



PALMERSTON NORTH CITY COUNCIL

AGENDA
COUNCIL

9AM, MONDAY 24 APRIL 2017

COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING
32 THE SQUARE, PALMERSTON NORTH



MEMBERSHIP

Grant Smith (Mayor)

Tangi Utikere (Deputy Mayor)

Brent Barrett

Susan Baty

Rachel Bowen

Adrian Broad

Gabrielle Bundy-Cooke

Vaughan Dennison

Lew Findlay QSM

Leonie Hapeta

Jim Jefferies

Lorna Johnson

Duncan McCann

Karen Naylor

Bruno Petrenas

Aleisha Rutherford

Agenda items, if not attached, can be viewed at:

**pncc.govt.nz | Civic Administration Building, 32 The Square
City Library | Ashhurst Community Library | Linton Library**

Paddy Clifford

Chief Executive, Palmerston North City Council

Palmerston North City Council

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Private Bag 11034, 32 The Square, Palmerston North



COUNCIL MEETING

24 April 2017

ORDER OF BUSINESS

1. Apologies

2. Confirmation of Agenda and Urgent items

Pursuant to Sections 46A(7) and 46A(7A) of the Local Government Official Information and Meetings Act 1987, to receive the Chairperson's explanation that specified item(s), which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded, will be discussed.

Any additions in accordance with Section 46A(7) must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

Any additions in accordance with Section 46A(7A) may be received or referred to a subsequent meeting for further discussion. No resolution, decision or recommendation can be made in respect of a minor item.

3. Confirmation of Minutes

"That the minutes of the ordinary meeting of 27 March 2017 Part I Public, the extraordinary meeting of 3 April 2017 Part I Public and the extraordinary meeting of 10 April 2017 Part I Public be confirmed as a true and correct record."

Page 7

REPORTS

- 4. Discussion Document and Submission form for Māori Ward Options** Page 31
Memorandum, dated 28 March 2017 from Legal Counsel, John Annabell.
- 5. Elected Member Code of Conduct** Page 39
Memorandum, dated 28 March 2017 from Legal Counsel, John Annabell.
- 6. Standing Orders** Page 103
Memorandum, dated 5 April 2017 from Legal Counsel, John Annabell.
- 7. Review of Operations of District Licensing Committee** Page 201
Memorandum, dated 5 April 2017 from Legal Counsel, John Annabell.
- 8. Establishment of Jaycee Trust Travelling Fellowship Panel** Page 203
Memorandum, dated 5 April 2017 from the Governance & Support Team Leader, Kyle Whitfield.
- 9. Elected Member Appointee to the Community Services Council** Page 211
Memorandum, dated 4 April 2017 from the Governance & Support Team Leader, Kyle Whitfield.
- 10. Conference Opportunity - 2nd Annual Mixed-Use Development** Page 213
Memorandum, dated 6 April 2017 from the Governance & Support Team Leader, Kyle Whitfield.

RECOMMENDATIONS FROM COMMITTEE MEETINGS

- 11. Presentation of the Part I Public Manawatu District/Palmerston North City Joint Strategic Planning Committee Recommendations from its 31 March 2017 Meeting** Page 223

“That the Committee’s recommendations be adopted or otherwise dealt with.”

12. Presentation of the Part I Public Arts, Culture and Heritage Committee Recommendations from its 3 April 2017 Meeting Page 225

“That the Committee’s recommendations be adopted or otherwise dealt with.”

13. Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 3 April 2017 Meeting Page 227

“That the Committee;s recommendations be adopted or otherwise dealt with.”

144. Presentation of the Part I Public Finance and Performance Committee Recommendations from its 19 April 2017 Meeting – *To be separately circulated.*

“That the Committee;s recommendations be adopted or otherwise dealt with.”

155. Exclusion of Public

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
166	Minutes of the ordinary meeting - Part II Confidential - 27 March 2017 and the extraordinary meeting - Part II	For the reasons setout in the ordinary minutes of 27 March 2017 and the extraordinary minutes of 10 April 2017, held in public present.	

	Confidential - 10 April 2017		
177 .	Notice of Motion - Leave of Absence	Privacy	s7(2)(a)

This resolution is made in reliance on Section 48(1)(a) 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 which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

Chief Executive (Paddy Clifford), Chief Financial Officer (Grant Elliott), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Strategic Communications Manager (Mark Torley) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council's Management Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell and Rachel Corser), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

< add officers who are authors of reports or their substitutes > because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their respective report.

<add third parties, e.g. authors of third party reports being considered>, because of their knowledge and ability to assist the meeting in speaking to their report/s [or other matters as specified] and answering questions, noting that such person/s will be present at the meeting only for the items that relate to their respective report/s [or matters as specified].

PALMERSTON NORTH CITY COUNCIL

Minutes of the Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 27 March 2017, commencing at 9.00am

Members Present: The Mayor (Grant Smith) (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Apologies: Councillor Jim Jefferies.

Councillor Rachel Bowen left the meeting at 9.19am during consideration of clause 26. She entered the meeting again at 9.39am during consideration of clause 27. She was not present for clause 26.

22-17 Apologies

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That Council receive the apologies.

23-17 Confirmation of Minutes

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the minutes of the ordinary meeting of 6 March 2017 Part I Public be confirmed as a true and correct record.

REPORTS

24-17 Memo to Council about remit proposal for LGNZ AGM

Memorandum, dated 10 March 2017 from the Strategy & Policy Manager, Julie Macdonald.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the Council note the remit proposal made by the Palmerston North City Council and supported by the Zone 3 meeting on 9 March 2017 as outlined below:
 - (i) That where any extraordinary vacancy arises in any local authority or community board more than 12 months before the next triennial election, and that vacancy is for any position other than Mayor then that position may be left vacant, or filled by an appointment made by the relevant local authority.
 - (ii) That such appointment, or decision to leave such a vacancy vacant be conditional on there being no valid demand from electors requesting that a by-election be held.
 - (iii) That immediately following the decision to leave the vacancy vacant or to make such an appointment, the local authority must give public notice advising of its decision, but that a by-election must be held instead if 5 percent of electors of the relevant local authority or ward or community or sub-division demand that a by-election be held.

25-17

Approval of International Travel for the Mayor, July 2017

Memorandum, dated 13 March 2017 from the International Relations Manager, Toni Grace.

Moved Tangi Utikere, seconded Aleisha Rutherford.

RESOLVED

1. That the Mayor be granted approval to travel overseas in July 2017 to lead a business delegation to China and Japan, and associated business.

The Mayor (Grant Smith) abstained from voting.

26-17

Project Capital Budget Adjustments for Water and Waste

Memorandum, dated 20 March 2017 from the Water & Waste Services Manager, Robert van Bentum.

Councillor Rachel Bowen left the meeting at 9.19am

Moved Grant Smith, seconded Susan Baty.

RESOLVED

1. That the budget for 2016/17 in Wastewater Capital New Programme 646 – “Awapuni Landfill – Gas Pipeline Link” be revised from \$312,000 to \$382,000 utilising savings of \$70,000 from Water Capital New Programme 610 – “Turitea Valley Road / Pacific Drive New Water Supply Link.”
2. That the budget for 2016/17 in Rubbish and Recycling Capital New Programme 1109 – “Awapuni Resource Recovery Park – Safety Improvements” be revised from \$519,000 to \$589,000 utilising savings of \$70,000 from Water Capital New Programme 610 – “Turitea Valley Road / Pacific Drive New Water Supply Link.”
3. That the budget for 2016/17 in Water Capital Renewal Programme 643 – “Turitea Water Treatment Plant Replacement of Filter Media” be revised from \$83,000 to \$124,000 by utilising savings of \$41,000 from Capital Renewal Programme 652 – “Turitea Dams – Access Road Improvements.”
4. That the LTP Programme 1063 - Turitea WTP – “Replacement of SCADA System Hardware and Software” be funded in 2016/17 rather than in 2019/20, by providing a budget of \$80,000 utilising savings of \$80,000 from Capital Renewal Programme 640 – “Turitea WTP Replacement of Sludge Pipeline.
5. That a new 2016/17 Capital Renewal Programme called “Water Safety and Security Renewal Projects” with a budget of \$111,000 be created by utilising savings of \$111,000 from Capital Renewal Programme 640 – “Turitea WTP Replacement of Sludge Pipeline.”

27-17

Electoral System, Maori Wards and Online Voting

Memorandum, dated 8 March 2017 from the Legal Counsel, John Annabell.

Councillor Rachel Bowen entered the meeting again at 9.39am

Moved Tangi Utikere, seconded Vaughan Dennison.

RESOLVED

1. That the electoral system to be used for the 2019 elections be the Single Transferrable Voting (STV) electoral system.

Clause 27.1 above was carried 13 votes to 2, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Leonie Hapeta, Lorna Johnson, Duncan McCann, Karen Naylor, Aleisha Rutherford and Tangi Utikere.

Against:

Councillors Lew Findlay QSM and Bruno Petrenas.

PALMERSTON NORTH CITY COUNCIL

Moved Grant Smith, seconded Leonie Hapeta.

2. That the Chief Executive be instructed to report further to the Council on the possible establishment of a Māori ward or wards, such report to include a draft consultation document seeking community input as well as a specific approach to Māori community engagement before a final decision is made later this year.

Clause 27.2 above was carried 15 votes to 0, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Moved Grant Smith, seconded Leonie Hapeta.

3. That the Council agrees to participate in a possible trial on online voting, subject to further information about possible additional costs to be submitted at a later date.

Clause 27.3 above was carried 14 votes to 1, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

Against:

Councillor Adrian Broad.

Note:

On a motion that "The Chief Executive be instructed to report further to the Council on the choice of electoral systems, such report to include a draft consultation document seeking community input before a final decision is made later this year", the motion was lost 5 votes to 10, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Adrian Broad, Lew Findlay QSM, Leonie Hapeta and Bruno Petrenas.

Against:

Councillors Brent Barrett, Susan Baty, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Lorna Johnson, Duncan McCann, Karen Naylor, Aleisha Rutherford and Tangi Utikere.

28-17

Appointment to the Te Apiti Manawatu Gorge Project Update

Memorandum, dated 3 March 2017 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Vaughan Dennison, seconded Aleisha Rutherford.

RESOLVED

1. That Council approves the appointment of the Mayor to the Te Apiti Manawatu Gorge Project Governance Group with the Deputy Mayor as a substitute.

29-17

Addition to the 'Elected Member Expense Policy 2016-2019'

Memorandum, dated 21 March 2017 from the Governance & Support Team Leader, Kyle Whitfield.

Following discussion elected members made a number of amendments to the Elected Member Expense Policy 2016-2019.

Moved Tangi Utikere, seconded Leonie Hapeta.

RESOLVED

1. That the following is added to the 'Elected Member Expense Policy 2016-2019' under the heading of 'Mayor':

The provision of:

- Mobile telephone;
- Computer and/or tablet; and
- An internet connection.

In addition, the Council pays in full the Mayor's:

- Home telephone rental, and associated toll charges; and
- Monthly cellphone based rental, and all associated call charges.

Moved Lew Findlay QSM, seconded Leonie Hapeta.

2. That the Remuneration authority be asked if clause 29.1 above could be backdated to the last election.

Moved Karen Naylor, seconded Rachel Bowen.

3. That the word "all" be deleted in the paragraph starting "All travel and accommodation arrangements for elected members are to be made by council staff ..." and that "If an elected member opts to arrange their own travel, they are entitled to be reimbursed at the rate of the most economic cost of travel available to council staff, or the actual cost of travel (whichever is lower)." be added to the end of that paragraph.

Moved Brent Barrett, seconded Karen Naylor.

4. That at the end of the paragraph starting "Travel and Accommodation" the

words “should consider cost efficiency and environmental efficiency” be added.

Moved Rachel Bowen, seconded Leonie Hapeta.

5. That an additional category be added to elected member expenses entitled “Other” and the words “other expenses will be reimbursed to or paid on behalf an elected member where in the opinion of the CEO such expenses are justified” be added.

The Mayor (Grant Smith) declared a conflict of interest and withdrew from voting and discussion on clause 29-17 above.

30-17

Local Government New Zealand Annual Conference

Memorandum, dated 14 February 2017 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Grant Smith, seconded Tangi Utikere.

RESOLVED

1. That the Council’s delegation to the 2017, 2018 and 2019 Local Government New Zealand Annual Conferences and Annual General Meetings consist of the Mayor, Chief Executive, two councillors and up to two further “observer” councillors.
2. That registrations of interest be called from councillors interested in being selected to attend the Local Government New Zealand Annual Conference and Annual General Meeting 2017, such registrations to be forwarded to the Governance and Support Team Leader by the closing date of 4.00pm on Friday 21 April 2017, the final decision on which councillors will attend to be made by the Mayor and Deputy Mayor.
3. That Council delegate that the Local Government New Zealand 2018 and 2019 Annual Conferences and Annual General Meetings be determined in those years, via a memorandum direct to councillors (rather than to a committee or Council meeting), calling for registrations of interest, the final decision on which councillors will attend in those years to be made by the Mayor and Deputy Mayor.

RECOMMENDATIONS FROM COMMITTEE MEETINGS

31-17

Planning and Strategy Committee Part I Public - 6 March 2017

Consideration was given to Planning and Strategy Committee

recommendations as appended to these minutes.

Moved Duncan McCann, seconded Aleisha Rutherford.

RESOLVED

1. That the Committee's recommendations be adopted.

Councillor Susan Baty abstained from voting.

32-17

Sport and Recreation Committee Part I Public - 6 March 2017

Consideration was given to Sport and Recreation Committee recommendations as appended to these minutes.

Moved Leonie Hapeta, seconded Duncan McCann.

RESOLVED

1. That the Committee's recommendations be adopted.

Councillor Susan Baty abstained from voting.

33-17

Community Development Committee Part I Public - 13 March 2017

Consideration was given to Community Development Committee recommendations as appended to these minutes.

During consideration of the begging bylaw it was noted that the intimidatory behaviour of the beggars was the issue to be addressed, and this could possibly be achieved through an amendment to an existing bylaw.

Moved Karen Naylor, seconded Rachel Bowen.

RESOLVED

1. That clause 9.3 of the Committee's recommendation be amended to read "That council address issues of intimidatory behaviour related to begging through an existing or new Bylaw."

Clause 33.1 above was carried 11 votes to 4, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Lew Findlay QSM, Leonie Hapeta, Duncan McCann, Karen Naylor and Bruno Petrenas.

Against:

Councillors Vaughan Dennison, Lorna Johnson, Aleisha Rutherford and Tangi Utikere.

Moved Leonie Hapeta, seconded Rachel Bowen.

2. That the balance of clause 9-17 of the Committee's recommendations be

adopted.

Councillors Susan Baty and Tangi Utikere abstained from voting on clause 32.2 above.

Moved Aleisha Rutherford, seconded Rachel Bowen.

3. That clause 8.1 of the Committee's recommendation be adopted.

Clause 33.3 above was carried 9 votes to 2, with 2 abstentions, the voting being as follows:

For:

The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Gabrielle Bundy-Cooke, Vaughan Dennison, Leonie Hapeta, Duncan McCann, Bruno Petrenas and Aleisha Rutherford.

Against:

Councillors Lorna Johnson and Karen Naylor.

Abstained:

Councillors Susan Baty and Tangi Utikere.

4. That the balance of clause 8-17 of the Committee's recommendations be adopted.

Councillors Adrian Broad and Lew Findlay QSM declared a conflict of interest and withdrew from voting and discussion on clause 32.3 and 32.4 above.

Note:

On a motion that: "Clause 9.3 of the Committee recommendations be adopted", the motion was lost 0 votes to 13, with 2 abstentions, the voting being as follows:

Against:

The Mayor (Grant Smith) and Councillors Brent Barrett, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas and Aleisha Rutherford.

Abstained:

Councillors Susan Baty and Tangi Utikere.

34-17

Finance and Performance Committee Part I Public - 20 March 2017

Consideration was given to Finance and Performance Committee recommendations as appended to these minutes.

Moved Cr Susan Baty, seconded The Mayor (Grant Smith).

RESOLVED

1. That the clause 14-17 of the Committee's recommendations be adopted.
2. That the balance of the Committee's recommendations be adopted

EXCLUSION OF PUBLIC

35-17

Recommendation to Exclude Public

Moved Grant Smith, seconded Aleisha Rutherford.

RESOLVED

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
16.	Award of Contract 3442 for Engagement of Technical Advisers for the Wastewater BPO Project	Third Party Commercial	s7(2)(b)(ii)
17.	Youth Council representative on the CCNZ Arts and Culture Fund Committee	Privacy	s7(2)(a)

This resolution is made in reliance on Section 48(1)(a) 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 which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has been excluded for the reasons stated.

Chief Executive (Paddy Clifford), Chief Financial Officer (Grant Elliott), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Strategic Communications Manager (Mark Torley) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council’s Management Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell and Rachel Corser), because of their knowledge

and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

Water and Waste Services Manager (Robert van Bentum) and Special Projects Manager (Phil Walker) because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officers will be present at the meeting only for the item that relates to their respective report.

The public part of the meeting finished at 10.47am

Confirmed 24 April 2017

Mayor

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 27 March 2017

TITLE: Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 6 March 2017 Meeting

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 6 March 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

11-17 Amendment to the Signs and Use of Public Places Bylaw Administration Manual

Memorandum, dated 13 February 2017 from the Policy Analyst, Peter Ridge.

The **COMMITTEE RECOMMENDS**

1. That the Council determines that no consultation is necessary because the proposed changes are very minor and do not significantly affect any particular group of stakeholders.
2. That the Council amend the Palmerston North Signs and Use of Public Places Bylaw 2015 Administration Manual as shown in appendix 1 of the memorandum entitled 'Amendment to the Signs and Use of Public Places Bylaw Administration Manual' dated 13 February 2017 by tracked changes, to come into effect on 3 April 2017.

12-17 LGNZ Metro Sector Remit Proposals

Memorandum, dated 13 February 2017 from the Strategy & Policy Manager, Julie Macdonald.

The **COMMITTEE RECOMMENDS**

1. That the Council supports the following remit proposal at the LGNZ metro sector meeting: "That LGNZ advocates to central government to provide co-ordination and policy requirements for local authorities to enable them to assist New Zealand meeting its commitment under the Paris Agreement."
2. That the Council supports the following remit proposal at the LGNZ metro sector meeting: "That LGNZ advocates to central government to amend the Litter Act 1979 to enable local authorities to legally issue infringement notices where there is evidence of an offence."

13-17 City Centre Streetscape Plan Bus & Parking Trials

Memorandum, dated 20 February 2017 from the City Planning Manager, David Murphy and the Roding Manager, Jon Schwass.

The COMMITTEE RECOMMENDS

1. That resolutions 80.5 and 80.6 made by the Council at its meeting held on 27 June 2016 and which adopted recommendations 42.10(d) and 42.10(e) made by the Planning and Policy Committee at its meeting held on 20 June 2016 and which related to bus and parking trials associated with the City Centre Streetscape Plan be revoked.
2. That the 90^o parking arrangement contained within the City Centre Streetscape Plan be assessed via a traffic safety audit using a multi-disciplinary team.
3. That the results of the safety audit are brought back to the Planning and Strategy Committee before a decision is made to proceed with a trial or not.

NOTE:

As stated in the memorandum entitled 'City Centre Streetscape Plan Bus and Parking Trials' dated 20 February 2017, officers encountered difficulties in delivering resolutions 80.5 and 80.6 made by Council on 27 June 2016 and therefore recommended that these be revoked. With respect to resolution 42.10(d) – Bus Route Trial it was noted that there is little opportunity under current service contracts and schedules to make alterations to bus routes without incurring financial penalties or putting service reliability at risk on some routes. With respect to resolution 42.10(e) – Parking Trial, undertaking a trial between Main Street and Church Street on the eastern side of The Square would have prolonged the period of uncertainty and disturbance for retailers directly adjacent to this section of road.

The Committee has agreed with the officer's recommendation and now recommends that the resolutions referred to above be revoked. This procedure is permitted under standing order 3.9.18. For further information, refer to the memorandum above.

14-17 Pedestrian Facilities and Safety (NZTA) - March 2017

Memorandum, dated 20 February 2017 from the Senior Transportation Engineer, Glenn Connelly.

The COMMITTEE RECOMMENDS

1. That the Committee note the progress and actions regarding pedestrian

safety and crossing facilities on State Highways in Palmerston North to be formally raised with the New Zealand Transport Agency, in particular on:

- State Highway 3 between Roberts Line and Stoney Creek Road
- State Highway 3 on Princess Street fronting UCOL
- State Highway 57 on Aokautere Drive fronting the Summerhill Shopping Centre

2. That the Chief Executive be instructed to further investigate a signalised crossing at the pedestrian refuge in Princess Street between King and Queen Street.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 27 March 2017

TITLE: Presentation of the Part I Public Sport and Recreation Committee Recommendations from its 6 March 2017 Meeting

Set out below are the recommendations only from the Sport and Recreation Committee meeting Part I Public held on 6 March 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

7-17 Options for the Palmerston North City Council to obtain additional Lane Space at peak times at either Council-owned or other Pool facilities

Report, dated 14 February 2017 from the Leisure Asset Officer, Rob Bellad-Ellis.

The **COMMITTEE RECOMMENDS**

1. That the Chief Executive be instructed to enter into negotiations with the Ashhurst School Board of Trustees to extend the existing contracted hours for public use during the winter months when the Lido Aquatic Centre outdoor pool is closed, subject to reaching agreement with swimming clubs willing to relocate their activities from the Lido Pool to the Ashhurst School Pool.
2. That the Chief Executive be instructed to investigate opportunities to partner with the Community to deliver new swimming pool facilities for the Long Term Plan.

