āpitihanga 4: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B)

Motions without amendments

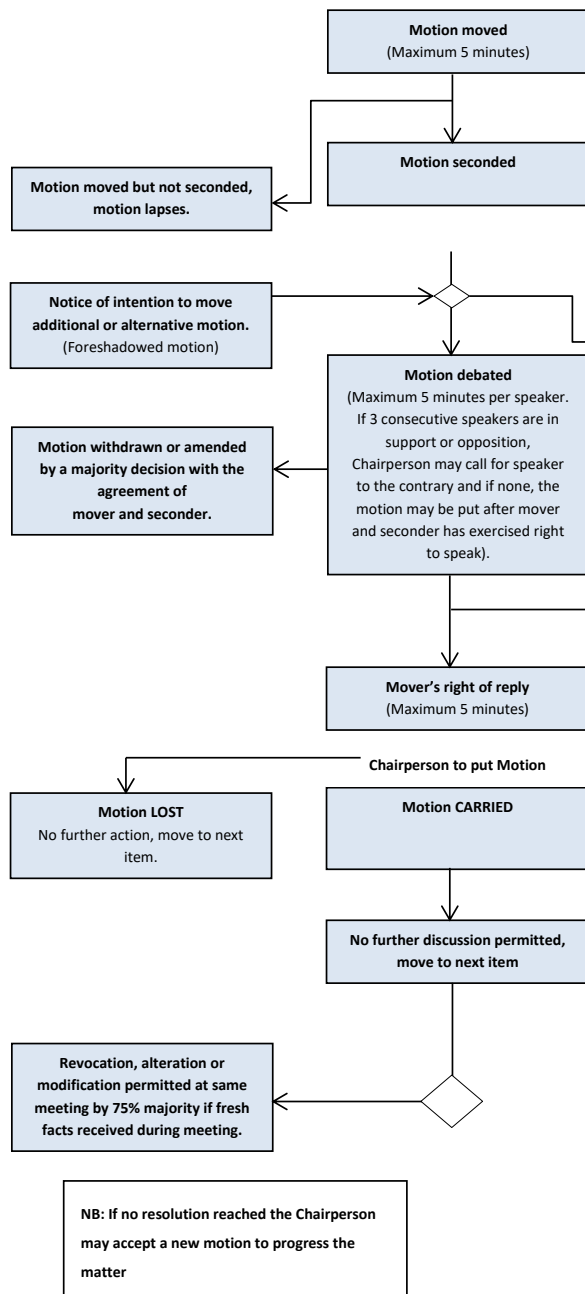


Motions with amendments

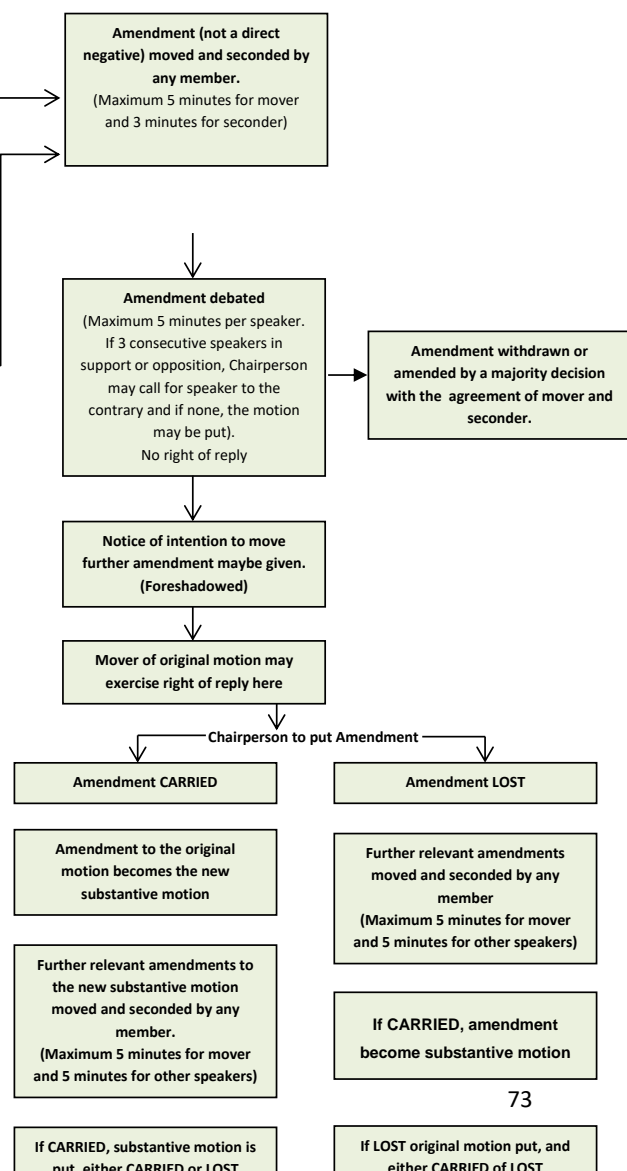


Appendix 5: Motions and amendments (Option C)/Āpitihanga 5: Ngā mōtini me ngā whakahoutanga (Kōwhiringa C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions/Āpitihanga 6: 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	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols/Āpitihanga 7: 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 8: Powers of a Chairperson/Āpitihanga 8: 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 9: Process for removing a chairperson or deputy Mayor from office/Āpitianga 9: 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 10: Sample order of business/Āpitihanga 10: 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 11: Process for raising matters for a decision/Āpitianga 11: 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.

Changes made to the 2019 standing orders

Standing Order	Changes made to the 2019 LGNZ standing orders template (2022)
Definitions	<p>New definitions and amendments:</p> <ul style="list-style-type: none"> • Matariki as a public holiday • Member of the Police • Appointed member • Emergency under “meeting” • Debate • conflict of interest, • division, • Item, • leave of the meeting, • officer, • open voting, and • pecuniary interest • Definition of chairperson and presiding member tweaked • Definition of Workshops tweaked with change to standing orders advice • Definition of Secunder expanded by addition of “amendment”.
3.5	Motion to suspend standing orders - “may” replaced with “must identify the specific standing orders to be suspended”.
7.2	Confirmed that District Licensing Committees do not need to be reconstituted.
9.1	Preparation of an agenda – amended to make it clear that a CEO prepares an agenda on behalf of the chairperson and “must” consult the chairperson, or person acting as chair, when preparing it.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
12.2	Statutory reference inserted - s. 50 LGOIMA.
12.4	Public may record meetings - slight amendments to improve practicality.
13.3	Leave of absence – amended to remove ambiguity.
13.7 & 13.17	To confirm that if a chairperson is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link
18.5	Release of public excluded information - requirement that the CEO will inform the subsequent meeting, has been deleted due to administrative impracticality.
19.1	Decisions by majority vote - tweaked to better align with statutory reference in Schedule 7, LGA 2002.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
23.1	Commas after “motion” and “debate”.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.
23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.
23.6 (previous)	“Chairperson may recommend an amendment” - deleted.
23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.

23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
27.7	Repeat notices of motion – the phrase, “in the opinion of the chairperson”, deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that “items tabled at the meeting” should be included in the minutes.
Appendix 8	Specific standing order references have to the powers of a Chairperson where relevant.
Appendices shifted to Standing Order Guide	<ul style="list-style-type: none">• Process for applying S.41A• Workshops

22.8.4 APPOINTMENT OF DEPUTY MAYOR

Doc ID: 589363

1. Purpose

To inform the Council of the Mayor's appointment of the Deputy Mayor.

Recommendations

That the Council:

- A. Receives the report.
 - B. Notes the appointment of Neil Gillespie as the Deputy Mayor.
-

2. Discussion

Section 41A(3)(a) of the Local Government Act 2002 gives the Mayor the power to appoint the Deputy Mayor.

Subsection 41A(4)(a) provides for the Council to overturn the appointment of the Deputy Mayor appointed by the Mayor, however the Council must follow the process set out under Clause 18 of Schedule 7.

3. Attachments

Nil

Report author:



Tim Cadogan
Mayor
12/10/2022

22.8.5 COUNCIL ORGANISATIONS AND POLICY ON APPOINTMENT OF DIRECTORS

Doc ID: 589365

1. Purpose of Report

To advise of the effect of appointing councillors to serve on its behalf on outside organisations and to re-adopt the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Re-adopts the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.
 - C. Makes appointments as recommended elsewhere in the agenda in light of the contents of this report.
-

2. Background

The Local Government Act 2002 (the Act) requires councils to be accountable to their communities not only for the decisions made directly by the Council but also for the decisions made by and the performance of organisations in which the Council is involved.

Section 6 of the Act defines three types of council organisations:

- Council Organisation (CO) - An organisation in which the local authority controls any proportion of the voting rights or the right to appoint directors.
- Council Controlled Organisation (CCO) - Any organisation in which one or more local authorities control 50% or more of the voting rights or appoint 50% or more of the directors.
- Council Controlled Trading Organisation (CCTO) - Organisations which trade with the intention of making a profit.

The term 'directors' includes trustees, managers and office holders.

All organisations that meet the above criteria are included unless the Act specifically excludes them. Any organisation exempted from the definition of a CCO (e.g. port companies, electricity companies, Civic Assurance) is still treated as a CO.

Section 57 of the Act requires councils to adopt a policy for appointing directors to council organisations.

Section 65(1) of the Act requires Council to undertake regular performance monitoring of those council organisations for which it is a shareholder. The definition of shareholder is

quite broad and includes partners, joint ventures, members, or any person holding voting rights.

3. Discussion

This report is part of the information provided in the new triennium and should be considered when appointing directors to Council Organisations. Central Otago District Council does not currently have any Council Controlled Organisations or Council Controlled Trading Organisations.

To fulfil the requirements of Section 57 of the LGA, Council has previously adopted a *Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations* as attached as appendix 1. It is recommended that Council re-adopt this policy.

4. Financial Considerations

There are no financial considerations as a consequence of this report.

5. Options

Option 1 – (Recommended)

Re-adopts the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Advantages:

- Council complies with the Act 2002.

Disadvantages:

- None.

Option 2

The Council does not re-adopt the Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations.

Advantages:

- None.

Disadvantages:

- Council does not comply with the Act.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by ensuring Council complies with legislative requirements.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks associated with the recommended option.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no consultation or engagement was required.

7. Next Steps

No further action is required.

8. Attachments


Appendix 1 - Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations [↓](#)

Report author:



Wayne McEnteer
Governance Manager
10/10/2022

Reviewed and authorised by:



Saskia Righarts
Group Manager - Business Support
12/10/2022



Policy on Appointment and Remuneration of Directors to Council Controlled Organisations and Council Organisations

Department:	Business Support
Document ID:	
Approved by:	Council Resolution: TBC
Effective date:	October 2022
Next review:	October 2025

Purpose:

To provide a clear policy on the appointment and remuneration of directors to council controlled organisations and council organisations.

Principles and objectives:

To provide a fair, transparent and consistent approach to the appointment and remuneration of directors to council controlled organisations and council organisations.

Scope:

This policy applies solely to the appointment and remuneration of directors to council controlled organisations and council organisations.

Background:

Section 57(1) of the Local Government Act 2002 (the Act) requires a local authority to adopt a policy that:

- “sets out an objective and transparent process for –*
- (a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and*
 - (b) the appointment of directors to a council organisation; and*
 - (c) the remuneration of directors of a council organisation.”*

Section 6 of the Act defines a council controlled organisation and a council organisation:



- A council controlled organisation is any organisation in which a council controls more than 50% of the directors.
- A council organisation is any organisation, in which a council controls any proportion of the voting rights or can appoint any directors.

“Directors” includes trustees, managers and office holders.

Council Organisations (CO’S)

Council and its community boards are often invited to supply representatives to various local groups.

