



ORDINARY MEETING OF COUNCIL

Open Attachments (Under separate cover)

Meeting Date: Thursday 2 February 2023

Time: 9.30am

Venue: Council Chambers
Hawke's Bay Regional Council
159 Dalton Street
Napier

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Napier City Council Governance Structure

Terms of Reference, Council and Committees of
Council Delegations

2022-2025

Adopted by Napier City Council on ___ 2023

Updated 24 January 2023

Doc Id 1610027

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INTRODUCTION

Purpose

This document sets out the Governance Structure by which Napier City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002, and is intended to sit alongside Council's Standing Orders.

The terms of reference and delegations in this document are intended to facilitate the most efficient and effective application of Council's functions and powers, and to ensure the business of Council is transacted transparently and inclusively, whenever possible.

Council Delegations

A delegation is the transfer of a responsibility, duty, function or power from Council to another Council decision-making body or to the Chief Executive, to a member, or to officers. It is the authority to make decisions under delegated authority on behalf of Council.

Council has many responsibilities, duties, functions and powers. These may be specifically prescribed by legislation or may come from Council's general power in section 12 of the Local Government Act 2002. In either case, the responsibilities, duties, functions and powers are usually conferred on the local authority itself (with a few exceptions, such as where a power is specifically given to a particular officer, such as an enforcement officer). However, much of Council's work cannot be done solely by full Council and many of Council's responsibilities, duties, functions and powers must be delegated to ensure Council services and decisions are delivered in an effective, efficient and timely manner.

This allows elected members sitting as Council to focus on strategic issues and the long term needs of the Napier area, while detailed consideration and decision making can be carried out by other Council decision-making bodies, and the implementation of those decisions and the operation or administration of services or functions can be carried out by officers.

Governance, Management and Operational Activities

The nature of local government activities rests on a division between governance activities and management activities. Governance activities are exercised by elected members sitting as Council, or as delegated to committees, sub-committees and subordinate decision-making bodies. The governance role includes (but is not limited to) setting the strategic and overall direction of Council, including supporting the Mayor in the development of the Long Term Plan, Annual Plan, and other planning documents as required by law, and the development of policy to achieve Council's goals.

The Chief Executive is responsible for management and operational activities. This includes (but is not limited to) providing advice to Council, its committees, sub-committees and subordinate decision-making bodies, to enable Council to carry out its governance role. The Chief Executive is also responsible for implementing the decisions of Council (as defined by the Long Term Plan or Annual Plan), its committees, sub-committees and subordinate decision-making bodies, as well as managing the administration, operations and service delivery of Council.

The Chief Executive is the sole employee of Council, and employs all other officers of the local authority. For a local authority to work efficiently and effectively, it is vital that the Chief Executive can also delegate his or her responsibilities, duties, functions and powers to officers.

POWERS DELEGATED TO STANDING COMMITTEES

The mayor has the power to establish committees and appoint chairpersons of the committees.

- Council retains the right to also act in any matter where delegated authority applies; it does not part with the function, duty or power being delegated. Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.
- Any Committee may resolve to refer any matter to full Council with or without recommendation. A decision made by a committee under delegation from the Council has the same effect as if it were made by the Council itself.
- Each committee's powers are restricted to the areas of responsibility of that committee.
- Working groups or panels can be established as needed to address special or particular issues, and report directly to Council or the relevant committee. Working groups and panels have no decision-making powers.

Common Delegations

There are a number of common delegations from Council to the following standing committees of the whole: Napier People and Places Committee, Prosperous Napier Committee, Sustainable Napier Committee and Future Napier Committee. These common delegations are set out below and should be read in conjunction with the Terms of Reference for those committees.

General Principle

1. The work of the committees will be in accordance with the priorities and work programme agreed by the Council.
2. These committees have the powers necessary to perform the respective committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement (including a special consultative procedure) required on issues before the committee, in accordance with Council's Significance and Engagement Policy, the Local Government Act 2002 or other applicable legislation.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations; making determinations on such matters unless they are reserved for Council to decide.
4. Receive and consider valid petitions, and make any recommendations or decisions (within the committee's delegations) in relation to such petitions.

Submissions and legislation

1. Approve submissions to external bodies/organisations or Central Government on legislation or proposals that impact Napier City.

NOTE: The following process can be used in the event that a submission is not presented to the relevant committee prior to the due date for submission:

- a) The opportunity to give feedback on Council Officer's submissions will be given to Elected Members as required.
- b) Officers will circulate the submission to the Elected Members for comment, providing at least 24 hours for the review of the submission.

- c) Where possible, a consensus of the Elected Members should be sought. If required, a majority view will prevail.
- d) Any submission approved via this process should be presented to the next relevant committee meeting for noting and public awareness.