9-17 Palmerston North City Dog Park

Report, dated 1 November 2016 from the Leisure Assets Planner, Jason Pilkington.

The **COMMITTEE RECOMMENDS**

1. That Council endorse Waitoetoe Park as the preferred site for a Palmerston North Dog Park.
2. That the specific site location and details of the dog park be determined within the wider context of preparing and adopting the Waitoetoe Park

Reserve Development Plan.

3. That Council note that a draft Waitoetoe Park Reserve Development Plan would be brought to Council by June 2017.

10-17 Clearview Park Proposed Land Exchange

Report, dated 16 February 2017 from the Leisure Assets Planner, Jason Pilkington.

The **COMMITTEE RECOMMENDS**

1. That the Chief Executive Officer be instructed to consult with the public on the proposed land exchange of 1340 square metres of land at Clearview Park (Lot 1 DP 69185, 187 189 & 67876) for 2218 square metres of land owned by Fair Investments Ltd. (Lot 146 DP 372992) as described in the report dated 16 February 2017 and entitled "Clearview Park Proposed Land Exchange".

ATTACHMENTS

NIL

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 27 March 2017

TITLE: Presentation of the Part I Public Community Development Committee Recommendations from its 13 March 2017 Meeting

Set out below are the recommendations only from the Community Development Committee meeting Part I Public held on 13 March 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

8-17 Class 4 Gambling Venues Policy and Racing Board Venue Policy Reviews - Deliberations on Submissions

Memorandum, dated 16 February 2017 from the Policy Analyst, Peter Ridge.

The **COMMITTEE RECOMMENDS**

1. That the Council adopts the Palmerston North Class 4 Gambling Venue Policy 2017, as shown in Appendix 1 to this report, to come into effect on 28 March 2017, replacing the Palmerston North Class 4 Gambling Venue Policy 2012 on the same date.
2. That the Council adopts the Palmerston North Racing Board Venue Policy 2017, as shown in Appendix 2 to this report, to come into effect on 28 March 2017, replacing the Palmerston North Racing Board Venue Policy 2012 on the same date.
3. That the Chairperson and Deputy Chairperson of the Community Development Committee be given delegated authority to approve minor amendments to the Palmerston North Class 4 Gambling Venue Policy 2017 and Racing Board Venue Policy 2017 prior to publication.
4. That a clause be inserted to allow relocation of a venue where the reason for the relocation is beyond the control of the venue (for example fire or earthquake).

9-17 Begging in the CBD

Report, dated 3 March 2017 from the Manager - Community Engagement, Ian Littleworth.

The COMMITTEE RECOMMENDS

1. That the report Begging in the CBD be received.
2. That Council does not extend the MASH Trust contract to provide targeted services supporting the social needs of beggars in the CBD.
3. That Council carry out option 5 outlined in the report dated 3 March 2017, entitled “Begging in the CBD”, Development of a Begging Bylaw.
4. That the Council decision at its September 2016 meeting, adopting recommendation 44.3 of the September 2016 Community Development meeting (That Officers present plans for a 3 month educational campaign to Council at the next available opportunity), be revoked.
5. That the Chief Executive be instructed to trial option 4, Place Activation options, as outlined in the report dated 3 March 2017, entitled “Begging in the CBD”, within existing budgets and report back by June 2017.

NOTE: Councillor Tangi Utikere abstained from voting on clauses 71.2 to 71.5 inclusive.

At the September 2016 Community Development Meeting the Committee recommended that an educational campaign be trialled to see what impact it would have on reducing beggars. Since that time further information had been received related to previous campaigns, such as the Give Wisely, and the limited impact it had on reducing the number of beggars.

The Committee has therefore agreed that an educational campaign would have little effect on the begging issue and therefore is recommending that Recommendation 44.3 of the Community Development’s September 2016 meeting be revoked. This procedure is permitted under standing order 3.9.18.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 27 March 2017

TITLE: Presentation of the Part I Public Finance and Performance Committee Recommendations from its 20 March 2017 Meeting

Set out below are the recommendations only from the Finance and Performance Committee meeting Part I Public held on 20 March 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

14-17 Library Refurbishment Project

The **COMMITTEE RECOMMENDS**

THAT THE FINANCE AND PERFORMANCE COMMITTEE RECOMMENDS:

1. That as part of the Library Refurbishment Project, the future access and use of the Heritage Staircase be assessed and restoration cost estimates be reported as part of the next Long Term Plan (LTP) review up to \$40,000.

15-17 Palmerston North Airport Ltd - Interim Report for 6 months to 31 December 2016

Memorandum, dated 6 March 2017 from the Strategy Manager Finance, Steve Paterson.

The **COMMITTEE RECOMMENDS**

1. That the Interim Report and Financial Statements of Palmerston North Airport Ltd for the period ended 31 December 2016 be received.

16-17 Palmerston North Airport Ltd - Draft Statement of Intent for 2017/18

Memorandum, dated 6 March 2017 from the Strategy Manager Finance, Steve Paterson.

The **COMMITTEE RECOMMENDS**

1. That the Palmerston North Airport Ltd draft Statement of Intent for

2017/18 be received and its assumptions endorsed.

2. That the Palmerston North Airport Ltd draft Statement of Intent for 2018/19 be updated to include scoping process, feasibility and value proposition of gaining carbon neutral certification.

17-17 New Programme for Infeed Conveyor Upgrade at Awapuni MRF

Report, dated 23 February 2017 from the Water & Waste Services Manager, Robert van Bentum and the Rubbish and Recycling Engineer, Natasha Hickmott.

The **COMMITTEE RECOMMENDS**

1. That the Committee approve the creation of a new 2016/17 Capital New programme for \$50,000 for the upgrade of the Infeed Conveyor at the Awapuni Materials Recycling Facility.

18-17 Central Energy Trust Wildbase Recovery - Establishing the Project Steering Group

Report, dated 8 March 2017 from the Senior Property & Parks Planner, Aaron Phillips.

The **COMMITTEE RECOMMENDS**

1. That Council endorse the project management structure including establishment of a Project Steering Group as outlined in Figure One of the Report titled "Central Energy Trust Wildbase Recovery – Establishing the Project Steering Group" dated 8 March 2017.
2. That the Chief Executive seek expressions of interest from Elected Members for two Central Energy Trust Wildbase Recovery Project Steering Group positions.
3. That the Mayor, Deputy Mayor and Chair of the Finance and Performance Committee form a recruitment panel and make two Councillor appointments to the Central Energy Trust Wildbase Recovery Project Steering Group.

19-17 Urgent Replacement of Lift Pumps Maxwells Line

Memorandum, dated 6 March 2017 from the Waste Water Asset Engineer, Phil Burt and the Water & Waste Services Manager, Robert van Bentum.

The COMMITTEE RECOMMENDS

1. That the Committee approve the reallocation of \$100,000 from Capital Renewal Programme 54 – Wastewater Mains Renewal to Capital Renewal Programme 65 – Wastewater Pump Station Renewal to enable urgent replacement of two lift pumps at the Maxwell's Line Wastewater Pump Station within the 2016/17 financial year.

ATTACHMENTS

Nil

PALMERSTON NORTH CITY COUNCIL

Minutes of the Extraordinary Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 03 April 2017, commencing at 9.02am

Members Present: The Mayor (Grant Smith) (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

REPORTS

38-17 Approval of International Travel for the Mayor - April 2017
Memorandum, dated 29 March 2017 from the Governance & Support Team Leader, Kyle Whitfield.

Moved Leonie Hapeta, seconded Aleisha Rutherford.

RESOLVED

1. That the Mayor be granted approval to travel to Sydney, Australia from Wednesday 5 April to Friday 7 April 2017 for a business opportunity.

The Mayor (Grant Smith) abstained from voting on clause 38-17 above.

The meeting finished at 9.04am

Confirmed 24 April 2017

Mayor

PALMERSTON NORTH CITY COUNCIL

Minutes of the Extraordinary Council Meeting Part I Public, held in the Council Chamber, First Floor, Civic Administration Building, 32 The Square, Palmerston North on 10 April 2017, commencing at 9.00am

Members Present: The Mayor (Grant Smith) (in the Chair) and Councillors Brent Barrett, Susan Baty, Rachel Bowen, Adrian Broad, Gabrielle Bundy-Cooke, Vaughan Dennison, Lew Findlay QSM, Leonie Hapeta, Jim Jefferies, Lorna Johnson, Duncan McCann, Karen Naylor, Bruno Petrenas, Aleisha Rutherford and Tangi Utikere.

EXCLUSION OF PUBLIC

39-17 Recommendation to Exclude Public

Moved Grant Smith, seconded Vaughan Dennison.

RESOLVED

“That the public be excluded from the following parts of the proceedings of this meeting listed in the table below.

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

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
4.	Award of tender for Central Energy Trust Wildbase Recovery	Negotiations	s7(2)(i)

This resolution is made in reliance on Section 48(1)(a) 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 which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as stated in the above table.

Also that the persons listed below be permitted to remain after the public has

been excluded for the reasons stated.

Chief Executive (Paddy Clifford), Chief Financial Officer (Grant Elliott), General Manager, City Enterprises (Ray McIndoe), General Manager, City Future (Sheryl Bryant), General Manager, City Networks (Ray Swadel), General Manager, Customer Services (Peter Eathorne), General Manager, Libraries and Community Services (Debbie Duncan), Human Resources Manager (Wayne Wilson) and Strategic Communications Manager (Mark Torley) because of their knowledge and ability to provide the meeting with advice on matters both from an organisation-wide context (being members of the Council's Management Team) and also from their specific role within the Council.

Legal Counsel (John Annabell), because of his knowledge and ability to provide the meeting with legal and procedural advice.

Governance and Support Team Leader (Kyle Whitfield) and Committee Administrators (Penny Odell and Rachel Corser), because of their knowledge and ability to provide the meeting with procedural advice and record the proceedings of the meeting.

Senior Property and Parks Planner (Aaron Philips) and Project Investment Co-ordinator (Clint Dunstan) because of their knowledge and ability to assist the meeting in speaking to their report and answering questions, noting that such officer will be present at the meeting only for the item that relate to their respective report.

Project Manager Becca (Saiful Islam), Quantity Surveyors, Rider Levett Bucknall (Wayne Kitching and Michael Craine) because of their knowledge and ability to assist the meeting in speaking to the reports and answering questions, noting that such persons will be present at the meeting only for the items that relate to their respective report

The public part of the meeting finished at 9.01am

Confirmed 24 April 2017

Mayor

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Discussion Document and Submission form for Māori Ward Options

DATE: 28 March 2017

AUTHOR/S: John Annabell, Legal Counsel, City Corporate

ITEM 4

RECOMMENDATION(S) TO COUNCIL

1. That the attached discussion paper about the Māori ward options be approved for consultation.
2. That the Mayor and Deputy Mayor be authorised to approve minor changes to the discussion paper and information to be included about consultation meetings.
3. That submissions be considered by the Council at an Extraordinary meeting to be held at 2.00 pm on Monday 2 October 2017, with submitters to be provided with an opportunity to speak to their submissions if they wish.
4. That a decision on the Māori ward options be made by the Council at its ordinary meeting to be held on Tuesday 24 October 2017.

1. ISSUE

At the March 2017 meeting, the Council instructed the Chief Executive to report further on the possible establishment of a Māori ward or wards, with the report to include a draft consultation document seeking community input before final decisions are made later this year. This memorandum includes the draft consultation document.

2. BACKGROUND

Further background material is contained in the draft discussion document.

If the draft consultation document is approved, it will be released for consultation for a period of just over six weeks in August and September, with submissions to be


considered and decisions made by Council at meetings to be held in October 2017. If the Council wishes to establish a Māori ward or wards for the 2019 and 2022 elections, that decision is required by the Local Electoral Act 2002 to be made by 23 November 2017 at the latest.

As well as making the discussion document available on the Council's website and in libraries, consultation will be supplemented with media releases and articles published in the *Square Circular*. Meetings will also be held, both for the general public and also for interested Māori organisations. These meetings will take place either during or shortly before the consultation period commences on 1 August 2017.

3. NEXT STEPS

Approval of the draft consultation document will enable consultation to be commenced on the Māori ward options. It is proposed that decisions be made by the Council by October 2017 so any change to the present arrangements can be implemented for the 2019 local government elections.

ATTACHMENTS

1. Discussion Document for Maori Ward Options [↓](#) 

John Annabell
Legal Counsel

DISCUSSION DOCUMENT AND SUBMISSION FORM FOR MĀORI WARD OPTIONS

Introduction

As part of a process of reviewing its political arrangements for the local government elections to be held in October 2019, the Council has decided to consult with the community about whether or not a Māori ward or wards should be established.

The Council now invites you to have your say. The choices and issues are outlined in this paper. A submission form is also attached.

Background

The option of having Māori wards has been developed by Parliament as a way to enhance the role of Māori in local government decision-making. Māori wards are intended to substantially represent the importance of the Māori community voice, to provide assurance that issues of priority to Māori can be more directly brought to Council, and to promote confidence in local government decision-making processes, knowing that where there is a distinctive Māori perspective related to a matter, someone will be able to interpret and weigh up the associated issues. Importantly Māori wards are intended to address a concern that local government does not at present represent Māori issues, or wider issues with real implications for the Māori community, in ways that are compelling to, and engaging of, the Māori community.

Māori wards are a way of ensuring Māori voices in the community are heard where otherwise representation would be hard to achieve. Essentially, Māori direct the same single transferable vote, that all other electors have, towards those candidates standing in a Māori ward and promoting the issues of concern for those Māori voters. A Māori ward is intended to strengthen democratic participation by giving voice to a group who, historically and currently, are under-represented and have a low level of participation in local government.

In 2005, 2008, and in 2011, the Council decided not to establish a separate Māori ward or wards for those elections. However, the Council now, if it wishes, could resolve to introduce a Māori ward or wards for the 2019 and 2022 elections or to conduct a poll. Electors could also demand a poll, regardless of whether or not the Council has considered the matter. A Council resolution to introduce a Māori ward or wards for the 2019 elections would need to be passed by 23 November 2017 whilst a poll, if held, must take place not later than 21 May 2018.

Māori Ward Options

Since the passage of the Local Electoral Amendment Act 2002, all Councils have had the option of establishing Māori constituencies or wards by resolution of Council and challengeable by a poll of all voters. The Palmerston North City Council accordingly has

the option of establishing a Māori ward or wards for the 2019 and 2022 elections. The number of Māori members to be elected to the Council depends on a mathematical formula based on the Māori and general electoral populations of the city, related to the total number of councillors. For Palmerston North City, the effect of applying this formula is:

Number of Māori Councillors	1	2	3
Total Number of Councillors	5-13	14-21	22-29

For Palmerston North, the likely scenarios for a Māori ward system would be:

- (a) One ward comprising electors on the Māori roll covering the whole of the city, electing one or two Councillors. Whether one or two Councillors are elected depends on the total number of Councillors, as shown on the table above, or
- (b) Two wards comprising electors on the Māori roll covering different parts of the city, each Māori ward electing one Councillor each. This option would only be possible if the Council is to comprise 14 or more Councillors.

If a Māori ward or wards were established, the remaining Councillors would be elected by either a single ward for non-Māori electors or a number of wards, which might be along the lines of a previous ward system that applied to the Council before the 2013 elections or some other arrangement.

Opportunities and Challenges

The principal advantage for establishing a Māori ward or wards is to provide a direct Māori voice on the Council. As with Māori representation at a national level, Māori representation in local government would affirm rights guaranteed to Māori as tangata whenua under the Treaty of Waitangi. As at 30 June 2016, the Māori electoral population for Palmerston North City was estimated to be 8,800. This represents a significant community of interest within the city.

In terms of the actual mechanisms of the option, a significant consideration could be that those on the Māori electoral roll will only get to vote for only one or two Councillors, whereas those on the general roll are likely to be able to participate in voting for a greater number of Councillors, depending on the representation arrangements (see below) that are finally approved for the city. However, as long as the affected electors are made aware of this, they are in the best position to weigh up this matter. It is likely that in choosing to be registered on the Māori roll for national elections in the first place that their priority is having a Māori voice on issues of priority for them, and in doing so have foregone voting for general candidates.

It is important that the Council values its current relationships in any engagement process. In particular, with the recent settlement of Rangitāne o Manawatū historical

claims, discussions around the representation of the iwi are distinct but very relevant to the Māori ward option and early engagement with them is critical.

Within the wider community Māori ward or wards have and continue to be a very controversial issue, which challenge the community's sense of fairness in a way that tends to mobilise a lot of people, or at least enough to have a decisive influence. So whatever approach and decisions the Council makes around these matters, some sensitivity towards the very real impact it has in the community needs to be considered and how the Council can provide leadership around this debate.

Consultation Meetings

A number of meetings will be held during or just before the consultation period commences on 1 August 2017. These meetings are:

[Information about these meetings to be added when known]

Submissions and Hearing

Submissions are invited from Tuesday 1 August 2017 through to Friday 15 September 2017. Persons wishing to speak in support of their submission will have an opportunity to do so at a Council meeting to be held at 2pm on Monday 2 October 2017.

Council Decision and Possible Poll

The Council is expected to make a decision on the Māori ward option at its meeting to be held at 9am on Tuesday 24 October 2017. The Council has the choices of retaining the present position, or establish a Māori ward or wards, or alternatively could decide to conduct a poll.

If the Council decides to establish a Māori ward or wards, the number of Māori Councillors and ward boundaries will be finalised as part to the Representation Review which will be carried out in 2018 (see below).

Electors could also demand a poll if they are not happy with the Council decision. A successful poll demand must be signed by 5 percent of city electors and be lodged with the City Council by 21 February 2018.

Representation Review

In 2018, the Council will carry out a representation review, through which the Council will address these questions:

- Whether voting for the Council will be city wide, or by wards, or a mixture of both systems.

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- The number of Councillors, including the number of Councillors per ward and ward boundaries, and wards to be used for electing Councillors.
- Whether any community boards should be established.

Once the Council has decided on its proposal for these matters, there will be an opportunity for people to make submissions and/or appeals.

Submission Form and Further Information

A submission form covering both matters is attached. For further information please contact:

John Annabell
Legal Counsel/Electoral Officer
City Corporate
Palmerston North City Council

Phone: (06) 356 8199

Email: John.Annabell@pncc.govt.nz

Or

Kyle Whitfield
Governance and Support Team Leader/Deputy Electoral Officer
City Corporate
Palmerston North City Council

Phone: (06) 356 8199

Email: Kyle.Whitfield@pncc.govt.nz

Information is also included on the Council's website, www.pncc.govt.nz



SUBMISSION ON MĀORI WARD OPTIONS

Please forward or post your
submission by
Friday 15 September 2017 to:

**Governance Team Leader
Palmerston North City Council
Private Bag 11-034
PALMERSTON NORTH 4442**

Email:
submission@pncc.govt.nz

Preferred Title: Mr / Mrs / Miss / Ms / Other

Name:

Organisation:

Address:

Phone:

(Home)

(Work)

(Mobile)

Email:

Signature:

1. Please tick the box if you wish to speak to this submission before Council at a meeting to be held at 2pm on Monday 2 October 2017: ☐

2. Please indicate which electoral roll you are on (*this is optional*):

General Roll ☐

Māori Roll ☐

For further information:

Visit our website: pncc.govt.nz/consultation

Email us: john.annabell@pncc.govt.nz

Telephone us: (06) 356 8199

SUBMISSIONS CLOSE ON FRIDAY 15 SEPTEMBER 2017

PLEASE NOTE:

- Submissions will not be returned, so if you want a copy please keep one.
- As required by the Local Government Official Information and Meetings Act 1987, all submissions will be regarded as being publicly available, including their placement on the Council's website. You can request your contact details (but not your name) to be regarded as confidential by ticking the following box:

Withhold my contact details (but not my name) ☐

- Yes ☐ No ☐

[illegible]

- Please attach additional information if you wish.
- As stated on the front of this form, all submissions are made available to the public.

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Elected Member Code of Conduct

DATE: 28 March 2017

AUTHOR/S: John Annabell, Legal Counsel, City Corporate

RECOMMENDATION(S) TO COUNCIL

1. That Council either:

- a. Confirm the existing Code of Conduct for elected and appointed members; or
- b. Decide to adopt a new Code of Conduct for elected members, the content of a new code to be based on the Local Government New Zealand Code of Conduct template attached, but also including such further alterations as may be approved by the Council, the new code and alterations to be reported to a later meeting of the Council after the alterations to the Local Government New Zealand template have been indicatively indicated at this Council meeting and/or at a councillor workshop.

1. ISSUE

The Local Government Act 2002 (LGA) requires the Council to have a current Code of Conduct. That code can be amended or replaced by a new code of conduct at any time, but in every case, requires a vote of not less than 75% of the members present.

The Council's present Code of Conduct was adopted on 24 August 2015. The review provision in that Code states that the Council will formally review the Code as soon as practicable after the beginning of each triennium. The purpose of this memorandum is to initiate the commencement of that review.

2. BACKGROUND

The current Code of Conduct is attached as Attachment 1. This Code was originally based on a Local Government New Zealand (LGNZ) template produced at the time the LGA came into force. Since that time, new codes have been progressively adopted with each

triennium so that the current code is significantly different from both the original code and template produced after the LGA was enacted.

Recently, Local Government New Zealand has produced both guidelines and template for a new code of conduct, respectively attached as Attachments 2 and 3.

