



Waitakere City Council
Te Taiāo o Waitakere



WAITAKERE CITY COUNCIL

STANDING ORDERS

Adopted by Council: 14 July 2003
(Minute No. 1474/2003)

Amended by Council on: 25 August 2004
(Minute No. 1561/2004)

Amended by Council on: 28 October 2004
(Minute No. 1886/2004)

Also covers amendments pursuant to the Local Government Official Information
and Meetings Amendment Act 2004

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GENERAL

100 Adoption

These Standing Orders were adopted at the meeting of Council on Monday, 14 July 2003 and by the Community Boards on:

New Lynn Community Board	Monday,	4 August 2003
Waitakere Community Board	Tuesday,	5 August 2003
Massey Community Board	Wednesday,	6 August 2003
Henderson Community Board	Thursday,	4 September 2003

101 Scope and General

These Standing Orders apply to all meetings of this Local Authority and Community Boards. It incorporates provisions of the Local Government Official Information and Meetings Act 1987, Local Government Act 2002 and the Resource Management Act 1991 as they affect the provisions of the Standing Orders.

These Standing Orders are presented in two parts. Part 1 covers constitutional and legislative matters, and Part 2 relates to meeting procedures.

102 Definitions

In these Standing Orders, unless inconsistent with the context:

Act means the Local Government Act 2002.

Agenda has the same meaning a "Order Paper"

Chairperson means the Mayor or Chairperson of the Local Authority and also includes any person acting as the Mayor or Chairperson of the Local Authority or any Committee or Subcommittee or Community Board of the Local Authority.

Chief Executive means the Chief Executive of Waitakere City Council appointed under section 42 of the Local Government Act 2002, and includes any person acting as Chief Executive or other Officer so authorised by the Local Authority.

Committee includes, in relation to a Local Authority:

- (a) a Committee comprising all the members of that Local Authority;
- (b) a standing Committee or special Committee appointed by that Local Authority;
- (c) a joint Committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- (d) any Subcommittee of a Committee described in items (a), (b) or (c) of this definition;
- (e) a subordinate decision making body.

Community Board means a Community Board of the Local Authority as defined in Section 5 of the Local Government Act 2002, [s. 5 Local Government Act 2002.]

Extraordinary Meeting has the same meaning as defined in clause 22 of Schedule 7 of the Local Government Act 2002.

Local Authority means the Waitakere City Council and its Community Boards and extends where the context requires to include any Committee and any special tribunals or any person given authority to conduct hearings under sections 33, 34, 117, 146 or 202 of the Resource Management Act 1991.

Meeting means any first, ordinary, or Extraordinary Meeting of the Local Authority; and any meeting of any Committee, standing Committee, special Committee or Subcommittee of the Local Authority; and any meeting of any Community Board.

Mayor means the Mayor of Waitakere City Council elected under the Local Electoral Act 2001, and includes any person acting as the Mayor.

Member means any person elected or appointed to the Local Authority or to any Committee, and includes the Mayor and the Chairperson of any Committee.

Minutes mean any minutes or other record of the proceedings of any meeting of the Local Authority and its Committees and Subcommittees and Community Boards.

Order Paper means the agenda listing items for consideration at a meeting together with reports and other attachments relating to those items.

Ordinary Meeting means any meeting publicly notified by the Local Authority in accordance with sections 46(1) and (2) of the Local Government Official Information and Meetings Act 1987.

Public in the case of the Local Authority means people who are not elected members of the Council or appointed members of the Committee or are not Officers of the Council.

Public in the case of a Community Board means people who are not elected members of the Council, not elected members of that Community Board or are not Officers of the Council.

Public Excluded Information includes:

- (a) 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 (other than information subsequently released by the Local Authority as publicly available information); and
- (b) Any minutes or portions of minutes of public excluded sessions (other than those subsequently released by the Local Authority as publicly available information).

Public Excluded Session refers to those meetings or parts of meetings from which the public is excluded by the Local Authority as provided for in the Local Government Official Information and Meetings Act 1987.

Publicly Notified means notified to members of the public by notice contained in some newspaper circulating in the district of the Local Authority.

Quasi Judicial means undertaking a hearing involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and /or the application of legal principles.

Working Day means a day of the week other than:

- a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday; Anzac Day, the Sovereign's Birthday, and Labour Day; and
- b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
- c) if 1 January falls on a Friday, the following Monday; and
- d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- e) the day upon which a notice is served and the day on which the meeting is to be held.

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PART 1

**CONSTITUTIONAL AND
LEGISLATIVE MATTERS**

PART 1 CONSTITUTIONAL AND LEGISLATIVE MATTERS

1 Introduction

- Requirement for Adoption of Standing Orders** **1.1**
"A Local Authority must adopt a set of Standing Orders for the conduct of its meetings and those of its Committees. The Standing Orders of a Local Authority must not contravene any provisions of [the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act."
[cl. 27(1) & (2), Schedule 7, LGA]
- Alteration of Standing Orders** **1.2**
"After the adoption of the first Standing Orders of the Local Authority, an amendment of the Standing Orders or the adoption of a new Standing Orders requires, in every case, a vote of not less than 75% of the members present."
[cl. 27(3), Schedule 7, LGA].
- Temporary Suspension of Standing Orders** **1.3**
"A Local Authority or Committee may temporarily suspend Standing Orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension."
[cl. 27(4), Schedule 7, LGA]
- All Members to Abide by Standing Orders** **1.4**
"A member of a Local Authority must abide by the Standing Orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."
[cl. 16(1), Schedule 7, LGA]

2 First Meeting of the Local Authority Following Election

- Meeting Called by Chief Executive** **2.1**
"The first meeting of a Local Authority following a Triennial General Election of members must be called by the Chief Executive as soon as practicable after the results of the election are known. The Chief Executive must give the persons elected to the Local Authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the Chief Executive may give notice of the meeting as soon as practicable. The Chief Executive (or, in the absence of the Chief Executive, a nominee of that Officer) must chair the meeting until the Mayor or Chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act]."
[cl. 21(1) - (4), Schedule 7, LGA]

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Business to be Conducted

2.2

"The business that must be conducted at the meeting must include:

- (a) the making and attesting of the declarations required of the Mayor (if any); and members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation, given or arranged by the Chief Executive, of -
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Securities Act 1978; and
- (d) the fixing of the date and time of the first ordinary meeting of the Local Authority, or the adoption of a schedule of ordinary meetings; and
- (e) the election of the Deputy Mayor or Deputy Chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]."