Projects and programmes

1. Monitor and oversee strategic projects and programmes.
2. Monitor Council's Activity Management Plans.

Contracts

Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:

- a) Do not require the approval of Council; and
- b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

NOTE: The Chief Executive will present a quarterly report to the Council noting the contracts approved under their financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the committee for decision making.
2. Consider and make decisions on matters that fall within a committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers.
3. Commission new committee reports and work required to respond to significant or compliance issues, or to complete the agreed Council work programme.
4. Make recommendations to the Council or other committees (in relation to decisions that fall within their respective terms of reference).
5. Establish working groups or hearings panels and approve their terms of reference.

Ambiguity and Conflict

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

In the event of uncertainty or dispute as to which committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

COUNCIL

Proposed 2022-2025 Terms of Reference - Council

| | |
|---------------------------|--|
| <i>Chairperson</i> | <i>Her Worship Mayor Kirsten Wise</i> |
| <i>Deputy Chairperson</i> | <i>Deputy Mayor Annette Brosnan</i> |
| <i>Membership</i> | <i>All elected members</i> |
| <i>Quorum</i> | <i>7</i> |
| <i>Meeting frequency</i> | <i>At least 6 weekly and as required</i> |
| <i>Executive</i> | <i>Chief Executive</i> |

Purpose

The Council is responsible for:

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

Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body¹:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body².
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.

¹ Schedule 7, Clause 32. Local Government Act 2002.

² Schedule 7, Clause 30A

11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.³

Delegated Power to Act

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) ⁷.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly⁸.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

3 Shop Trading Hours Act 1990, Section 5D.

4 Schedule 7, Clause 27,

5 Schedule 7, Clause15,

6 Schedule 7, Clause30,

7 Schedule 7, Clause 30,

8 Local Electoral Act 2001, Section 19H.

STANDING COMMITTEES

Proposed 2022-2025 Terms of Reference - Napier People and Places Committee

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>Councillor McGrath</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Boag</i> |
| <i>Membership</i> | <i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi representatives (2)</i> |
| <i>Quorum</i> | <i>8</i> |
| <i>Meeting frequency</i> | <i>At least 6 weekly (or as required)</i> |
| <i>Officer Responsible</i> | <i>Executive Director Community Services</i> |

Purpose

To provide governance oversight for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation. The Committee adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. Community development, feedback and well-being in terms of Council's agreed City Vision principles
2. Community resilience and sustainability
3. Community Social and Cultural needs
4. Grants and community funding initiatives
5. Community projects and facilities
6. Community housing and associated wellbeing
7. Positive aging and youth accessibility
8. Events, tourism and visitor experiences
9. Sport and recreation
10. To consider reports from the Arts Advisory Panel, Grants Subcommittee, Creative Communities New Zealand, and any other arts, culture and heritage related organisations where Council is represented.
11. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

12. To monitor performance (including budget and performance targets in the Long Term Plan) for the Committee's areas of responsibility and authority.
13. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities. This includes recommendations on fees and charges for activities within the Committee's responsibility and which are not otherwise delegated to officers.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

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Proposed 2022-2025 Terms of Reference – Prosperous Napier Committee

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>Councillor Crown</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Taylor</i> |
| <i>Membership</i> | <i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi representatives (2)</i> |
| <i>Quorum</i> | <i>8</i> |
| <i>Meeting frequency</i> | <i>At least 6 weekly (or as required)</i> |
| <i>Officer Responsible</i> | <i>Deputy Chief Executive / Executive Director Corporate Services</i> |

Purpose

To provide governance oversight to the corporate business of the Council, monitor the Council's financial position and financial performance against the Long Term Plan and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To monitor the overall financial position of Council and its monthly performance against the Annual Plan and Long Term Plan.
2. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
3. To consider all matters relating to CCOs and COs, not reserved to Council, including to monitoring the overall performance of CCO's.
4. Provide governance to Council's property operations and consider related policy.
5. Consider applications for the sale of properties within the Leasehold Land Portfolio.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may recommend to Council and/or the Chief Executive any changes to the funding or rating system for the City, any variation to budgets that are outside the delegated powers of officers and the approval of Statements of Intent for CCOs and COs each year.

To bring to the attention of Council and/or the Chief Executive any matters that the Committee believes are of relevance to the consideration of the financial performance or the delivery of strategic outcomes of Council.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

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Proposed 2022-2025 Terms of Reference - Sustainable Napier Committee

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>Councillor Price</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Mawson</i> |
| <i>Membership</i> | <i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i> |
| <i>Quorum</i> | <i>8</i> |
| <i>Meeting frequency</i> | <i>At least 6 weekly (or as required)</i> |
| <i>Officer Responsible</i> | <i>Executive Director Infrastructure Services</i> |

Purpose

To provide governance oversight of the asset management and operation of Council's infrastructure by making decisions on strategy, policy and levels of service in respect to:

- a) Transportation assets
- b) Three Waters
- c) Waste management and minimisation
- d) Building asset management
- e) Parks, reserves and sportsgrounds
- f) Cemeteries
- g) The inner harbour

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To review and adjust relevant work programme priorities within agreed budgets, activity management plans and levels of service as per Council's Long Term Plan.
2. To consider matters related to the management of Council's physical assets, and service related projects and facilities.
3. To oversee the management of all Council's physical assets.
4. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
5. To consider any reports from infrastructure related joint committees and business units.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