Council or community boards appoint their members to organisations based on the willingness and knowledge of a member to be a representative.

Appointments are for the life of a Council/community board.

No remuneration is made for any appointments of councillors or board members to COs.

If Council or community boards appoint non-members to organisations, the applicants will be selected and appointed in compliance with each organisation’s trust deeds.

Council Controlled Organisations (CCO’S)

Skills

The Council considers that any person that it appoints to be a director of a CCO should, as a minimum, have the following skills:

- intellectual ability
- an understanding of governance issues
- either business experience or other experience that is relevant to the activities of the organisation (or both)
- sound judgement
- a high standard of personal integrity
- the ability to work as a member of a team
- commitment to the principles of good corporate citizenship
- understanding of the wider interests of the publicly accountable shareholder



Appointment process

When vacancies arise in any CCO, the Council will follow the following process for appointing directors.

The Council will decide in open Council whether to advertise a particular vacancy or to make an appointment without advertisement. When making this decision the Council will consider:

- the costs of any advertisement and process
- the availability of qualified candidates
- the urgency of the appointment (a CCO that is without a quorum cannot hold board meetings)

Appointment by advertisement

Where the Council decides to advertise a vacancy, it will form an ad hoc committee comprising of the Mayor and Deputy Mayor to consider applications and make a recommendation to the Council.

Appointment without advertisement

Where the Council decides not to advertise a particular vacancy it will refer the matter to the Executive Committee.

The Committee will identify a shortlist of candidates whom it considers meet the above criteria and will forward those to Council together with a report explaining why these candidates meet the criteria. The Committee may make a recommendation.

Final appointment

The Council will make a decision in committee (thus protecting the privacy of natural persons). Public announcement of the appointment will be made as soon as practicable after the Council has made its decision.

An elected member who is under consideration to fill a particular vacancy may not take part in the discussion or vote on that appointment.

Conflicts of interest

The Council expects that the directors of council organisations will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations the Council requires directors to follow the provisions of the New Zealand Institute of Director's Code of Ethics. All directors are appointed at 'the pleasure of the Council' and may be dismissed for breaches of this code.

Remuneration

Remuneration of directors of CCOs is a matter of public interest.



Where the Council is the sole shareholder in a particular organisation the Council will set the directors' remuneration either by resolution at the annual general meeting, or will review salaries on an annual basis (for those organisations that do not have such a meeting). In reaching a view on the appropriate level of remuneration for directors of council organisations the Council will consider the following factors:

- the need to attract and retain appropriately qualified people to be directors of the CCO
- the levels and movement of salaries in comparable organisations (the Council will retain professional advice on salary levels and movements)
- the objectives of the CCO (in particular whether or not the CCO operates on a charitable basis)
- the past performance of the CCO
- whether the CCO is operating as a trading undertaking
- the financial situation of the CCO

In cases where the Council cannot exercise direct control, such as in an organisation where it is one shareholder among many, it will conduct its own monitoring of salaries against the above factors and will publicly disclose the name of any CCO which it considers is not complying with the above factors.

22.8.6 ADOPTION OF INTERIM DELEGATIONS REGISTER

Doc ID: 589371

1. Purpose of Report

For Council to adopt an interim Register of Delegations.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Adopts the interim Delegations Register, to come into effect on 27 October 2022.
-

2. Background

The existing Delegations Register (the Register) came into force in during the last triennium.

The Local Government Act 2002 (the Act) Schedule 7 Clause 32 states that for the purposes of efficiency and effectiveness a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities duties or powers unless expressly provided otherwise in the Act or any other Act.

Section 41A(3) of the Act provides the Mayor with the power to establish committees of the territorial authority and appoint the chairperson of each committee. As with the 2019-22 triennium, it is proposed that portfolios be created to separate the various parts of the Council's business.

3. Discussion

The statutory function of Council is to lead and guide the good management of the district by determining primary goals and objectives, by setting strategies and policies for their achievement and encouraging this through the considered use of committees and the appointment of skilled staff.

Elected members as individuals have no statutory authority; authority is vested in the Council as a whole. Individual members' roles are therefore closely linked to meetings of the Council and its committees, allowing issues to be raised, debated and resolved.

Where Council is empowered by legislation to carry out a decision making function, the decision to act must be by way of resolution of the full Council, unless otherwise provided in the legislation, or where the decision to act has lawfully been delegated to a committee, subcommittee, community board or officer.

The Mayor recommends for the 2022-25 triennium that once again portfolios are established to complement the governance structure. Portfolios do not have specific decision-making delegations, and decision making would be retained by Council. Portfolio leads and deputies would be established for each area. They would be responsible for specific policy areas and would act as the issue-specific leader and spokesperson for those areas.

The Mayor recommends that the following portfolios are established:

- Three Waters and Waste
- Community Vision and Experience
- Roothing
- Planning and Regulatory

The Mayor has considered the roles and responsibilities for each portfolio. Accordingly, he recommends the following portfolio leads and deputies:

Three Waters and Waste:	Cr Nigel McKinlay (Lead) Cr Cheryl Laws (Deputy)
Community Vision and Experience:	Cr Tamah Alley (Lead) Cr Sally Feinerman (Deputy)
Roothing:	Cr Stu Duncan (Lead) Cr Tracy Paterson (Deputy)
Planning and Regulatory:	Cr Neil Gillespie (Lead) Cr Ian Cooney (Deputy)

The delegations take an interim form for adoption at this meeting as there is still some work to be done on the delegations given to the Chief Executive Officer. An interim delegation will allow for those delegations to be worked through in a considered way.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the interim Register of Delegations and approve the proposed portfolios and their leads and deputies.

Advantages:

- Portfolios are established to support the governance structure.
- Portfolio leads are established to ensure progress is made towards the Council's strategic priorities and projects.
- Decisions on the distribution of the remuneration pool can be made and forwarded to the Remuneration Authority.

- There is time to work through the remaining delegations document carefully.

Disadvantages:

- A completed register will need to be adopted in the future.

Option 2

Not adopt the interim Register of Delegations.

Advantages:

- None identified.

Disadvantages:

- The current Register of Delegations is outdated.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by clearly articulating where the delegations for decision lay.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications from this decision.
Risks Analysis	There are no inherent risks with the recommended option.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no external consultation or engagement is required.

7. Next Steps

Once adopted, the interim Register of Delegations will come into effect immediately and will be published on the Central Otago District Council's website.

8. Attachments

Appendix 1 - Interim Register of Delegations [↓](#)

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
11/10/2022

Saskia Righarts
Group Manager - Business Support
19/10/2022



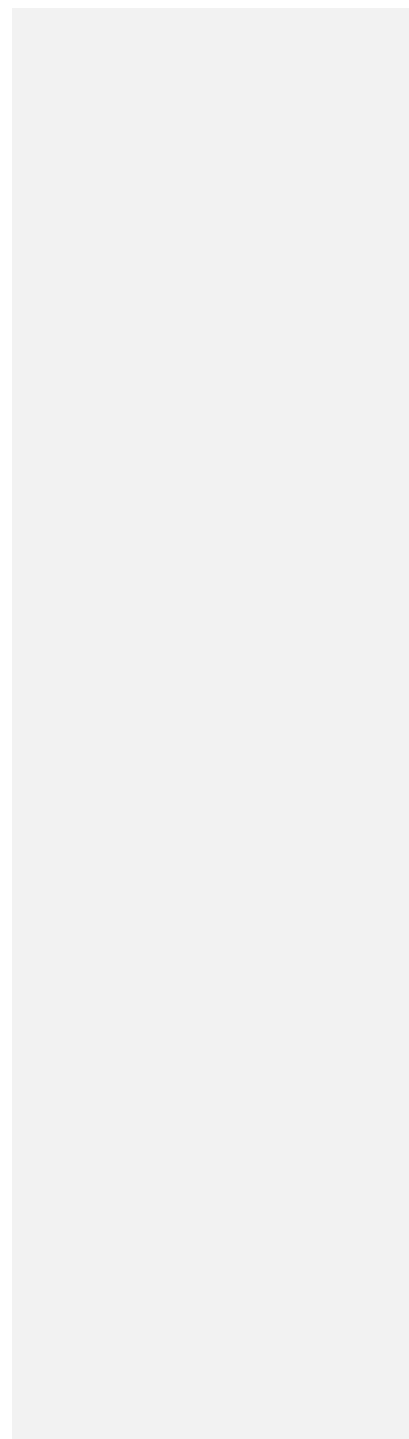
**Register of Delegations
to
Community Boards, Portfolios,
Committees
and the
Chief Executive Officer**

As at ~~11 August 2021~~XXXXX

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A WORLD OF DIFFERENCE





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PART I - INTRODUCTION

Philosophy

1. The statutory function of Council is to lead and guide the good management of the District by determining primary goals and objectives, by setting strategies and policies for their achievement and encouraging this through the considered use of committees and the appointment of skilled staff.
2. Elected members as individuals have no statutory authority. Their role is therefore closely linked to meetings of the Council and its Committees allowing issues to be raised, debated and resolved.
3. The task of putting Council's policies to work is the responsibility of the Chief Executive Officer acting through Council staff. The Council, committees and community boards then monitor progress towards any objective. They do this not by putting each staff action under the microscope, but rather by seeing that key milestones are met.
4. These are best translated into action when the Council is planning and reviewing its plans and policies. When it comes to day to day matters, the Council's Chief Executive Officer and staff are in the best position to immediately resolve any individual problems. When necessary, a problem may be referred to the Council, a community board or a committee for consideration, along with all the options and implications of any policy changes.
5. The Council has therefore adopted a philosophy of delegation to the lowest competent level. This achieves the best use of the skills of Councillors and officers, minimises costs, develops effective managers and minimises bureaucratic interference in the lives of the residents of the Central Otago district.

General Principles of Delegation

6. The Council's powers, functions and duties are all prescribed either expressly or implicitly by various Acts of Parliament or Regulations. These set a framework within which the Council must operate.
7. Where Council is empowered by legislation to carry out a decision-making function, the decision to act must be by way of resolution of the full Council, unless otherwise provided in the legislation, or where the decision to act has lawfully been delegated to a committee, subcommittee, community board or officer.
8. Without delegation, the operation of the Council and its administration would not be effective, efficient or timely in delivering services. Delegation to officers generally implements the basic principle that elected members make policy and officers implement that policy.

The Legal Situation

9. Council's principal authority to delegate derives from Schedule 7, clause 32(2) of the Local Government Act 2002, which states:

“(2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise of the local authority (after consultation with the committee or body or person) of any power or duty specified in sub clause (1).*”

Sub clause 32(1) states:

"Unless expressly provided otherwise in this Act or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties or powers except" The exceptions are set out in paragraph 44.

Operative Date

10. This Policy will come into effect on ~~11-26 October 2002~~~~August 2021~~ and will continue in force until revoked by the Council.

All earlier policies that conflict with or duplicate any provision in this Policy are revoked as from ~~26 October 2022~~~~11 August 2021~~.

PART II - GENERAL MATTERS OF DELEGATION

The Meaning of Delegation

11. Delegation means the assignment of a power, function or duty of action to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.
12. Decisions made by any community board or committee pursuant to this delegation may be acted on without further reference to the Council.

Delegation by Exception

13. The Council has adopted the principle of delegation by exception. This means that all the powers of the Council are delegated to community boards, committees or the Chief Executive Officer unless a specific exception applies.

The exceptions are set out in Part III of this register.
14. Subject to the exceptions, the Central Otago District Council delegates to community boards, committees and standing committees all the powers, functions and duties relating to the scope and activity allocated to them, including the power to convene extraordinary meetings in terms of clause 22, Schedule 7 of the Local Government Act 2002.