The new template code of conduct differs from the present Palmerston North City Council (PNCC) code in a number of respects. These include:

- a) The LGNZ code applies to elected members only, whereas the PNCC code applies to both elected and appointed members. Appointed members for PNCC include the non-elected members of the Creative Communities NZ Arts and Culture Fund Committee and non-elected members of the District Licensing Committee.
- b) The LGNZ template includes provisions for creating a supportive and inclusive environment. See page 8 of the attached Guidelines.
- c) The LGNZ template clarifies who can make a complaint. Under the LGNZ template, complaints may be initiated only by elected members or the Chief Executive; under the PNCC code, complaints can be initiated by anyone
- d) The LGNZ template introduces a process for distinguishing between non-material and material complaints. See pages 10 and 11 of the attached Guidelines
- e) The LGNZ code includes somewhat different provisions for dealing with complaints. Under the LGNZ Code, complaints are referred to an investigator (appointed from a panel of investigators), who reports to the Council or committee. The Council then decides on whether a material breach of code has occurred and, if appropriate, what penalty or action should occur. In contrast, the PNCC current code includes processes for the informal resolution of complaints, the preliminary investigation of complaints not resolved, and mediation. A hearing takes place only if a complaint has not been resolved at that stage, the hearing being heard by an independent panel, which makes a recommendation to the Council.
- f) Whereas the PNCC code states that declarations of interest are available for public inspection at any time, there is no explicit statement about this in the LGNZ code.
- g) The LGNZ code includes several new penalties/sanctions not included in the PNCC code. These include a request for an apology, removal of certain Council-funded privileges such as attendance at conferences, restricted entry to council offices, limitations on




dealings with council staff, and an invitation for a member to consider resigning from the Council.

3. NEXT STEPS

If the Council decides to maintain its existing Code of Conduct, no further action is necessary. However, if amendments are made to the existing code, such amendments require a resolution supported by 75% or more of members of the Council present. If the present code is amended, it will be reprinted with amendments and circulated to elected members.

If the Council decides to adopt a new code of conduct based on the LGNZ template, the Chief Executive will report back to a later meeting, with that memorandum including a tracked change version of the code to indicate differences between the template and the new Council code. Those differences should be indicated either at this Council meeting and/or at a councillor workshop.

ATTACHMENTS

1. Current PNCC Code of Conduct [!\[\]\(fe490478475a991befb1892d0392ed23_img.jpg\)](#) 
2. LGNZ Code of Conduct - Guidelines [!\[\]\(8e90406636dd6e39e679eb20947139ea_img.jpg\)](#) 
3. LGNZ Code of Conduct Template [!\[\]\(48ed6adeb246210a86163186bebc20de_img.jpg\)](#) 

John Annabell
Legal Counsel

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PALMERSTON NORTH CITY COUNCIL

CODE OF CONDUCT

Adopted by Council 24 August 2015 | PUBLISHED BY GOVERNANCE AND SUPPORT TEAM | CITY CORPORATE 2015

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CODE OF CONDUCT

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PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct (the "Code") provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Palmerston North City Council. The Code extends to all elected and appointed members of Council committees and sub-committees.

The Code applies to the Mayor and elected and appointed members in their dealings with:

- Each other.
- The Chief Executive.
- All staff employed by the Chief Executive on behalf of the Council.
- The media.
- The general public.

The objectives of the Code are to enhance:

- The effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local governance of Palmerston North City.
- The credibility and accountability of the Council within its community.
- Mutual trust, respect and tolerance between the elected and appointed members as a group and between the elected and appointed members and management.

The Code seeks to achieve its objectives by recording:

- An agreed statement of roles and responsibilities (see Part Two of the Code).
- Agreed general principles of conduct (see Part Three of the Code).
- Specific codes of conduct applying to particular circumstances or matters (also see Part Three of the Code).
- An agreed procedure for the resolution of alleged breaches of the Code (see Part Four of the Code).

Elected members are primarily accountable to the electors of the City through the democratic process. However both elected and appointed members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968 (see Appendix to this Code).

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The Code is based on the following general principles of good governance:

- **Public Interest:** Members should serve only the interests of the City as a whole and never improperly confer an advantage or disadvantage on any one person or discrete group of people.
- **Honesty and Integrity:** Members should act with honesty and integrity and not place themselves in situations where those qualities may be questioned, nor behave improperly and on all occasions should avoid the appearance of such behaviour.
- **Objectivity:** Members should impartially make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire City.
- **Accountability:** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness:** Members should be as open as possible about their actions and those of the Council, and be prepared to justify their actions.
- **Personal Judgment:** Members can and will take account of the view of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for Others:** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff and should interact with each other in a respectful manner.
- **Duty to Uphold the Law:** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship:** Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership:** Members should promote and support these principles by example, and always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the Code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor as well as the role of appointed members and the Chief Executive.

2.1 Elected Members

Elected members are elected by the city as a whole and, acting together as the Council are responsible for:

- The development and adoption of Council goals, objectives and policies.
- Monitoring the performance of the Council against its stated goals, objectives and policies.
- Prudent stewardship of Council resources.
- Employment of the Chief Executive.
- Representing the interests of the residents and ratepayers of Palmerston North City - on election, the members' first responsibility is to the City as a whole.

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each member, including any person chairing a meeting, has only one vote. If the vote is tied, the motion is lost.

No individual member has authority to act on behalf of the Council unless the Council has expressly delegated such authority to him or her.

2.2 Mayor

The Mayor is elected by the City as a whole and as one of the elected members shares the same responsibilities as other members of the Council. The Mayor also has the following roles and powers:

- Appointment of the Deputy Mayor.
- Establishment of committees and the appointment of committee chairpersons.
- Leading the development of Council's plans (including the long term plan and annual plan), policies, and budgets for consideration by the members of the Council.
- Presiding as chairperson at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings as determined in standing orders.
- Advocating on behalf of the community. This role may involve promoting the community and representing its interests. Mayoral advocacy will be most effective where it is carried out with the knowledge and support of the Council. The Mayor has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

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- Acting as ceremonial head of the Council.
- Providing leadership and feedback to other elected members on teamwork and chairpersonship of committees.
- Being a Justice of the Peace during the period the Mayor holds office.

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action.

2.3 Deputy Mayor

The Deputy Mayor is usually appointed by the Mayor. The Deputy Mayor generally exercises the same roles as other elected members. If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor. The Deputy Mayor may be removed from office by resolution of the Council.

2.4 Committee Chairperson

The Council may create one or more committees of the Council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated to it by the Council, and as set out in the committee's Terms of Reference and Council's Delegations Manual. A committee chairperson may be called by the Mayor on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of the Council.

2.5 Appointed Members

The Council may appoint members of the public to any of its committees and a committee may appoint members of the public to sub-committees (with the prior approval of the Council) if it believes they have a significant contribution to make to the work of the committee or sub-committee. Appointed members also include the Chairperson and members of the Council's District Licensing Committee and all persons appointed by the Council to consider matters under the Resource Management Act 1991. Appointed members are subject to this Code. They will be made aware of this and will be provided a link to the on-line version, or a hard copy, of the Code upon their appointment.

2.6 Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing the Council's policies and decisions so as to accomplish its objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- Implementing the decisions of the local authority.
- Providing advice to the local authority.

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- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised.
- Managing the activities of the local authority effectively and efficiently.
- 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 the local authority.
- Employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

3.1 Relationships with Other Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. To achieve this objective elected and appointed members should conduct their dealings with each other in ways that:

- Maintain public confidence in the office to which they have been elected.
- Are open and honest.
- Focus on issues rather than personalities.
- Avoid behaviour which would be seen, by society in general, as aggressive, offensive or abusive conduct.

3.2 Relationships with Staff

The effective performance of the Council also requires a high level of cooperation and mutual respect between elected and appointed members and staff. To ensure that level of cooperation and trust is maintained, elected and appointed members will:

- Recognise that the Chief Executive, (on behalf of the Council), is the employer of all Council employees. Only the Chief Executive may hire, dismiss, instruct or censure any employee.
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times.
- Treat all employees with courtesy and respect, including the avoidance of behaviour which would be seen, by society in general, as aggressive, offensive or abusive conduct towards employees.
- Observe any guidelines that the Chief Executive puts in place regarding contact with employees.
- Not do anything which compromises, or could reasonably be seen as compromising, the impartiality of an employee.
- Avoid publicly criticising any employee in any way that reflects on the competence and integrity of the employee.
- Raise concerns about employees only with the Mayor or Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive's Performance Appraisal Panel.

Elected members should be aware that failure to observe this section of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

3.3 Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council and have their concerns heard and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

The expectations set out above also apply, as far as practicable, to comments made and images taken by elected and appointed members and published in any form of social media.

3.4 Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of the Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. This part of the Code deals with the rights and duties of Councillors when speaking to the media on behalf of the Council, or in their own right.

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

- The Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee chairperson.
- The Mayor may refer any matter to the relevant committee chairperson or to a member holding a relevant portfolio or to the Chief Executive for his or her comment.
- No other member may comment on behalf of the Council without having first obtained the approval of the Mayor.

Elected and appointed members are free to express a personal view in the media, at any time, provided the following rules are observed:

- Media comments must not state or imply that they represent the views of the Council.
- Where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that the statement represents a majority view.
- Media comments must be consistent with all other requirements of the Code.

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3.5 Confidential Information

In the course of their duties elected and appointed members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected and appointed members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Elected and appointed members should be aware that failure to observe these provisions will impede the performance of the Council by inhibiting the flow of information and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act 1993 and civil litigation.

3.6 Conflicts of Interest

Elected and appointed members must be careful that they maintain a clear separation between their personal interests and their duties as a member of the Council, a committee or sub-committee. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest such as the common law rule against bias.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected and appointed members are prohibited from participating 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. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Elected members must make a general declaration of interest annually and as soon as practicable after becoming aware of any new interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- Any employment, trade or profession carried on by the member or the member's spouse for profit or gain.
- Any company, trust, partnership etc. for which the member or their spouse is a director, partner, trustee or beneficiary.
- The address of any land in which the member has a legal or beneficial interest and which is in Palmerston North City. A beneficial interest in land is an interest where the member is not the legal owner of the freehold or leasehold estate, but has some right to the land which might be the right of occupation of the land or a

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right to the income or proceeds of sale of the land, or a share of such income or sale proceeds.

- The address of any land where the landlord is the Palmerston North City Council and:
 - The member or their spouse is a tenant; or
 - The land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary.
- 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.

Appointed members are not required to make a declaration but are advised to do so if their business or other activities might reasonably be regarded as likely to influence the member's actions during the course of their duties as a member.

Declarations of interest from elected and appointed members are available for public inspection at any time.

In addition to the statutory rules under the Local Authorities (Members' Interests) Act 1968, members are also subject to the common law rules governing conflicts of interest. These can be broad in nature and include non-pecuniary matters. They arise where a member's duties to the local authority could be affected by some other interest or duty that the member may have. This includes rules against bias which arises if a member might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration.

If the 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 immediately seek guidance from the Chief Executive.

Members may also contact the Office of the Auditor-General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member 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. The Chief Executive must also seek approval from the Office of the Auditor-General for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

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

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3.7 Standing Orders

Elected and appointed members must adhere to any standing orders adopted by the Council under the Local Government Act 2002. Those standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

3.8 Ethics

Palmerston North City Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members in relation to Council activities will:

- Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of the Council developed in accordance with that determination.
- Not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests.
- Not use Council resources for personal business unless approved by the Council, including campaigning for election or promotion of a particular point of view.
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position.
- Where a gift to the value of \$100 or more is received by virtue of their position as a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

3.9 Dress Code

Elected members must maintain a reasonable standard of dress when attending Civic Functions, Council meetings and committee meetings.

3.10 Disqualification of Members from Office

Elected members are automatically disqualified from office if they:

- Are convicted of a criminal offence punishable by two or more years imprisonment; or
- Breach the provisions of or are convicted of an offence under the Local Authorities (Members' Interests) Act 1968; or
- Cease to be or lose their status as a parliamentary elector.

The Council requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt. The Chief Executive will then notify the Mayor and all other elected members.

PART FOUR: COMPLIANCE AND REVIEW

In this Part, 'complainant' and 'member' refer to the singular or the plural as the context may require.

4.1 Compliance

Elected members must note that they are bound to comply with the provisions of the Code pursuant to the Local Government Act 2002, Schedule 7, clause 15(4). The Council also requires appointed members to comply with this Code.

Members are also bound by the other legislative provisions, in particular those of the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Financial Markets Conduct Act 2013. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are available to elected members. Short explanations of the obligations each of these impose with respect to conduct of elected members are attached in the Appendix to this Code.

4.2 Making and Withdrawing a Complaint

A complaint may be initiated by any elected or appointed member, any member of the Council staff, or any member of the public. A complaint may be made jointly by more than one person. A single complaint may be made jointly against more than one member. The rules of natural justice will be applied in all cases.

Any allegation of a breach of the Code must be in writing, making a specific allegation of a breach of the Code, and the complainant must provide corroborating evidence.

All complaints should be addressed to and delivered to the Chief Executive.

A complainant may withdraw his or her complaint at any time.

All alleged breaches of the Code, whether by elected or appointed members, will be investigated in the manner set out below in clauses 4.3 to 4.6.

4.3 Informal Resolution of Complaints

Before any formal investigation of a complaint is commenced, the Chief Executive, at his or her discretion, will endeavour to settle or resolve the complaint informally. This could involve seeking assistance or the advice of a suitable third party. However, where a complaint is instigated by the Chief Executive and is not about the Mayor or Deputy Mayor, the Mayor, at his or her discretion, may endeavour to settle or resolve the complaint informally. Where a complaint instigated by the Chief Executive is about the Mayor or Deputy Mayor, the independent legal counsel, at his or her discretion, may endeavour to settle or resolve the complaint informally.

As part of this process, the member against whom the complaint is made will be provided with a copy of the allegations against him or her and the corroborative evidence provided with the complaint.

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4.4 Preliminary Investigation of Complaints

Subject to the outcome of the informal process described in clause 4.3, all complaints will be investigated by the Mayor and Chief Executive in the first instance, except that if the complaint is:

- About the Mayor or Deputy Mayor, the investigation would be undertaken by the Chief Executive and independent legal counsel who is to be appointed by PNCC's in-house legal counsel.
- Instigated by the Chief Executive and is not about the Mayor or Deputy Mayor, the investigation will be undertaken by the Mayor and independent legal counsel who is to be appointed by PNCC's in-house legal counsel.
- Instigated by the Chief Executive and is about the Mayor or Deputy Mayor, the investigation will be undertaken by independent legal counsel alone who is to be appointed by PNCC's in-house legal counsel.

The preliminary investigation will be undertaken on the basis of information provided with the complaint and any additional information requested by those undertaking the preliminary investigation.

Those undertaking the preliminary investigation shall prepare a written report stating whether or not they consider there is a case to answer (the "Report"). This Report shall include reasons. A copy of the Report shall immediately be provided to each of the complainant and the member alleged to have breached the Code.

If those undertaking the preliminary investigation are unable to agree, the matter will automatically proceed to mediation.

4.5 Mediation

If the Report states that there is no case to answer the complainant may elect to proceed with the complaint provided the complainant makes such election in writing within 10 working days of the date of the Report. If the complainant does not make such an election in writing within 15 working days of the date of the Report the complaint shall be deemed to have been withdrawn and no further action will be taken.

If the Report states that there is a case to answer, or the complainant elects to proceed with the complaint despite the Report stating that there is no case to answer, those undertaking the preliminary investigation shall, within 10 working days of the date of the Report, appoint an independent mediator to seek to resolve the complaint to the satisfaction of both the complainant and the member.

In appointing the mediator those undertaking the preliminary investigation shall first endeavour to appoint a mediator mutually agreeable to the complainant and the member. If, however, within 20 working days of the date of the Report the complainant and the member have not agreed on a mediator, those undertaking the preliminary investigation may appoint a mediator provided such person is a member on the Arbitrators' and Mediators' Institute of New Zealand Incorporated or its successor.

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Mediation shall be private and confidential and any agreed settlement in writing signed by the complainant and the member shall be binding on the parties. The mediator shall be empowered and required to inform, at the end of the mediation, those people who carried out the preliminary investigation whether or not an agreement was reached through the mediation (without disclosing any agreement made).

If no mutual agreement is reached at mediation, the matter will be referred by those undertaking the preliminary investigation to a panel comprised of three members of the public suitably familiar with local government and qualified in arbitration, ethics and/or local government itself to carry out a hearing and to make a recommendation to the Council. The members of the panel will be appointed by the Council.

Any complaints that have been resolved formally or by mediation are to be reported to the Council without the requirement to state the specifics of the resolution

4.6 Hearing of Complaints

If the alleged breach of the Code proceeds to a hearing, the following procedures will generally apply:

- The person who is the subject of the complaint will be given at least 20 working days notice of the hearing and the procedure to be followed at it. A copy of the complaint will be sent to that person at the time this notice is given.
- The complainant and the person who is the subject of the complaint will be entitled to appear and speak at the hearing. He or she may be supported by any person of their choice who may also address the hearing and may table relevant information or request that this information be pre-circulated before the hearing.
- On hearing each complaint, the panel will first decide whether the hearing will be heard in an open meeting or with the public excluded. Where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public, the hearing will be held with the public excluded. Otherwise the hearing will be held in public.
- In either event, after all parties' evidence and submissions have been heard, the panel will, unless it otherwise decides, continue its deliberations with the public excluded for the purpose of discussing the complaint, evidence and submissions and will prepare a report for consideration of the Council. The report will include a recommendation concerning whether or not the complaint should be upheld and the reasons the panel reached its conclusion, and, if appropriate, a recommendation concerning any action the Council should take in terms of Clause 4.7 of this Code.
- The Council will determine whether the panel's report will be considered in an open meeting of the Council or with the public excluded, in accordance with the requirements of the Local Government Official Information and Meetings Act 1987. Where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public, the meeting will be held with the public excluded.
- The Council may adopt, modify or reject the panel's recommendation(s) regarding the complaint, but in the event of rejection of the recommendation(s)

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must rehear the complaint itself following the procedure set out above before substituting a different decision.

4.7 Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968.
- Breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in an elected member having to make good the loss or damage.
- Breaches relating to the commission of a criminal offence may leave the elected or appointed member liable for criminal prosecution.

In these cases, the Council may refer an issue to, or any member of the public may make a complaint to, the relevant body,. Alternatively, the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- Censure.
- Removal of the elected or appointed member from Council committees and/or other representative type bodies.
- Dismissal of the elected member from a position as Deputy Mayor or chair of a committee.
- Dismissal of the appointed member from a committee.
- Removal of a portfolio or portfolios.

A decision to apply one or more of these actions requires a Council resolution in the appropriate terms.

4.8 Review

Once adopted, a code of conduct 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. Once adopted, amendments to the Code require a resolution supported by 75 per cent or more of the members of the Council present.

The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the Council for its consideration and approval while any amendment will require a resolution supported by 75 percent or more of the members of the Council present.

APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the City Library or in the Corporate Library at the Civic Administration Building.

Local Authorities (Members' Interests) Act 1968

This Act¹ regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has 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. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meeting procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

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

¹ The Audit Office publication *Guidance for Members of Local Authorities about the Local Authorities (Members' Interests) Act 1968 (2010)* provides further guidance on this Act.

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Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to the Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, or fined up to \$1,000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected 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 the Council.
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Financial Markets Conduct Act 2013

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

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

LGNZ Code of Conduct template

Guidelines

October 2016

Preface

Our effectiveness as members of public bodies charged with providing leadership to our regions, cities and districts is strongly related to the quality of our community mandate and how we are perceived by our communities. This is the case whether that mandate comes from the number of people who voted at the previous election or the level of trust the public has in our performance. Both are closely related.

This is one of the reasons that Councils in New Zealand, like public bodies throughout much of the world, are required to adopt a Code of Conduct. Codes of Conduct are designed to build the respect and trust which creates our mandate to lead. There is nothing like dysfunction at the governance level to "turn off" citizens, feed negative journalism and undermine the morale and the good will of staff, let alone elected members themselves.

This new Code of Conduct template has been designed to incorporate recent legislative change, new approaches to good governance and provide better advice for councils having to deal with alleged breaches. Just as importantly its focus has been widened from controlling poor behaviour to promoting an inclusive and positive governance culture, thereby removing some of the factors that can result in behavioral issues.

Getting our governance cultures right is important and makes good economic sense. Councils that are trusted and respected are more likely to be able to enlist the support of their communities and other agencies in the goal of improving outcomes and meeting their strategic goals.

I hope you will find the Code helpful in strengthening your governance culture, building the mandate of your local authority and developing a great team.

Lawrence Yule
President
LGNZ

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Introduction

The LGNZ Code of Conduct template 2016 replaces the template published as part of the suite of KnowHow products following the passage of the LGA 2002. The LGA 2002 made the adoption of a Code of Conduct (the Code) mandatory. The new template includes a range of new features and draws on good practice introduced by councils over the past decade, particularly Gore District Council and Northland Regional Council. New features are:

- refinement of the principles including a new principle that highlights the importance of elected members “pulling their weight”;
- simplification of the roles and responsibilities section;
- encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- a new process for investigating and assessing complaints, including a ‘materiality’ test;
- additional guidance on penalties or sanctions;
- clarification that complaints can only be made by members and chief executives; and
- a more empowering and less prescriptive approach.

Why a Code of Conduct?

Codes of conduct are common features in local government systems in many parts of the world and in New Zealand the Code complements specific statutes, such as the Local Government and Meetings Act 1987, which are designed to ensure openness and transparency. Codes are an important part of the framework for building citizen confidence in our governmental processes. The template has four objectives:

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

The four objectives highlight the importance of achieving ‘good local government’, effective and inclusive decision-making, strengthened community credibility, and a culture of trust and mutual respect within the local authority.