DRAFT

Proposed 2022-2025 Terms of Reference - Future Napier Committee

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>Deputy Mayor Brosnan</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Chrystal</i> |
| <i>Membership</i> | <i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i> |
| <i>Quorum</i> | <i>8</i> |
| <i>Meeting frequency</i> | <i>At least 6 weekly (or as required)</i> |
| <i>Officer Responsible</i> | <i>Executive Director City Strategy</i> |

Purpose

The purpose of this Committee is to provide governance to the town planning and regulatory functions of Council, including future planning and strategy.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. District and town planning and development.
2. Regulatory policy and functions of Council.
3. Environmental planning, policy and functions of Council.
4. Sustainable economic development.
5. Consider road stopping and approve the temporary closure of any road.
6. To monitor performance (including budget and performance targets in the Long Term Plan) for its area of responsibility and authority.
7. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
8. Ensure Council meetings all compliance requirements relating to its regulatory responsibilities.
9. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may recommend to Council that new or amended bylaws be adopted.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

SPECIALIST COMMITTEES

Proposed Terms of Reference 2022-2025 - Ngā Mānukanuka o te Iwi (Māori Committee)

| | |
|----------------------------|---|
| <i>Reports to:</i> | <i>Council</i> |
| <i>Chairperson</i> | <i>Kaumātua or Mana Whenua Representative</i> |
| <i>Deputy Chairperson</i> | <i>Elected Member</i> |
| <i>Membership</i> | <i>Mayor of Napier</i> <i>Chair off Future Napier Committee</i> <i>Chair of Sustainable Napier Committee</i> <i>Chair of Napier People & Places Committee</i> <i>Chair of Prosperous Napier Committee</i> <i>Petane Marae Representative</i> <i>Waiohiki Marae Representative</i> <i>Moteo Marae Representative</i> <i>Timikara Marae Representative</i> <i>Tangoio Marae Representative</i> <i>Wharerangi Marae Representative</i> <i>Pukemokimoki Marae Representative</i> <i>Mana Ahuriri Trust Representative</i> <i>Maungaharuru-Tangitū Trust Representative</i> |
| <i>Quorum</i> | <i>8 (to be made up of no less than 5 mana whenua representatives and 3 Councillors)</i> |
| <i>Meeting frequency</i> | <i>Quarterly</i> |
| <i>Officer responsible</i> | <i>Te Pou Whakarae</i> |

Ngā Mānukanuka o te Iwi (Definition)

The anxiousness of people. The Committee deals with people and projects that strive towards their aspirations, and deal with all types of anxieties of deadlines, spreadsheets, correct data, research, all these elements they bring to the table as well as the knowledge or matauranga gained through the process.

Membership

- Mana whenua representatives will be appointed by mana whenua entity.
- Elected Committee Members:
 - Mayor of Napier,
 - Chair of the Future Napier Committee,
 - Chair of the Sustainable Napier Committee,
 - Chair of the Napier People & Places Committee,

- Chair of the Prosperous Napier Committee.
- The Council Kaumātua will be offered the Chair post at the start of the triennium. If the Kaumātua declines, the Chair will be elected from the mana whenua representatives appointed to the Committee.
- The Deputy Chair will be elected from the Elected Members of the Committee at the beginning of the triennium.

Moemoeā (Vision)

Whakataukī / Whakatauākī

The Ngā Mānukanuka o te Iwi Committee has been established by Council to continue the development of strategic and sustainable relationships with Ahuriri Māori. Council shall meet the intent and spirit of the Council's obligations set out in the legislation more particularly the obligations of the Local Government Act 2002;

- Towards establishing and maintaining processes that provide opportunities for Māori to contribute to the decision processes of Council.
- Fostering the development of Māori capacity to contribute to these processes.
- The provision of information to assist Māori contribution to Council's activities.

The Council wishes the Committee to reflect a spirit of partnership between the Council and Hapori Māori, to contribute effectively to the Council's activities. The Council will require the Committee to assist with the development of an integrated policy framework (based on Te Tiriti o Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Māori Communities.

Whainga (Purpose)

The purpose of the Ngā Mānukanuka o te Iwi Committee is to:

- Advocate on behalf of Mana/Tangata whenua to local, regional and national bodies as appropriate. This is in addition to Council's responsibility to engage directly with Mana/Tangata whenua;
- Consider governance issues relating to Council obligations to tangata whenua;
- Investigate and report to the Council on any issues that the Ngā Mānukanuka o te Iwi Committee considers necessary that may have an implication for tangata whenua.
- To nominate from among its members representatives whom it considers appropriate for the Council to appoint as voting members on the:
 - Napier People and Places Committee
 - Prosperous Napier Committee
 - Sustainable Napier Committee
 - Future Napier Committee.
 - Audit and Risk Committee

Pou (Objectives)

1. Ensure that every decision in relation to Council activities takes into consideration the relationship to Māori culture and traditions (refer Local Government Act 2002 and Resource Management Act 1991)
 - a. Works with Council and officers to ensure appropriate and timely opportunities to contribute are consistently provided to the Committee, including through review and recommendations on formal reports, informal discussions at wānanga or working with officers at a project level

- b. Works with officers to ensure that clear appropriate processes are developed and implemented that facilitate the Committee being able to meet its mandate.
2. Raise and make recommendations to Council on matters of importance to the Māori residents of Ahuriri
3. Provide feedback to Council on ways that relationship and capability to engage on Council-related matters can be built with and within the Māori communities of Napier.
 - a. Works with Council and officers in developing Māori capacity to contribute to Council activities

Notes

As well as specific hui and wānanga of this Committee, members will be invited to attend Council workshops, standing committee meetings and Council meetings.