Delegations to Community Boards

15. A community board may, at any time, refer any matter to Council for direction and/or determination.
16. Council cannot override a community board decision made pursuant to a delegation and consistent with Council policy. If the Council wishes to reduce the role of the community board it must *effectively* consult with that board first.
17. Each community board will select its own chair and deputy at the first meeting of its electoral term.

Delegations to Committees

18. Any standing or special committee may, at any time, refer any matter to Council for direction and/or determination.
19. The Mayor has the right to determine the structure of committees and appoint the Chair but this can be changed by resolution of Council (s41A(4)(b) LGA).

Delegations to Special Committees and Subcommittees

20. Special committees and subcommittees will have only the powers, functions and duties specifically given to them by the Council or a standing committee.

Sub-delegations to be in Writing and Recorded

21. Every sub-delegation will be in writing and will clearly define the nature, purpose and limitation of the power, function or duty delegated.
22. Every sub-delegation will be recorded in a manual kept for that purpose by the Chief Executive Officer.

Term of Delegation

23. Unless any delegation is stated to be for a defined term, it will continue until revoked by the delegator or the Council or withdrawn by operation of law.

Delegation to Office

24. Unless stated otherwise, every delegation is to a committee or office and will be unaffected by changes in the membership of a committee or the holder of an office.

Reporting Decisions

25. Every committee will report decisions taken under delegated authority in minutes submitted to the next available meeting of the Council, unless the committee is made up of the full Council.
26. Decisions taken by officers under delegated authority will be reported:
 - a) when:
 - i) a regular report is a condition of the delegation; or
 - ii) where any legislation requires reporting in a particular way; or
 - iii) where the decision is one of a class which the Council has directed should be reported; or
 - iv) where the Council, for any reason, should be aware of the decision;
 - b) as a regular comparison of performance against budget and approved plans:
 - i) a quarterly report on financial out-turn;
 - ii) each year an Annual Report in accordance with section 98 and Schedule 10 of the Local Government Act 2002.

Sub-delegation

27. Powers, functions and duties granted by the Council to a committee may be sub-delegated, by resolution of that committee, to a Council officer and that sub-delegation will be in writing.
28. Delegations to officers will be made to the Chief Executive Officer, who may delegate a power, function or duty to another officer or subcommittee of officers. As well as the discretionary delegations made under this register, there are provisions in various Acts applying to the Council which provide for powers, duties and functions to be exercised directly by specified staff.
29. Officers (other than the Chief Executive Officer) may not delegate powers and functions given to them. They may appoint working parties or other officers to advise them.

Call-Up Procedure

30. Nothing in this Register will limit the power of a delegator to exercise a duty, power or function concurrently with, or in substitution for, a delegatee.
31. Except in exceptional circumstances, a delegator should not:
- a) if the Council, act without the advice of a Standing Committee, appropriate Community Board Chairperson or the Chief Executive Officer;
 - b) if a Community Board, act without consultation with the appropriate portfolio lead or the Chief Executive Officer;
 - c) if the Chief Executive Officer, act without the advice of the appropriate officer.
32. The Mayor may, on behalf of the Council, 'call up' to the Council any matter which has been delegated by the Council, other than one delegated to a Community Board and acted on in accordance with Council Policy. The delegatee will then take no further action on that matter until the Council has either:
- a) decided that the matter should be referred back to the delegatee (with directions if any); or
 - b) determined the matter.
33. In calling up any matter to the Council the Mayor should consult with the chairperson of the relevant Committee or Community Board involved, and the Chief Executive Officer.
34. A delegatee may, rather than make a decision, refer a matter back to the delegator with a suitable recommendation. The delegator will then decide the matter.
35. Community Boards and Committees of Council cannot act contrary to policies of the Council and in particular the Council's Long Term Plan (LTP).

Appeals

36. Every person affected by the decision of a delegatee may appeal that decision:
- a) in the case of a decision by an officer, to the Chief Executive Officer; or
 - b) in the case of a decision by the Chief Executive Officer or Committee, to the Council.
37. The Chief Executive Officer and the Council will not generally overrule a decision of delegatee unless:
- a) it breaches some policy set by the Council; or,
 - b) some material fact was overlooked or misinterpreted; or,
 - c) it contains serious implications for the Council of which the delegatee was unaware; or,
 - d) it is manifestly wrong.

Policy and Fact

38. In making a decision every delegatee will consider:
- a) any policy established by the Council;
 - b) the facts relevant to a matter.

39. If the facts relevant to any matter do not support a decision consistent with a Council policy, the delegatee should submit the matter to the Council with a suitable explanation and recommendation.

Estimates and Expenditure

40. The Chief Executive Officer may vary any sum or sums making up cost centre detail where:
- a) the net expenditure/surplus in that activity cost centre is not altered; and
 - b) the change is to allow for the more effective management of that activity in accordance with the LTP or Annual Plan [or revised Annual Plan](#).

Use of Council Seal and Authority to Sign

41. The Chief Executive Officer will be responsible for custody of the Council's seal and maintain records as to its use.
42. The seal may be attached to all documents that must be executed in this way by the Council. It will be attached, however, only when:
- a) the Council or a Committee has authorised the transaction involved; or
 - b) the transaction involved has been authorised by an officer under delegated authority.
43. The seal will be affixed in the presence of one person from each of the following groups:
- a) the Mayor or any elected member of the Council;
 - b) the Chief Executive Officer (or any other officer authorised by the Chief Executive Officer).

PART III - COUNCIL

44. The following matters CANNOT be delegated by Council (Schedule 7, clause 32(1) of the Local Government Act 2002):

The power to:

- make a rate;
- make a bylaw;
- borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan (LTP);
- adopt a LTP, Annual Plan or Annual Report;
- appoint a Chief Executive Officer;
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purposes of the Local Governance Statement;
- adopt a remuneration and employment policy

45. Additionally:

- Recommendations made to Council by the Ombudsman under section 32 of the Local Government Official Information and Meetings Act 1987 may not be delegated.
- Under section 12 of the Fencing of Swimming Pools Act 1987, the Council's powers and functions may only be delegated to a Committee comprising only members of the Council.

46. Council reserves the following powers and functions to itself:

- dismissal of the Chief Executive Officer;
- any proposal to promote legislation;
- overall budgetary control of the total operations of Council;
- stopping of roads (section 319(h) of the Local Government Act 1974);
- acquisition or holding of shares or interests in a body corporate, partnership, joint venture or other association of persons;
- the co-ordination of advice from Committees and Community Boards in respect of the Annual Plan and LTP process, and the determination of the funding and priorities derived from that for rates setting and other funding purposes;
- the right to appeal decisions of external bodies;
- proposals for the remuneration of elected members;
- proposals for a change to the political structure of Council, delegations to officers, the size of Council, the nature of wards and communities, and representation for wards and communities;
- [activity on airport reserves](#).

PART IV - DELEGATIONS TO COMMUNITY BOARDS

Introduction

47. Community Boards are established under section 49 of the Local Government Act 2002 ("the Act") and exercise such powers as are delegated to them by the Council (section 53 of the Act).
48. Boards are NOT Committees of Council. They are separate legal entities. Section 51 of the Act states:
- "A community board -*
- (a) is an unincorporated body; and*
 - (b) is not a local authority; and*
 - (c) is not a Committee of the relevant territorial authority"*
49. Community Boards, under section 53(3) of the Act cannot:
- acquire, hold or dispose of property;
 - appoint, suspend or remove staff.

COMMUNITY BOARDS**REPORTING TO:** Council**CONSTITUTION:**

Vincent Community Board	Four directly elected representatives and three appointees
Cromwell Community Board	Four directly elected representatives and three appointees
Teviot Valley Community Board	Four directly elected representatives and one appointee
Maniototo Community Board	Four directly elected representatives and one appointee

MEETING FREQUENCY: Every six weeks or as required**OBJECTIVES:***(Local Government Act, 2002 - section 52)*

1. To represent, and act as an advocate for, the interests of its community.
2. To consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the Community Board.
3. To maintain an overview of services provided by the territorial authority within the community.
4. To prepare an annual submission to the territorial authority for expenditure within the community.
5. To communicate with community organisations and special interest groups within the community.
6. To undertake any other responsibilities that are delegated to it by the territorial authority.

POWER TO ACT:

The Council delegates to the Community Boards the following functions, duties, powers and discretions, as they apply to their respective ward(s), subject to any delegation made by the Council on a "district-wide" basis:

1. In relation to bridging, financially assisted and unassisted roading programmes, the authority to make recommendations to the Council on priorities for works within the Community Board Ward(s).
2. In relation to non-financially assisted roading works, the power to determine appropriate works programmes, provided that the works are funded from the Community Board's own resources.
3. The general provision (including maintenance and upgrading as required) of parks, reserves, public recreational facilities, cemeteries, community centres and public halls.
4. The provision and maintenance of such other works, facilities, and amenities in the Community Board Ward(s) as the Board sees fit in line with Council policy and the [new](#) purpose statement [of Local Government](#).
5. Monitor and take such action as necessary to ensure the adequacy of traffic activity (including temporary road closures, naming of streets and so on) in line with Council policy.

6. Provide input to the Council's Revenue and Financing Policy, Annual Plan and Long Term Plan.
7. Monitor the Community Board's budget and make such alterations as are necessary during the course of the fiscal year.
8. Make grants and donations.
9. Negotiate the acquisition and disposal of Council property within the Community Board's jurisdiction, subject to any property transactions being formally approved by the Council.
10. Approval of fees and charges relating to ward services.

Limitations on Authority

11. The Community Board's "power to act", pursuant to this delegation, is limited to matters which relate *solely* to the Ward.
12. The Community Board has a responsibility to ensure that its policies, actions and decisions are always within the overall strategic plans, policy guidelines and priority programmes adopted by the Council. Whenever this is either not possible or in the circumstances of the case not felt to be desirable, the Community Board's decision will be by way of a recommendation to the Council.
13. Before making any decision pursuant to these delegated functions, duties and powers, the Community Board will satisfy itself (where appropriate) that adequate provision has been made in the approved estimates for the proposed works.

Power to Advise

14. Community Boards will be asked to advise Council in relation to the provision of library services within their ward(s).