[cl. 21(5), Schedule 7, LGA]

Members to Give Notice of Addresses

2.3

Every member of a Local Authority must give to the Chief Executive a residential or business address together with, if desired, an email, facsimile or other address within the district of the Local Authority to which notices and material relating to meetings and Local Authority business may be sent or delivered.

3 Chairperson to Preside at Meetings

Mayor or Chairperson of Local Authority to Preside

3.1

"The Mayor or Chairperson of the Local Authority must preside at each meeting of the Local Authority at which he or she is present unless the Mayor or Chairperson vacates the chair for a particular meeting ... If the Mayor or Chairperson of a Local Authority is absent from a meeting, the Deputy Mayor or Deputy Chairperson (if any) of the Local Authority must preside ... If a Deputy Mayor or Deputy Chairperson has not been appointed, or the Deputy Mayor or Deputy Chairperson are also absent, the members of the Local Authority that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the Deputy Chairperson."

[cl. 26(1), (5) & (6), Schedule 7, LGA]

Chairperson of Committee to Preside 3.2
"The Chairperson of a Committee must preside at each meeting of the Committee at which he or she is present unless the Chairperson vacates the chair for a particular meeting ... [If] the Chairperson of a Committee is absent from a meeting, the Deputy Chairperson (if any) of the Committee must preside ... If a Deputy Chairperson has not been appointed, or if the Deputy Chairperson is also absent, the members of the Committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the Deputy Chairperson."
[cl. 26(2), (5) & (6), Schedule 7, LGA]

Mode of Address for Chairperson 3.3
The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.

4 Quorum at Meetings

Requirement for a Quorum 4.1
"A meeting is constituted if a quorum is present whether or not all of the members present are voting or entitled to vote."
[cl. 23(1), Schedule 7, LGA]

Quorum to be Present Throughout Meeting 4.2
"Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted."
[cl. 23(2), Schedule 7, LGA]

Definition of Quorum 4.3
"The quorum at a meeting of a Local Authority consists of half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd."
[cl. 23(3), Schedule 7, LGA]

Quorum at Committee Meetings 4.4
"The quorum at any meeting of a Committee -
(a) Shall be not less than two members of the Committee (as determined by the Local Authority or Committee that appoints the Committee); and
(b) In the case of a Committee other than a Subcommittee, shall include at least one member of the Local Authority."
[cl. 23(3), Schedule 7, LGA]

5 Voting at Meetings

Acts and Decisions of the Local Authority by Majority Vote at Meetings 5.1
"Unless otherwise provided in [the Local Government Act] or in any Standing Orders, - the acts of a Local Authority must be done, and the questions before the Local Authority must be decided, at a meeting by vote and the majority of members that are present."
[cl. 24(1), Schedule 7, LGA]

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Chairperson has Casting Vote **5.2**
The Chairperson at any meeting has a deliberative vote and, in case of equality of votes, also has a casting vote.
[cl. 24(1), Schedule 7, LGA]

Equality of Vote **5.3**
"To avoid doubt, in the case of equality of vote, the question is defeated and the status quo is preserved."
[cl. 24 (2), Schedule 7, LGA]

6 Voting Systems for Certain Appointments

Appointment of Deputy Mayor and Chairpersons and Deputy Chairpersons of Committees **6.1**
"[This Standing Order applies to] -
(a) the election or appointment of the Chairperson and Deputy Chairperson of a regional Council; and
(b) the election or appointment of the Deputy Mayor; and
(c) the election or appointment of the Chairperson and Deputy Chairperson of a Committee; and
(d) the election or appointment of a representative of a Local Authority.

A Local Authority or a Committee (if the Local Authority has so directed) must determine by resolution that a person [to whom this Standing Order applies] be elected or appointed by a system of voting that requires that -

- (a) the person to be elected or appointed receives the votes of a majority of the members of the Local Authority or Committee present and voting; and
- (b) if more than 1 round of voting is required, the least successful candidate in a round of voting may not be a candidate in the next round of voting.

If the system of voting described [above] is adopted ... every equality of votes that is not to be determined by a further round of voting must be determined by lot in the manner that the Local Authority or Committee determines."

[cl. 25, Schedule 7, LGA]

7 Appointment of Committees

Appointment of Committees, **7.1**
"A Local Authority may appoint the Committees, Subcommittees, and other subordinate decision making bodies that it considers appropriate ... and a Committee may appoint the Subcommittees that it considers appropriate unless it is prohibited from doing so by the Local Authority."

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**Discharge or
Reconstitution of
Committees**

7.2

“Unless expressly provided otherwise in an Act -

- (a) a Local Authority may discharge or reconstitute a Committee or Subcommittee or other subordinate decision-making body; and
- (b) a Committee may discharge or reconstitute a Subcommittee.

A Committee, Subcommittee or other subordinate decision-making body is, unless the Local Authority resolves otherwise, deemed to be discharged on the coming into office of the members of the Local Authority elected or appointed at, or following, the triennial General Election of members next after the appointment of the Committee, Subcommittee, or other subordinate decision-making body.”

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

**Committees Subject to
Direction of Local
Authority**

7.3

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

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

8 Joint Committees

**Appointment of Joint
Committees**

8.1

“A Local Authority may appoint a joint Committee with another Local Authority or other public body. ”

[cl.30(1), Schedule 7, LGA]

**Status of Joint
Committees**

8.2

“A joint Committee ... is deemed to be both a Committee of the Local Authority and a Committee of the other Local Authority or public body (subject to the law applicable to the Committees of that other Local Authority or public body).”

[cl.30(8), Schedule 7, LGA]

**Powers and
Responsibilities of
Joint Committees**

8.3

“So far as the joint Committee is a Committee of the Local Authority, [Part 1 of Schedule 7 of the Local Government Act] applies to that joint Committee except that the powers to discharge any individual member and appoint another in his or her stead must be exercisable by the Local Authority or public body that made the appointment. The power conferred on the Local Authority under [Part 1 of Schedule 7 of the Local Government Act] to appoint a Chairperson or Deputy Chairperson of a Committee does not apply to a joint Committee appointed under [clause 30 of Schedule 7 of the Local Government Act], but the joint Committee may appoint and remove its own Chairperson or Deputy Chairperson.”