The Ngā Mānukanuka o te Iwi Committee can nominate independent advisors to the Committee as required. Advisors have no voting rights.

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Hearings Committee – Terms of Reference

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>Deputy Mayor Annette Brosnan</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Hayley Browne</i> |
| <i>Membership</i> | <i>Mayor and 5 Councillors</i> |
| <i>Quorum</i> | <i>3</i> |
| <i>Meeting frequency</i> | <i>As required</i> |
| <i>Officer Responsible</i> | <i>Executive Director City Strategy</i> |

Role

To conduct fair and effective Hearings and make determinations on a range of the Council's quasi-judicial functions under legislation (and other matters as referred to the Committee), and to make decisions on the appointment of Commissioners (both elected members and Independent Commissioners) to hear and determine Applications under the Resource Management Act 1991.

Delegations

The Hearings Committee is granted responsibility and full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements. The Committee may decide to refer a matter to Council accompanied by recommendations where it deems the significance of the decision or its implications warrant it.

The Hearings Committee will hear and make determination on statutory and or regulatory matters under relevant legislation unless otherwise delegated by statute or Council, including (but without limitation):

1. District Plan:
 - Hear and make determination on submissions and objections to the Napier City District Plan Review and any changes or variations proposed to that Plan.
 - The Committee may decide to refer the matter to Council accompanied by recommendations, in a situation where:
 - the District Plan will be significantly altered as a result of submissions,
 - any decision on the District Plan will have a significant impact outside the District Plan on other Council policies, particularly rating levels or fees and charges, and
 - the Council will need to consider making a variation or change to the District Plan.
2. Hear and make decisions on challenges to decisions made under delegated authority where legislation allows.
3. Hear and decide Objections under the Dog Control Act.
4. Hear and decide matters regarding drainage and works on private land under the Local Government Act 2002.
5. Hear and decide matters under the Resource Management Act, specifically:
 - Hear and determine notified resource consent applications where a hearing is required;
 - Hear and decide any objections against certain decisions under s357 of the Act;

- Make decisions on the appointment of Commissioners (both Elected Members and Independent Commissioners) to hear and determine applications for Resource Consent in accordance with the guidance criteria in these terms of reference;
- Make recommendations as to where commissioner costs may fall at the time of appointment, having considered s36 of the Act.

GUIDANCE CRITERIA FOR DELEGATIONS TO AND APPOINTMENT OF COMMISSIONERS

Each member of the Hearings Committee that is responsible for Resource Management Act 1991 matters shall, if that member is accredited under this Act, be deemed for the purposes of this delegation to be a Hearings Commissioner.

Guidance for appointment of Commissioners

1. The Hearing Committee may appoint one or more Hearings Commissioners, or elected members, to a hearings panel, and may delegate in accordance with section 34A of this Act the functions, powers and duties of the Council, in determining any matter, to that individual or panel.
2. The assignment shall be made having considered the relevant legislative guidance in section 34A of The Act.
3. The assignment shall be made having considered the General Criteria for Appointment of independent Hearings Commissioner(s) below.
4. The assignment shall be made having considered the recommendation by the Chairperson and the Director City Strategy or her/his nominee, in particular the skillset required to hear and decide the specific hearing issue(s).
5. The Hearings Committee shall meet to hear the appointment recommendations, decide and appoint commissioners. The committee will formalise the delegation of powers and functions under the Act in a formal decision of the committee at this time.
6. When appointing consideration should be given to any elected members experience and competency in relation to the hearing matter and may choose to pair an elected member with an independent commissioner to build skills and experience.

General Criteria for Appointment of independent Hearings Commissioner(s)

One or more independent Hearings Commissioners shall be recommended to consider any matter or to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 in accordance with section 34A of this Act, when one or more of the following applies:

1. The Council is the applicant.
2. The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.
3. The project (application) is one in which the Council has a significant and/or pecuniary interest.
4. A valid request has been made under the Resource Management Act 1991 for a Commissioner to hear and determine the matter.
5. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee the subject of the hearing is highly political and elected members' objectivity in hearing or determining the matter would be compromised due to previous political and community debate.

6. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the highly complex and technical nature of the issues to be addressed in the hearing requires specific expertise. (Care is needed in this regard, as technical issues should always be discussed at the hearing in a manner that is understandable to the layperson.)
7. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the Hearings Committee has insufficient resources and/or time to hear the matter in a timely manner.