They also contribute to making councils a more rewarding and satisfying place for elected members.

Content

Codes of conduct vary from place to place, and especially between jurisdictions, but there are certain critical elements a good Code should contain. In addition to the minimum requirements set out in the LGA 2002 (see cl.15 Schedule 7, LGA 2002) an effective Code of Conduct should include:

- guidance for managing relationships and ensuring constructive behaviour, including processes for ensuring these are adhered to. This will ideally cover relationships with other members, staff, the media and relationships with the public;
- a statement of the different roles and responsibilities of governance and management. The Code should complement and reinforce the rules and statutory provisions set out in a council's standing orders;
- provisions dealing with confidentiality of information received during the course of a members' duties as well as situations when members are required to disclose information to the local authority and each other;
- provisions dealing with conflicts of interest;
- provisions dealing with ethical conduct, such as the way in which expenses may be claimed and soliciting or accepting gifts, rewards, or benefits;
- an explanation of the importance of adhering to the Code of Conduct and details of the procedures for investigating and resolving alleged breaches;
- provisions designed to encourage courteous and constructive behaviours and so reduce the risk of poor behaviour and alleged breaches;
- details of penalties or sanctions, such as what they are, when they might be applied, and the processes for their application (where these processes are within the control of council); and
- provisions for the review of a code of conduct (both in terms of the statutory requirements and any processes the local authority has put in place).

All efforts have been made to ensure that these matters have been incorporated in the LGNZ Code of Conduct template.

Considerations when designing a Code

Codes of conduct are part of the "house rules" that govern relationships and behaviour and complement other corporate documents, such as Standing Orders and the council's Governance Statement. While some high level principles may be desirable in order to "set the scene", a document that talks in vague generalities will be difficult both to adhere to, and to enforce.

Codes of conduct are not a means of preventing elected members from expressing their views

Codes of conduct should promote effective working relationships within a local authority and between the local authority and its community. Among other things, a Code should promote free and frank debate which should in turn result in good decision making. Codes of conduct should not be used in such a way as to stifle robust debate.

Provided that an elected member does not attempt to present a personal view as anything other than their own view (and does not contravene other parts of the Code) they should be able to do so. Codes of Conduct are ideally designed to provide rules of conduct that promote debate and make it clear that personal views, and the rights of *all* members to express personal views, are to be respected.

What a Code of Conduct does is set boundaries on standards of behaviour in expressing and promoting those views, and means of resolving situations when elected members breach those standards.

Elected members should “own” the Code

Nothing is more likely to promote non-compliance with a Code than elected members being invited to “rubber stamp” a Code that others have prepared.

It may be useful for elected members to “workshop” the Code template as soon as practicable after each triennial election, for example, at the council’s induction workshop. Given that the Code deals with the relationship between elected members, the chief executive, and staff, it may be desirable to have the workshop facilitated by an independent person.¹

Processes need to be put in place for investigating and resolving breaches of the code

Applying a penalty or sanction under the Code should ideally be the last, rather than the first response – most situations can be resolved without the need for sanctions. Often something as simple as an apology will resolve the issue. The original code of conduct template created difficulties for some councils as it provided little guidance on how to distinguish between minor and material breaches. This template has been specifically designed to enable non-material breaches to be dealt with outside the formal process of a full investigation by the council or committee.

Most of all, the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the Code.

Codes of conduct cannot stand alone

Codes of conduct work best when they are supported by other mechanisms.

¹ Equip, LGNZ’s business arm, may be able to help with such sessions or advise on suitable facilitators.

The most obvious supporting mechanism is training. A good Code will remind members of their obligations under the LGA 2002, the Members' Interests Act and the Local Government Official Information and Meetings Act 1987 etc. However, a Code that replicated all of the relevant provisions would probably be of a size where no one person (either member or staff) could remember it all. All elected members should receive training in their obligations under these Acts at the beginning of each triennium. Other provisions of the Code should be covered during such training.

Codes of conduct should also be linked to other procedural documents adopted by councils, such as Standing Orders. Standing Orders provide rules that set out processes and standards of conduct for meetings while the Code governs day-to-day and less formal relationships.

The media

When designing the Code it is important to recognise the legitimacy of political debate and open discussion and ensure that provisions do not become an instrument to diminish this. It is important to note that the Declaration of Office, sworn by members, states:

*"I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the **best interests** of [name of region, district, locality, community]"*

Under the declaration members must act in what they believe is the best interests of the community, district or region. It is up to individual members, in consultation with residents and on the basis of advice and research, to determine what 'best interest' for their regions or district means.

The Code must respect the spirit and intent of the New Zealand Bill of Rights Act and ability of members to express dissent. However, in doing so members must act in accordance with the standards set out in the Code. Consequently the new template has not made any substantive changes to the 'dealing with the media' provisions from those set out in the original template.

Register of Interests

The Code requires that members maintain a register of interests. A template register is set out in **Appendix 4** of this guide. The register is limited to disclosures affecting members and their spouses or partners. It is important that members update their details when circumstances change. We recommend that staff regularly remind members to check that the register is up to date and relevant.

Promoting a supportive governance culture

One important difference between the new and old templates is the addition of commitments designed to promote a supportive and inclusive governing environment and strengthen relationships at the governance level.

These provisions are intended to diminish the risk of conflict between members and between members and the public, and thereby avoid the likelihood of breaches. The new Code encourages members to review their collective performance and governance style in order to assess the degree to which their culture is both inclusive and supportive.

The reference to “equitable contribution” in the Values section has been added to encourage members to take all reasonable steps to fulfill the duties and responsibilities of office, such as attending meetings and workshops, undertaking relevant reading, preparing for meetings and taking part in relevant training workshops or seminars.

The intention is to provide councils with leverage to encourage members to do ‘their fair share’ of the tasks necessary to provide effective governance and representation and take part in exercises designed to improve relationships and teamwork.

Creating an inclusive council

The new and proactive focus on building a positive culture is the subject of section 11, “Creating a supportive and inclusive environment”. The key parts of this section are designed to encourage members to:

- take part in council induction workshops;
- contribute to activities designed to seek agreement on vision, goals, objectives and operating values;
- participate in processes for assessing the governing body’s performance (see **Appendix 3** for a self assessment survey form for consideration); and
- undertake, where necessary, training to improve their knowledge of how the council works and being an effective elected member.

The provisions require that members should take “all reasonable steps” to fulfill their responsibilities as elected members. As a result of these commitments the possibility exists that a complaint could be laid against a member for having consistently refused to participate in council organised activities designed to build a better culture.

Breaches of the Code

One of the ongoing problems with many of the Codes in use is the way they deal with the process of making, investigating and ruling on complaints. In its report on Codes of Conduct (OAG 2006) the Office of the Auditor General noted that many councils lacked a process for distinguishing between trivial and serious breaches of the Code and consequently spent considerable energy and resources hearing complaints on what are in effect matters of no concern. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint;
- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling 'political' differences; and
- lack of preparedness. Many councils discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

This section of the guide discusses the process set out in the new template for investigating, assessing and making decisions about complaints.

Who can make a complaint?

The Code is designed to be a self regulatory instrument and as a result complaints can only be made by members themselves and the chief executive. All complaints must be made in writing to the chief executive who is obliged to forward them to an independent investigator for a preliminary assessment.

Decision-making options

Where a complaint is found to be material the investigator will provide a report to the council setting out the reasons why the allegation has been upheld and is material. The council needs to have a process in place for discussing and making a decision on the investigator's recommendations. In some cases the governing body, or some of its members, may be interested parties in the complaint and should therefore not take part in discussions on the matter nor determine penalties.

To avoid such situations, the council might consider establishing a Code of Conduct Committee. The purpose of the committee would be to consider any reports from an independent investigator and determine appropriate responses. An appropriate Code of Conduct Committee might consist of three members – a member of the governing body and two community representatives chosen for their knowledge and experience, either by invitation or as a result of a call for expressions of interest.

The council will need to decide whether the Code of Conduct Committee should have delegated decision making powers or recommendatory powers.

Investigating complaints

One of the issues with the original template was the lack of detail about the process for investigating complaints and determining their materiality. Another issue involved the need to ensure processes are free of bias, especially when all councillors might be seen to be interested parties.

In order to address these concerns the new Code requires that all complaints are forwarded to an independent investigator for a preliminary assessment and that the council abide by the investigator's assessment whether or not an alleged breach is material or not.

In some cases an investigator may choose to make non-binding recommendations, for example, where a pattern of non-material complaints has emerged that highlight a need for changes in council processes, or an investment in capacity building.

Creating a panel of investigators

At the beginning of each triennium the chief executive will prepare a panel of investigators in consultation with the mayor, chairperson or council. Investigators may be drawn from inside or outside the district or region. In putting together the list the chief executive may call for nominations, invite members of the public with appropriate skills (for example retired judges who may live within the district) to be investigators or contract with an external, such as Equip, to provide the service.

Councils may wish to develop a joint list of investigators.

The role of investigators

The process set out in the Code gives an investigator responsibility to determine, without challenge, whether a complaint is material or not. The rationale for giving the investigator this degree of authority is to ensure the process is free of any suggestion of bias. It is also intended to reduce the cost of the complaints process, by reducing the time spent by members and officials. It also ensures that the Code process itself is less likely to be brought into disrepute.

In adopting the Code members of the governing body agree to abide by an investigator's preliminary assessment. Under the process set out in the Code members are informed of the result of a preliminary assessment and only if the finding is material will members have any involvement (and then only if there is no conflict of interest).

Determining materiality

The complaints procedure is underpinned by the principle that councils (or committees) should only be involved in ruling on possible breaches of the Code when they are material. Consequently a level of clarity is required about how materiality should be determined. In the case of non-statutory breaches the Code states that a breach is material if:

"...it would, if proven, bring the council into disrepute or reflect adversely on the local authority if not addressed."

The notion of disrepute involves the local authority's reputation and the risk that specific behaviours will, in the mind of the public, undermine that reputation. Only if there is a real risk that reputation will be undermined should a breach be determined as material (see **Appendix 1** for examples).

Other factors that might be considered when determining the level of materiality include whether complaints are intended to:

1. intimidate or harass another member or employee;
2. damage another member's reputation;
3. obtain a political advantage;
4. influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
5. avoid disciplinary action under this Code; or
6. prevent or disrupt the effective administration of this code.

Other factors include whether complaints are vexatious and have not been made in good faith. The investigator may take what ever actions they need in order to determine the materiality of a complaint, although investigations will need to be within whatever budgetary constraints have been set in their contract for service or approved by the chief executive.

Process upon receiving a complaint

Having received a complaint in writing the chief executive will:

- notify the complainant and the respondent(s) that the complaint has been received and the name of the selected investigator (including information on the process that will be followed); and
- provide ongoing updates to members on progress with the resolution of complaints received. This could be through a chairperson or chief executive's report.

Process for non-material breaches

In the case of complaints that are non-material an investigator can, if required, discuss the matter with the complainant and the respondent and may:

- dismiss the complaint with no further action taken;
- uphold the complaint but rule that as it is minor and non-material no action is required; or
- uphold the complaint, noting its minor and non-material nature, and make a non-binding recommendation to the council, such as, that the respondent consider attending a relevant course or that a policy or practice is reviewed.

The investigator will present their findings to the chief executive who will inform the complainant and the respondent at the earliest opportunity.

Process for managing material breaches

Where an investigator finds that a breach is material the following steps will apply:

- The investigator will inform the chief executive, who will in turn inform both the complainant and the respondent, that the breach has been determined as material and outline the process to be followed.
- The investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and/or appropriate penalties.
- On receipt of a report the chief executive will send a copy of the investigator's findings to the complainant and the respondent(s) inviting them to reply in writing as to whether or not they agree to the findings and whether they wish to make a written submission for consideration by the council or committee.
- The chief executive will then prepare a paper, including the investigator's report and any submissions from affected parties, for a forthcoming meeting of the council, or committee with delegated responsibility, to consider complaints and determine penalties.

Hearing by council or committee

On receipt of the chief executive's report the council or committee will:

- In considering a report from the chief executive, the council or committee may, if necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- On consideration of the evidence, the council or committee will decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- The council will inform the respondent and complainant of its decision in writing.

No member of the council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the council or committee to speak to their submission.

Note: No appeal right is included in the Code as all members are able to make use of the processes set out in standing orders for revoking council decisions. In addition, a council decision can be subject to a judicial review and a committee decision can be subject to an Ombudsman's review.

Possible penalties and actions in response to a material breach

The Code reflects an agreement between elected members about the behaviours they expect from each other and themselves. It is therefore heavily reliant on individual good will and the ability of the council, as a collective body, to exert moral suasion to either prevent breaches of the Code or promote a positive and constructive culture. However, where there has been a material breach of the Code a local authority might consider the following penalties and actions where a material breach has been confirmed:

- a letter of censure to the member;
- a request (made either privately or publicly) for an apology;
- a vote of no confidence in the member;
- removal of certain council-funded privileges (such as cell phones, or attendance at conferences);
- restricted entry to council offices, such as no access to staff areas (should no restrictions apply);
- limitation on any dealings with council staff so that they are confined to the chief executive only;
- suspension (rather than removal) from committees or other bodies; or
- an invitation for the member to consider resigning from the council.

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

- 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.

Decisions to apply a non-statutory penalty for material breaches should be made in meetings open to the public unless some aspect of the matter necessitates treating the matter "in committee".

Process to be followed in the case of statutory breaches

Where an investigator finds, in response to a complaint, that a member has breached provisions set in statute, such as a breach of the Members' Interests Act 1968, the Local Government Official Information and Meetings Act 1987 or the LGA 2002, they will immediately provide their findings to the chief executive who will inform the relevant agency, as well as the complainant and the respondent.

Possible penalties for statutory breaches

Although the local authority and its community will play a role in monitoring compliance with these provisions, outside agencies also have a role in monitoring in compliance and more particularly in dealing with breaches of law. Penalties that may apply, depending on the type of breach, are:

- criminal prosecution, conviction, and the resulting consequences (for breaches of the Crimes Act, the Secret Commissions Act or the Securities Act); or
- prosecution by the Audit Office² under the Member's Interests Act which on conviction leads to the member's ouster from office (where a member votes or discusses a matter in which they are deemed to have an interest); or
- inviting the Auditor-General to prepare a report on any financial loss or damage suffered by a local authority as the result of a breach (which could potentially lead to the member having to personally make good the loss or damage); or
- sanctions made under the Privacy Act.

References

OAG (2006) *Local Authority Codes of Conduct* available from <http://www.oag.govt.nz/2006/conduct/docs/conduct.pdf>

² The Audit Office is an avenue for making complaints about breaches of the Members' Interests Act, but also functions as an advisor where there is doubt as to whether a particular course of action constitutes a breach, and can in certain circumstances give approval for members who might have an interest to participate in discussions and/or vote on a particular matter.

Appendix 1: Examples

Example One

Councillor Smith was elected on a platform of stopping the sale of council housing. The council has made a decision to sell the council housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that council staff advising on the sale "must have owned shares" in the company that proposed to buy the houses.

Cr Smith's actions in releasing a media statement criticizing a decision after it has been made would probably not in and of themselves constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement has made an allegation that staff advice was based on improper motives and/or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the Council's reputation and the reputation of staff.

Also, there is no qualified privilege attaching to public statements about employees which are false and damaging. In other words elected members may be sued for defamatory statements made about employees.

Example Two

Cr Jones is on the Council's Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to Council that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the Council conclusively traces the leak back to her.

In leaking the tender information to the media Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the Council as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the Council, which may lead to them not dealing with council in future, or even complaints under the Privacy Act.

In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the Committee is an obvious first step. The Council may be liable for prosecution under the Privacy Act and even to civil litigation.

In the event that the council suffers financial loss the Council may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example Three

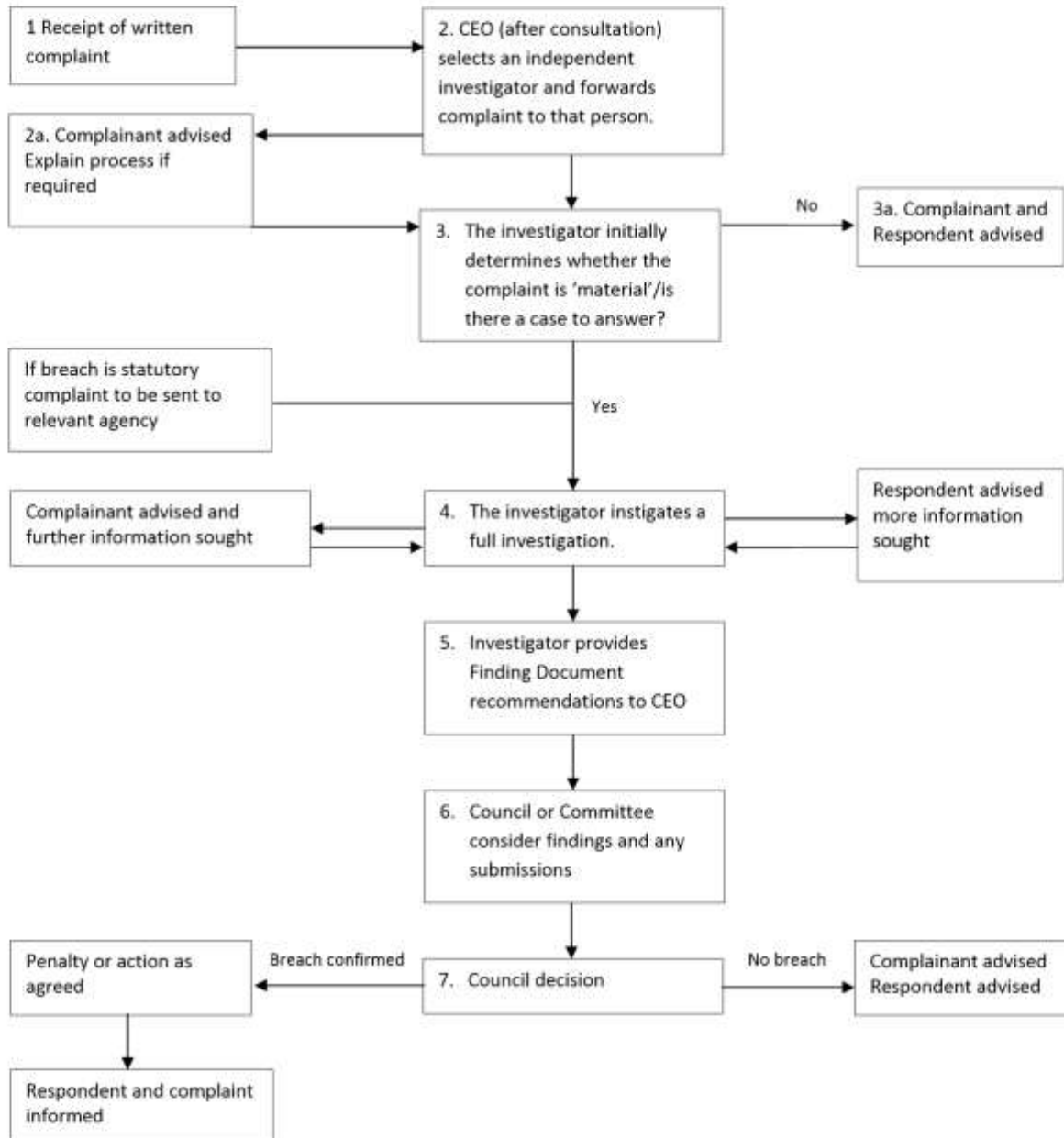
Eastland Regional Council is conducting a performance review of the Chief Executive. It has established a CEO Performance Management Committee to conduct the review. In the course of that review the Committee meets informally with the Chief Executive to review which performance targets were met and which were not. The meeting notes that the CEO has been unable to meet two of his twenty performance targets that were set and resolves to formally report this to the full Council for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that "Jack White won't be getting a pay increase this year because he didn't meet all his targets".

This action will probably constitute a breach of most codes of conduct in that it:

- breached a confidence;
- presumed to speak on behalf of council;
- purported to commit council to a course of action before the council and made a decision (or even met to consider the matter); and
- failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code Cr Black's actions will severely undermine the relationship between the Chief Executive and the Council, which may well constitute grounds for litigation against the Council both in terms of employment and privacy law.

Appendix 2: Complaints Procedure – Flow Diagram



Appendix 3 - Self Assessment Template

Please rate how you view the performance of elected members collectively (acting as the council) in the following areas:

A rating of 1 indicates an excellent level of performance – through to a rating of 4 indicating that the collective performance of elected members could improve significantly.

1. We act together as a team to deliver value to the people of our district/region.

1	2	3	4	(please circle)
---	---	---	---	-----------------

2. We are effective in being part of a coordinated approach to promote the district/regions.

1	2	3	4	(please circle)
---	---	---	---	-----------------

3. We have effective working relationships with key stakeholder groups.

1	2	3	4	(please circle)
---	---	---	---	-----------------

4. We have an effective working relationship with Council staff through members interactions with the Chief Executive.

1	2	3	4	(please circle)
---	---	---	---	-----------------

5. We engage effectively with the community on issues of importance to them.

1	2	3	4	(please circle)
---	---	---	---	-----------------

6. We are well prepared and well equipped to make informed decisions in our capacity as elected representatives.

1	2	3	4	(please circle)
---	---	---	---	-----------------

7. We participate appropriately in debates and act collectively in the best interests of the Northland region.

1 2 3 4 (please circle)

8. Council decisions are made in an open and transparent fashion.

1 2 3 4 (please circle)

9. We treat each other with mutual respect and demonstrate tolerance to different points of view in order to arrive at the best decisions for the region as a whole.