**COMMITTEES AND SUB-COMMITTEES OF
COMMUNITY BOARDS****VINCENT COMMUNITY BOARD**

- Manorburn Recreation Reserve Committee
- Omakau Recreation Reserve Committee

MANIOTOTO COMMUNITY BOARD

- Patearoa Recreation Reserve Committee
- Taieri Lake Recreation Reserve Committee

TEVIOT VALLEY COMMUNITY BOARD

- Teviot Valley Walkways Committee

COMMUNITY BOARD APPOINTEES TO EXTERNAL COMMITTEES

Community Boards (on behalf of Council) may appoint one or more members or other persons to Committees outside of Council to act as representatives of that Community Board. Community Board representative(s) are appointed to each of the following Committees:

VINCENT COMMUNITY BOARD

Commented [RW1]: As agreed by VCB 1 Feb 2022

- Alexandra Community House Trust – 1 liaison
- Alexandra Council for Social Services – 1 liaison
- Alexandra District Museum Inc (Central Stories) – 1 [representative liaison](#)
- Alexandra Blossom Festival Committee – ~~The Chair and 12~~ [other representative liaison](#)
- Alexandra and Districts Youth Trust – 1 liaison
- ~~Clyde Community Centre Committee – 1 representative~~
- ~~Clyde Community Plan Group – 1 representative (plus 1 community representative)~~
- Clyde Historical Museum Committee – 1 [representative liaison](#)
- Keep Alexandra-Clyde Beautiful Society – 1 [representative liaison](#)
- Ophir Welfare Association Committee – ~~1 liaison~~ [\(as required\)](#)
- Promote Alexandra Inc – 1 liaison
- ~~St Bathans Area Community Association Inc – 1 representative (as required)~~
- [Vallance Cottage Working Group](#) – 1 liaison

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CROMWELL COMMUNITY BOARD

Commented [RW2]: As agreed by CCB 15 Feb 2022 Meeting

- Bannockburn Community Centre Management Committee Inc – 1 liaison
- Bannockburn Recreation Reserve Management Committee Inc – 1 liaison
- Cromwell and Districts Community Trust – ~~12~~ liaison
- Cromwell District Museum – 1 liaison
- Cromwell Resource Centre Trust ([known as Cromwell Community House](#)) – [The appointment of 5 representatives as per the Trust Deed](#)
- Cromwell Youth Trust – 1 liaison
- Central Otago Sports Turf Trust – [The appointment of 2 representatives as per the Trust Deed](#)
- Old Cromwell Incorporated – 1 [representative liaison \(TBC following conversations with the trust\)](#) as per the Trust Deed
- Lowburn Hall Committee – 1 liaison
- Pisa District Community Group – 1 liaison
- Ripponvale Hall Committee - 1 liaison
- Tarras Community Plan Group – 1 liaison
- ~~Tarras Hall Committee – 1 liaison~~
- [Cromwell and Districts Promotions Group](#) – 1 liaison
- The Community Board Chair can appoint two members to the Cromwell College Charitable Trust in the case of retirement or replacement of a member as per the Trust Deed

TEVIOT VALLEY COMMUNITY BOARD

Commented [RW3]: As agreed by TVCB 3 Feb 2022

- I and H McPhail Charitable Trust – 2 representatives
- Ida MacDonald Charitable Trust – 2 representatives
- Roxburgh and District Medical Services Trust – 1 representative
- Roxburgh Cemetery Trustee Committee – 1 representative
- Roxburgh Entertainment Centre and Improvement Committee – 1 [representative liaison](#)
- Teviot Museum Committee – 1 [representative liaison](#)
- Teviot Prospects – 1 [representative liaison](#)

- Tuapeka County Bursary Fund Committee – 1 representative
- ~~Roxburgh Swimming Pool Redevelopment Committee – 1 representative~~ [liaison](#)
- ~~Teviot Valley Rest Home – 1 liaison~~

MANIOTOTO COMMUNITY BOARD

Commented [RW4]: As agreed by MCB 17 Feb 2022

- ~~Design and Location of the Sun for the Interplanetary Cycle Trail Working Group – 1 representative~~
- Maniototo Community Arts Council – 1 ~~representative~~ [liaison](#)
- Maniototo Ice Rink Committee – 1 ~~representative~~ [liaison](#)
- ~~Maniototo Promotions Group – 1 representative~~
- ~~Patearoa Water Scheme Liaison Committee – 1 representative~~

- A liaison appointment will require an elected member to keep in contact with the organisation.
- A representative will be required to attend the meetings of the organisation.
- If an elected member is given voting rights at the organisation's meeting, the minutes of that group should then be put on a future agenda of the Community Board's agenda.
- An elected member who has voting rights on external committees will need to exercise caution so that no conflicts of interest arise. This can be managed by declaring an interest and not voting on particular items, either at the external committee or at the Board or Council meeting.

PART V - DELEGATIONS TO COMMITTEES OF COUNCIL

STANDING COMMITTEES

AUDIT AND RISK COMMITTEE

Commented [RW5]: These tracked changes were agreed by Audit and Risk at their meeting in Feb 2022 for Council to consid

REPORTING TO: Council

CONSTITUTION: Mayor, three Councillors plus an independent representative as the Chair

QUORUM: No less than three members of the Committee, including the independent Chair

MEETING FREQUENCY: ~~Three~~ Four times per year and then as and when required

OBJECTIVE:

To provide governance and oversight in the areas of audit and risk to ensure systems and practices are of a standard to provide assurance that there is sufficient risk identification and mitigation in place.

SCOPE OF ACTIVITY:

The Committee will review, evaluate and feed back to Council on a broad range of matters including:

- Internal and external audits and monitoring the progress of the auditor's recommendations
- External financial reporting
- Oversight of the preparation of the Long Term Plan, Annual Plan and Annual Report
- Financial and non-financial risk management
- Internal systems and controls
- Strategic management and operational performance
- Policy review, for policies within the scope of the Committee
- ~~Appointment of an external committee member~~
- ~~Appointment of the Audit and Risk Chair and Deputy Chair~~
- Legislative compliance
- Litigation overview
- Oversight of unbudgeted legal claims or other proceedings other than those which relate to employment matters.
- For the elected members on this committee, to monitor the reporting of organisational finances before each council meeting.
-

The Mayor and three Councillor members of the committee, will select and appoint the external committee member / Chair each triennium following the year of the election, or as required.

POWER TO ACT:

The Committee can report to and make recommendations to Council on matters and proposals relevant to risk management and internal control practices.

SPECIAL COMMITTEES**EXECUTIVE COMMITTEE**

REPORTING TO: Council

CONSTITUTION: Mayor (Chairperson)
Deputy Mayor
Councillor from each Board (four~~th~~^{ree} members) except the ward represented by the Deputy Mayor

MEETING FREQUENCY: As required

SUBSTITUTIONS: The Chief Executive Officer to arrange appropriate substitutes as and when required

QUORUM: No less than three members of the Committee

OBJECTIVE:

To deal with Council, Committee and Community Board issues that require immediate response.

SCOPE OF ACTIVITY:

Any matters relating to Council, Committee and Community functions.

POWER TO ACT:

1. Any of the Council's powers, functions and duties when an immediate response is required.
2. Providing guidance, when sought from time to time by the Chief Executive Officer, on specific or general matters.
3. Accepting tenders other than the lowest tender, where the work is estimated at more than \$100,000, or where the lowest acceptable tender is higher than the budget for the work (above \$100,000).
4. Undertake Chief Executive Officer performance planning and associated review with Chief Executive.
5. The selection of elected members of Council (and Community Boards if appropriate) to form working parties to undertake research and make submissions, as is deemed appropriate from time to time by the Council.

ASSESSMENT COMMITTEE

REPORTING TO:	Council
CONSTITUTION:	Two Councillors plus the following community representatives:
For Creative Communities Funding:	One representative from each Community Arts Council within the district One representative from the Roxburgh community One representative from Tangata Whenua
For Sport New Zealand Funding:	One representative from Sport Central One representative from Teviot Valley (Sports Coordinator from Roxburgh Area School) One representative from Maniototo Area School (Sports Coordinator/Deputy Principal) One independent Community Representative One representative from Tangata Whenua
MEETING FREQUENCY:	March and September each year for Creative Communities and November each year for Sport New Zealand.
SUBSTITUTIONS:	The Chief Executive Officer to arrange appropriate substitutes as and when required

OBJECTIVE:

To manage and distribute funds allocated to the Central Otago District Council by national funding organisations for the purpose of supporting worthy projects within the Central Otago district, in accordance with national funding criteria and in a manner that best meets the needs of Central Otago's local communities.

SCOPE OF ACTIVITY:

1. Allocate *Creative Communities New Zealand* and *Sport New Zealand* funds to worthy applicants, in accordance with Creative New Zealand and Sport New Zealand funding criteria and in a manner that best meets the needs of the local communities within the Central Otago district;
- Note: Non-elected members are included in the Assessment Committee to provide representation and input from the respective 'communities of interest' throughout the district. Nominations for these positions are forwarded to Council for appointment.
2. Consider applications for funds from the Central Otago District Council.

POWER TO ACT:

Disbursement of funds from Creative Communities and Sport New Zealand.

POWER TO RECOMMEND:

Allocation of grants from District Funds.

HEARINGS PANEL

Reporting to: Council

Meeting Frequency: Monthly or as required

Quorum: No less than two members of the Panel

OBJECTIVE:

To consider and execute decisions relating to designations, reviews, objections, and applications for resource consent.

SCOPE OF ACTIVITY:

Any matters relating to resource consent applications or approvals pertaining to those functions of the Resource Management Act 1991 that have not been delegated to the Chief Executive Officer.

POWER TO ACT:

The Council delegates to the Hearings Panel all regulatory powers, functions and duties (with the exception of issues within the specific responsibility of another standing, special or joint committee of the Council) as follows:

1. Unless specifically excluded by legislation, all of its powers, duties and discretions under the Resource Management Act 1991 but only where those matters have not been delegated to the Chief Executive Officer.
2. Notwithstanding clause 1 above, the Hearings Panel may refer any matter to the Council for its direction on the matter or for its determination of the matter.
3. Notwithstanding clause 1 above, the Chief Executive Officer may refer any matter to the Hearings Panel for its direction on the matter or for its determination of the matter.

Designations

(Section references are taken from the Resource Management Act 1991):

4. The power to consider a requirement and submission made in response to it and to make a recommendation to the requiring authority in terms of section 171.
5. To consider a requirement to alter a designation in terms of section 181.
6. Amend the District Plan to remove a designation and to advise the Otago Regional Council accordingly in terms of section 182.
7. The fixing of a longer period for the expiry of a designation in terms of section 184.

Heritage Orders

8. The consideration of a requirement by a heritage protection authority and all submissions lodged with respect to such requirement and the making of a recommendation to the heritage protection authority in terms of section 191.
9. The alteration of a heritage order from the requirement of a heritage protection authority in terms of section 192.
10. The removal of a heritage order from the District Plan and providing advice to the Otago Regional Council of this removal in terms of section 196.

Resource Consents:

(Section references are taken from the Resource Management Act 1991):

11. To jointly hear, with one or more other consent authorities, applications for resource consents (section 102).
12. To decide on reasonable grounds whether or not it is appropriate for a joint decision on jointly heard applications (section 102).
13. To determine whether two or more applications for the same proposal are sufficiently unrelated so that it is unnecessary to hear and decide the applications together (section 103).
14. To arrange the commencement date, time and venue of a resource consent application hearing and any submissions to such application (section 101).
15. When considering an application for a resource consent, the Hearings Panel shall have regard for the terms of section 104 (this includes land use and subdivision applications).
16. To decide whether to grant or not grant a resource consent. Upon granting consent, the decision must take into account any conditions or terms in sections 104 and 105.
17. To determine the proceedings for any hearing, in keeping with sections 39-42.

Lapsing of Consents

(This section applies only to those consents granted by the Hearings Panel)

18. The holder of a Resource Consent may apply to the Hearings Panel for the change or cancellation of any condition in the consent (other than conditions relating its duration) subject to the conditions outlined in section 127.
19. The Hearings Panel may change any condition in the consent (other than conditions relating its duration), subject to the conditions outlined in section 132.

Objections to Decisions

20. To consider objections lodged in terms of section 357 to decisions issued by the Chief Executive Officer.

Plan Changes

21. Hearing of submissions to variations to the District Plan and Plan changes, pursuant to Section 34 of the Act.

Dog Control

22. To consider objections in terms of Section 31(3) and 33B of the Dog Control Act 1996.

Health Registration of Premises

23. To consider and make decisions on the revocation of registration of registered premises under the Health (Registration of Premises) Regulations 1966.

Reserves Act 1977

24. To consider and make decisions on objections and submissions in terms of leases, licences, easements and reserve classifications under sections 16(4), 24(2)(b), 24A(2)(c), 48(2), 54(2), 56(2), 58A(2), 73(4) and 74(3) of the Reserves Act 1977.

In addition to the above matters, the Chair of the Hearings Panel has delegation as follows:

In addition to the above matters, the Chair of the Hearings Panel has the sole authority to determine whether the matters shown at 25 below are determined by The Hearings Panel or are delegated to the Manager of Planning and Regulatory Services:

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25. All non-complying activities where:
- a. The application is non-notified; and
 - b. Where necessary, has the consent of the affected parties; and
 - c. The applicant has not requested to be heard; **or**
 - d. Where the application is notified; and
 - e. There are no submissions; and
 - f. The applicant has not requested to be heard.
26. To consider a requirement to alter a designation in terms of section 181.
27. Amend the District Plan to remove a designation and to advise the Otago Regional Council accordingly in terms of section 182.