[cl.30(9) & (10), Schedule 7, LGA]

9 Membership of Committees and Subcommittees

- Appointment or Discharge of Committee Members and Subcommittee Members** **9.1**
A Local Authority may at any time appoint or discharge any member of a Committee other than a Subcommittee and unless directed otherwise by the Local Authority, a Committee may at any time appoint or discharge any member of a Subcommittee appointed by the Committee.
[cl. 31(1) & (2), Schedule 7, LGA]
- Elected Members on Committees and Subcommittees** **9.2**
A Local Authority or Committee may appoint to any Committee or Subcommittee any person who is not a member of the Local Authority if, in the opinion of the Local Authority, that person has knowledge that will assist the work of the Committee or Subcommittee. However, no employee of a Local Authority acting in the course of his or her employment may act as a member of any Committee unless that Committee is a Subcommittee. At least one member of every Committee, other than a Subcommittee, shall be an elected member of the Local Authority.
- Local Authority May Replace Members if Committee not Discharged** **9.3**
"If a Local Authority resolves that a Committee, Subcommittee, or other subordinate decision-making body is not to be discharged under clause 30 (7) [of Schedule 7 of the Local Government Act], the Local Authority may replace the members of that Committee, Subcommittee or other subordinate decision-making body after the next Triennial General Election of members."
[cl. 31(5), Schedule 7, LGA]
- Minimum Numbers on Committees and Subcommittees** **9.4**
"The minimum number of members is -
(a) 3 for a Committee, and
(b) is 2 for a Subcommittee."
[cl. 31(6), Schedule 7, LGA]
- Mayor or Chairperson of Local Authority an Ex-officio Member** **9.5**
The Mayor or Chairperson of the Local Authority may be appointed an ex-officio member of any Committee but is not entitled to ex-officio membership of a Community Board or a quasi judicial Committee.

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10 Powers of Delegation

Delegations to Committees, Subcommittees, Subordinate Decision-Making Bodies, Community Boards, Members and Officers

10.1

“Unless expressly provided otherwise in [the Local Government 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 -

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term Council community plan; or
- (d) the power to adopt a long-term Council community plan, Annual Plan, or annual report; or
- (e) the power to appoint a Chief Executive; or
- (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act] in association with the long-term Council community plan or developed for the purpose of the local governance statement; or
- (g) the power to warrant enforcement Officers.

A Committee or other subordinate decision-making body, Community Board, or 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 Local Authority or by the Committee or body or person that makes the delegation.”

[cl.32(1) & (3), Schedule 7, LGA]

Use of Delegated Powers

10.2

“A 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 or duties are delegated may, without confirmation by the Local Authority or 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.”

[cl 32(4) Schedule 7, LGA]

Delegations Related to Bylaws and Other Regulatory Matters

10.3

“A Local Authority may delegate to any Local Authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.”

[cl 32(5) Schedule 7, LGA]

11 Proceedings Not Invalidated by Vacancies or Irregularities

Proceedings Not Invalidated by Vacancies or Irregularities	11.1 “An act or proceeding of a Local Authority or Committee, or of a person acting as a member of a Local Authority or Committee, is not invalidated by a vacancy in the membership of the Local Authority or Committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the Local Authority or Committee, or that that person was or is incapable of being a member.” [cl. 29, Schedule 7, LGA]
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12 Provisions as to Meetings

General Provisions

Meetings to be Held	12.1 The Local Authority shall hold such meetings as are necessary for the good government of its district. [cl. 19(1), Schedule 7, LGA]
Right to Attend Meetings	12.2 Every member of a Local Authority or of any Committee of a Local Authority, unless lawfully excluded or excluded under Standing Order 12.6, has the right to attend any meeting of the Local Authority or Committee. [cl. 19(2), Schedule 7, LGA]]
Calling, Public Notification and Conduct of Meetings	12.3 “A meeting of a Local Authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the Standing Orders adopted by the Local Authority.” [cl. 19(3), Schedule 7, LGA]
Order Paper to be Sent to Members	12.4 In the case of each meeting to which Standing Order 12.1 applies, an agenda with all relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting.

Special Provisions

Members not Present at Commencement	12.5 On any occasion that the Local Authority, Committee or Community Board is acting in a quasi-judicial capacity only these members who are present at the outset of the hearing may subsequently attend or take part in any discussion or vote relating to that hearing.
Committee Membership	12.6 Standing order 12.2 does not apply to Committees appointed to act in a matter requiring the exercise of a quasi-judicial capacity.

Meetings Not Invalid Because Notice Not Received 12.7
"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 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 any requirement regarding the giving of notice of a meeting to that member."
[cl. 20, Schedule 7, LGA]

Minutes of Proceedings 12.8
"A Local Authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the Local Authority are prima facie evidence of those proceedings."
[cl. 28, Schedule 7, LGA]

13 Notification of Ordinary Meetings to Members

Period for Notice in Writing 13.1
"The Chief Executive shall give notice in writing to each of the members of the time and place of the meeting -
(a) not less than 14 days before the meeting; or
(b) where the Local Authority has adopted a schedule of ordinary meetings, not less than 14 days before the first meeting on the schedule."
[cl. 19(5), Schedule 7, LGA]

Schedule of Ordinary Meetings 13.2
"If a Local Authority adopts a schedule of ordinary meetings -
(a) the schedule may cover such future period as the Local Authority considers appropriate and may be amended from time to time; and
(b) notification of the schedule or any amendment shall constitute notification of every meeting on the schedule or amendment."
[cl. 19(6), Schedule 7, LGA]

Cancellation of Scheduled Meetings 13.3
If it is necessary to cancel a scheduled meeting, all reasonable effort will be taken to notify elected members and the public as soon as is practicable of the cancellation and the reasons.