1 2 3 4 (please circle)

10. We have a clear sense of direction and understanding

1 2 3 4 (please circle)

The objective of this assessment is not necessarily that all members should agree.

Analysis of results may provide a useful starting point for discussions on the overall performance of the governance functions of the council, and provide some insight into areas where improvements may be possible.

Appendix 4: Register of interests template

Member name:		
Spouse/partner name:		
Declared employment or business interest	Spouse/partner declared employment or business interest	Council appointment
Address of any land in which a beneficial interest is held within the Council boundaries (member and her/his partner)		
Address of any land owned by the Council rented to the member or spouse, or to a firm or organisation in which the member or spouse is a director or trustee		

(Name of City, District, Regional Council)

Code of Conduct

Adopted on the

1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected 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 this 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 capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities

This 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 and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
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. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they 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 the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

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 the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's 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 the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the chief executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the 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.

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 and honest;
- is 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, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between the council and its chief executive. 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/chair or the chairperson of the chief executive performance review committee (however described);
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the chief executive concerning contact between members and employees;

- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

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

5.3 Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

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

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right. When responding to requests for comment members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor, or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions:

6.1 Media contact on behalf of the council

- the mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor/chair is absent requests for comment will be referred to the deputy mayor/chair or relevant committee chairperson or portfolio holder;
- the mayor/chair may refer any matter to the relevant committee chairperson or to the chief executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the mayor/chair.

6.2 Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive information 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 an elected member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

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

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members 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 contracts with the authority or has a pecuniary interest. 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 the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a 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 members' spouse for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse 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. 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 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 this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy.

11. 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 the 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 of the Council’s overall performance and operating style during the triennium.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

¹ A self assessment template is provided in the Guidance to this Code.

12. Breaches of the Code

Members must comply with the provisions of this 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.

12.1 Principles:

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

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

12.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.²

Only members and the chief executive may make a complaint under this Code.

12.3 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix B.

² 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.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed; reflect adversely on another member of the council.

13. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of this Code the council, or a committee 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. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
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 so that they are confined to the chief executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

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

- 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.

13.2 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 the 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 elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct 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. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected 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 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 or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or 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 an elected members' family trust and the council.

Determining whether a pecuniary interest exists

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

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you 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 needs 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 should focus 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:

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

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

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 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 elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected 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 Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, 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 an elected 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 persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected 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 elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 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 other wise 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 situation members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The chief executive will also:

- inform the complainant that the complaint has been referred to the 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 refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

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

If the subject of a complaint is found to be non-material 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 seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to 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.

Step 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. 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 affected parties;
- 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 council or committee with delegated authority, 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 full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee (the Code of Conduct Committee) established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

The council or committee will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

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

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Standing Orders

DATE: 5 April 2017

AUTHOR/S: John Annabell, Legal Counsel, City Corporate

RECOMMENDATION(S) TO COUNCIL

1. That the Council either:

- a. Decide to retain the Council's existing Standing Orders; or
- b. Decide to adopt new standing orders, the content of these orders to be based on the Local Government New Zealand Standing Orders template attached, but also including any alterations as may be approved by the Council, the new standing orders and alterations to them to be reported to a later meeting of the Council after the alterations to the Local Government New Zealand template have been indicatively indicated at this Council meeting and/or at a Councillor workshop.

1. ISSUE

The Local Government Act 2002 (LGA) requires the Council to have a set of standing orders for the conduct of its meetings and of its Committees. These standing orders can be amended or replaced by new standing orders at any time, but in every case, requires a vote of not less than 75% of the members present.

The Council's present Standing Orders were adopted on 30 November 2005 and have been amended on a number of occasions since that date. With the development of a new template for standing orders by Local Government New Zealand (LGNZ), it is now appropriate for the Council to decide whether to retain its existing Standing Orders or replace them with a new set of standing orders, based on the new LGNZ template.

2.

BACKGROUND

Each elected member has a printed copy of the current Council's Standing Orders. The Council's Standing Orders can also be accessed on LGHub or the City Council website at http://www.pncc.govt.nz/media/2808127/standing_orders_march_2015.pdf

Attached to this memorandum is the LGNZ Guide to Standing Orders (Attachment 1) and the LGNZ Standing Orders template (Attachment 2). The LGNZ template differs from the model on which the existing PNCC Standing Orders were based, as the template incorporates legislative changes made since 2002, makes greater use of "plain English" to improve readability, and has been presented in a different structure. The earlier model, in part, was repetitive in that some information was repeated in two separate parts of those Standing Orders.

If Council decides to adopt new Standing Orders based on the LGNZ template, it will need to specifically address some matters beforehand. These are identified below, the Standing Order references being to the LGNZ template:

- a) Should the Standing Orders refer purely to PNCC rather than to the "local authority", with also references to community boards and local boards to be deleted.
- b) Whether the webcasting provisions (Standing Order 4.4 and Appendix 5) should be included or should be qualified, so that these provisions apply only if the Council, by separate resolution, has subsequently decided that Palmerston (PNCC) meetings, or some of them, should be webcast.
- c) Should the Standing Orders set the quorum for committee meetings (one half of the members for committees but only two members for hearing situations) or leave the quorum of meetings to be set by the Council at the time committees are established. See Standing Order 10.2.
- d) Consider the provisions in Standing Order 11.4 permitting the public to make electronic or digital recordings of meetings.
- e) Consider whether to include the Standing Orders 12.7 to 12.16 inclusive, regarding the right of members to attend by audio or visual link, or modify these by including a statement that these clauses will only apply if the Council has, by separate resolution, approved the application of these procedures. Such a resolution could be passed when the Council was ready for meetings to be run in this manner.
- f) Should the provisions for public forums apply to Council meetings as well, as provided for in Standing Order 14. For PNCC, while public comment is permitted at approved committee meetings, it is not permitted at Council meetings.
- g) Should the Chairperson have a casting vote (as provided in Standing Order 18.3, or should the PNCC position be maintained whereby the Chairperson does not have a casting vote, so that any act or question is defeated and the status quo is preserved.



- h) Should the provisions regarding the use of electronic devices at meetings, as set out in Standing Order 19.11 be adopted, whereby electronic devices and phones can only be used to advance the business of a meeting and personal use may occur only at the discretion of the chair.
- i) Should a member be permitted to speak only once to a motion at any meeting except with the permission of the chair, or be permitted to make any number of speeches at committee meetings, as is the position under present PNCC Standing Orders. See Standing Order 20.5.
- j) Should the chairperson's ruling on any matter at any committee meeting be final and not open to challenge (as set out in Standing Order 20.8) or should this be subject to a possible challenge, as permitted under PNCC Standing Orders.
- k) Under Standing Order 21, which option from options A, B and C should apply for general procedures for speaking and moving motions.

3. NEXT STEPS

If the Council decides to maintain its existing Standing Orders, no further action is necessary. However, if amendments are to be made to the Council's existing Standing Orders, such amendments require a resolution supported by 75% of all members of the Council present. If significant alterations are made to the present Standing Orders, it will be reprinted with amendments and circulated to elected members and will also be available electronically through LGHub.

If the Council decides to adopt new Standing Orders based on the LGNZ template, the Chief Executive will report back to a later meeting, with that memorandum including a tracked changes version of the Standing Orders to indicate differences between the LGNZ template and the proposed new Standing Orders. The differences to be included should be indicated either at this Council meeting and/or at a Councillor workshop.

ATTACHMENTS

1. LGNZ Guide to Standing Orders [↓](#) 
2. LGNZ Standing Orders Template [↓](#) 

John Annabell
Legal Counsel

Guide to Standing Orders

August
2016



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LGNZ.
Equip

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Preface

Lawrence Yule President LGNZ

Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent and fair. This is one of the reasons why standing orders are important. They provide a framework of rules for making decisions that gives effect to these principles; principles which are fundamental to a well-functioning democracy.

Whether councils apply standing orders every time they meet, or refer to them only when faced with a complex or controversial issue, standing orders contribute to public confidence in local government and decision-making. It is important, therefore, that our standing orders are not only fully compliant with legislation and best practice in the conduct of meetings, but that they are also easy to use.

That's why LGNZ, in partnership with Equip our centre of excellence, has published this new set of standing orders for the use of local authorities. Amongst the differences from other standing orders are:

- the incorporation of legislative changes made since 2002;
- the introduction of a new structure to make it easier to find items;
- greater use of 'plain English' to increase readability;
- special versions for regional councils, territorial authorities and community boards (with a local board version planned);
- training modules designed to assist chairs, members and officials to apply the new standing orders.

These standing orders are designed to meet the needs of territorial authorities, regional councils and community boards. We are committed to ensuring the template is kept up to date and provides easy to use guidance of all local government meetings.

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

Acknowledgements

LGNZ/Equip would like to acknowledge the work and commitment of the working party responsible for preparing this updated suite of standing orders and this Guide.

- Coral Hair, Administration Officer – Policy, Whakatane District Council;
- Fleur Sweeney, Democracy Management Advisor, Western Bay of Plenty District Council;
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- Steve McDowell – Meeting and Governance Solutions;
- Adrienne Staples – Mayor, South Wairarapa District Council;
- Darryl Griffin – Governance and Civic Services Manager, Christchurch City Council;
- Margaret Meek – Senior Democratic Services Advisor, Greater Wellington Regional Council.

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- Nicolette Butler, Senior Solicitor – Governance & Local Boards, Auckland Council;
- Jonathan Salter – Simpson Grierson Law;
- Dr Mike Reid – Principal Advisor, LGNZ.

Process for adopting standing orders

Local authorities, local boards and community boards must adopt standing orders for orderly conduct of their meetings. The approval of at least 75% of members present at a meeting is required to adopt (and amend) standing orders.

Please note: the LGNZ/Equip standing orders contain three optional provisions and members need to be given the option of whether to include all or any of the options prior to adoption. They are:

- a provision for a casting vote by a Chairperson (SO 18.3);
- the option to join meetings by audio and audio-visual link (SO 12.7-12.16);
- the choice of three different ways of dealing with motions and amendments (SO 21).

For any council wishing to adopt these standing orders a report should be prepared for consideration at the first meeting of the governing body of the local authority (the council meeting).

One way of undertaking this is to table the full LGNZ Equip draft and questions on whether or not to retain each of the three options (and any other changes the council may wish to make). A brief description of the pros and cons of each option should be provided.

Once decisions have been made on whether or not to incorporate each option then a resolution to adopt the original or amended standing orders can be put.

The same process can be applied to community boards:



Part 1: General matters

Mayoral appointments under s.41A Local Government Act 2002 (LGA)

Included in the standing orders are provisions dealing with the ability of Mayors to establish committees, appoint deputy Mayors, committee chairs and members of committees (see standing orders 5.1 – 5.5).

Where a Mayor chooses to use these powers a council must make provision for ensuring the results of the Mayor's decisions are communicated as soon as practicable to members of the governing body. We recommend that either the Mayor or chief executive provide the information at the first meeting of the governing body that follows the Mayor's appointments.

It is critical that the chief executive of a territorial authority advise their Mayor about s. 41A LGA as soon as possible after election results have been confirmed, so as to ascertain whether or not they wish to make use of those powers. Appendix 3 in the standing orders, sets out a possible process for this.

Please note that these standing orders interpret s.41A LGA as allowing Mayors to also appoint the members of a committee. This issue has been a matter of some debate amongst councils since the amendment was enacted in 2012. LGNZ has taken legal advice on the matter and concluded that the provision extends to the membership of committees.

The Mayor's leadership role

Under s.41A LGA Mayors are responsible for the leadership of the "other members of the territorial authority" and the "people in the district of the territorial authority". They are also responsible for leading the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

Section 41A can have implications for the way these standing orders work, depending on how a Mayor wishes to approach their leadership role, particularly in regard to plans, policies and budgets. Some Mayors have chosen to put all plans, policies and budgets under their own names so as to give effect to their leadership responsibilities. The standing orders provide for a Chairperson to stand down from the chair but still contribute to a debate, should they feel strongly about an issue, in order to ensure the objectivity of the chair.

Ensuring decisions meet requirements of Part 6 LGA (SO 26.2)

The standing orders highlight the importance of recommendations, whether made in a Chairperson's report or a Notice of Motion, complying with the decision-making requirements of Part 6 LGA.

Section 76 LGA specifies that every decision made by a local authority must be made in accordance with such provision of sections 77, 78, 80, 81 and 82 (LGA) as are applicable. This requirement applies to all decisions to the degree appropriate.

In some cases the impact of these provisions will require that a decision can only be made after consideration of options and related matters has taken place while in other cases, especially if the decision is a minor decision, no further analysis is required.

What is required is some evidence that consideration has been given to the degree to which a decision is or should be subject to the matters specified in the relevant sections of Part 6.

These standing orders make provision within SO 26.2 for a Chairperson to refuse to accept a Notice of Motion that fails to include sufficient information to satisfy the requirements of sections 77 – 82 of the LGA.

Part 2: Pre-meeting

Giving notice

A number of the statutes which prescribe the processes under which a council works were enacted before the internet existed and as a result make no mention of new technology. Publicly notified, for example, requires "notice contained in a newspaper" (see definitions in the standing orders). Where notification occurs in these standing orders we have made it as clear as we can that in addition to any statutory requirement councils should also make use of digital media, such as websites.

Please note: Parliament will shortly be considering an Omnibus Bill which will amend the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 to include a mandatory requirement for councils to publish public notices on their council's website, until any opportunity of review or appeal has lapsed. This is in addition to the existing requirement to publish notices in a newspaper.

Process for raising matters for a decision

An issue for many elected members, particularly those newly elected, is how to get matters on to the agenda of a meeting in order to achieve a decision. This issue is addressed in standing order 9.1 and Appendix 11. The provision applies to councils, subordinate decision-making bodies (these include committees and subcommittees), local and community boards. In short, a matter may be placed on the agenda as a result of any of the following:

- through a direct request to the chief executive or an officer with the relevant delegated responsibility;
- from the Chairperson through their chairperson's report, although depending upon the nature of the item and decision suggested, a staff report may be required;
- through the report of a committee. Committee meetings are generally less formal than a meeting of the governing body and a committee can make recommendations to the governing body. Please note that any request should fall within the committee's terms of reference;
- through a report of a local or community board. A councillor could, for example, ask a local or community board to support a matter and even recommend a course of action to the governing body;
- members may apply to place an item on the agenda through a notice of motion (see SO 26.2), however, a notice of motion must comply with the decision-making provisions of Part 6 LGA 2002 before it can be considered. 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 be referred to the chief executive for consideration and report.

Though any and all of these means may be used it is important to remember that until presented to members (i.e. published), an agenda is ultimately the responsibility of the chief executive and the collation of the agenda and its contents must remain under the chief executive's control.

Where a matter is urgent and has not been placed on an agenda it may be brought before a meeting as "extraordinary business" as a result of a report by the chief executive or a report by the Chairperson. This process gives effect to Section 46A (7) and (7A) of LGOMA.

Please Note: the content or topic of any request must fall within the terms of reference of the specific body or meeting, so, for example, a request made to a community board should be for an item that falls within the decision-making authority of the board.

Information tabled at meetings

Any extra information tabled after the reports and agendas have been distributed should be specified and noted in the minutes, with copies made available in all places that the original material was distributed to. A copy must also be filed with the agenda papers for archival purposes (and future research if necessary).

Part 3: Meeting procedures

Starting your meeting

Questions are sometimes asked whether or not council meetings should begin with some form of reflection to acknowledge the importance of our democratic processes.

There is no obligation on a local authority to start its meetings with a reflection or ceremony, however if a council wishes to begin its meetings with a formal procedure to recognise the civic importance of council meetings we have made a few suggestions which can be found immediately under the heading Meeting Procedures. This now includes procedures to allow for tangata whenua processes which should alleviate any awkwardness around introducing such processes.

Voting systems

One of the issues that arose during preparation of the new standing orders concerned the performance of some of the electronic voting systems that are in use and whether or not the way in which they operate is consistent with what we understand as 'open voting'.

We have taken the view that open voting means that members should be able to see how each other votes 'as they vote' (i.e. simultaneously) as opposed to a system which votes are tallied (in a manner that does not show how individuals voted) and then a result is released.

It is also important to note that under these standing orders electronic systems should allow a member to abstain from voting, see standing order 18.7.

The Chairperson's Casting Vote (SO 18.1)

Standing order 18.1 allows the Chairperson to exercise a casting vote where there is an equality of votes. Incorporating a casting vote in a council's standing orders is optional under cl. 24 (2) Schedule 7, LGA 2002.

Councils, local or community boards that do not wish their Chairpersons to have a casting vote must remove or amend standing order 18.1 before adopting the standing orders.

The casting vote option has been included in the template to enable a meeting to conduct and conclude important business without the risk that a vote might be tied and as a result a significant statutory timeframe might be exceeded. For example:

Councils must adopt a long term plan and an annual plan within defined statutory timeframes. If the vote is tied a casting vote may be the only way that the council can avoid possible sanction for lateness.

In cases where a vote is tied individual members may choose to act strategically so as to extract concessions for the price of their vote.

Joining meetings by audio and audio visual means (SO 12.7 – 12.16)

The Local Government Act 2002 Amendment Act 2014 gave local authorities the option to include in their standing orders a provision to enable members to join meetings by audio or audio visual means.

These standing orders include this provision and if a council wishes not to make that option available to its members the specific standing orders should be removed before the standing orders are adopted. The relevant standing orders are 12.7 – 12.16.

A number of members have found the audio and audio visual provisions prescribing quorums and voting confusing. We have worked on the standing order to make it as clear as possible that while a member can take part in discussions and vote while joining a meeting electronically they are **not part of the quorum**.

Public Forums: good practice

These standing orders state that a period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the meeting for up to 3 minutes on items that fall within the delegations of the meeting provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting i.e. consideration of business items listed on the agenda. We recommend that a brief record be kept of matters raised during any public forum section of the meeting with matters for action to be referred to the chief executive or other person as requested by the meeting.

Revoking a decision made under delegated authority (SO 23)

A council cannot directly revoke a decision made and implemented by a subordinate decision-making body which has the delegation to make the decision, assuming that the subordinate decision-making body, or local or community board, has exercised its decision-making powers in a lawful manner.

Where a decision of a subordinate body or a local or community board has been made under delegated authority but has not been implemented, a council can remove the specific delegation from that body and resolve to implement an alternative course of action.

Process for release of public excluded information

Different councils have different processes for releasing the reports, minutes and decisions from public excluded meetings (material considered confidential under section 6 or section 7 of LGOIMA). The reason that information is withheld from the public does not necessarily endure. For example, information that was confidential due to negotiations may not need to remain confidential when negotiations have concluded. Equally documents may be released in part, with only some parts withheld.

Generally information may only be publicly released by a decision of the meeting, or a decision of the chief executive. Each council will have a system and policy for controlling the release of information.

When a report is deemed to be 'In Confidence' information can be provided on whether or not it will be publicly released and when. With regard to items under negotiation, such as contracts, land purchase or disposal, resource consents and district plan matters, there is often an end point when confidentiality is no longer necessary. If no release clause is provided a further report may be needed to release the information creating double handling and report writing.

The following clause can be included in report templates to address this issue:

(If in confidence) That the Report/Recommendation be transferred into the Open section of the meeting on {state when the report and /or recommendation can be released as an item of open business and include this clause in the recommendation}.

Conflicts of interest (SO 19.7 – 19.8)

Questions from elected members about when a conflict of interest may exist and how it should be managed are amongst the most common faced by governance staff. The rules are clear that a member of a local authority may not participate in discussion or voting on any matter before an authority in which they have a financial or non-financial conflict of interest. However, determining whether a conflict exists or not is not always so clear.

Financial conflicts of interest:

It is an offence under the Local Authorities Members' Interests Act 1968 to participate in any matter in which a member has a financial interest. These are defined by the Auditor General as:

whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member involved (p. 25 Conflicts of interest OAG 2004).

The Auditor General can, in certain situations, grant exemptions from the rule which makes it an offence for an elected member with a financial conflict of interest discussing and voting on a matter, for example, where an interest is in common with the public.

In such cases the Auditor General can grant an exemption or a declaration to allow a member to participate. Members should be referred to the Auditor General if there is a possibility that their case would qualify for an exemption or declaration (see OAG's guide on Conflicts of Interest published in 2004).

Non-financial conflicts of interest:

The Auditor General defines a non financial conflict of interest or 'bias' as

is there, to a reasonable, fair minded and informed observer, a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard (with favour or disfavour) the case of a party to the issue under consideration.

Bias involves not just actual bias but also the perception of bias. A claim of bias can be made on the basis of predetermination. A member who believes they may have a non financial conflict of interest should:

- declare they have a conflict of interest when the matter comes up at a meeting;
- ensure that their declaration is recorded in the minutes;
- refrain from discussing or voting on the matter.

In such cases the member should leave the table and not take part in any discussion or voting on the matter. In determining the level of conflict members should discuss the matter with the meeting Chairperson and/or chief executive or their nominee. However, the decision whether to participate or not must be made by the member themselves.

The Auditor General cannot provide an exemption or declaration with regard to non financial conflicts of interest.

How should confidential information in an agenda be managed?

Occasionally councils have to address the issue of how confidential agenda items should be handled where there is a possibility, should it become public, that the information in the agenda could benefit a member or individuals. Some councils address this risk by tabling confidential papers at the meeting on the day and ensuring those papers are returned before members leave.

What happens to a quorum when a member is 'not at the table'?

Whether or not members must be 'at the table' to constitute a quorum is a frequently asked question, usually in response to a member standing aside from the table due to a perceived or actual conflict of interest.