DISTRICT LICENSING COMMITTEE

The District Licensing Committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act 2012 or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

The District Licensing Committee's functions are:

- (a) to consider and determine applications for licences and manager's certificates; and
- (b) to consider and determine applications for renewal of licences and manager's certificates; and
- (c) to consider and determine applications for temporary authority (d) to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- (e) to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under [section 280](#) of the Sale and Supply of Alcohol Act 2012; and
- (f) with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- (g) to conduct inquiries and to make reports as may be required of it by the licensing authority under [section 175](#) of the Sale and Supply of Alcohol Act 2012; and
- (h) any other functions conferred on licensing committees by or under the Act or any other enactment.

JOINT COMMITTEES

Otago Civil Defence Emergency Management Group Terms of Reference

Constitution

Pursuant to section 12 of the Civil Defence Emergency Management Act 2002, the Otago Civil Defence Emergency Management Group is constituted as a joint standing committee under section 114S of the Local Government Act 1974 (a joint committee under section 30 of Schedule 7 of the Local Government Act 2002) by resolutions adopted by:

- Central Otago District Council
- Clutha District Council
- Dunedin City Council
- Otago Regional Council
- Queenstown Lakes District Council
- Waitaki District Council

Membership

Each local authority listed above is a member of the Otago Civil Defence Emergency Management Group. Each member is represented on the joint committee by the Mayor/Chairperson, or by an elected person from that authority who has delegated authority to act for the member.

Chairperson

The Otago Civil Defence Emergency Management Group shall appoint one of the representatives of its members as chairperson, and one of its members as deputy chairperson. Each will hold office for such period as agreed by the Group, but only so long as those persons remain a representative of a member of the Group.

Purpose

The Otago Civil Defence Emergency Management Group has the purpose and all of the functions, powers and obligations of a civil defence emergency management group as defined by the Civil Defence Emergency Management Act 2002 and subsequent amendments. Section 17 of the Civil Defence Emergency Management Act 2002 defines the function of a group and each of its members that, in summary, require it to:

- Identify, assess and manage relevant hazards and risks;
- Ensure provision of trained and competent personnel, an appropriate organisational structure and the necessary services and resources for effective civil defence emergency management in its area;
- Respond to and manage the adverse effects of emergencies;
- Carry out recovery activities;
- Assist other civil defence emergency management groups when requested;
- Promote public awareness of and compliance with the Civil Defence Emergency Management Act and legislative provisions relevant to the purpose of the Act;
- Develop, approve, implement, monitor and review a civil defence emergency management group plan;
- Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan.
- Promote civil defence emergency management in its area that is consistent with the purpose of the Civil Defence Emergency Management Act 2002.

Meetings

The Otago Civil Defence Emergency Management Group shall meet quarterly and as required with the location for meetings rotating among member authorities.

Quorum

The quorum of the Otago Civil Defence Emergency Management Group shall be three members.

Delegations

The Otago Civil Defence Emergency Management Group shall have all the delegated authorities that may be given by each member Council, including authority to fulfil the powers, obligations and functions of the Group as specified in the Civil Defence Emergency Management Act 2002, authority to appoint subcommittees, and authority to sub-delegate any authority able by law to be delegated.

Subcommittee

A subcommittee of all members of the Otago Civil Defence Emergency Management Group may be formed and given full delegated authority to carry out the functions, obligations and powers of the Group under the Civil Defence Emergency Management Act 2002 pursuant to section 114P(2) of the Local Government Act 1974 and section 30(2) schedule 7 of the Local Government Act 2002. Any meeting will transact routine business and not commit members to any major financial expenditure.

Standing Orders

The current Standing Orders of the Otago Regional Council shall govern the conduct of the meetings, except that order papers and agenda papers shall be sent to every member no less than five working days before the meeting.

Notwithstanding anything in the Civil Defence Emergency Management Act or Standing Orders, adequate notice shall be given of all matters to be discussed at a meeting of the Group. Where a matter of significance is to be considered, where practicable, prior written notice of the background to that matter must be given in sufficient time to allow for consultation with each member.

Administering Authority

The Otago Regional Council as the administering authority shall provide administrative and leadership of the Group.

Reporting

The Group will report to each member.

Continuance of Joint Standing Committee

The Otago Civil Defence Emergency Management Group shall not be discharged by a triennial election, but appointments of representatives of members shall be confirmed or new appointments made by each council following each election.

PART VI – PORTFOLIOS

Introduction

Council has decided to complement its governance structure through the establishment of portfolio areas and the appointment of portfolio leads. Portfolios do not have specific decision-making delegations; however, portfolio leads are responsible for leading specific policy areas and will act as the issue-specific spokespersons for those areas.

The role of portfolio leads is detailed below:

- Ensure progress is made towards the Council's strategic priorities and projects within their portfolio responsibilities.
- Play a strategic and policy leadership role in their area of responsibility assisting the council to meet its strategic objectives.
- Enhance relationships with key stakeholders.
- Act as the Council's spokesperson and point of contact for those activities within their portfolio responsibility.
- Collaborate with other portfolio leads where objectives are shared.
- Work effectively with council officers.
- Attend any advisory groups or external appointments made and ensure an alternative is available if they cannot attend projects and activities.
- As far as possible, attend council launches of new activities and projects in their area of responsibility.
- Meet regularly with the Mayor, Deputy Mayor, Chief Executive and senior staff.
- Keep the Mayor informed of emerging issues.
- Maintain a no-surprises approach for elected members and staff.
- Raise issues of Council performance with assigned executive leadership staff member in the first instance, following up with the Mayor and Chief Executive if necessary.
- Facilitate informal policy discussion between elected members, public and officials on matters within their responsibility.

The following portfolios have been established:

- ~~Sustainable Practices~~
- Three Waters and Waste
- ~~Economic Development and Community Facilities~~ Community Vision and Experience
- Roading
- Planning and Regulatory

Details of these are provided on the following pages.

SUSTAINABLE PRACTICES PORTFOLIO**Portfolio Lead:** Mayor Tim Cadogan**Deputies:** Councillors Nigel McKinlay and Cheryl Laws**Objectives:**

To provide leadership and advice to policy decision-making, oversight and governance in relation to waste minimisation, recycling, carbon footprint reduction and solid waste disposal, and funding of programmes for these activities.

Scope of Activity:

Any matters that relate to the areas of Council service delivery operations in relation to waste minimisation, recycling, carbon footprint reduction and solid waste disposal.

Providing leadership and advice in relation to:

- Waste minimisation, recycling, carbon footprint reduction initiatives.
- The development, review and implementation of environmental strategies and policies, and monitoring compliance with existing environmental policies.
- Asset Management Plans, Levels of Service, and Forward Programmes in relation to waste minimisation, recycling and carbon footprint reduction and funding for these activities.
- Environmental sustainability initiatives and funding for these.
- Policy issues in relation to waste minimisation, recycling and carbon footprint reduction.
- Leading submissions to Central and Regional Government on environmental legislation, policies and strategies. (Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.)
- Liaison with the Otago Mayoral Forum on regional recycling plant development.

THREE WATERS AND WASTE PORTFOLIO

Portfolio Lead: Cr Nigel McKinlay
Deputy: Cr Cheryl Laws

Objectives:

To provide leadership and advice for policy decision making, oversight and governance for water, wastewater and stormwater and waste disposal and funding of programmes for these activities.

Scope of Activity

Any matters that relate to the areas of Council's service delivery operations generally described as water, wastewater and stormwater and waste disposal.

Providing leadership and advice in relation to:

- Asset Management Plans Forward Programmes in respect to water, waste water and stormwater and waste disposal.
- Levels of service for water, wastewater and stormwater and waste disposal and recommend funding of that service.
- Improvement programmes and recommend funding for that work.
- Three Water strategies.
- Three Water policies.
- Three Water Bylaws for adoption by Council.
- Three Waters issues where these are not covered by adopted strategies and policies.
- Leading submissions to changes in legislation, Government strategies, and policies related to Three Waters. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)
- Liaison with Ministry of Health regarding Three Water issues that affect Central Otago.
- Compliance with requirements for Ministry of Health funding of Three Water activities.
- Policy issues, on water, wastewater and stormwater and waste disposal.
- Dealings with other councils regarding solid waste disposal.

ECONOMIC DEVELOPMENT AND COMMUNITY FACILITIES PORTFOLIO COMMUNITY VISION AND EXPERIENCE

Portfolio Lead: Cr [Tamah Alley](#) ~~Stephen Jeffery~~
Deputy: Cr [Sally Feinerman](#) ~~Tamah Alley~~

Objectives:

To provide leadership and advice for policy decision making, oversight and governance to enable the sustainable development of the Central Otago economy and to contribute to regional economic development strategies.

To provide leadership and advice for policy decision-making as to the standard of parks and recreational facilities including swimming pools, libraries, museums and visitor centres.

Scope of Activity:

Generally, any matters that concern Council interests in facilitation of the economy, and operation of community facilities.

Providing leadership and advice in relation to:

- All of Council's powers, functions and duties relating to the facilitation of business, economic strategies for the Central Otago community (except in relation to those areas of operations falling within the specific purview of Community Boards).
- Ensuring that there is appropriate economic development content and direction in the Council's Long Term Plan
- Identifying projects and initiatives that will support the economic development strategy.
- Providing information on trends in the economy that enable Council to anticipate demands and adjust investment programmes and policy frameworks to suit.
- Liaison and cooperation with other economic development agencies.
- Asset management plans, levels of service, and forward programmes in respect to public utilities, including parks and recreational facilities, swimming pools, libraries, visitor centres, public toilets, property, community facilities and aerodromes and recommend funding for these activities.
- Strategy and policy issues on public utilities, including parks and recreational facilities, swimming pools, libraries, visitor centres, public toilets, property, community facilities and aerodromes.
- Any matters that relate to the area of the Council's service delivery operation generally described as parks and recreation, libraries and visitor centres.
- The governance of all aspect of the joint library service.
- Leading submissions to changes in legislation, Government strategies, and policies related to Economic or Community Development. (Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.)

• Issues to do with tourism in Central Otago.

• District wide grants

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PLANNING AND REGULATORY PORTFOLIO

Portfolio Lead: Cr Neil Gillespie
Deputy: Cr Ian Cooney

Objective:

To provide leadership and advice to support the maintenance and development of all specified facilities and services detailed in accordance with goals and objectives set by the Council.

Scope of Activity:

Any matters relating to the Resource Management Act 1992 1991, the Building Act 2004, Amusement Devices Regulations 1978, the Hazardous Substances and New Organisms Act 1996, the Sale of Alcohol Act 2012, the Psychoactive Substances Act 2013, the Smoke-free Environments Act 1990, Food Act 2014, Gambling Act 2003, the Racing Act 2003, the Dog Control Act 1996. Regulatory By-Laws and associated matters relating to that legislation.

This includes but is not limited to matters relating to public health inspection, building inspection, heritage orders, dangerous goods/hazardous substance inspections, plumbing and drainage inspection, animal and dog control, liquor licensing, gambling, psychoactive substances and any other areas or issues of an inspectorial and/or regulatory nature applying throughout the Central Otago District.

Initiation or variations to the District Plan and Plan changes.