14 Extraordinary Meetings

Calling of Extraordinary Meetings 14.1
"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by -
(a) a resolution of the Local Authority; or
(b) a requisition in writing delivered to the Chief Executive and signed by -
(i) the Mayor or Chairperson; or
(ii) not less than one-third of the total membership of the Local Authority (including vacancies)."
[cl. 22(1), Schedule 7, LGA]

- Calling of Extraordinary Meetings at Earlier Time** 14.2
"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 14.3], a meeting may be called by -
(a) the Mayor or Chairperson or,
(b) if the Mayor or Chairperson are unavailable, the Chief Executive."
[cl. 22(2), Schedule 7, LGA]
- Notification of Extraordinary Meetings to Members** 14.3
"Notice in writing of the time and place of the meeting called under [Standing Order 14.1] and of the general nature of business must be given by the Chief Executive to each member of the Local Authority at least 3 working days before the day appointed for the meeting, or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."
[cl. 22(3), Schedule 7, LGA]
- Notification of Extraordinary Meetings Held at Earlier Time** 14.4
"Notice of the time and place of a meeting called under [Standing Order 14.2] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, 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."
[cl. 22(4) Schedule 7, LGA]
- Public notice of Resolutions of Extraordinary Meeting** 14.5
"(1) 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.
(2) For the purposes of this section, **resolution** means the resolution on the matter or matters for which the Extraordinary Meeting was held."
[s. 51A, LGOIMA Amendment Act 2004]

15 Public at Meetings, Access to Order Papers etc.

- Meetings Normally to be Open** 15.1
"Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a Local Authority shall be open to the public ... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media."
[ss. 47 & 49(a), LGOIMA]

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Information to be Available to Public	15.2 All information provided to members at Local Authority and Committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter to be considered by the Local Authority when the meeting is not likely to be open to the public. [s. 5 & 49, LGOIMA]
Public Notification About Ordinary Meetings	15.3 All meetings scheduled for the following month shall be publicly notified not more than 14 days and not less than five days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than five working days before the day on which the meeting is to be held. [s. 46, LGOIMA]
Public Notification About Extraordinary Meeting	15.4 Where an Extraordinary Meeting of a Local Authority is called and notice of that meeting cannot be given in the manner required or permitted by Standing Order 15.3 as appropriate, the Local Authority must publicly notify or otherwise advertise that meeting and the general nature of business to be transacted at that meeting as soon as practicable before the day on which the meeting is to be held. [s. 46(3), LGOIMA]
Public Notification About Extraordinary Meeting	15.5 Where any Extraordinary Meeting of a Local Authority is called and notice of that meeting cannot be given in the manner required or permitted by Standing Orders 15.3 - 15.4 as appropriate for a scheduled or Extraordinary Meeting, the Local Authority or person calling the meeting must publicly notify the meeting and the business to be transacted at the meeting as is reasonable in the circumstances. [s. 46(4), LGOIMA]
Public Notification Additional Requirements	15.6 The Chief Executive is to make any other arrangement for the notification of meetings including Extraordinary Meeting as the Local Authority may from time to time determine.
Meetings not Invalid Because not Publicly Notified	15.7 "No meeting of any Local Authority is invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 15.3 - 15.5.]" [s. 46(5), LGOIMA]
Public Notice of Meetings not Notified	15.8 "Where a Local Authority becomes aware that any meeting has not been publicly notified in accordance with [Standing Orders 15.3 - 15.5], the Local Authority shall, as soon as practicable, give public notice that the meeting was not so notified, and shall in that notice state the general nature of the business transacted at that meeting and give the reasons why that meeting was not so notified." [s. 46(6), LGOIMA]

- Availability of Agendas and Reports** 15.9
- "(1) Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least two working days before every meeting, all agendas and associated reports circulated to members of the Local Authority and relating to that meeting.
- (2) The agendas -
- (a) Shall be available for inspection at the public offices of the Local Authority, (including service delivery centres) and the public libraries under the authority's control; and
- (b) Shall be accompanied by either
- (i) The associated reports; or
- (ii) A notice specifying the places at which the associated reports may be inspected.
- (3) The associated reports shall be available for inspection at the public offices of the Local Authority.
- (4) Any member of the public may take notes from any agenda or report inspected by that member of the public.
- (5) Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable.
- (6) Where a meeting is an Extraordinary Meeting called pursuant to a resolution of the Local Authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances."
- [s. 46A, LGOIMA]
- Exclusion From Reports to be Discussed with Public Excluded** 15.10
- The Chief Executive may exclude from the reports made available, such reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.
- Availability of Agendas and Reports for Meetings of Community Boards** 15.11
- Where agendas and associated reports are for meetings of Community Boards, it shall be sufficient for the purposes of this section that they be available for public viewing at the main office of the Local Authority and those service delivery centres and public libraries, if any, under the control of the Local Authority situated within the community.
- Agenda to be Made Available to Public Who are at Meetings** 15.12
- Additional copies of the agenda and further particulars indicating the nature of the items to be discussed shall be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).
- [s. 49, LGOIMA]
- List of Committee Members Publicly Available** 15.13
- The members of each Committee are to be named on the relevant order paper.
- Public Entitled to Inspect Minutes** 15.14
- The public are entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.
- [s. 51, LGOIMA]

Requests for Minutes of Meetings in Closed Session **15.15**
The Chief Executive shall consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.
[s. 51, LGOIMA]

16 Reasons to Exclude Public

Lawful Reasons to Exclude Public **16.1**
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 grounds specified in section 48 of the Local Government Official Information and Meetings Act 1987 (see Appendix A).
[s. 48, LGOIMA]

Form of Resolutions to Exclude Public **16.2**
Any resolution to exclude the public shall be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based.

Motion to Exclude Public to be Put With the Public Present **16.3**
Every motion to exclude the public shall be put at a time when the meeting is open to the public, and copies of the text of that resolution shall be available to any member of the public who is present. The resolution then forms part of the minutes of the Local Authority.
[s. 48(4), LGOIMA]

Provision for Persons to Remain After Public Excluded **16.4**
A resolution in accordance with Standing Order 16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the Local Authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the Chief Executive and relevant staff during a public excluded session.

Release of Public Excluded Information **16.5**
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.

A20

17 Application of Standing Orders to Public Excluded Session

Standing Orders to Apply	17.1 Standing Orders apply to meetings or parts of meetings from which the public has been excluded.
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18 Use of Public Excluded Information

Public Excluded Business not to be Disclosed	18.1 Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or Officer is permitted to disclose to any person, other than a member or Officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded, or where it is proposed that the public be properly excluded, nor shall any discussion, deliberations or decisions be divulged following any such meeting except by way of release of information by the Local Authority.
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A21

PART 2

MEETING PROCEDURES

A22

PART 2 MEETING PROCEDURES

19 Application of Standing Orders

All Members to Abide by Standing Orders **19.1**
"A member of a Local Authority must abide by the Standing Orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."
[cl. 16(1), Schedule 7, LGA]

Additional to or Substitution of Standing Orders **19.2**
Notwithstanding the generality of Standing Order 19.1, for any quasi-judicial proceedings, the Local Authority may adopt meeting procedures and practices additional to, or in substitution of these Standing Orders for the conduct of the business to be transacted.