Standing order 10.4 covers this situation when it states "a meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote". 'Present' in the context of these standing orders is to be in the room, not necessarily around the table.

Members attending meetings of which they are not members

A common question involves the role of elected members who attend meetings of which they are not members and what their status at these meetings should be. The legislation and these standing orders are clear (cl. 19(2) Schedule 7, LGA 2002) that members can attend any meetings unless they are "lawfully excluded" (see definition of lawfully excluded in the standing orders).

Elected members attending a meeting of which they are not a member have the same rights as the public. They may be granted additional speaking rights if permitted by the Chairperson. To remove the possibility of confusion about membership and speaking rights for both the public and the members concerned many councils require non-members to sit away from the meeting table i.e. in the public gallery.

Attendance at hearings

There is often confusion as to whether or not elected members must be present throughout a hearings or submission process in order to be able to vote on the outcomes of the hearing. This is a case where the rules vary according to the legislation under which the hearing or submission process is occurring.

Hearings under the LGA 2002, such as Annual Plan or Long Term Plan hearings, do not require all elected members to have participated in the submission process in order to take part and vote on the outcomes of that process. Elected members who cannot participate at all or who miss part of a hearing should review all submissions and the analysis provided by officials of the written and oral submissions before taking part in any debate and vote on the plan or policy under consideration. It is good practice to remove doubt in this matter. There should be a record in the minutes stating that the members who were absent have been provided with, prior to deliberations, all records of submissions made both orally and in written form.

Please note that the Auditor General recommends that members should be present for the whole of a hearing "to show a willingness to consider all points of view" (Conflicts of interest August 2004 p. 43). The guidance suggests that lengthy periods of non attendance at a hearing could suggest an element of pre-determination.

Divisions

Under standing order 18.1 a member can call for a 'division' for any reason. If a division is called the standing orders require the chief executive to record the names of the members voting for and against the motion, as well as abstentions, and provide the names to the Chairperson to declare the result. It is important to remember to record the names of members in the minutes and the way in which they voted.

There are different approaches taken to ascertaining how people voted. For example:

- When asking each individual member how they voted vary the order in which elected members are asked e.g. alternate between clockwise and anti clockwise.
- To get a clear picture ask people to stand in turn to indicate whether they voted for, against or abstained. The committee secretary must record the way in which each member voted.

Where a motion is lost (SO 22.9)

A new provision has been added to make it clear that when a motion is lost it is possible to move an additional motion if it is necessary to provide guidance or direction. For example, if a motion "that the council's social housing stock be sold" was defeated, the organisation might be left without direction with regard to the question of how the stock should be managed in the future.

Standing order 22.9 enables a meeting to submit a new motion if required to provide direction to management where this might be required following the defeat of a motion.

What happens to items left on the table (SO. 24.2)

Standing order 24.2 "Procedural motions to close or adjourn a debate" provides five procedural motions to close or adjourn a debate. A question was posed during submissions on the draft standing orders with regard to how long an item of business should "lie on the table" (24.2). We recommend that any matters left to lie on the table should cease to lie on the table and are withdrawn at the end of the triennium and prior to a general election of members.

It is however good practice wherever possible to state (when an item is left to lie on the table) what action is required to finalise it and when it will be reconsidered. For example, "that the report on the sale of the land lie on the table until further information on land values is received and that on receipt of such information the item be reported to the next scheduled meeting of the Property Committee".

Options for speaking and moving motions (SO 21)

One of the new features in these standing orders is the ability to use different rules for speaking to and moving motions so as to give greater flexibility when dealing with different situations.

Standing orders (21.1 – 21.5) provide for three options. Option 1 repeats the provisions in the Model Standing Orders which limit the ability of members to move amendments if they have previously spoken. Option 2 provides more flexibility by allowing any member, regardless of whether they have spoken before, to move or second an amendment, while Option 3 allows further flexibility.

When considering how these options were to be applied the working group agreed that the default approach will be Option A and that the Chairperson may recommend to a meeting that option B or C apply, either for the full meeting or for specified items on the agenda. In other words all meetings will operate under Option A unless it is agreed at the start of a meeting to use either Option B or C.

Reasons why a committee may consider using options B or C could be to enable more discussion on an item or to avoid a meeting choosing to suspend standing orders altogether.

An alternative approach is that a council could adopt options B or C as their default position.

Taking minutes for hearings held under 'other' statutes

The LGNZ Equip standing orders are designed to comply with the LGA 2002 and LGOIMA 1987. Other statutes under which councils may have meetings and hearings can have specific requirements that are different to the general requirements of the LGA 2002. For example:

1. Minutes of hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 include additional items, namely:
 - (a) Record of oral evidence
 - (b) Questions put by panel members and the speaker's response
 - (c) Reference to tabled written evidence
 - (d) Right of reply

2. Information required in minutes of hearings of submissions under a special consultative procedure, such as long term plan hearings, include:

- (a) Records of oral submission
- (b) Questions put by elected members and the speaker's response to them
- (c) Reference to tabled written submission

In cases where a council resolves a course of action in response to submissions which is contrary to advice provided by officials the reasons for the Council's decision not to follow official advice should be recorded.

Keeping Minutes - additional guidance

Archives New Zealand (Public Records Act 2005) requires that councils continue to keep paper copies of all minute records. It is common practice that each page of minutes is individually signed by the chair.

Where a meeting resolves to act in a manner contrary to a staff recommendation the reasons why the staff recommendation was not followed should be recorded if possible.

Training in the use of standing orders

Elected Members need to find out what the new standing orders are, and how to use them effectively in a meeting. They want to practice using standing orders to achieve successful meeting outcomes. To support this Equip will run a series of workshops.

Using standing orders for effective meetings

By the end of this workshop you will be able to:

- Reiterate the purpose and legislation of standing orders
- Apply standing orders in a practical meeting environment
- Plan how to use standing orders to make meetings an effective support of achievement of political outcomes.

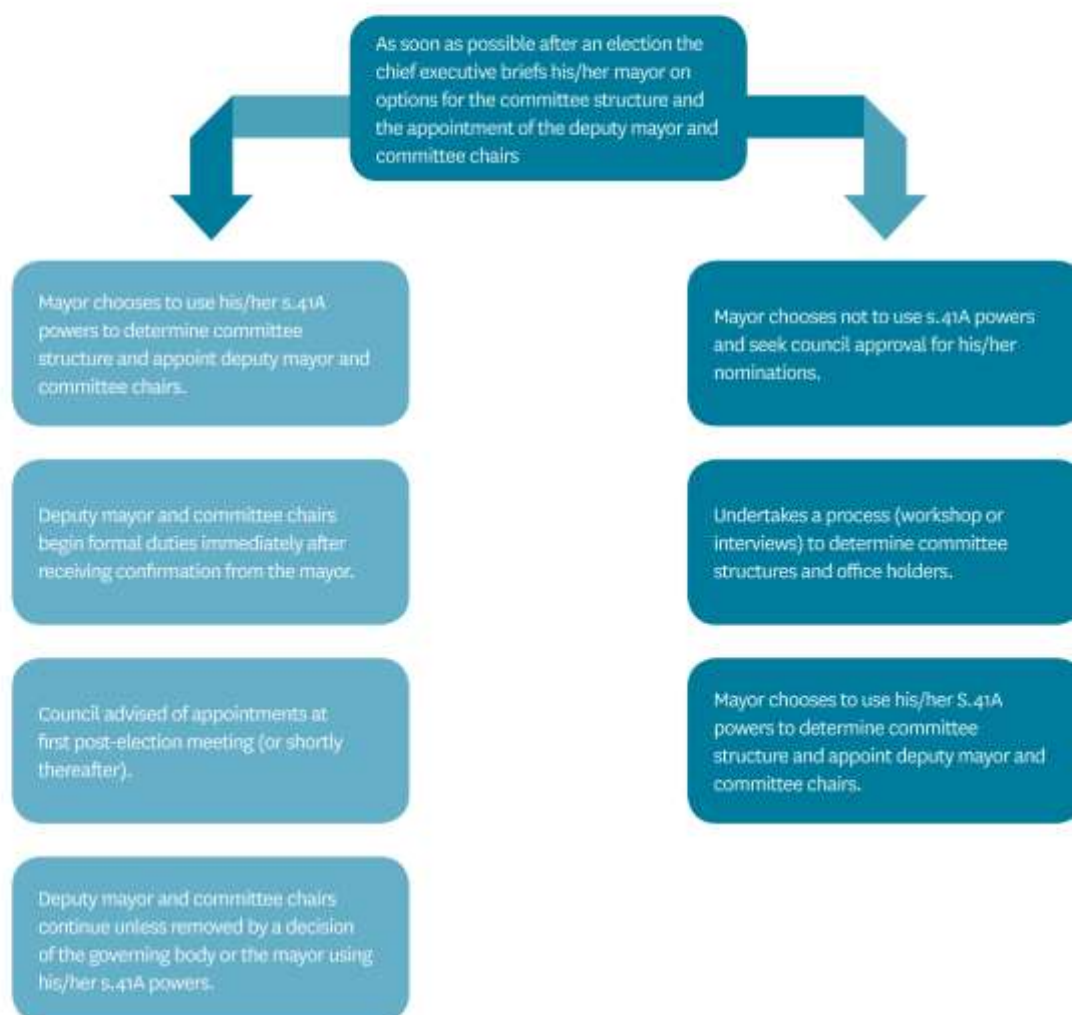
For chairpersons

Equip is currently reviewing and updating the Professional Development offering. This will include support for chairpersons. Please check our website for current learning solutions to suit your needs.

Please visit the Equip website: <http://www.lgnz.co.nz/home/equip-and-knowhow/>



Appendix: Process for implementing s.41A



Feedback

The LGNZ standing orders incorporate relevant legislative provisions up to August 2016. To keep standing orders up to date and ensure they reflect legislative and regulatory changes we will update them as necessary and any necessary amendments will be sent to all councils that have purchased the templates.

We are also keen to ensure that the standing orders continue to help councils run effective meetings so we appreciate any feedback users might like to make. For example, comments on the following would be appreciated:

- the layout and structure of the standing orders;
- standing orders that are ambiguous or simply unclear;
- jargon that could be replaced;
- information that is missing;
- good practice ideas.

Please forward any comments or suggestions to admin@lgnz.co.nz.



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Council Logo and Name

Standing Orders

Date standing orders adopted

Preface

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

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

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

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

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

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

All members of a local authority must abide by standing orders.

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Equip 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

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.

Following Part 3 the Appendices provide 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 for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

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

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

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

1.2 Statutory references

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

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

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

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

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

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

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

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

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

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

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

Committee includes, in relation to a local authority:

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

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

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

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

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

Electronic link means both an audio and audio visual link.

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

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

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

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, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

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

Mihi whakatau 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.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

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

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

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

Powhiri 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.

Presiding member means the person chairing a meeting.

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

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

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- 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.

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

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

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

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

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

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

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Seconder means the member who seconds a motion.

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

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

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

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

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

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

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

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

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.

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

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the 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.

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

3.3 Members must obey standing orders

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

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

3.4 Application of standing orders

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

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

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

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

3.6 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 RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

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.

4. Meetings

4.1 Legal requirement to hold meetings

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

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

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

4.2 Meeting duration

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

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

4.3 Language

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

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

4.4 Webcasting meetings

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

4.5 First meeting (inaugural)

The first meeting of a 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.

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

4.6 Requirements for the first meeting

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

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

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

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 Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

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 him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

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 s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

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 Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

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

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) 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 appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

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.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

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

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

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

6.2 Committees may delegate

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.

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

6.3 Use of delegated powers

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.

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

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a 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.

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

6.5 Committees and sub committees subject to the direction of the local authority

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.

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

6.6 Duty to consider delegations to community boards

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

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

7. Committees

7.1 Appointment of committees and subcommittees

A 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.

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a 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.

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

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

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.

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

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A 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.

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

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 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.

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

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

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.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

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; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

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

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

7.9 Status of joint committees

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.

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

7.10 Power to appoint or discharge individual members of a joint committee

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

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

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places 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 must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the 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.

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

8.3 Extraordinary meeting may be called

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 Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

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

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive 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.

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

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

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

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a 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.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

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

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

s. 51A, LGOIMA.

8.11 Meeting schedules

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

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

8.12 Non-receipt of notice to members

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.

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

8.13 Meeting cancellations

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

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

9. Meeting agenda

9.1 Preparation of the agenda

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

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

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the 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. A process for requesting reports is described in Appendix 11.

9.3 Chief executive may delay or refuse request

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

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

9.4 Order of business

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

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

9.6 Chairperson's report

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

9.7 Public availability of the agenda

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.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

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

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

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

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

9.10 Distribution of the agenda

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

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

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

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

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

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

s. 46A (7), LGOIMA

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

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

9.13 Discussion of minor matters not on the agenda

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

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

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

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

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

s. 52, LGOIMA.

Meeting Procedures

Opening and closing

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.

10. Quorum

10.1 Councils

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.

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

10.2 Committees and subcommittees

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.

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.

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

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. 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.

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

10.4 Requirement for a quorum

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

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

10.5 Meeting lapses where no quorum

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

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

10.6 Business from lapsed meetings

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

11. Public access and recording

11.1 Meetings open to the public

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

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

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

11.3 Local authority may record meetings

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

11.4 Public may record meetings

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

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

12. Attendance

12.1 Members right to attend meetings

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.

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

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

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

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

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

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board 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.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

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

12.5 Recording apologies

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

12.6 Absent without leave

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

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

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

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

12.9 Member's status: voting

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

12.10 Chairperson's duties

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

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;

- ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
- iii. the requirements of Part 7 of LGOIMA are met; and
- iv. the requirements in these standing orders are met.

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

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

12.11 Conditions for attending by audio or audio visual link

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.

12.12 Request to attend by audio or audio visual link

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

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

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

12.13 Chairperson may terminate link

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

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

12.14 Giving or showing a document

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

- (a) transmitting it electronically;

- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

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

12.15 Link failure

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

12.16 Confidentiality

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

13. Chairperson's role in meetings

13.1 Council meetings

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

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

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting 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 at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

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

13.3 Addressing the Chairperson

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

13.4 Chairperson's rulings

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

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

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

13.7 Chairperson may prioritise speakers

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

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

14. Public Forums

Public forums are a defined period of time, usually at the start of a 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 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 also fall within the terms of reference of that meeting.

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum

exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

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

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

14.16 Questions at public forums

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

14.17 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

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

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;

- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- 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 of a deputation

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

15.4 Resolutions

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

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

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

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

16.3 Petition presented by member

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

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

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

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

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

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

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

s. 48 LGOIMA.

17.2 Specified people may remain

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

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

s.48 (6) LGOIMA.

17.3 Public excluded items

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

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

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

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

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

17.5 Release of information from public excluded session

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

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

18. Voting

18.1 Decisions by majority vote

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

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

18.2 Open voting

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

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

18.3 Chairperson has a casting vote

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.

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

18.4 Method of voting

The method of voting must be as follows:

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

18.5 Calling for a division

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

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

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

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

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

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.

19.4 Disorderly conduct

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

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

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

19.5 Contempt

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

19.6 Removal from meeting

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

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

19.7 Financial conflicts of interests

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

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

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

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

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

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

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

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

19.9 Qualified privilege for meeting proceedings

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

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

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

s. 53, LGOIMA.

19.11 Electronic devices at meetings

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

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

20. General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (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.

20.3 Questions to staff

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

20.4 Questions of clarification

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

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 Limits on number of speakers

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

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

20.7 Secunder may reserve speech

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

20.8 Speaking only to relevant matters

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

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

20.9 Restating motions

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

20.10 Criticism of resolutions

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

20.11 Objecting to words

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

20.12 Right of reply

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

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

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

20.13 No other member may speak

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

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

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

20.15 Chairperson's acceptance of closure motions

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

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

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

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

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

21.2 Option A

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

21.3 Option B

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

21.4 Option C

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

21.5 Procedure if no resolution reached

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

22. Motions and amendments

22.1 Proposing and seconding motions

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

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

22.2 Motions in writing

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

22.3 Motions expressed in parts

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

22.4 Substituted motion

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

22.5 Amendments to be relevant and not direct negatives

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

22.6 Foreshadowed amendments

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

22.7 Lost amendments

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

22.8 Carried amendments

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

22.9 Where a motion is lost

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

22.10 Withdrawal of motions and amendments

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

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

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

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

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the 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 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.

23.2 Revocation must be made by the body responsible for the decision

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.

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

23.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the 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.

23.4 Restrictions on actions under the affected resolution

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

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (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.

23.5 Revocation or alteration by resolution at same meeting

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

23.6 Revocation or alteration by recommendation in report

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.

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

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

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

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (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.

24.3 Voting on procedural motions

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

24.4 Debate on adjourned items

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

24.5 Remaining business at adjourned meetings

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

24.6 Business referred to the council, committee or local or community board

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.

24.7 Other types of procedural motions

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

25. Points of order

25.1 Members may raise points of order

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

25.2 Subjects for points of order

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

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

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

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion

26.1 Notice of intended motion to be in writing

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

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

26.2 Refusal of notice of motion

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

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

26.3 Mover of notice of motion

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

26.4 Alteration of notice of motion

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

26.5 When notices of motion lapse

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

26.6 Referral of notices of motion

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.

26.7 Repeat notices of motion

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

Where a notice of motion has been adopted by the 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.

27. Minutes

27.1 Minutes to be evidence of proceedings

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

cl. 28 Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

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

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

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

27.3 No discussion on minutes

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

27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

28.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

28.2 Inspection of public excluded matters

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

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- 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
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

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

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
 - (c) 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 i, or to avoid the disclosure of the location of waahi tapu; or
 - (d) 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; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

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

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, 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; or
 - 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

Appendix 2: Sample resolution to exclude the public

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

- Name of report(s)

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

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

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

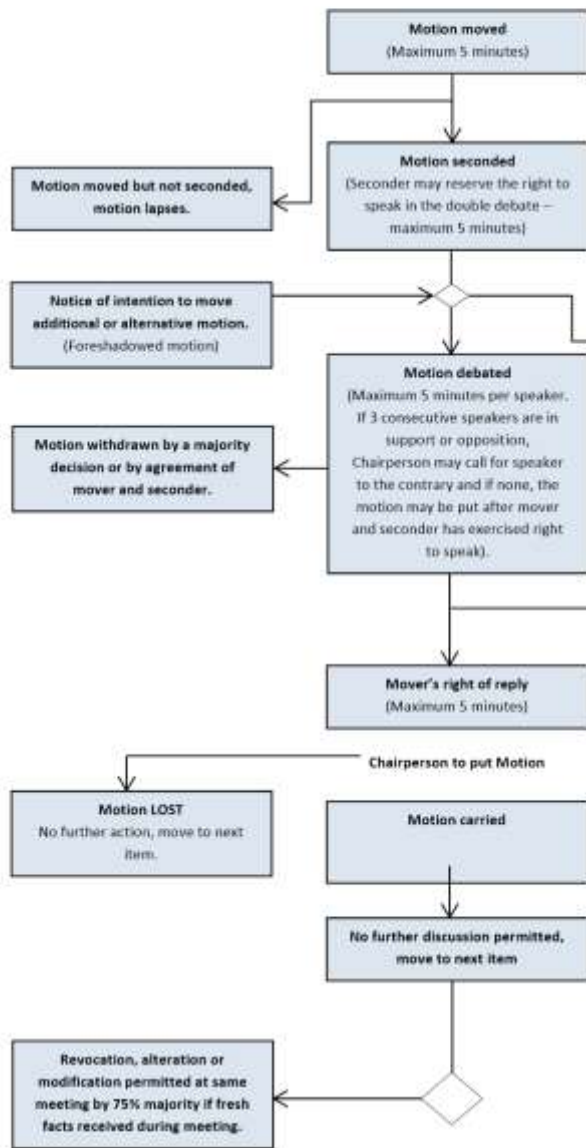
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))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

Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori, or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

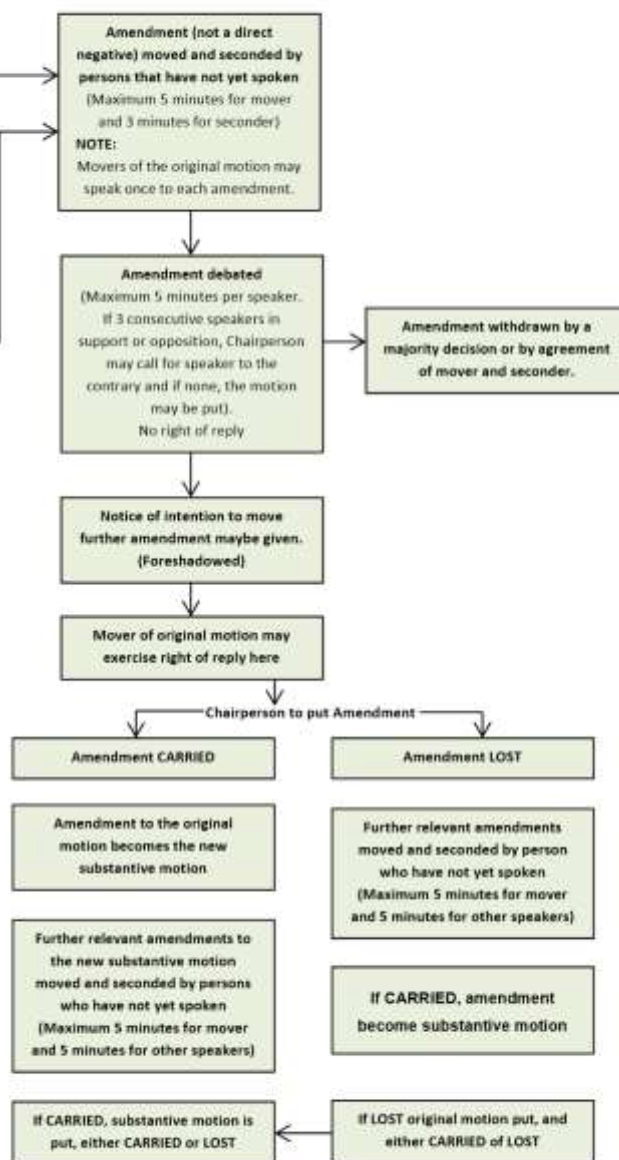
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments



Motions with amendments



Appendix 4: Table of procedural motions

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

Appendix 5: Webcasting protocols

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

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

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

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

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

Motion in parts

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

Notice of motion

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

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

Members may leave places

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

Priority of speakers

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

Minutes

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

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

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

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

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

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

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.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

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

Application of standing orders to workshops

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

Calling a workshop

Workshops, briefings and working parties may be called by:

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

Process for calling workshops

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

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

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

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) 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

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

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

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

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Review of Operations of District Licensing Committee

DATE: 5 April 2017

AUTHOR/S: John Annabell, Legal Counsel, City Corporate

RECOMMENDATION(S) TO COUNCIL

1. That this memorandum be received for information.
-

1. ISSUE

The Council has previously decided that a report on the operations of the District Licensing Committee should be presented to the Council annually.