Providing leadership and advice on:

- All those matters associated or derived from the scope of the portfolio above.
- The initiation or variations to the District Plan and resulting Plan changes.
- Unless specifically excluded by legislation, all Council's powers, duties and discretions under the Resource Management Act 1991, but only where those matters have not been delegated to the Chief Executive Officer or the Hearings Panel.
- Leading submissions on government legislation, national policy statements, regional policy statements, regional plans and adjoining territorial local authorities' district plans. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)

ROADING PORTFOLIO

Portfolio Lead: Cr Stu Duncan
Deputy: Cr Tracy Paterson

Objective:

To provide advice and leadership for policy decision making for roading, transport and associated funding programmes.

Scope of Activity:

Any matters that relate to those areas of the Council's service delivery operations generally described as roading and transportation.

Providing leadership and advice on:

- Approval of roading and transportation activity management plans
- Levels of service for roading, and recommend funding for that service
- Improvement programmes and recommend funding for that work
- Roading Hierarchy Policy and exceptions to this policy
- Road strategies
- Roading policies
- Roading Bylaws for adoption by Council
- Roading regulatory issues where these are not covered by adopted strategies and policies
- Leading submissions to changes in legislation, Government strategies, and policies related to transportation. (*Note: where timing constraints apply, submissions can be approved by majority consensus via email, for formal ratification at the next meeting of Council.*)
- Input into the Regional Land Transport Strategy
- Liaison with New Zealand Transport Agency (NZTA) Highway Network Operations Group regarding state highway matters which affect Central Otago
- Compliance with requirements for NZTA funding of roading and transportation activities
- The Portfolio Lead shall also be Council representative to the Regional Land Transport Committee

PART VII - COUNCIL REPRESENTATION ON EXTERNAL COMMITTEES

Council may appoint one or more members from time to time to committees outside of Council. These appointees act as representatives of the Council.

Elected member(s) of the Central Otago District Council is/are nominated at the beginning of each triennial term to serve as Council representatives on each of the following Committees:

- a) Otago Regional Transport Committee – one representative
- b) Central Otago Health Incorporated – one representative
- c) Otago Museum Trust - a Clutha District Council nominee
- d) ~~Alexandra District Museum Inc. (Central Stories) – one representative~~
- e)d) Central Otago Wilding Conifer Control Group – one ~~representative~~ liaison (TBC following discussion with org)
- f)e) Maniototo Curling International – one ~~representative~~ liaison (TBC following discussion with org)

An elected member who has voting rights on external committees will need to exercise caution so that no conflicts of interest arise. This can be managed by declaring an interest and not voting on particular items, either at the external committee or at the Board or Council meeting.

PART VIII – DELEGATIONS TO STAFF

THE CHIEF EXECUTIVE OFFICER

Functions

50. Section 42 of the Local Government Act 2002 states:

- "(1) A local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a Chief Executive Officer.*
- (2) A Chief Executive Officer appointed under subsection (1) is responsible to his or her local authority for -*
- (a) implementing the decisions of the local authority; and*
 - (b) providing advice to members of the local authority and to its community boards, if any; and*
 - (c) 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; and*
 - (d) ensuring the effective and efficient management of the activities of the local authority; and*
 - (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
 - (f) providing leadership for the staff of the local authority; and*
 - (g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and*
 - (h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).*
- (3) A Chief Executive Officer appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority -*
- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
 - (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*
- (4) For the purposes of any other Act, a Chief Executive Officer appointed under this section is the principal administrative officer of the local authority. "*

51. Clause 33, Schedule 7 of the Act states:

"Appointment of Chief Executive Officer

The local authority must, in making an appointment under section 42, have regard to the need to appoint a person who will -

- (a) discharge the specific responsibilities placed on the appointee; and*
- (b) imbue the employees of the local authority with a spirit of service to the community; and*
- (c) promote efficiency in the local authority; and*
- (d) be a responsible manager; and*
- (e) maintain appropriate standards of integrity and conduct among the employees of the local authority; and*
- (f) ensure that the local authority is a good employer; and*
- (g) promote equal employment opportunities. "*

Delegations to Chief Executive Officer

52. The Chief Executive Officer is delegated all the powers, functions and duties necessary for the management of the Council's activities and the implementation of Council policy in order to fulfil his or her responsibilities, except:
- a) those reserved to the Council under Part III; and
 - b) any other power, function or duty reserved to the Council or a committee under this Register.
53. The authority delegated to the Chief Executive Officer may be delegated to any other officer of the Council. Every delegation by the Chief Executive Officer will be in writing and suitably recorded. Every delegation by the Chief Executive Officer may be withdrawn or amended or made subject to conditions in this manner.
54. In the case of power to enter into financial commitments the Chief Executive Officer may delegate authority:
- a) Up to a value of \$500,000 to members of the Executive Team for any individual transaction;
 - b) to other staff positions up to a value of \$50,000 for any individual transaction.

Variation to budget

55. The Chief Executive may vary the constituent sums which make up a budget where:
- a) The relevant Executive Manager and the Chief Executive Officer confirm that the variation will be entirely funded from savings made on other sums within the same budget; and
 - b) The variation will allow the area concerned to better achieve the purpose or purposes for which the budget was adopted.

Budget means the sum represented by any item contained in a significant activity of the budgets adopted by Council for the financial year contained in the Long-term Plan or Annual Plan.

Employment of Staff

56. Under Section 42(g) and (h) of the Local Government Act 2002 the Chief Executive Officer is responsible to the Council for employing the staff of the Council and negotiating their terms of employment. This includes delegated responsibility to arrange staff structure to achieve plans and performance measures of Council within financial constraints of planned budget result.

Contracts, Tenders, Purchasing, Sale of Assets and Services

57. The Chief Executive Officer may, subject to any policy established by the Council and within the approved Annual Plan and Long-term Plan, accept, negotiate or decline contracts, tenders, purchasing agreements or any other arrangements for:
- a) the sale, purchase, leasing or exchange of real property;
 - b) the employment of staff, consultants or advisers;
 - c) the supply of goods, services, plant, capital items or other assets (excluding real property) to the Council;
 - d) the provision of services by the Council and the sale, leasing or disposal of goods, plant, capital items (excluding real property) or other assets owned by the Council;
 - e) the settlement of claims for compensation;

- f) easements, right of way, caveats, registrable interests and similar minor dealings with property.

In exercising this delegated authority, the Chief Executive Officer may delegate to the following people providing the sum of the life of the contract does not exceed the Executive Managers financial delegation:

- Executive Manager - Corporate Services
- Executive Manager – People and Culture
- Executive Manager – Infrastructure Services
- Executive Manager – Planning and Environment

58. In exercising this delegated authority, the Chief Executive Officer must comply with:
- a) any policy adopted by the Council affecting the matters dealt with in clause 56;
 - b) budget requirements;
 - c) the obligation to report decisions in accordance with clause 26.
59. The Chief Executive Officer has authority to execute all documents required to be executed by the Council, other than those required to be executed under seal. In the Chief Executive Officer's absence, the Acting Chief Executive Officer has delegated authority to execute these documents.
60. All administrative and operational functions, powers and duties under the Resource Management Act, other than those excluded in section 34A of that Act, and other than those delegated to a Standing or Special Committee, unless that Committee so delegates, are delegated to the Chief Executive Officer.
61. The Chief Executive Officer may, in relation to the District Plan, grant the following consents:
- All controlled discretionary and discretionary (restricted) activities where:
- a) the application is non-notified; and
 - b) where necessary, has the consent of the affected parties; and
 - c) the applicant has not requested to be heard; or
 - d) where the application is notified; and
 - e) there are no submissions; and
 - f) the applicant has not requested to be heard.
62. A Resource Consent lapses after five years from its date of commencement or after the expiry of such shorter or longer period as was expressly provided for in the consent. If the consent was granted by the Hearings Panel, the Chief Executive Officer may permit a longer period with an expiry of a resource consent, in terms of sections 125 and 126.
63. When a consent granted by the Hearings Panel is not continuously exercised over a two-year period, the Chief Executive Officer may cancel that consent by written notice, subject to conditions listed in section 126.
64. Legalisation of Road Reserves
Ability to accept road reserves legalising current formed roads through the tenure review process.
65. Appointment of commissioners to consider and execute decisions relating to designations, reviews, objections and applications for and changes to resource consent.
66. To provide the consent of the requiring authority pursuant to Section 176 of the Resource Management Act 1991, to undertake any activity on land that is designated.

67. The Chief Executive may change any condition in a resource consent (other than conditions relating to its duration) subject to conditions outlined in Section 132.
68. The Chief Executive may nominate Local Controllers and refer such nominations to the Otago Civil Defence Emergency Management Group.

Oaths and Declarations

69. The Chief Executive Officer may make and take any declaration or oath as requested in relation to the Council.
70. Any Council officer may certify as to any state of affairs within their jurisdiction and knowledge.

Minor Property Dealings

71. The Chief Executive Officer may grant or decline consent to minor dealings with the Council's property, subject to any reasonable terms and conditions. This includes consent to the registration, variation and discharge of mortgages, easements, leases and subleases, caveats and other documents and similar dealings.

Operating Hours/Conditions of Use

72. The Chief Executive Officer may determine the operating hours of any facility, being at all times mindful of the public interest and any Council policy or resolution.

Reserves

73. The Property and Facilities Manager or Parks and Recreation Manager may temporarily prohibit the use of any reserve or other property under their responsibility and exercise any power granted to Council under Part II, III and V of the Reserves Act 1977 in regard to such reserves.

Roads

74. The Council's Roading staff may exercise any power granted to the Council in regard to the construction, repair, alteration, layout, occupation and use of roads, footpaths, verges and vehicle crossings, including but not limited to those under the Local Government Act 1974, the Transit New Zealand Act 1989, the Public Works Act 1989, the Heavy Motor Vehicle Regulations 1974, the Resource Management Act; and Regulations made there under, except where any power is reserved to the Council or a Committee of Council, or where more specific delegations of this manual apply.

Bylaws

75. Any member of the Executive Team, or warranted or authorised officer, may administer and exercise all powers granted under bylaws regarding the activities within the District in relation to their specific area of responsibility, and may authorise prosecutions and actions under any bylaw (after advising the Chief Executive Officer of the intention to commence such actions and prosecutions).

Other Legal Actions

76. The Chief Executive Officer may approve all unbudgeted legal claims or other proceedings, such as the authorisation to undertake settling actions and prosecutions taken against Council, where it is in the CEO's opinion that such settlement best protects Council's interest, up to a value of \$500,000. Where claims or other legal proceedings are

likely to exceed \$500,000, the CEO is required to communicate with relevant elected members prior to entering into mediation.

- The Chief Executive Officer may delegate to council officers the authority to represent Central Otago District Council in legal claims or other proceedings.
- Confidential settlements, other than those which relate to employment matters, shall be presented in a separate report to the Audit and Risk Committee or any other council body as appropriate.

Authorised Officer Delegations and Warrants

77. Staff are delegated as follows and will be provided with warrants as or if required (the Council may appoint other members of staff, contractors or other appropriate people to warranted positions from time to time):
- A "Ranger" for the purpose of the Reserves Act 1977: Parks and Recreation Manager, Property and Facilities Manager, Property and Facilities Officer (PFO) and Executive Manager, Planning and Environment.
 - All Planning and Environment inspectorial staff holding the qualification of "Environmental Health Officer" or "Food Act Auditor" are enabled to administer the duties related to that designation as set out in the Health Act 1956 and the Food Act 2014.
 - All Planning and Environment staff for enforcement under the Resource Management Act 1991. An "Inspector" for the purpose of the Sale and Supply of Alcohol Act 2012.
 - An "Authorised Officer" for the purpose of the General Bylaws 2008.
 - A "Dog Control Officer" for the purpose of the Dog Control Act 1996.
 - A "Dog Control Ranger" for the purpose of the Dog Control Act 1996.

Litter Act 1968

78. The powers granted to officers under the Litter Act 1968 may be exercised by the warranted officers from time to time.