Note. Work must be identified in a Long Term Plan [LTP] (or an Annual Plan [AP] update to the LTP) in order to be considered for progress at any given time.

Typically the Hearings Committee will consider tenders for works included in the LTP or an AP that are above the financial delegation to the Chief Executive.

However, there may be instances where a tender may be brought to the Committee for consideration even when the monetary value is within the existing CE delegation.

For example, this would take place where specifically requested by resolution of Council or where the work relates to a bespoke project of significant interest to Council.

DRAFT

Audit and Risk Committee – Terms of Reference

| | |
|----------------------------|--|
| <i>Reports to:</i> | <i>Council</i> |
| <i>Chairperson</i> | <i>Bruce Robertson (External independent)</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Crown</i> |
| <i>Membership</i> | <p><i>Mayor</i></p> <p><i>Chair of Prosperous Napier Committee</i></p> <p><i>Deputy Chair of Sustainable Napier Committee</i></p> <p><i>Deputy Chair Hearings Committee</i></p> <p><i>External independent appointee</i></p> <p><i>Ngā Mānukanuka o te Iwi (Māori Committee) (1)</i></p> <p><i>Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.</i></p> |
| <i>Quorum</i> | <i>3 - One of which is an external appointee</i> |
| <i>Meeting frequency</i> | <i>At least quarterly and further as required</i> |
| <i>Officer Responsible</i> | <i>Deputy Chief Executive / Executive Director Corporate Services</i> |

Role

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter (see version at time of adoption below).

Delegations

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter.

The Committee can make recommendations to Council or the Chief Executive as appropriate.

| Audit and Risk Committee Charter | | | |
|---|---------------------------|-----------------------------|---------------|
| Adopted By | Council | | |
| Department | Corporate Services | | |
| Original Adoption Date | 18 September 2018 | Review Adoption Date | 5 August 2021 |
| Next Review Deadline | 16 June 2023 | Document ID | 325090 |
| Relevant Legislation | Local Government Act 2002 | | |
| Policy Referenced | Code of Ethics | | |

Objective

The objective of the Audit and Risk Committee (the Committee) is to provide independent, objective assurance and assistance to the Napier City Council (the Council) on the Council's governance, risk management, internal control and compliance frameworks, and its external accountability responsibilities.

Authority

The Napier City Council, at its meeting on 2 November 2016, re-established the Audit and Risk Committee for the 2016-19 triennial. The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including the Chief Executive, the Director of Corporate Services and the Chief Financial Officer at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

Composition and Tenure

The Committee will consist of seven members appointed by the Council. These must include the Mayor, the Chair of the Prosperous Napier Committee and the Deputy Chair of the Prosperous Napier Committee (or other nominated person) and a representative from the Maori Committee. The Council will also select up to three independent members.

The Napier City Council will appoint the chairperson of the Committee.

Members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, after a formal review of their performance.

Council representatives on the Committee will carry out their duties as outlined in the Charter, recognising the difference in the role of the Committee compared to Councillor community advocate.

The Chief Executive, the Director of Corporate Services and the Chief Financial Officer will not be members of the Committee but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one independent member of the Committee should have accounting or related financial management experience with an understanding of accounting and

auditing standards in a public sector environment together with a strong background in infrastructure, corporate governance and risk.

Role and Responsibilities

The Committee has no executive powers and will conduct itself in accordance with the values and ethics of the Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for the management of the Council rests with the Chief Executive.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Napier City Council from time to time.

Risk Management

The Committee's responsibilities are to:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of Napier City Council's financial and business risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the effect of the Council's risk management framework on its control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing the Council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review the Council's internal controls in relation to preventing fraud and satisfy itself that the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information and to ensure appropriate action is taken against known perpetrators of fraud.

Health and Safety

The Committee's responsibilities are to:

- review key risks of the Council in the areas of safety, occupational health and environmental issues.
- review management's approach to maintaining and continual improvement to providing a safe working environment is sound and effective.
- review compliance of relevant laws, regulations and operational policies and standards.
- review the establishment and tracking of measurable workplace health, safety and environment key targets.

Control Framework

The Committee's responsibilities are to:

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisers, is sound and effective;
- review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;

- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls; and
- review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

External Accountability

The Committee's responsibilities are to:

- review the financial statements and provide advice to the Council, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- satisfy itself that the financial statements are supported by appropriate management sign-off on the statements and the adequacy of the systems of internal controls;
- review the processes in place designed to ensure that financial information included in the Council's annual report is consistent with the signed financial statements;
- review the processes and risk assessment are in place for the development and adoption of the Council's Long Term Plan;
- satisfy itself that the Council has appropriate mechanisms in place to review and implement, where appropriate, relevant external audit reports and recommendations; and
- satisfy itself that the Council has a performance management framework that is linked to organisational objectives and outcomes.

Legislative Compliance

The Committee's responsibilities are to:

- determine whether management has appropriately considered legal and compliance risks as part of the Council's risk assessment and management arrangements; and
- review the effectiveness of the system for monitoring the Council's compliance with relevant laws, regulations, and associated government policies.