2. BACKGROUND

This report covers operations of the District Licensing Committee for the year concluding 31 March 2017.

From April 2016 to February 2017, the members of the committee included Murray Torwick (Chairperson) (until December 2016), Susan Baty (Deputy Chairperson), Tony Brown, Graeme Newbery, Natalie Noble (until April 2016) and Nicky Speedy (until November 2016). Murray Torwick resigned as Chairperson in December 2016, and was replaced by Susan Baty.

From February 2017 until the end of March, the members of the Committee included Susan Baty (Chairperson), Tangi Utikere (Deputy Chairperson), Graham Rossiter and Vicki Beagley.

The Committee has usually met once each week, with three members in attendance. Each committee meeting is set up so that the Committee on the day comprises only three persons, being the chair and two other members, as per the requirements of the Sale and Supply of Alcohol Act 2012.

With the reduction in the overall size of the committee, resources have been a little stretched in recent times. During the period from 1 April 2016 to 31 March 2017, 47

meetings have been held and, during that time, a total of 487 licences/certificates have been approved and issued by the committee. In addition, the committee has conducted just one separate hearing, this being held largely with the public excluded. Although the committee meets on a weekly basis, meetings are relatively short and membership for that particular day is rotated, apart from the chair.

During the period reported, only one appeal has been lodged with the Alcohol Regulatory and Licensing Authority. This appeal related to a manager's certificate, with the committee's decision being upheld.

The term of appointment of current committee members concludes in November 2017 for Graham Rossiter and Vicki Beagley, and in October 2019 for Susan Baty and Tangi Utikere.

3. NEXT STEPS

A report about the appointment process for new committee members will be presented to the Council later this year.

The Council may also like to consider a process for the appointment of another member in the immediate future to assist the Committee in carrying out its functions.

ATTACHMENTS

Nil

John Annabell
Legal Counsel

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Establishment of Jaycee Trust Travelling Fellowship Panel

DATE: 5 April 2017

AUTHOR/S: Kyle Whitfield, Governance & Support Team Leader, City Corporate

RECOMMENDATION(S) TO COUNCIL

1. That a Jaycee Trust Travelling Fellowship Selection Panel for the 2016-2019 term of Council be established and confirm the Terms of Reference as follows:
 - The purpose of the Jaycee Trust Travelling Fellowship Selection Panel is to allocate up to two Jaycee Trust Travelling Fellowships of not more than \$5,000 each per year, with discretion to grant more than two fellowships as long as the total amount of funding does not exceed \$10,000 per year.
2. That the Council delegate authority to the Jaycee Trust Travelling Fellowship Selection Panel to assess applications to the scheme and approve up to two travelling fellowships of not more than \$5,000 each per year, with discretion to grant more than two fellowships as long as the total amount of funding does not exceed \$10,000 per year.
3. That the following decision-making process for the Jaycee Trust Travelling Fellowship Selection Panel to conduct its business be:
 - Decisions of the Panel shall, where possible, be reached by consensus of members present. In the event that a vote is necessary, a decision will be reached if it has the support of the majority of members present.
 - The Chairperson shall have a casting vote.
 - The Quorum for meetings of the Panel will be at least two members.
4. That Council appoint the Chairperson of the Community Development Committee to the Jaycee Trust Travelling Fellowship Selection Panel and also to be Chair of the panel.
5. That members of the community be invited to submit applications for membership to the Jaycee Trust and for those registrations to be received by Kyle Whitfield by 5pm 19 May 2017.
6. That a selection panel be established to consider all applications for membership and to make recommendations to a Council meeting at which the final appointments will

be made.

- The selection panel to comprise the Mayor, Chair and Deputy Chair of the Community Development Committee.
- That the selection panel, once decided, convene a meeting as soon as possible to determine the membership of the Committee.
- That a report be presented to the 26 June 2017 Council meeting putting forward the name of those recommended to become members.

1. ISSUE

A need to appoint two trustees to the Jaycee Trust Travelling Fellowship selection panel due to the current vacancies.

2. BACKGROUND

The Jaycee Trust Travelling Fellowship was established in 1987 to provide funding to encourage young persons not exceeding 40 years of age representing all walks of life in the ideal of service to the community and to promote or make donations to any organisation encouraging practical participation in civil activities to assist young people to develop qualities of citizenship. This report seeks to establish a Selection Panel to allocate funds from the Trust for the 2016-2019 term for this purpose.

This term it is proposed to continue with a similar membership composition as in the previous term. That is, the Chairperson of the Community Development Committee together with two external members.

Under the Local Government Act 2002 the Council has the power to appoint a subordinate decision making body. The subordinate decision making body would not be governed by Standing Orders and a formal agenda would not be supplied although members would be provided with papers as appropriate. Only those appointed to the body would meet. It is suggested that this subordinate decision-making body continue to be known as the Jaycee Trust Travelling Fellowship Selection Panel.


It is proposed that the Selection Panel be granted delegated authority from Council to assess applications to the scheme and approve up to two travelling fellowships of not more than \$5,000 (including GST) each year, with discretion to grant more than two fellowships as long as the total amount of funding does not exceed \$10,000 per year. The panel's decision would be reported to Council for information.

3. NEXT STEPS

By re-establishing the Jaycee Trust Travelling Fellowship Selection Panel to continue on for the rest of this term of Council, the allocation of funds will enable appropriate people the ability to travel or engage in special projects to gain further knowledge in their specialist area and which can then be applied locally benefiting the community.

If Council approves the recommendations, the process for appointment of the third member will commence and a report will be presented to the 26 June 2017 Council meeting with the recommendation for appointment by the selection panel.

ATTACHMENTS

1. Jaycee Trust Deed [↓](#) 

Kyle Whitfield
Governance & Support
Team Leader

HENRY SEDGWICK HARROD, ROBERT STEWART LOCKWOOD,
JONATHAN MARK COOK, JOHN MORETON CHAPPELL and
KEVIN EDWARD O'BRIEN

PALMERSTON NORTH JAYCEE TRUST -
DEED TO RECORD ESTABLISHMENT OF
TRAVELLING FELLOWSHIPS

Fitzherbert Rowe
Solicitors
Palmerston North

DOCS\KJOS\TRUSTS\JAYCEE

THIS DEED made the 8th day of DECEMBER 2000.

PARTIES

HENRY SEDGWICK HARROD of Hawkes Bay, ROBERT STEWART LOCKWOOD, JONATHAN MARK COOK, JOHN MORETON CHAPPELL and KEVIN EDWARD O'BRIEN all of Palmerston North, Company Directors (together with the survivors of them and their successors called "the Trustees")

BACKGROUND

- A. By Deed dated 28th September 1987 PALMERSTON NORTH JAYCEE INCORPORATED ("the Settlor") did settle upon the Trustees a Trust fund with the direction that during the Trust period of the Trust created by such Deed, the Trustees would pay or apply the whole or any part of the income of such Trust fund in or towards the benefit of all or such one or more to the exclusion of the others for any of the purposes set forth in Schedule A of the said Deed.
- B. The said Schedule A set forth the following specific purposes:
 - (i) To encourage young persons not exceeding 40 years of age representing all walks of life in the ideal of service to the community, and in pursuance of this idea, to under-write, promote or make donations to any organisation encouraging practical participation in civil activities so that such young persons may thereby develop qualities of citizenship.
 - (ii) To under-write funds and otherwise provide young persons with avenues of participation whereby such qualities of leadership as are needed in all communities may be developed.
 - (iii) To under-write promote and pay for furnishing practical opportunities for the advancement of the ideals of fellowship and tolerance on a local national and international basis.
 - (iv) To educate members of the community generally in matters of civil national and international importance.
- C. The Trustees pursuant to their powers under the said Deed desire to establish and set apart funds for travelling fellowships to be appropriated by the Trustees within the purposes set out in the above Schedule A to enable persons approved for such travelling fellowships to study and travel or engage in special projects beyond New Zealand for limited periods of time so that their contribution to the community and their trade, industry, profession, business or calling, back in New Zealand would be enhanced.
- D. The Trustees now wish to establish the guidelines and framework for the grant of such travelling fellowships in the terms set out in this Deed.
- E. The Trustees have sought the approval of the Palmerston North City Council to the establishment of the guidelines and framework for such travelling fellowships pursuant to this Deed, having regard to the fact that the administration of such fund shall henceforth be transferred to the said Council pursuant to Clause B of the said Deed dated 28 September 1987.

- F. The Palmerston North City Council has approved of the execution of this Deed by the Trustees in this form at the meeting of such Council held on 26 September 2000.

NOW THEREFORE THIS DEED RECORDS:

1. The Trustees operating pursuant to the said Deed of the 28th September 1987 under the name of the Palmerston North Jaycee Trust and in application of the purposes authorised within Schedule A of that said Deed as attached above, do hereby declare their intention to establish and provide in each year until the termination of the Trust period, one or more travelling fellowships from the income of the Trust in the following terms:
 - (a) Such fellowship or fellowships may be granted by the Trustees to New Zealand citizens under the age of 40 living in the city of Palmerston North or the district of Manawatu or such adjoining areas as the Trustees shall approve, who shall be selected in accordance with an application procedure determined by the Trustees and at such financial level as the Trustees shall determine. The purpose of such fellowships shall be to enable recipients of the same to travel beyond New Zealand to approved designated places and to apply themselves to an appropriately approved study programme or to engage in special projects so that their contribution to the New Zealand community and to their trade, industry, profession, business or calling, will be enhanced upon their return.
 - (b) Such fellowships shall be primarily for travel, for a short-term period of generally not more than three month's duration, to enable the recipients to undertake intensive investigations in some specialty area approved by the Trustees. The recipients will be required to accept in writing any offer of such travelling fellowship to be made by the Trustees, and to abide by any conditions attached thereto.
 - (c) The project to be undertaken by such recipients shall be completed within the year following upon the date of grant of such travel fellowship and recipients must at the completion of the project undertaken pursuant to such fellowship, return to such study or employment as the Trustees shall approve.
 - (d) Each such fellowship is intended to cover the all inclusive costs of travel which could not be met by the applicant provided that applicants are expected to meet not less than twenty per cent of such total costs in each case, provided further that the Trustees may in special circumstances, in their discretion, grant more than eighty per cent assistance if an applicant can justify inability to meet the base criteria of a twenty per cent personal contribution.
 - (e) It shall be a term of the grant of any such travelling fellowship that recipients shall submit 6 copies of a report of their project to the Trustees within three calendar months of their return to New Zealand.
 - (f) In certain circumstances travelling fellowships may be approved for travel and study in some other part of New Zealand, without necessarily involving the recipient in overseas travel.

- (g) Upon notification by the Trustees to any applicant of the preliminary approval of such application, the recipient shall then prepare a formal itinerary for final approval before the fellowship grant is paid to the recipient.
- (h) In selecting approved recipients the Trustees will place great importance upon the potential benefit for New Zealand of the proposed project and each applicant must state clearly what that benefit is expected to be and how the applicant is qualified to gain and pass on that benefit in their ongoing service role in New Zealand.
- (i) It is declared that a special objective of such travelling fellowships is to enable young people in all walks of life within New Zealand with potential for leadership, to undertake projects for the foregoing purposes.
- (j) The Trustees shall prepare appropriate documents of application with conditions for the grant of such travelling scholarships as they shall from time to time determine.
- (k) That as soon as practicable after the execution of this Deed and pursuant to arrangements to be made by the Trustees with the Palmerston North City Council, the Trustees shall transfer the fund to such bank account of the Palmerston North City Council as the said Council shall designate to the intent that henceforth the said Council shall hold and administer the fund pursuant to the trusts set forth in the said Deed dated 28 September 1987 as varied and extended by the terms of this Deed and the Trustees shall thereupon be discharged of their role as Trustees of the said fund.

IN WITNESS WHEREOF this Deed has been executed the day and year first above written.

SIGNED by
HENRY SEDGWICK HARROD
in the presence of:

[Signature]
J D LOONEY

)
) *[Signature: Henry Sedgwick Harrod]*
)

SIGNED by
ROBERT STEWART LOCKWOOD
in the presence of:

[Signature]
B. DEUCHENESS


)
) *[Signature: Robert Stewart Lockwood]*
)

SIGNED by
JONATHAN MARK COOK
in the presence of:

[Signature]
C. COLLIS

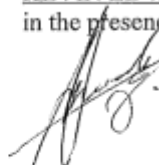
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) *[Signature: Jonathan Mark Cook]*
)


SIGNED by
JOHN MORETON CHAPPELL
in the presence of:

 B. DEUCHARASS

)
)
) 

SIGNED by
KEVIN EDWARD O'BRIEN
in the presence of:

 B. DEUCHARASS.

)
)
) 

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Elected Member Appointee to the Community Services Council

DATE: 4 April 2017

AUTHOR/S: Kyle Whitfield, Governance & Support Team Leader, City Corporate

RECOMMENDATION(S) TO COUNCIL

1. That the Elected Member who holds the Community Services Portfolio holder be appointed as the Palmerston North City Council representative on the Community Services Council.

1. ISSUE

Presently Cr Susan Baty is Palmerston North City Council's (PNCC) Elected Member representative on the Community Services Council.

It has been decided by Elected Members that it would be more appropriate that the Elected Member who holds the Community Services Portfolio is appointed to the Community Services Council instead. This would mean that Cr Lorna Johnson is appointed by PNCC replacing Cr Susan Baty.

2. NEXT STEPS

That the Community Services Council is notified that Cr Lorna Johnson is to replace Cr Susan Baty as PNCCs representative – effective from 24 April 2017.

ATTACHMENTS

Nil

Kyle Whitfield
Governance & Support
Team Leader

ITEM 9

MEMORANDUM

TO: Council

MEETING DATE: 24 April 2017

TITLE: Conference Opportunity - 2nd Annual Mixed-Use Development

DATE: 6 April 2017

AUTHOR/S: Kyle Whitfield, Governance & Support Team Leader, City Corporate

ITEM 10

RECOMMENDATION(S) TO COUNCIL

1. That Council approve the attendance of up to XX elected member(s) to attend, with expenses paid, to 2nd Annual Mixed-Use Development Conference being held in Brisbane, Australia on Wednesday 26 July to Thursday 27 July 2017.
2. That, in the event that Council approves the attendance of elected member(s) at the above training, then registrations of interest be invited from elected members wishing to attend, with expenses paid, and advise the Governance and Support Team Leader, Kyle Whitfield, by 12 noon Friday 5 May 2017.

1. ISSUE

The elected members' budget for conference attendance and training opportunities is \$81,732. As at 6 April 2017 there remains \$23,958 available for the balance of the financial year ending 30 June 2017. This does not include outstanding invoices that have been previously approved, but have yet to be presented for payment.

Anticipated expenses for attending this conference are:

Conference	\$1817.00
Flights	\$900.00
Accommodation	\$600.00
Meals	\$300.00
Transfers	\$200.00
Total	\$3,817.00

No financial provision is to be made for any spouse or partner of an elected member attending any conference or training opportunity, other than for the Mayor's spouse or partner attending a conference in association with the Mayor.

2. BACKGROUND

The 2nd Annual Mixed-Use Development Conference is a two day event taking place in Brisbane, Australia on Wednesday 26 July to Thursday 27 July 2017.

This conference explores ways of designing your development to tap into diverse markets through a combination of right components to generate higher ROI in the long term. Bringing in experts ranging from city planners, property developers, urban planners and investment advisors, the conference will facilitate a discussion on the countless opportunities for growth and overcoming challenges in mixed-use projects through a series of exclusive case studies!

KEY BENEFITS OF ATTENDING:

- Develop strategies to meet the increasing demand for live-work-play environment
- Discover better on how to develop mixed-use projects to be used as a tool to boost property sales
- Identify the right location in designing profitable projects
- Find the perfect balance of elements for a successful mixed-use for long-term commercial longevity
- Position your development to effectively brand all your components to capture different market segments

The conference programme is available and is attached.

3. NEXT STEPS


Council may choose whether any elected members should attend the conference, and if so, how many, in which case the Committee could invite registrations of interest from elected members wishing to attend.

Council may permit the attendance of elected members at conference and training opportunities, with leave of absence and appropriate expenses paid; the decision on such attendance to be reported back to the Council by the Mayor.

If the Council decides to approve the attendance of one or more elected members, registrations of interest will be sought from elected members. At the closing date of registrations (12 noon on Friday 5 May 2017), the Committee Administrator will advise the Chairperson and Deputy Chairperson of the interest received, for them to make a decision on the successful registrant(s).

Once the Chairperson and Deputy Chairperson have advised the Committee Administrator of the successful registrant(s), all further information regarding the workshop will then be forwarded to that person or those persons direct.

ATTACHMENTS

1. Conference Information [↓](#) 

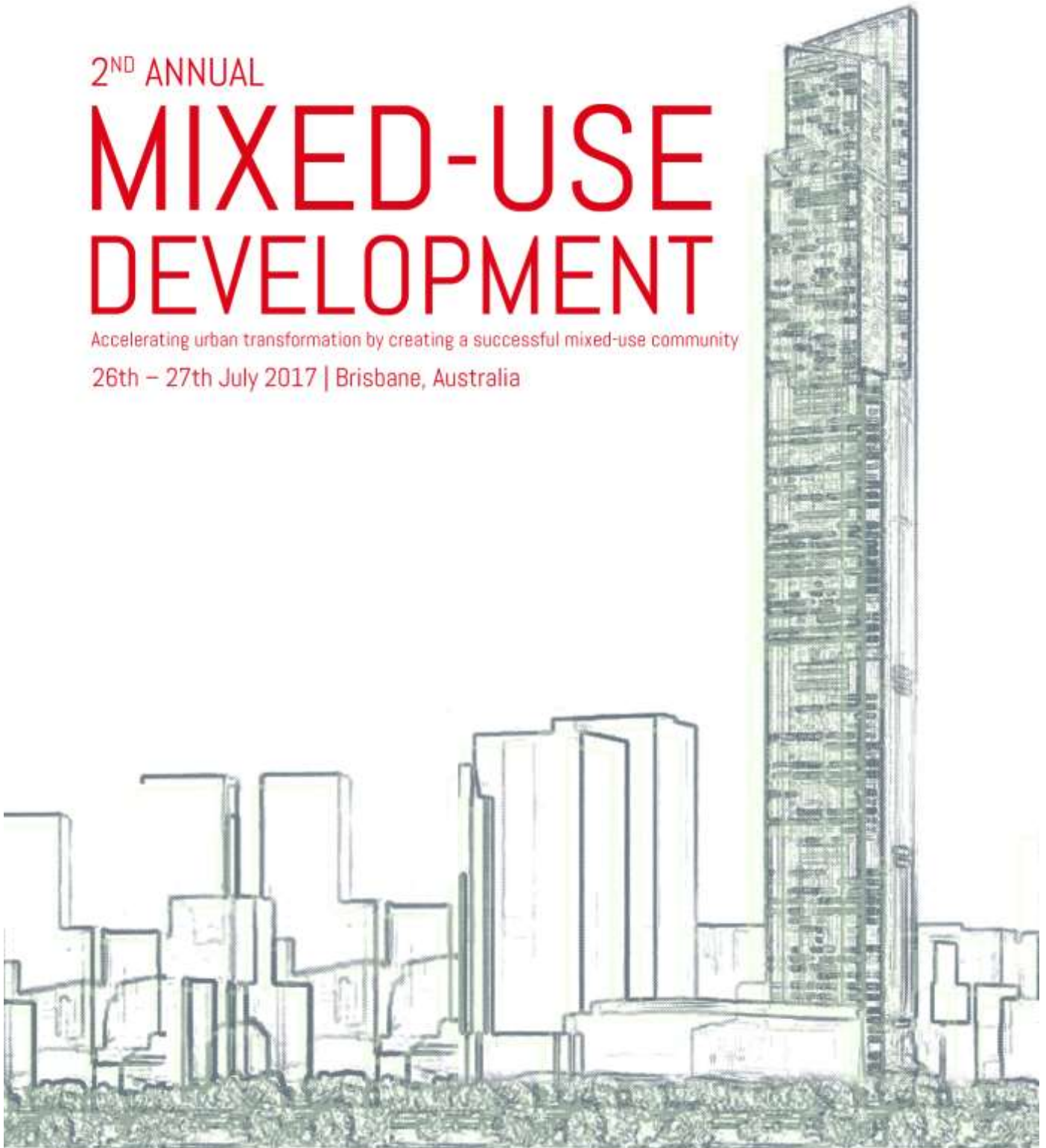
Kyle Whitfield
Governance & Support
Team Leader

2ND ANNUAL

MIXED-USE DEVELOPMENT

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia



2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia

trueventus

"Redeveloping a major city with MXD can save: \$100 million in transport costs, generate \$690 million of development, and \$100 million affordable housing scheme contributions. Just in Southern Sydney, MXD can cut up to 28 million vehicle kilometres."