Health Act

79. The Executive Manager, Planning and Environment may exercise any powers granted to the Council and authorise prosecutions where appropriate in regard to public health, including, but not limited to, those under the Local Government Act 2002; the Health Act 1956; the Food Act 1981; the Burial and Cremations Act 1964; the Resource Management Act 1991; and regulations made there under.

Dangerous Goods Act

80. Inspectors qualified to be Dangerous Goods Inspectors and warranted may exercise any power granted under the Dangerous Goods Act and regulations made there under.

Resource Management Act 1991

81. Council has approved the Resource Management Act (RMA) delegations, as outlined in the Statutory, Regulatory and Other Delegations to Officers section of the Staff Delegations Manual.

Temporary Road Closures

85. The Executive Manager, Infrastructure Services or the Roading Manager, with the assistance of any PFO, may exercise any power to impose temporary restrictions in regard to traffic and restrict vehicular access of any kind on roads within the district granted under and in

accordance with the Local Government Act 2002 and the Transport Act 1962 and all regulations made there under.

Civil Defence and Emergency Management

86. During the period of a civil defence emergency the appropriate delegations made under the Civil Defence Emergency Management Act 2002 and the Central Otago District Council Civil Defence Plan shall be adhered to.

Sale and Supply of Alcohol (Fees) Regulations 2013

87. The Chief Executive assign a fees category to premises that is 1 level lower than the fees category in Section 6 of the Regulation
88. The Chief Executive Officer has the power pursuant to Regulation 16(4) of the Sale and Supply of Alcohol (fees) Regulations 2013 in the period 18 December 2013 and 1 July 2014, to waive annual fees payable for an on-licence, off-licence, or club licence issued under the Sale of Liquor Act 1989 if the annual fee is payable before 1 July 2014.
89. The Executive Manager, Planning and Environment determines that a fee be charged for a special licence in terms of Section 10 of the Regulations that is 1 class below the class of the licence that is issued, but not less than the fee payable for a class 3 special licence.
90. The Executive Manager, Planning and Environment is authorised to sign correspondence, licences, certificates and decisions; including any licences subject to the criteria in Section 105 of the Sale and Supply of Alcohol Act 2012; "for and on behalf of" the Secretary as defined by Section 102 of the Act, but is not to assume the position of Secretary.

Abandoned Vehicles

91. The Executive Manager, Infrastructure Services, the Executive Manager, Planning and Environment, may exercise any power granted to Council relating to the impounding of any abandoned motor vehicle on roads which come under the Council's authority.

Paper Roads

92. The Executive Manager, Infrastructure Services may provide consent to form a paper road when all affected and interested parties are in agreement.

Building Consent Authority

93. Building Control functions are carried out by Building Control staff in accordance with Council's Quality Assurance Manual, staff job descriptions and warrants of appointment.

SUB-DELEGATIONS FROM THE CHIEF EXECUTIVE OFFICER

The authority delegated to the Chief Executive, may be delegated to any other officer of the Council or a subcommittee of officers. Every delegation will be in writing and suitably recorded. Every delegation may be withdrawn or amended or made subject to conditions in the same manner. A delegation manual will be maintained by the Chief Executive Officer for this purpose.

22.8.7 APPOINTMENT OF COUNCILLORS TO COMMUNITY BOARDS

Doc ID: 589374

1. Purpose of Report

To advise Councillors that there is provision to appoint Councillors to be members of Community Boards and to make decisions about those appointments.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
- B. Appoints Cr Duncan to the Maniototo Community Board.
- C. Appoints Cr Feinerman to the Teviot Valley Community Board.
- D. Appoints Crs Browne, Gillespie and Laws to the Cromwell Community Board.
- E. Appoints Crs Alley, McPherson and Paterson to the Vincent Community Board.

2. Background

The law relating to the appointment of councillors to community boards is governed by the Local Electoral Act 2001 and Local Government Act 2002. These Acts provide for Council to appoint councillors to community boards.

3. Discussion

Council can appoint the ward councillors to respective community boards, and subject to the agreement of the councillor, he or she would join those elected to the board.

The Local Government Act 2002 provides for community boards to consist of at least four elected members with appointed members making up less than half the total number of members. Appointed members must be members of the Council for the area covered by the Community Board.

The Central Otago District Council last undertook a representation review in 2018 and resolved the following:

- i. The **Cromwell Community Board** will comprise four elected members and three members appointed to the community board by the Council being members representing the Cromwell Ward.
- ii. The **Maniototo Community Board** will comprise four elected members and one member appointed to the community board by the Council being the member representing the Maniototo Ward.
- iii. The **Teviot Valley Community Board** will comprise four elected members and one member appointed to the community board by the Council being the member representing the Teviot Valley Ward.

- iv. The **Vincent Community Board** will comprise four elected members and three members appointed to the community board by the Council being members representing the Vincent Ward.

As the Teviot Valley and Maniototo have one ward councillor position, those councillors are automatically appointed to their respective Boards. Council will need to appoint members to the Cromwell and Vincent Community Boards.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by appointing members to the various community boards.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	This is a procedural decision and therefore has no impact on other plans and policies and is not inconsistent with them.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks associated with the decision.
Significance, Consultation and Engagement (internal and external)	This is a procedural matter and, therefore, no consultation or engagement was required.

6. Next Steps

The appointed councillors will be sworn in as members of the respective community boards.

7. Attachments

Nil

Report author:

A handwritten signature in cursive script, reading "Sanchia Jacobs".

Sanchia Jacobs
Chief Executive Officer
18/10/2022

22.8.8 COUNCIL AND COMMITTEE APPOINTMENTS

Doc ID: 589377

1. Purpose

For the Mayor to establish committees of the territorial authority and appoint the chairperson of each committee established under Section 41A(3) of the Local Government Act 2002.

Recommendations

- A. Receives the report and accepts the level of significance.
 - B. Notes the reestablishment of the following committees and the Mayor's appointments to:
 - 1. The Audit and Risk Committee with the duties and powers as outlined in the interim Delegations Register.
 - 2. The Executive Committee with the duties and powers as outlined in the interim Delegations Register.
 - 3. The Assessment Committee with the duties and powers as outlined in the interim Delegations Register.
 - 4. The Hearings Panel with the duties and powers as outlined in the interim Delegations Register.
 - C. Determines the appointments to the following:
 - 1. Otago Regional Transport Committee.
 - 2. Central Otago Health Incorporated.
 - 3. Clutha District Council's appointment as Council's representative on the Otago Museum Trust.
 - 4. Central Otago Wilding Conifer Control Group.
 - 5. Maniototo Curling International Inc.
-

2. Discussion

The Mayor has the power to establish committees of the territorial authority and appoint the chairperson of each committee established under Section 41A(3) of the Local Government Act 2002.

In addition there are several external committees that the Council provides a representative or liaison.

3. Attachments

Nil

Report author:



Tim Cadogan
Mayor
12/10/2022

22.8.9 PROPOSED MEETING SCHEDULE FOR THE REMAINDER OF 2022 AND 2023

Doc ID: 589381

1. Purpose of Report

To approve a schedule of meetings for the remainder of 2022 and 2023.

Recommendations

That the Council

- A. Receives the report and accepts the level of significance.
 - B. Adopts the proposed meeting schedule for the remainder of 2022 and 2023.
-

2. Background

The Local Government Act 2002 Schedule 7(c)19 states that a local authority must hold the meetings that are necessary for the good government of its district. The Chief Executive must give notice in writing to each member of the time and place of a meeting not less than 14 days before the meeting or the local authority can adopt a schedule of meetings.

Council has in the past adopted a schedule of meetings for the following year as this provides certainty of dates to members and staff. Having a yearly schedule allows for good forward planning and significantly reduces the administrative workload of advising members for each meeting.

A meeting schedule, once adopted, can be amended so there is still flexibility to respond to a change of circumstances.

The meeting schedule reflects the terms of reference for committees, Council and boards as well as working towards legislative deadlines such as adopting the annual plan. It also enables scheduling of meetings and workshops to progress significant pieces of work that have councillor input and oversight.

3. Discussion

The proposed meeting schedule suggests a six weekly cycle of meetings, with a slightly longer period between the final two community board meeting rounds of the year, and with the inclusion of an additional council meeting in December.

This cycle allows for community board meetings to be held leading into a council meeting, which will help facilitate the approval of any recommendations from community boards to council.

4. Financial Considerations

There are no financial considerations as a result of this decision.

5. Options

Option 1 – (Recommended)

Adopt the remaining schedule for 2022 and the proposed 2023 meeting schedule.

Advantages:

- Elected members and staff have certainty of dates for meetings until the end of 2023.

Disadvantages:

- None.

Option 2

Hold meetings on an ad-hoc basis

Advantages:

- High degree of flexibility.

Disadvantages:

- Does not facilitate forward planning.
- May impact on members ability to attend meetings at shorter notice.

6. Compliance

Local Government Act 2002 Purpose Provisions	This decision enables democratic local decision making and action by, and on behalf of communities by giving certainty of meeting dates.
Decision consistent with other Council plans and policies? Such as the District Plan, Economic Development Strategy etc.	Yes.
Considerations as to sustainability, the environment and climate change impacts	There are no implications arising from this decision.
Risks Analysis	There are no risks arising from the recommended option.
Significance, Consultation and Engagement (internal and external)	The proposed meeting schedule was discussed with the Executive Team, the planning department, the finance team and staff who oversee processing of grants.

7. Next Steps

The meeting schedule will be presented to the Community Boards at their inaugural meeting for adoption. Once the meeting schedule has been adopted it will be published on the Central Otago District Council's website and meetings will be publicly notified according to the Local Government Act and the Local Government Official Information and Meetings Act 1987.

8. Attachments

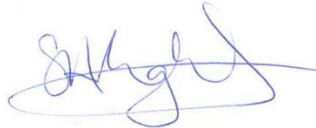
Appendix 1 - Schedule for remainder of 2022 [↓](#)

Appendix 2 - Meeting Schedule for 2023 [↓](#)

Appendix 3 - Meeting Schedule for 2023 (listed) [↓](#)

Report author:

Reviewed and authorised by:



Wayne McEnteer
Governance Manager
10/10/2022

Saskia Righarts
Group Manager - Business Support
12/10/2022

2022 Calendar

October	November	December
1 Sa	1 Tu <small>Inaugural MCB</small>	1 Th <small>MCB</small>
2 Su	2 We <small>Inaugural TVCB</small>	2 Fr
3 Mo	3 Th <small>Inaugural CCB</small>	3 Sa
4 Tu	4 Fr	4 Su
5 We	5 Sa	5 Mo
6 Th	6 Su	6 Tu <small>AUDIT & RISK</small>
7 Fr	7 Mo	7 We
8 Sa <small>ELECTION DAY</small>	8 Tu <small>Hearings</small>	8 Th
9 Su	9 We <small>Council</small>	9 Fr
10 Mo	10 Th	10 Sa
11 Tu <small>Hearings</small>	11 Fr	11 Su
12 We	12 Sa	12 Mo
13 Th <small>Official Results Dec</small>	13 Su	13 Tu <small>Hearings</small>
14 Fr	14 Mo	14 We <small>Council</small>
15 Sa	15 Tu	15 Th
16 Su	16 We	16 Fr
17 Mo	17 Th	17 Sa
18 Tu	18 Fr	18 Su
19 We <small>Induciton</small>	19 Sa	19 Mo
20 Th	20 Su	20 Tu
21 Fr	21 Mo	21 We
22 Sa	22 Tu <small>VCB/ Sports NZ</small>	22 Th
23 Su	23 We <small>Council Workshop</small>	23 Fr
24 Mo <small>Labour Day</small>	24 Th <small>TVCB</small>	24 Sa
25 Tu	25 Fr	25 Su <small>Christmas Day</small>
26 We <small>Inaugural Council</small>	26 Sa	26 Mo <small>Boxing Day</small>
27 Th	27 Su	27 Tu <small>Christmas Day (obs.)</small>
28 Fr	28 Mo	28 We
29 Sa	29 Tu <small>CCB</small>	29 Th
30 Su	30 We	30 Fr
31 Mo <small>Inaugural VCB</small>		31 Sa