NOTE - Committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.
[s. 4, RMA]

20 Suspension of Standing Orders

Temporary Suspension **20.1**
A Local Authority or Committee may temporarily suspend one or more Standing Orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension.
[cl. 27(4), Schedule 7, LGA]

21 Conduct of Meetings

Mode of Address for Chairperson **21.1**
The person in the chair is to be addressed in such terms as denotes the statutory office of that person, the choice of mode of address being as determined by that person.

Chairperson to Decide **21.2**
The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the Chairperson will be held guilty of contempt (see also Standing Orders 19.1 and 31.6).

Chairperson Rising **21.3**
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 to Speak in Places and Address the Chair **21.4**
Members granted the right to speak at meetings are to address the Chairperson, and may not leave their place while speaking without the leave of the Chairperson. Members may remain seated when speaking at Extraordinary Meeting of the Council and at Committee meetings.

- Priority of Speakers** **21.5**
When two or more members seek the right to speak, the Chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:
- (a) Raise a point of order (see Standing Order 31.1), including any request to obtain a time extension for the previous speaker;
 - (b) Move a motion to terminate or adjourn the debate (see Standing Order 30.1); or
 - (c) Make a point of explanation or request an indulgence of the Chairperson (see Standing Order 26.13).
- Speeches in English or Maori** **21.6**
A member may address the Chairperson in English or Maori. The Chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the Chairperson if he or she intends to address the Chairperson in Maori, when the normal business of the Committee is conducted in English, or in English when the normal business of the Committee is conducted in Maori.
- NOTE - In the case of Te Taumata Runanga where the business is normally conducted in both languages this Standing Order will not apply.
- Duration of Meetings and Time Limits** **21.7**
Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the order paper not dealt with must be adjourned to the next ordinary meeting or Extraordinary Meeting.
- Reporting of Meetings** **21.8**
When a meeting of a Local Authority is open to the public the following provisions shall apply:
- (a) Bona fide members of the news media (including newspaper, radio and television) shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media.
[s. 49(a) LGOIMA]
 - (b) Any member of the public who is not a bona fide member of the news media shall obtain the consent of the meeting to the use of recording devices or photographic equipment such as cameras.
 - (c) Any recording of meetings shall be carried out in an unobtrusive manner, and shall not be distracting to members.
 - (d) Any recording of meetings shall be notified to the Chairperson at the commencement of the meeting.
 - (e) No member may use, or be associated with the use of, a recording device without the knowledge of the meeting and the consent of the Chairperson.
- Disorderly Members to Withdraw** **21.9**
Members called to order by the Chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the Chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and shall not be permitted to return during the meeting, or any period of that meeting that the Chairperson may determine (see Appendix D).

Members Not to be Disrespectful	21.10 No member of the Local Authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the Local Authority, any other member, or any Officer or employee of the Local Authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the Local Authority or its staff.
Retraction of, or Apology for, Offensive or Malicious Language	21.11 The Chairperson may call upon any member or speaker to withdraw any offensive or malicious expression and may require the member to apologise for the expression.
Withdrawal From Meeting	21.12 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.
Disorder in Meeting	21.13 The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.
Adjournment of Meeting Following Disorder	21.14 Should the disorder continue, the Chairperson shall have the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting shall resume and decide without debate the question as to whether the meeting shall proceed or be adjourned. The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.
Contempt to be Recorded in Minutes	21.15 Where the meeting resolves to find the member in contempt that resolution shall be recorded in the minutes.
Removal from Meeting	21.16 "A member of the Police, or an Officer or employee of the Local Authority, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the Standing Orders and that member refuses or fails to leave the meeting, or having left the meeting, attempts to re-enter without the permission of the Chairperson." [cl. 16(2), Schedule 7, LGA
Cellphones	21.17 No person may have an activated cellphone in their possession whilst attending any meeting.
Consuming of Food	21.18 That the consuming of food during meetings not be permitted except at the discretion of the Chairperson.

22 Quorum at Meetings

- Requirement for a Quorum** **22.1**
"A meeting shall be duly constituted if a quorum is present whether or not all of the members present are voting or entitled to vote."
[cl. 23(1), Schedule 7, LGA]
- Quorum to be Present Throughout Meeting** **22.2**
"No business shall be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted."
[cl. 23(2), Schedule 7, LGA]
- Definition of Quorum at Council and Community Board Meetings** **22.3**
"The quorum at any meeting of a Local Authority shall consist of half the members (including vacancies) if the number of members is even, and a majority if the number is odd."
[cl. 23(3), Schedule 7, LGA]
- Quorum at Committee Meetings** **22.4**
"The quorum at any meeting of a Committee -
(a) shall be not less than 2 members of the Committee, as determined by the Local Authority or Committee that appoints the Committee; and
(b) in the case of a Committee (other than a Subcommittee), shall include at least one member of the Local Authority."
[cl. 23(3), Schedule 7, LGA]

23 Failure of a Quorum

- Meeting Lapses if No Quorum** **23.1**
If a meeting is short of a quorum at its commencement, or falls short of a quorum during the course of the meeting, the business is to stand suspended and, if no quorum is present within 15 minutes, the Chairperson is to vacate the chair and the meeting shall lapse.
- Lapsed Business** **23.2**
The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next ordinary meeting unless the Chairperson fixes an earlier meeting which is notified by the Chief Executive.
- Minutes to Record Failure of Quorum** **23.3**
If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded by the Chief Executive.
- Hearings Committee** **23.4**
For the purposes of hearings before Council's Hearings Committee, the commencement time of a meeting shall be deemed to be the scheduled commencement time of the first hearing meeting that proceeds to a hearing on that day.

24 Leave of Absence and Apologies

- Granting Leave of Absence** **24.1**
The Local Authority may grant leave of absence to a member from an ordinary meeting or other meetings of the Local Authority or its Committees upon application by the member.
- Apologies at Meetings** **24.2**
If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Local Authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.
- Recording of Apologies** **24.3**
The Chairperson of each meeting will invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting will be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.
- Absence Without Leave** **24.4**
An extraordinary vacancy shall be created where any member is absent without leave from four consecutive ordinary meetings of the Local Authority or Community Board.
[cl. 5, Schedule 7, LGA]

25 Order of Business

- Order of Business** **25.1**
The order of business is to be determined by the Local Authority.
- Order Paper** **25.2**
The Chief Executive is to prepare for each meeting an order paper listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the order paper unless the meeting or the Chairperson accord precedence to any business set down on the order paper for consideration.
- Confidential Items** **25.3**
The Chief Executive shall place on a confidential agenda any matters for which the Chief Executive considers the Local Authority or Committee of the Local Authority is likely to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered in exclusion of the public shall be placed on the order paper available to the public.
- Report from the Mayor or Chairperson** **25.4**
The Mayor or Chairperson shall, by report, have the right to direct the attention of the Local Authority or duly appointed Committee to any matter or subject within the role or function of the Local Authority or the Committee.
- Report from Community Board Chairperson** **25.5**
The Chairperson of the Community Board, shall by written report, have the right to direct the attention of the Community Board to any matter or subject within the role or function of the Community Board.