Internal Audit

- The Committee's responsibilities are to:
- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- review the internal audit coverage and annual work plan, ensure that the plan is based on the Council's risk management plan, and recommend approval of the plan on behalf of the Council;
- advise the Mayor and Chief Executive on the adequacy of resources to carry out the internal audit, including completion of the approved internal audit plan;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions;
- review all audit reports and provide advice to the Council on significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of good practice;
- monitor management's implementation of the internal auditor's recommendations;
- review the internal audit charter to ensure that appropriate organisational structures, authority, access, and reporting arrangements are in place;
- provide advice to the Council on the appointment of the Head of Internal Audit (in the case of an in-house internal audit function);
- recommend the appointment of the internal auditor;

- periodically review the performance and effectiveness of the internal auditor; and
- be satisfied that any dismissal of the Head of Internal Audit is based on proper and appropriate reasons, to safeguard the independence of the audit function.

External Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- provide input and feedback on the financial statements and the audit coverage proposed by the external auditor, and provide feedback on the audit services provided;
- review all external plans and reports for planned or completed audits and monitor management's implementation of audit recommendations;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions: and
- provide advice to the Council and Chief executive on action taken on significant issues raised in relevant external audit reports and good practice guides.

Governance

Responsibilities of Committee Members

Members of the Committee are expected to:

- express opinions frankly, ask questions that go to the core of the issue, and pursue independent lines of enquiry;
- provide the governance test and challenge to ensure there is organisational improvement and strong risk management processes;
- contribute the time needed to study and understand the papers provided; and
- apply good analytical skills, objectivity, and good judgment;

Reporting

The Committee will regularly, but at least once a year, report to the Council on its operation and activities during the year. The report should include:

- a summary of the work the Committee performed to fully discharge its responsibilities during the preceding year;
- a summary of the Council's progress in addressing the findings and recommendations made in internal and external audit reports, and the Auditor-General's reports (if applicable);
- an overall assessment of the Council's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes; and
- details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.

The Committee may, at any time, report to the Chief Executive or the Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive or the Council.

Administrative Arrangements

Meetings

The Committee will meet at least four times each year. A special meeting may be held to review the annual report.

From time to time additional meetings may be required to consider matters outside of normal meeting cycles.

The Chairperson is required to call a meeting if requested to do so by the Council, Chief Executive or another Committee member.

A meeting plan, including dates and agenda items, will be agreed upon by the Committee each year. The meeting plan will cover all of the Committee's responsibilities as detailed in this charter.

Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members including at least one independent member.

Meetings can be held in person, by telephone, or by video conference.

The Head of Internal Audit and external audit representatives will be invited to attend each meeting unless requested not to do so by the Chairperson of the Committee.

The Chief Executive may be invited to attend Committee meetings to participate in specific discussions or provide strategic briefings to the Committee. The Committee may also ask other employees to attend Committee meetings or participate for certain agenda items.

The Committee will meet separately with both the internal and external auditors at least once a year.

Secretariat

The Chief Executive will appoint a person to provide secretariat support to the Committee. The Secretariat will ensure that the agenda for each meeting and supporting papers are circulated, after approval from the Chairperson, at least one week before the meeting, and ensure that the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated within two weeks of the meeting to each member and Committee observers, as appropriate.

Conflicts of Interest

Once a year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately recorded in the minutes.

Where any member is deemed to have a real, or perceived, conflict of interest at a Committee meeting, it may be appropriate that they are excused from Committee deliberations on the issue where the conflict of interest exists.

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

Assessment Arrangements

The Chairperson of the Committee, in consultation with the Mayor, will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Mayor) with appropriate input sought from the Chief Executive, the internal and external auditors, management, and any other relevant stakeholders, as determined by the Mayor in discussion with the chairperson of the Committee.

Review of Charter

At least once every 2 years, the Committee will review this charter. This review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.

Procedure Review

The review timeframe of this charter will be no longer than every two years.

Document History

| Version | Reviewer | Change Detail | Date |
|---------|-------------------------|---|----------------|
| 1 | Chief Financial Officer | Initial publication | December 2016 |
| 2 | Chief Financial Officer | Review process | August 2018 |
| 3 | Chief Financial Officer | Republication (nb: version control issues) | September 2018 |
| 4 | Accounting Manager | Review process and add in Health and Safety | March 2020 |
| 5 | Chief Financial Officer | Review process, change to composition of committee, minor additions | June 2021 |

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Chief Executive Contract Committee – Terms Of Reference

| | |
|----------------------------|---|
| <i>Reports to:</i> | <i>Council</i> |
| <i>Chairperson</i> | <i>Deputy Mayor Annette Brosnan</i> |
| <i>Deputy Chairperson</i> | <i>N/A</i> |
| <i>Membership</i> | <i>Mayor and 4 Standing Committee Chairs</i> <i>This Committee has the power to co-opt members from the Council as the Chair determines necessary.</i> |
| <i>Quorum</i> | <i>3</i> |
| <i>Meeting frequency</i> | <i>As required</i> |
| <i>Officer responsible</i> | <i>Manager Governance</i> |