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2023 Calendar

January	February	March	April	May	June	July	August	September	October	November	December
1 Su <small>New Year's Day</small>	1 We	1 We	1 Sa	1 Mo	1 Th	1 Sa	1 Tu <small>CCB</small>	1 Fr <small>AUDIT & RISK</small>	1 Su	1 We	1 Fr <small>AUDIT & RISK</small>
2 Mo <small>NY Day Obs</small>	2 Th <small>TVCB</small>	2 Th	2 Su	2 Tu <small>VCB</small>	2 Fr <small>AUDIT & RISK</small>	2 Su	2 We	2 Sa	2 Mo	2 Th	2 Sa
3 Tu <small>NY Obs</small>	3 Fr	3 Fr <small>AUDIT & RISK</small>	3 Mo	3 We	3 Sa	3 Mo	3 Th <small>MCB</small>	3 Su	3 Tu	3 Fr	3 Su
4 We	4 Sa	4 Sa	4 Tu	4 Th <small>TVCB</small>	4 Su	4 Tu	4 Fr	4 Mo	4 We	4 Sa	4 Mo
5 Th	5 Su	5 Su	5 We	5 Fr	5 Mo <small>Queens B-Day</small>	5 We	5 Sa	5 Tu <small>VCB</small>	5 Th	5 Su	5 Tu
6 Fr	6 Mo <small>Waitangi Day</small>	6 Mo	6 Th	6 Sa	6 Tu	6 Th	6 Su	6 We	6 Fr	6 Mo	6 We
7 Sa	7 Tu <small>MCB</small>	7 Tu	7 Fr <small>Good Friday</small>	7 Su	7 We	7 Fr	7 Mo	7 Th <small>TVCB</small>	7 Sa	7 Tu	7 Th
8 Su	8 We	8 We <small>Council</small>	8 Sa	8 Mo <small>CCB</small>	8 Th	8 Sa	8 Tu <small>Hearings</small>	8 Fr	8 Su	8 We <small>Council</small>	8 Fr
9 Mo	9 Th <small>CCB</small>	9 Th	9 Su	9 Tu <small>Hearings</small>	9 Fr	9 Su	9 We	9 Sa	9 Mo	9 Th	9 Sa
10 Tu	10 Fr	10 Fr	10 Mo <small>Easter Monday</small>	10 We	10 Sa	10 Mo	10 Th	10 Su	10 Tu <small>Hearings</small>	10 Fr	10 Su
11 We	11 Sa	11 Sa	11 Tu <small>Hearings</small>	11 Th <small>MCB</small>	11 Su	11 Tu <small>Hearings</small>	11 Fr	11 Mo <small>CCB</small>	11 We	11 Sa	11 Mo
12 Th	12 Su	12 Su	12 We	12 Fr	12 Mo <small>VCB</small>	12 We <small>Council</small>	12 Sa	12 Tu <small>Hearings</small>	12 Th	12 Su	12 Tu <small>Hearings</small>
13 Fr	13 Mo	13 Mo	13 Th	13 Sa	13 Tu <small>Hearings</small>	13 Th	13 Su	13 We	13 Fr	13 Mo	13 We <small>Council</small>
14 Sa	14 Tu <small>Hearings</small>	14 Tu <small>Hearings</small>	14 Fr	14 Su	14 We	14 Fr <small>Matariki</small>	14 Mo	14 Th <small>MCB</small>	14 Sa	14 Tu <small>Hearings</small>	14 Th
15 Su	15 We	15 We	15 Sa	15 Mo	15 Th <small>TVCB</small>	15 Sa	15 Tu	15 Fr	15 Su	15 We	15 Fr
16 Mo	16 Th	16 Th	16 Su	16 Tu	16 Fr	16 Su	16 We	16 Sa	16 Mo	16 Th	16 Sa
17 Tu	17 Fr	17 Fr	17 Mo	17 We	17 Sa	17 Mo	17 Th	17 Su	17 Tu <small>VCB</small>	17 Fr	17 Su
18 We	18 Sa	18 Sa	18 Tu	18 Th <small>CCB Hearings?</small>	18 Su	18 Tu	18 Fr	18 Mo	18 We	18 Sa	18 Mo
19 Th	19 Su	19 Su	19 We <small>Council</small>	19 Fr <small>VCB Hearings?</small>	19 Mo	19 We	19 Sa	19 Tu <small>CCS</small>	19 Th <small>TVCB</small>	19 Su	19 Tu
20 Fr	20 Mo	20 Mo <small>Otago Ann Day Obs</small>	20 Th	20 Sa	20 Tu <small>CCB</small>	20 Th	20 Su	20 We	20 Fr	20 Mo	20 We
21 Sa	21 Tu	21 Tu <small>CCS/VCB</small>	21 Fr	21 Su	21 We	21 Fr	21 Mo	21 Th	21 Sa	21 Tu <small>VCB/ Sports NZ</small>	21 Th
22 Su	22 We	22 We	22 Sa	22 Mo <small>MCB Hearings?</small>	22 Th <small>MCB</small>	22 Sa	22 Tu	22 Fr	22 Su	22 We	22 Fr
23 Mo	23 Th	23 Th <small>TVCB</small>	23 Su	23 Tu <small>TVCB Hearings?</small>	23 Fr	23 Su	23 We <small>Council</small>	23 Sa	23 Mo <small>Labour Day</small>	23 Th <small>TVCB</small>	23 Sa
24 Tu	24 Fr	24 Fr	24 Mo	24 We	24 Sa	24 Mo	24 Th	24 Su	24 Tu <small>CCB</small>	24 Fr	24 Su
25 We <small>Council</small>	25 Sa	25 Sa	25 Tu <small>ANZAC Day</small>	25 Th	25 Su	25 Tu <small>VCB</small>	25 Fr	25 Mo	25 We	25 Sa	25 Mo <small>Christmas Day</small>
26 Th	26 Su	26 Su	26 We	26 Fr	26 Mo	26 We	26 Sa	26 Tu	26 Th <small>MCB</small>	26 Su	26 Tu <small>Boxing Day</small>
27 Fr	27 Mo	27 Mo	27 Th	27 Sa	27 Tu	27 Th <small>TVCB</small>	27 Su	27 We <small>Council</small>	27 Fr	27 Mo	27 We
28 Sa	28 Tu	28 Tu <small>CCB</small>	28 Fr	28 Su	28 We <small>AP Council ?</small>	28 Fr	28 Mo	28 Th	28 Sa	28 Tu <small>CCB</small>	28 Th
29 Su		29 We	29 Sa	29 Mo	29 Th	29 Sa	29 Tu	29 Fr	29 Su	29 We	29 Fr
30 Mo		30 Th <small>MCB</small>	30 Su	30 Tu	30 Fr	30 Su	30 We	30 Sa	30 Mo	30 Th <small>MCB</small>	30 Sa
31 Tu <small>VCB</small>		31 Fr		31 We <small>Council / Hearings?</small>		31 Mo	31 Th		31 Tu		31 Su

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Meeting Schedule 2023

Month	Day	Date	Time	Meeting
January	Wednesday	25	10.30am	Council
	Tuesday	31	2.00pm	Vincent Community Board
February	Thursday	2	2.00pm	Teviot Valley Community Board
	Tuesday	7	2.00pm	Maniototo Community Board
	Thursday	9	2.00pm	Cromwell Community Board
	Tuesday	14	9.30am	Hearings Panel
March	Friday	3	9.30am	Audit and Risk Committee
	Wednesday	8	10.30am	Council
	Tuesday	14	9.30am	Hearings Panel
	Tuesday	21	10.00am	Creative Communities Assessment Committee
	Tuesday	21	2.00pm	Vincent Community Board
	Thursday	23	2.00pm	Teviot Valley Community Board
	Tuesday	28	2.00pm	Cromwell Community Board
	Thursday	30	2.00pm	Maniototo Community Board
April	Tuesday	11	9.30am	Hearings Panel
	Wednesday	19	10.30am	Council
May	Tuesday	2	2.00pm	Vincent Community Board
	Thursday	4	2.00pm	Teviot Valley Community Board
	Monday	8	2.00pm	Cromwell Community Board
	Tuesday	9	9.30am	Hearings Panel
	Thursday	11	2.00pm	Maniototo Community Board
	Thursday	18	2.00pm	Cromwell Community Board (AP Hearings)
	Friday	19	2.00pm	Vincent Community Board (AP Hearings)
	Monday	22	2.00pm	Maniototo Community Board (AP Hearings)
	Tuesday	23	2.00pm	Teviot Valley Community Board (AP Hearings)
	Wednesday	31	10:30am	Council (AP Hearings)
June	Friday	2	9.30am	Audit and Risk Committee
	Monday	12	2.00pm	Vincent Community Board

	Tuesday	13	9.30am	Hearings Panel
	Thursday	15	2.00pm	Teviot Valley Community Board
	Tuesday	20	2.00pm	Cromwell Community Board
	Thursday	22	2.00pm	Maniototo Community Board
	Wednesday	28	10:30pm	Council
July	Tuesday	11	9.30am	Hearings Panel
	Wednesday	12	10.30am	Council
	Tuesday	25	2.00pm	Vincent Community Board
	Thursday	27	2.00pm	Teviot Valley Community Board
August	Tuesday	1	2.00pm	Cromwell Community Board
	Thursday	3	2.00pm	Maniototo Community Board
	Tuesday	8	9.30am	Hearings Panel
	Wednesday	23	10.30am	Council
September	Friday	1	9.30am	Audit and Risk
	Tuesday	5	2.00pm	Vincent Community Board
	Thursday	7	2.00pm	Teviot Valley Community Board
	Monday	11	2.00pm	Cromwell Community Board
	Tuesday	12	9.30am	Hearings Panel
	Thursday	14	2.00pm	Maniototo Community Board
	Tuesday	19	10.00am	Creative Communities Assessment Committee
	Wednesday	27	10.30am	Council
October	Tuesday	10	9.30am	Hearings Panel
	Tuesday	17	2.00pm	Vincent Community Board
	Thursday	19	2.00pm	Teviot Valley Community Board
	Tuesday	24	2.00pm	Inaugural Cromwell Community Board
	Thursday	26	2.00pm	Inaugural Maniototo Community Board

November	Wednesday	8	10.30am	Council
	Tuesday	14	9.30am	Hearings Panel
	Tuesday	21	2.00pm	Vincent Community Board
	Tuesday	21	10.00am	Sport NZ Assessment Committee
	Thursday	23	2.00pm	Teviot Valley Community Board
	Tuesday	28	2.00pm	Cromwell Community Board
	Thursday	30	2.00pm	Maniototo Community Board
December	Friday	1	9.30am	Audit and Risk Committee
	Tuesday	12	9.30am	Hearings Panel
	Wednesday	13	10.30am	Council

Holiday Dates 2023		
New Year's Day Observance	Monday	2 January
Day After New Year's Holiday Observance	Tuesday	3 January
Waitangi Day	Monday	6 February
Otago Anniversary Day	Monday	20 March
Good Friday	Friday	7 April
Easter Monday	Monday	10 April
ANZAC Day	Tuesday	25 April
King's Birthday	Monday	5 June
Matariki	Friday	14 June
Labour Day	Monday	23 October
Christmas Day	Monday	25 December
Boxing Day	Tuesday	26 December

Executive Committees are on an as required basis.