Report from Community Board Members

25.6

Provision is made on the Community Board agenda for members should they so wish, to submit a report on their activities during the month in regard to matters within the scope and delegation of the Board. (However, to comply with the provisions of the Local Government Official Information and Meetings Act, no decision may be made on matters raised in Board Members' Reports.)

Minor Items not on the Agenda May be Discussed

25.7

"Subject to 25.7A, where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if -

- (a) the Local Authority by resolution so decides; and
- (b) the presiding member explains at the meeting at a time when it is open to the public, -
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

25.7A

Where an item is not on the agenda for a meeting -

- (a) that item may be discussed at that meeting if -
 - (ii) that item is a minor matter relating to the General Business of the Local Authority; and
 - (iii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision, or recommendation maybe made in respect of that item except to refer that item to a subsequent meeting of the Local Authority for further discussion."

[ss. 46A(7) & 46A(7A), LGOIMA]

Public Forum at Council Meetings

25.8

Where the Local Authority so determines a period of up to 30 minutes, may be set aside for a public forum at the commencement of ordinary meetings of the Local Authority, which are open to the public. Each speaker during the public forum section of a meeting may speak for five minutes on any matter that has not been delegated to a Community Board.

NOTE - The public forum procedure does not apply in respect of any hearing, including the hearing of submissions, where the Local Authority, Committee or Subcommittee sits in a quasi-judicial capacity.

Public Forum Community Board Meetings

25.9

Where the Community Board so determines, time may be set aside for a public forum at the commencement of ordinary meetings of the Community Board, which are open to the public. Each speaker during the public forum section of a meeting may speak for five minutes on any matter that has been delegated to a Community Board.

NOTE - The public forum procedure does not apply in respect of any hearing, including the hearing of submissions, where the Community Board sits in a quasi-judicial capacity.

- Questions of Speakers During Public Forum** **25.10**
With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.
- 26 Rules of Debate**
- Reserving Speech** **26.1**
A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.
- Irrelevant Matter and Needless Repetition** **26.2**
In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the Chairperson's ruling is final and not open to challenge.
- Limitation on Speakers** **26.3**
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 no such speaker is forthcoming and after the mover has had the right of reply, the motion shall be put. Members speaking shall, if so called upon by the Chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.
- Taking Down Words** **26.4**
When any member objects to words used and desires them to be recorded in the minutes, the Chairperson may so order them to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken (see Standing Order 31.4).
- Reading of Speeches** **26.5**
Members may not read their speeches, except with the permission of the Chairperson, but may refresh their memory by reference to notes.
- Time Limits on Speakers** **26.6**
The following time limits apply to members speaking at Local Authority meetings, unless extended by a majority vote of members present:
(a) movers of motions when speaking to the motion, ten minutes;
(b) movers of motions, when exercising their right of reply, five minutes;
(c) other members, not more than five minutes.
(See also Standing Order 27.6.)
- Member Speaking More than Once** **26.7**
A member may not speak more than once to a motion at a Council meeting. (For the avoidance of any doubt this does not apply to meetings of a Committee.)
- Restating of Motion** **26.8**
Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

- Right of Reply** **26.9**
The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the Chairperson has intimated an intention to put the motion, no other member of the Local Authority may speak on the motion. Movers in reply are not to introduce any new matter and shall confine themselves strictly to answering previous speakers.
- When Right of Reply May be Exercised** **26.10**
The right of reply is governed as follows:
(a) where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
(b) if there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 26.9), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.
- NOTE - A right of reply can be exercised at either the end of the debate on an original motion or at the end of the debate on an amendment. Only the mover of an original motion has a right of reply and that right can only be used once. In addition to a right of reply, the mover of an original motion may reserve a right of reply and speak once to an original motion and once to each amendment without losing that right of reply.
- Speaking Only to Relevant Matters** **26.11**
Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.
- Personal Explanation** **26.12**
Notwithstanding Standing Order 26.7, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.
- Explanation of Previous Speech** **26.13**
With the permission of the Chairperson, explanation of some material part of a previous speech, in the same debate, may be given by a member who has already spoken, but new matters may not be introduced.

27 Motions and Amendments

- Requirement for a Secunder** **27.1**
All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the Chairperson shall state the matter raised and propose it for discussion.
- Withdrawal of Motions and Amendments** **27.2**
Once motions or amendments have been seconded and put to the meeting by the Chairperson they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded cannot be withdrawn until the amendment is withdrawn or lost.
- Substituted Motion by Amendment** **27.3**
The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
- Motions in Writing** **27.4**
The Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
- Motions Expressed in Parts** **27.5**
The Chairperson or any member may require a motion expressed in parts to be decided part by part.
- Alteration Once Moved** **27.6**
When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a Committee who desires to amend any item in the report may also propose or second an amendment.
- Amendments and Motions not Seconded** **27.7**
Amendments and motions which are proposed but not seconded, are not in order and are not entered in the minutes.
- Further Amendments** **27.8**
No further amendment shall be allowed until the first amendment is disposed of, although members may give notice to the Chairperson of their intention to move further amendments and the tenor of their content.
- Where Amendment Lost** **27.9**
Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment, but are not entitled to move or second the new amendment.

Where Amendment Carried	27.10 Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.
Amendments Relevant	27.11 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment, which has been lost.
Direct Negatives Not Allowed	27.12 No amendment, which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.
Procedure Until Resolution	27.13 The procedures in Standing Orders 27.6 and 27.8 shall be repeated until a resolution is adopted.
Flow Chart of Motions and Amendments	27.14 A flow chart illustrating the process regarding motions and amendments is included in these Standing Orders as Appendix B.
Revocation or Alteration of Resolutions	27.15 A notice of motion for the revocation or alteration of all or part of a previous resolution of the Local Authority is to be given to the Chief Executive by the member intending to move such a motion. (a) Such notice is to set out: (i) the resolution or part thereof which it is proposed to revoke or alter; (ii) the meeting date when it was passed; and (iii) the motion, if any, that is intended to be moved in substitution thereof. (b) Such notice is to be given to the Chief Executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the Local Authority, including vacancies. (c) The Chief Executive shall then give members at least 2 clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such.
Restriction on Action to be Taken on Previous Resolution	27.16 Where a notice of motion has been given in terms of Standing Order 27.15 no action which is irreversible shall be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the Local Authority, provided that if, in the opinion of the Chairperson: (a) the practical effect of the delay would be equivalent to a revocation of the resolution, or if; (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; then, in either case, action may be taken as though no such notice to the Chief Executive had been given or signed.
Revocation or Alteration of Resolution at Same Meeting	27.17 If, during the course of a meeting of the Local Authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.