Role

To review the performance of the Chief Executive and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

Delegations

The Chief Executive Contract Committee has the responsibility and the authority to:

1. Establish a Success Agreement with the Chief Executive covering success factors for the year.
2. Agree annual performance objectives aligned to the Success Agreement with the Chief Executive.
3. Undertake a 6 monthly review of progress against the Success Agreement and associated annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
4. Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
5. Conduct and complete a review of employment under Clause 35, Schedule 7, of the Local Government Act 2002, and make a recommendation to Council under Clause 34, Schedule 7.
6. Under the annual remuneration review and make decisions regarding remuneration.
7. Act as Council's agent in all matters pertaining to the employment contract of the Chief Executive including any issues which may arise in respect of the job description, agreement, performance objectives or other similar matters.
8. Oversee any recruitment and selection process for a Chief Executive (a decision on appointment must by law be made by the Council), initiate any improvements to the employment contract, and undertake negotiations on Council's behalf.
9. To consider and propose to Council, training of the Chief Executive as necessary.

District Licensing Committee - Terms of Reference

| | |
|----------------------------|---|
| <i>Chairperson</i> | <i>External Commissioner appointed by recruitment</i> <i>Stuart Hylton – as of 27 Feb 2020</i> |
| <i>Membership</i> | <i>List members 2019-2022: - as of 27 October 2021</i> <i>David Fellows</i> <i>Ross Pinkham</i> <i>Councillor Keith Price</i> <i>Councillor Graeme Taylor</i> <i>1 Vacancy</i> |
| <i>Quorum</i> | <i>3</i> |
| <i>Meeting frequency</i> | <i>As required</i> |
| <i>Officer Responsible</i> | <i>Executive Director City Strategy</i> |

Role

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012. The Act requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

Although the District Licensing Committee in Napier City is a committee of Council and receives Council administrative support, it primarily operates as a decision making body without the influence of Council.

An independent Commissioner chairs Napier City District Licensing Committee and the members are a mix of appointed councillors and suitably qualified lay-persons.

Delegations

The functions of the District Licensing Committee is specified by the Act⁹ and include:

1. Consider and determine applications for licences and manager's certificates,
2. Consider and determine applications for renewal of licences and manager's certificates,
3. Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
4. Consider and determine applications for the variation, suspension, or cancellation of special licences,
5. Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
6. with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,
7. Conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and
8. Any other functions conferred on licensing committees by or under this Act or any other enactment.

⁹ Section 187, Sale and Supply of Alcohol Act 2012.

The committee may make recommendations to Council.

Chair's delegation

When no objection to an application has been received (for a license, manager's certificate, or renewal of a license or manager's certificate), and no matters of opposition have been raised under section 103, 129 or 141, the Chair has the delegation to decide on the papers and issue decisions on such applications.

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SUBCOMMITTEES and ADVISORY PANELS

Community Services Grants Subcommittee – Terms of Reference

| | |
|----------------------------|---|
| <i>Reports to</i> | <i>Napier People and Places Committee</i> |
| <i>Chairperson</i> | <i>Councillor Maxine Boag</i> |
| <i>Deputy Chairperson</i> | <i>N/A</i> |
| <i>Membership</i> | <i>2 Councillors</i> |
| | <i>4 Community Representatives (external)</i> |
| <i>Quorum</i> | <i>3 Half the members (including vacancies)</i> |
| <i>Meeting frequency</i> | <i>Meeting frequency set annually</i> |
| <i>Officer Responsible</i> | <i>Executive Director Community Services</i> |

Role

This sub-committee reports to the Napier People & Places Committee.

Delegations

1. To allocate grants in accordance with Council procedures.
2. To make recommendations to the Napier People and Places Committee to approve Grants.
3. To make recommendations to the Napier People and Places Committee on adding performance criteria and conditions on grants.

Remuneration:

Community representatives are paid \$400 per meeting.

Arts Advisory Panel – Terms of Reference

Reports to *Napier People and Places Committee*

Chairperson *Councillor Ronda Chrystal*

Deputy Chairperson *N/A*

Membership *2 Councillor*

External Membership

1 representative from:

Art Deco Trust

Napier Arts Community Practitioner

Creative Arts Napier Inc.

Museum Theatre Gallery (MTG)

Māori/Iwi

Secondment of Design Group Representative as required: a member of an existing Design Group should be seconded onto the Panel when the Panel has to consider one off art work in public places or part of the urban development relating to the Design Group's area of interest.

Quorum *3*

Meeting frequency *As required*

Officer Responsible *Executive Director Community Services*

Role

1. To make recommendations to Council on the suitability of one-off art installations for a particular location giving considerations to the uniqueness of the community into which it is to be installed, and the heritage and cultural values of the site.
2. To assess and ensure that the potential art installation is aligned with the objectives and policies as set out in Napier City Council's Arts Policy.