- Deloitte Access Economics

WHY YOU CANNOT MISS THIS EVENT

While developers in Sydney and Melbourne are struggling to find space, Brisbane is poised to lead the country in urban renewal with vacant lots and industrial zones becoming home to innovative mixed-use developments.

According to the Property Investment Professionals of Australia's 2015 Investor Sentiment Survey, about 60% of investors intend to invest in Brisbane in the next 12 months, with Sydney and Melbourne scoring only about 11% and 17% respectively in the survey. Forward-looking developers are delving into offering unique selling propositions in their developments that include spicing up their project offerings with value-adding features and amenities, and one of the game-changing themes being deployed by developers is mixed-use developments that integrate retail, commercial, leisure and residential elements.

Join **2nd Annual Mixed-use Development Australia** by **Trueventus**, the perfect platform to explore ways of designing your development to tap into diverse markets through a combination of right components to generate higher ROI in the long term. Bringing in experts ranging from city planners, property developers, urban planners and investment advisors, the conference will facilitate a discussion on the countless opportunities for growth and overcoming challenges in mixed-use projects through a series of exclusive case studies!

5 REASONS NOT TO MISS 2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

- **Develop** strategies to meet the increasing demand for live-work-play environment
- **Discover** better on how to develop mixed-use projects to be used as a tool to boost property sales
- **Identify** the right location in designing profitable projects
- **Find** the perfect balance of elements for a successful mixed-use for long-term commercial longevity
- **Position** your development to effectively brand all your components to capture different market segments

WHO SHOULD ATTEND?

Director Generals, CEO's, COO's, CFO's, Real Estate Developers, Property Developers, Property Investors, REIT Advisors, Leasing Directors, Managing Directors, Executive Directors, Operation Directors and key decision makers from the property development, management and investment sectors who are responsible for:

- Property development
- Property investment
- Property management
- Leasing management
- Marketing
- Sales
- Business development
- Real estate development
- Financial advisors
- Head of retail
- Operation management
- Facilities management
- Building management

From:

- Developers
- Property investment houses
- Property management firms
- Property managers
- Investment banks
- REITs
- Architectural and design firms
- Real estate consultants
- Shopping malls
- Hotels and resorts
- Apartment management services
- Retail outlets

ASSOCIATE PARTNER



MEDIA PARTNER



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PG. 1

2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia

FEATURING PRESENTATIONS AND CASE STUDIES DELIVERED BY DISTINGUISHED SPEAKERS:



Chris Johnson
Chief Executive Officer
Urban Taskforce Australia, NSW

Speaking on: Encouraging mixed-use projects through planning process



Leah Ong
Associate Director, Tenant Advisory Group
Cushman & Wakefield, QLD

Speaking on: Securing long-term tenancy: Innovative approach on marketing strategies



Andrew Thompson
Project Director
West Village Payce Consolidated & Sekisui House JV, QLD

Speaking on: Mixing it up: Urban development blending in residential, retail and commercial space



Adam Di Marco
Director
Marquette Properties, QLD

Speaking on: Assessing the global mixed-use development disruptive trends



Councillor Angela Owen
Calamvale Ward
Brisbane City Council, QLD

Speaking on: Vertical mixed-use communities: Creating compact development patterns



Matthew Miller
Senior Development Manager
Lendlease, QLD

Speaking on: The need to underpin MXDs with a social, environmental and economic conscience



Phil Schoutrop
Director
The Buchan Group, NSW

Speaking on: Redefining MXD through top-notch design trends



Kirsten Bauer
Director
ASPECT Studios, VIC

Speaking on: Placemaking and living architecture in mixed-use development



Warren Bunker
Director Planning & Environment Department
Sunshine Coast Council, QLD

Speaking on: Zoning and planning controls: Working with local authorities on MXD projects



Stephen Moore
Partner & Head of Urban Design
RobertsDay, NSW

Speaking on: Evolving MXD into transit-oriented development



Matthew Dickerson
Former Mayor of Dubbo City Council
NSW, Australia

Speaking on: Looking into non-CBD and secondary location for mixed-use projects



David Holden
Associate
WestonWilliamson Pty Ltd, NSW

Speaking on: Placemaking and living architecture in mixed-use development



Dr Diaswati (Asti) Mardiasmo
National Research Manager
PRDnationwide

Speaking on: Market equilibrium: Addressing the influx of foreign investment and affordability for the locals

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PG. 2

2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia

Day One - Wednesday, 26th July 2017

0800 Registration & coffee

0845 Welcoming address by chairperson

0900 Session One: Keynote Address

Vertical mixed-use communities: Creating compact development patterns

- Mixed-use developments are more sustainable as they reduce the need for transportation, and help to create vitality and diversity in otherwise monotonous urban areas with only single activity cycles. Looking into New Urbanism and the Compact City movements regard the mixing of land uses, in higher density form, as a major way of combating the effects of sprawl.
- Vertically mixed-use facilities can be beneficial as they reduce long-term maintenance costs of individual buildings. Conserving valuable land resources, brightening communities and presenting opportunities for building efficiency, energy efficiency, and sustainability.

Councillor Angela Owen Calamvale Ward
Brisbane City Council, QLD

0945 Session Two: Panel Discussion

Synergising development vision between government and developers

- How can the developers and the government work together on mixed-use development initiatives?
- What are the value drivers behind the phased development models for government collaborations in mixed-use development?
- How developers can benefit from government to access other private funds, ie. governmental grants, loans, and tax credits, in reducing the cost of projects?
- Evaluating the risks and rewards for all parties

Moderator:

Chris Johnson Chief Executive Officer
Urban Taskforce Australia, NSW

Panelists:

Warren Bunker Director Planning & Environment Department
Sunshine Coast Council, QLD

Councillor Angela Owen Calamvale Ward
Brisbane City Council, QLD

Matthew Miller Senior Development Manager
Lendlease, QLD

1030 Morning refreshments

1100 Session Three

Zoning and planning controls: Working with local authorities on MXD projects

- Evaluating land use control regime such as zoning, subdivision regulations, building codes and local government attributes
- Developer aligning with town's plans and goals for a mutually beneficial working relationship
- Dealing with issues of environmental sustainability, whilst catering for those who desire a suburban lifestyle as well as those who want the activity that inner city life provides
- Looking into the planning and approval limitations and how best to meet it

Warren Bunker Director Planning & Environment Department
Sunshine Coast Council, QLD

1145 Session Four

Encouraging mixed-use projects through planning process

- Analysing the changing nature of uses and zoning that supports mixed-use
- Looking into Jane Jacobs comments on the importance of mixed-use cities
- Identifying preferred locations for mixed-use precincts near transport nodes

Chris Johnson Chief Executive Officer
Urban Taskforce Australia, NSW

1230 Networking luncheon

1400 Session Five

Mixing it up: Urban development blending in residential, retail and commercial space

- Is inner urban development here to stay - what is driving density and mixing uses and where is mixed use best located?
- What are the key benefits of mixing uses?
- What are some typical pitfalls and how are they overcome?

Andrew Thompson Project Director

West Village Payce Consolidated & Sekisui House JV, QLD

1445 Session Six

The need to underpin MXDs with a social, environmental and economic conscience

- The need for flexible and adaptable spaces rather than a reliance on the buildings themselves
- Creating opportunities for commercial investment without compromising the integrity of the community
- The increasing need for activation 18 hours a day, seven days a week
- Sustainably at the core of good urban regeneration outcomes

Matthew Miller Senior Development Manager

Lendlease, QLD

1530 Afternoon refreshments

1600 Session Seven

Evolving MXD into transit-oriented development

- Critique of the liveable city and benefits of the loveable city
- Explain why walkable urbanism is the new missing middle in the density done well discussion
- Explain the difference between density and urbanity
- Outline a place-led approach for evolving mixed-use and transit-orientated development

Stephen Moore Partner & Head of Urban Design

RobertsDay, NSW

1645 End of day one

For further details, contact

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2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia

Day Two - Thursday, 27th July 2017

0800 **Registration & coffee**

0845 **Welcoming address by chairperson**

0900 **Session One**

Looking into non-CBD and secondary location for mixed-use projects

- Analysing into the scarcity of significant CBD core investment opportunities in major Australian cities
- Large investors increasing their focus on non-CBD markets due to asset scarcity and greater market depth
- Examining cyclical factors which includes the pricing and space availability in the CBD market which influence the growth of non-CBD market

Matthew Dickerson Former Mayor of Dubbo City Council
NSW, Australia

0945 **Session Two**

Towards building a transit-orientated Green City development

- Exploring enabling MXD through connectivity
- Showcasing WWP experience of MXD in London
- Explaining the concept of the Green City and encouraging diversity in development

David Holden Associate
WestonWilliamson Pty Ltd, NSW

1030 **Morning refreshments**

1100 **Session Three**

Assessing the global mixed-use development disruptive trends

Technological and social change is radically changing the way that humans interact with the urban environment. The presentation will investigate the 6 disruptive trends shaping the way we interact with mixed use development from around the world.

Adam Di Marco Director
Marquette Properties, QLD

1145 **Session Four: Panel Discussion**

Market equilibrium: Addressing the influx of foreign investment and affordability for the locals

- Claiming foreign demand for real estate is pushing up real estate prices
- Stimulating economic development through foreign investment
- Looking into housing affordability in Australia, which partly blamed foreign buyers for inflated domestic prices
- Non-residents can't buy existing dwellings, only new ones, which means all of the rapidly growing foreign demand is being channelled into new stock

Panelists:

Phil Schoutrop Director
The Buchan Group, NSW

Adam Di Marco Director
Marquette Properties, QLD

Dr Diaswati (Asti) Mardiasmo National Research Manager
PRDnationwide

1230 **Networking luncheon**

1400 **Session Five**

Redefining MXD through top-notch design trends

- Looking into current trend in designs of mixed-use developments which contributes to place making
- Focusing on innovative mixed-use designs that maximise limited land in urban areas
- Standing out from other developments by successfully delivering unique experience to residents and tenants
- Including common areas and a cohesive design, the modern mixed-use development offers the feel of a small town in the middle of a major metropolis

Phil Schoutrop Director
The Buchan Group, NSW

1445 **Session Six**

Securing long-term tenancy: Innovative approach on marketing strategies

- Negotiating terms and clauses that ultimately provide a win-win situation for both parties
- Trading off rent reductions in return for extended lease term to achieve business sustainability
- Generating profitable business that leads to confidence in longer term rentals

Leah Ong Associate Director, Tenant Advisory Group
Cushman & Wakefield, QLD

1530 **Afternoon refreshments**

1600 **Session Seven**

Placemaking and living architecture in mixed-use development

- Looking at exemplars in placemaking and living architecture in mixed-use developments in Australia
- The role of public realm & living architecture in improving the liveability and economic development outcomes of MXD
- Relationship between, institutions, the commercial sector and designers in creating great places

Kirsten Bauer Director
ASPECT Studios, VIC

1645 **Session Eight: Panel Discussion**

Diving deep into major changes across Australia's property market - Role played by MXD

- Examining the changing nature of the real estate market
- Understanding how the inclusion of entertainment & retail elements is driving the real estate sector
- How to develop demand-driven real estate prediction and strategy?
- How will your development remain relevant in the future by incorporating the right mix?

Panelists:

Kirsten Bauer Director
ASPECT Studios, VIC

Dr Diaswati (Asti) Mardiasmo National Research Manager
PRDnationwide

1730 **End of conference**

For further details, contact

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2ND ANNUAL MIXED-USE DEVELOPMENT AUSTRALIA

Accelerating urban transformation by creating a successful mixed-use community

26th – 27th July 2017 | Brisbane, Australia

COMPANY DETAILS

Name	Industry
Address	
Postcode	Country
Tel	Fax

ATTENDEE DETAILS

1	Name	Job Title
	Tel	Email
2	Name	Job Title
	Tel	Email
3	Name	Job Title
	Tel	Email
4	Name	Job Title
	Tel	Email
5	Name	Job Title
	Tel	Email

APPROVAL

NB: Signatory must be authorised on behalf of contracting organisation.

Name	Job Title
Email	
Tel	Fax
Authorising Signature	

COURSE FEES

	Corporate	Government
Expiring on 30th April 2017	AUD 1495	AUD 1495
1st May to 31st May 2017	AUD 1995	AUD 1645
1st June 2017 onwards	AUD 2495	AUD 1995
<input type="checkbox"/> Documentation Pack AUD 495		
All options inclusive of documentation pack, luncheon and refreshments.		AU-IF214

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Payment is due in 5 working days. By Signing and returning this form, you are accepting our terms and conditions.

Please debit my: ☐ VISA ☐ MasterCard

Card Number:

CVC/CVV2: This three-digit CVC/CVV2 number is printed on the signature panel on the back of the card immediately after the card's account number.

Card Issuing Bank: Card Issuing Country:

Cardholder's Name: Expiry Date: / /

Cardholder's Signature: Cardholder's Email:

REGISTER NOW

Casey Lee

T: +603-2775 0067

E: caseyl@trueventus.com

Take a Snapshot or Scan and Email us

TERMS & CONDITIONS

1. The course fee is inclusive of the event proceedings, materials, refreshment and lunch.

2. Upon receipt of the complete registration form, invoice will be issued. Trueventus request that all payments be made within 5 working days of the invoice being issued. Full payment must be received prior to the event. Only delegates that have made full payment will be admitted to event. Clients are responsible for their own banking fees and banking fees will not be absorbed into the booking price.

3. Substitution & cancellations policy. Should the registered delegate is unable to attend, a substitute delegate is welcome at no extra charge. Written notification of all substitutions is required 5 working days prior to the event. Trueventus contracts carry 100% full liability upon receipt of registration. Non payment does not constitute cancellation. A 100% of cancellation fee will be charged under the terms outlined below. Due to limited event seats, Trueventus agrees to book and confirm the seat to the client upon issuance of invoice. Upon signing of this contract, client agrees that in case of dispute or cancellation of this contract Trueventus will not be for full contract value. If a client does not attend the event without written notification at least 5 working days prior to the event date, he/she will be deemed as no show. A no show at the event still constitutes that the client will have to pay the invoice amount that was issued to them. Trueventus does not provide refunds for cancellations. By signing this contract the client also agrees that if they cancel that Trueventus reserves the right to pursue monies owed via the use of local debt collection agency even the client is advised. Furthermore the client will be held liable for any costs incurred in collection of outstanding monies. When any cancellations are notified in writing to Trueventus 5 working days prior to the event, a credit voucher will be issued for use in future Trueventus events.

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For further details, contact

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RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 24 April 2017

TITLE: Presentation of the Part I Public Manawatu District/Palmerston North City Joint Strategic Planning Committee Recommendations from its 31 March 2017 Meeting

ITEM 11

Set out below are the recommendations only from the Manawatu District/Palmerston North City Joint Strategic Planning Committee meeting Part I Public held on 31 March 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

5-17 Central Economic Development Agency - Annual Report for 9 Months Ended 30 June 2016

Memorandum, dated 12 March 2017 from the General Manager - City Future, Sheryl Bryant and the General Manager, Community and Strategy, Manawatu District Council, Brent Limmer.

The COMMITTEE RECOMMENDS

1. That the Annual Report and Financial Statements of the Central Economic Development Agency for the year ended 30 June 2016 be received.

6-17 Central Economic Development Agency - Interim Report for 6 Months to 31 December 2016

Memorandum, dated 12 March 2017 from the General Manager - City Future, Sheryl Bryant and the General Manager, Community and Strategy, Manawatu District Council, Brent Limmer.

The COMMITTEE RECOMMENDS

1. That the Interim Report and Financial Statements of the Central Economic Development Agency for the period ended 31 December 2016 be received.

7-17 Central Economic Development Agency - Draft Statement of Intent for 2017/18

Memorandum, dated 12 March 2017 from the General Manager - City Future, Sheryl Bryant and the General Manager, Community and Strategy, Manawatu District Council, Brent Limmer.

The **COMMITTEE RECOMMENDS**

1. That the Central Economic Development Agency's draft Statement of Intent for 2017/18 be received.
2. That the comments on the draft SOI be conveyed to CEDA for its consideration in finalising the SOI:
 - Working closely with the councils in developing a marketing strategy to promote a sense of identity for the region
 - Working closely with the councils in undertaking any analysis of the events sector and subsequent discussion that may evolve in regard to roles and relationships
 - Advancing the work on the Business Hub to achieve greater collaboration and synergy amongst key partners
 - Establishing a relationship with Iwi
 - Working with councils to better understand their strategic aspirations and growth plans.
 - The outcome of supporting the growth of business in the region also include job growth.
 - The service statement regarding business development and support be strengthened to focus on inward investment and new businesses as a priority and that the associated activities include specific reference to Spearhead Manawatu and the Lead Team (i.e. MDC and PNCC Mayors and CEOs; CEDA Chair and CEO; and Spearhead Principal) as a key activity in achieving inward investment.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 24 April 2017

TITLE: Presentation of the Part I Public Arts, Culture and Heritage Committee Recommendations from its 3 April 2017 Meeting

ITEM 12

Set out below are the recommendations only from the Arts, Culture and Heritage Committee meeting Part I Public held on 3 April 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

10-17 Deputation - Passport to Play Palmy

The COMMITTEE RECOMMENDS

1. That the Arts, Culture and Heritage Committee receive the deputation for information.
2. That the Chief Executive be instructed to report back with options to extend the Passport to Play Palmy scheme.
3. That the Deputation be referred to the final Annual Budget deliberations.

14-17 Cultural CCOs Six Month Reports to December 2016 and Draft Statements of Intent 2017–2020

Report, dated 20 March 2017 from the Community Funding Coordinator, Rebecca Hofmann and the Management Accountant, Matt Duxfield.

The COMMITTEE RECOMMENDS

1. That the six month report to December 2016 submitted by Caccia Birch Trust Board be received.
2. That the Chief Executive be instructed to report back regarding what steps Trust Boards need to take to reduce Audit costs.
3. That the draft Statement of Intent 2017–2020 submitted by Caccia Birch Trust Board be received.
4. That the six month report to December 2016 submitted by Globe Theatre Trust Board be received.
5. That the draft Statement of Intent 2017–2020 submitted by Globe Theatre Trust Board be received.

ITEM 12

6. That the six month report to December 2016 submitted by The Regent Theatre Trust be received.
7. That the Regent Theatre Trust be instructed to return a statement of intent that reflects their ambition and vision.
8. That the six month report to December 2016 submitted by Te Manawa Museums Trust be received.
9. That the draft Statement of Intent 2017-2020 submitted by Te Manawa Museums Trust be received.

ATTACHMENTS

Nil

RECOMMENDATIONS FROM COMMITTEE

TO: Council

MEETING DATE: 24 April 2017

TITLE: Presentation of the Part I Public Planning and Strategy Committee Recommendations from its 3 April 2017 Meeting

ITEM 13

Set out below are the recommendations only from the Planning and Strategy Committee meeting Part I Public held on 3 April 2017. The Council may resolve to adopt, amend, receive, note or not adopt any such recommendations. (SO 3.18.1)

19-17 Significance and Engagement Policy Annual Report - 2016

Memorandum, dated 10 March 2017 from the Head of Community Planning, Andrew Boyle.

The COMMITTEE RECOMMENDS

1. That the Committee receive the Significance and Engagement Policy Annual Report for 2016.
2. That the six Community Events attended by Councillors with Council support via the Let's Talk van (and before that, the Mobile Library) in 2016 were counted as 'Let's Talk' events for the purposes of reporting against Council's Significance and Engagement Policy for 2016.
 - Reach Roslyn Wacky Water Day
 - Esplanade Day
 - Memorial Park Fun Day
 - Waitoetoe Open Day
 - Kirihimete ki Takaro
 - Pascal St Community Christmas Party
3. That those or similar events attended by Councillors with the Let's Talk Van, together with a programme of regular events in the Community Living Rooms/City Library arranged with Libraries staff, and the existing Annual Plan/Long Term Plan 'Let's Talk' sessions, together form the annual 'Let's Talk' programme for 2017 and beyond.
4. That the Chief Executive be instructed to provide a report to the Planning and Strategy Committee on how that full programme would be supported by a communications strategy, and by staff, and future reporting arrangements.

20-17 Bikes in Schools Progress Report

Report, dated 17 March 2017 from the Road Planning Team Leader, David Lane.

The COMMITTEE RECOMMENDS

1. That Council receive the progress report on the Bikes in Schools Programme and notes that any NZTA financial assistance approval will depend upon their acceptance of Council's Strategic Cycling Objectives which would need to embrace an education and promotion support programme.
2. That Council notes that a variation has been made to the Regional Land Transport Plan authorising a financial programme of up to \$150,000 per annum for infrastructure and up to \$80,000 per annum for education and promotion activities relating to walking and cycling.
3. That until the outcome of any NZTA financial assistance for the Bikes in Schools Programme was known, Council continue with establishing infrastructure only at three schools for the 2016/17 financial year.
4. That the Committee note that an independent assessment of the Bikes in Schools programme was to be undertaken and that such assessment would be undertaken by an impartial consultant to avoid any actual or perceived conflict of interest, and that the findings be reported back to Council.

ATTACHMENTS

Nil