Local Authority May Revoke or alter Any Previous Resolution **27.18**
A Local Authority meeting may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any Committee, revoke or alter all or part of resolutions previously passed at meetings. At least two clear working days notice of any meeting to consider such a proposal shall be given to members, accompanied by details of the proposal to be considered.

Restating the Motion **27.19**
The Chairperson may, immediately prior to any division or vote being taken, request the Chief Executive to restate the motion upon which the division is to be taken.

No Speakers After Reply or Question Put **27.20**
Members shall not speak on any motion once the mover has commenced replying or where the Chairperson has commenced putting the question.

Reflections on Resolutions **27.21**
In speaking in any debate no member shall unduly criticise the validity of any resolution of the Local Authority except by a notice of motion to amend or revoke the same.

28 Notices of Motion

Notices of Motion to be in Writing **28.1**

- (a) Any member wishing to raise a matter for debate within the jurisdiction of the Council, other than business covered by delegated powers of Committees, may do so by notice of motion.
- (b) A notice of motion shall be in writing signed by the member proposing to move it, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the principal administration Officer at least 5 clear days before such meeting.
- (c) Subject to 28.2 the Chief Executive shall, on receipt of the notice of motion in accordance with paragraph (b) of this order, include it in the order paper for the specified meeting.

Refusal of Notice of Motion **28.2**
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 related to the role or functions of the Local Authority; 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 may make; or
- (d) is concerned with matters, which are already subject of reports or recommendations from a Committee to the meeting concerned.

Mover of Notice of Motion **28.3**
Notices of motion shall not proceed in the absence of the mover, unless moved by another member authorised in writing by the mover to do so.

- Alteration of Notice of Motion** **28.4**
Only the mover, with the consent of the meeting, may alter a notice of motion. No member other than the mover of the notice of motion can move an amended motion.
- When Notices of Motion Lapse** **28.5**
Notices of motion not moved on being called for by the Chairperson shall lapse.
- Referral of Notices of Motion to Committees** **28.6**
Any notice of motion referring to any matter ordinarily dealt with by a Committee of the Local Authority may be referred to that Committee by the Chief Executive.

29 Repeat Notices of Motion

- First Repeat Where Notice of Motion Rejected** **29.1**
When a motion which is the subject of a notice of motion has been considered and rejected by the Local Authority, no similar notice of motion which, in the opinion of the Chairperson, is substantially the same in purport and effect shall be accepted within the next six months unless signed by not less than one third of all members, including vacancies.
- Second Repeat Where Notice of Motion Rejected** **29.2**
If such a repeat notice of motion as provided for in Standing Order 29.1 is also rejected by the Local Authority, any further notice prior to the expiration of the original period of six months needs to be signed by a majority of all members, including vacancies.
- No Repeats Where Notice of Motion Agreed** **29.3**
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.

30 Procedural Motions to Terminate or Adjourn Debate

Members May Move Procedural Motions to Terminate or Adjourn Debate

30.1

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:

- (a) **Adjournment of Meeting** - That the meeting be adjourned to the next ordinary meeting, unless an alternative time and place is stated; or
- (b) **Adjournment of Business** - That the item of business being discussed be adjourned to a time and place to be stated; or
- (c) **Closure** - That the motion under debate be now put (a "closure motion"); or
- (d) **Next Business** - That the meeting move directly to the next business, superseding the item under discussion; or
- (e) **Deferment of Business** - That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or
- (f) **Refer to Committee** - That the item of business being discussed be referred (or referred back) to the relevant Committee of the Local Authority.

Chairperson May Accept Closure Motions

30.2

The Chairperson may accept a closure motion if there have been not fewer than two speakers for and two speakers against the motion, or, if there are no such speakers, in the Chairperson's opinion, it is reasonable to do so.

Procedural Motions to Terminate or Adjourn Debate to Take Precedence

30.3

Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order, and will, if seconded, be put to the vote immediately without discussion or debate.

Voting on Procedural Motions to Terminate or Adjourn Debate

30.4

All procedural motions to terminate or adjourn debate shall be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate may not be moved by any member within the next 15 minutes.

Closure Motion to be Put if No Further Speaker

30.5

Notwithstanding Standing Order 30.4 a closure motion shall be put if there is no further speaker in the debate.

Closure Motion on Amendment

30.6

When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

Right of Reply Following Closure

30.7

If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.

Debate on Items Previously Adjourned

30.8

The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.

Adjourned Items Taken First	30.9 Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
Other Business Not Superseded	30.10 The carrying of any motion to adjourn a meeting will not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting to which they have been adjourned under the item "Adjourned Business".
Referral or Referred Back to Committee	30.11 Business referred, or referred back, to a specified Committee is to be considered at the next ordinary meeting of that Committee, unless otherwise specified.
Table of Procedural Motions	30.12 A table of procedural motions is included in these Standing Orders as Appendix C.
31 <u>Points of Order</u>	
Members Rising to Points of Order	31.1 Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop, speaking.
Stating Subject Matter of Point of Order	31.2 The member rising is to state without explanation precisely the subject matter of the point of order.
Points of Order During Division	31.3 No point of order shall be raised during a division except by the permission of the Chairperson.
Types of Points of Order	31.4 The following are recognized as substance for points of order: (a) where disorder is drawn to the attention of the Chairperson; or (b) use of disrespectful, offensive or malicious language; or (c) discussion of a question not before the Local Authority; or (d) misrepresentation of any statement made by a member or by an Officer or employee of the Local Authority; or (e) the breach of any standing order; or (f) request that words objected to be recorded in the minutes.
Contradiction Not Point of Order	31.5 Rising to express a difference of opinion or to contradict a statement of a previous speaker does not constitute a point of order.
Decision of Chairperson Final	31.6 The Chairperson may decide on any point of order immediately after it has been raised by any member, 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 shall be final.

32 Voting

Decisions to be Decided by Majority Votes

32.1

The acts of a Local Authority must be done, and the question before the Local Authority must be decided, at a meeting by:

- a) vote; and
- b) the majority of members that are present and voting.

[cl. 24(1), Schedule 7, LGA]

Chairperson Has Casting Vote

32.2

The Chairperson at any meeting has a deliberative vote and, in case of equality of votes, also has a casting vote.

[cl. 24(4)(b), Schedule 7, LGA]

Equality of Vote

32.3

In any case where there is an equality of votes (and the Chairperson at the meeting does not exercise the casting vote conferred under clause 32.2) the Act or question is defeated and the status quo is preserved.

[cl. 24(2)(b), Schedule 7, LGA]

Open Voting

32.4

An act or question coming before the Local Authority must be done or decided by open voting.

[cl. 24(3), Schedule 7, LGA02]

Members May Not Abstain

32.5

At any meeting all members present shall, unless disabled by law from so doing, vote upon the question before the meeting.

Method of Voting

32.6

The method of voting shall be as follows:

- (a) The Chairperson in putting the motion shall 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, shall be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson shall call a division.
- (b) The Chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.

Division

32.7

When a division is called, the Chief Executive shall take down the names of the members voting for and against the motion and hand the list to the Chairperson who shall declare the result.

Second Division

32.8

The Chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

Pecuniary Interest

32.9

No members shall vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.

[s. 6(1), Local Authorities (Members' Interests) Act]

- Declaration of Pecuniary Interest** **32.10**
Every member present when any matter is raised on which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such member from both discussion and voting on the item are to be recorded in the minutes.
[s. 6(1), Local Authorities (Members' Interests) Act]
- Action Following Declaration of a Pecuniary Interest** **32.11**
Members who have declared a pecuniary interest in matters to be discussed under Standing Order 32.9 must leave the table and should consider leaving the meeting room for the full duration of discussion on such matters.
- Recording Vote Against** **32.12**
In any case where a presiding member has called for an expression of opinion on a motion and announced the result, any member shall be entitled to request that their vote against the motion recorded.

33 Qualified Privilege

- Qualified Privilege Relating to Agenda and Minutes** **33.1**
Where a meeting of any Local Authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda or order paper for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or order paper or in the minutes shall be privileged unless the publication is proved to be made with ill will or taking advantage of the publication.
[s. 52, LGOIMA]
- Qualified Privilege Relating to Oral Statements** **33.2**
Any oral statement made at any meeting of a Local Authority in accordance with the rules that have been adopted by that Local Authority for the guidance and order of its proceedings shall be privileged, unless the statement is proved to be made with ill will or taking advantage of the publication.
[s. 53, LGOIMA]
- Qualified Privilege Additional to Any Other Provisions** **33.3**
The privilege conferred by Standing Order 33.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any Local Authority.

34 Maintenance of Public Order at Meetings

- Chairperson May Require Members of the Public to Leave Meeting** **34.1**
The Chairperson presiding at any meeting of the Local Authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.
[s. 50, LGOIMA]

Removal of Members of Public **34.2**
If any member of the public who is required in accordance with Standing Order 34.1 to leave a meeting refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson, any Police Officer or employee of the Council may, at the request of the Chairperson, remove or exclude that member of the public from the meeting.

35 Minutes of Proceedings

Minutes to be Evidence of Proceedings **35.1**
"A Local Authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by a Local Authority are prima facie evidence of those proceedings."
[cl. 28, Schedule 7, LGA]

Keeping of Minutes **35.2**
The Chief Executive or his/her designated representative shall keep the minutes of meetings. The minutes shall record the date, time and venue of the meeting; the names of those members and Officers present; identification of the Chairperson; apologies tendered; arrival and departure times; any failure of a quorum; a list of speakers under public forum and the topics they cover; a list of items considered; resolutions pertaining to those items; any objections to words used; all divisions taken; names of any members voting against a motion if requested; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns (see Standing Orders 16.3, 21.14, 23.3, 24.3, 26.4, 32.4, and 32.9).

Approval of Minutes **35.3**
The minutes and proceedings of every meeting shall be circulated to members and considered at the next meeting succeeding, and, if approved by that meeting, or when amended as directed by that meeting, shall be signed by the Chairperson of such succeeding meeting.

No Discussion on Minutes **35.4**
No discussion shall arise on the substance of minutes at the succeeding meeting, except as to their correctness.

36 Minute Books

Inspection of Minute Books **36.1**
The minute books of the Local Authority shall be kept by the Chief Executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002 (see Standing Order 15.14).
[s. 51, LGOIMA]

Minutes of Last Meeting Before Election **36.2**
The Chairperson and the Chief Executive shall be responsible for confirming the correctness of the minutes of the last meeting of a Local Authority prior to the next election of members.

37 Deputations and Presentations

- Deputations Where Heard** **37.1**
Deputations may be received by the Local Authority or any of its Committees provided an application for admission setting forth the subject has been lodged with the Chief Executive at least five clear days before the date of the meeting concerned and has been subsequently approved by the Chairperson. The Chairperson may refuse requests for deputations, which are repetitious or offensive.
- Urgency or Major Public Interest** **37.2**
Notwithstanding Standing Order 37.1, where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received by the Local Authority.
- Deputations and Presentations in English or Maori** **37.3**
A deputation or presentation to a Local Authority or any of its Committees may be made in English or Maori. Prior arrangement with the Chairperson should be sought at least two working days before the meeting if the address is not in English. The Chairperson may order that any speech or document presented be translated and/or printed in another language.
- Procedures for Deputations** **37.4**
Except with the approval of the Local Authority or Committee, not more than two members of a deputation may address the meeting. After a presentation is received members may put to the deputation any question pertinent to the subject heard, but no member shall express an opinion upon or discuss the subject until the deputation has completed making its submissions and answering questions (see Standing Order 33.2 regarding qualified privilege).
- Termination of Presentation if Disrespectful** **37.5**
The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice (see Order Standing 33.2 regarding qualified privilege).
- Time Limit on Presentation** **37.6**
Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or five minutes each if there are two members of the deputation addressing the meeting.

38 Petitions

- Form of Petitions** **38.1**
Every petition presented to the Local Authority or to any of its Committees must comprise less than 500 words and not be disrespectful, nor use offensive language or make statements made with malice (see Standing Orders 33.1 and 33.2 regarding qualified privilege).

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