Notes:

This panel will not replace or supersede the existing design groups across the city such as the West Quay/Ahuriri Design Group for the Ahuriri area and any group established under the CBD Design Guide or any other newly established Council design groups.

All potential art in public places being considered by an existing Design Group either as a one off artwork or part of the urban development in their location of interest must be referred to the Arts Advisory Panel for advice. The Arts Advisory Panel meet as required to coincide with the appropriate Council meeting to assess proposals and submit recommendations. Members are volunteers.

JOINT COMMITTEE (Administered by Napier City Council)

Ngā whakataunga mō ngā whakapuakitanga / Ahuriri Regional Park Joint Committee - Terms of Reference

(Administration through the Napier City Council)

| | |
|----------------------------|---|
| <i>Reports to</i> | <i>Council</i> |
| <i>Chairperson</i> | <i>Deputy Mayor Brosnan</i> |
| <i>Deputy Chairperson</i> | <i>Tania Eden</i> |
| <i>Membership</i> | <i>2 NCC Councillors (1 alternate)</i> |
| | <i>2 HBRC Councillors (1 alternate)</i> |
| | <i>4 Mana Ahuriri Trust Representatives (1 alternate)</i> |
| <i>Quorum</i> | <i>7</i> |
| <i>Meeting frequency</i> | <i>As required</i> |
| <i>Officer Responsible</i> | <i>Executive Director City Strategy</i> |

Tā mātau manawanui Our Commitment

The Napier City Council (NCC), Hawke's Bay Regional Council (HBRC), and Mana Ahuriri Trust (MAT) wish to partner on the Ahuriri Regional Park (ARP) project in a manner that works towards restoring the health and wellbeing of the Ahuriri Estuary through co-governance.

Both Partner Councils recognise kaitiakitanga of Ngā Hapū o Ahuriri, duly mandated through Te Komiti and at all times, will fully engage with Te Komiti both through its representative and as a group to seek guidance and to coordinate with the ARP Joint Committee on matters relating to Te Komiti's wider catchment plan (SO486367) as we work through the development of the ARP.

1.0 Kōrero Tuku Iho Historical Account

- 1.1 In the decade after the 1851 Ahuriri purchase, Ahuriri Hapū continued to occupy and use Te Whanganui-ā-Orotū in accordance with their tikanga. At this time Pākehā settlement had little impact on Te Whanganui-ā-Orotū.
- 1.2 In 1860 the Crown vested in the Hawke's Bay provincial government for the purposes of harbour development. The vesting empowered the Provincial Superintendent to develop harbour facilities to facilitate trade and commerce.
- 1.3 In 1874 Parliament passed legislation that set aside all of Te Whanganui-ā-Orotū as an endowment for a harbour board. Parliament established the Napier Harbour Board the following year. The Board's 12 members were prominent Hawke's Bay sheep farmers and

businessmen, and none was a member of Ahuriri Hapū. Further legislation made Te Whanganui-ā-Orotū increasingly available for developments led by the Board.

- 1.4 Harbour development works had a negative effect on the ecology of Te Whanganui-ā-Orotū. In 1920 Māori witnesses told the Native Land Claims Commission that dredging had made Te Whanganui-ā-Orotū salty, and that freshwater fish species had been replaced by saltwater species. According to one witness Māori had been unable to catch eels and other freshwater fish from the early twentieth century, and pipi beds had been smothered by reclamation. In addition, Te Whanganui-ā-Orotū and the Ahuriri estuary were polluted by sewage and factory effluent.
- 1.5 On 3 February 1931 a major earthquake hit Napier. The earthquake raised parts of the bed of Te Whanganui-ā-Orotū. Much of its waters emptied into the sea, leaving about two-thirds of the bed exposed.
- 1.6 According to legal advice obtained by the Crown after the earthquake, title to the newly- raised portions of Te Whanganui-ā-Orotū belonged to the Napier Harbour Board under the endowment provided for in the Napier Harbour Board Act 1874.
- 1.7 On 3 May 1934 the Napier Harbour Board agreed to lease 7,595 acres of Te Whanganui-ā-Orotū to the Crown for a 21-year period and the Crown commenced drainage and reclamation work in June 1934. The Crown also commenced farming operations on reclaimed areas of Te Whanganui-ā-Orotū.
- 1.8 By June 1937 the Public Works Department reported that 2,000 acres of Te Whanganui-ā-Orotū had been completely drained and drainage of a further 2,000 acres was well advanced.
- 1.9 In 1945 Parliament passed legislation that provided for certain areas of Napier Harbour Board land to be sold and leased to the Napier Borough Council for the expansion of urban Napier.
- 1.10 Throughout the third quarter of the twentieth century reclamation and subsequent alienations by the Harbour Board provided land for residential, industrial and recreational developments in Napier. The Napier Borough Council developed the Hawke's Bay Airport on reclaimed land that included islands taken under public works legislation in 1939. The Crown also developed the Ahuriri Farm Settlement on reclaimed land.
- 1.11 Nine islands were explicitly excluded from the endowment of Te Whanganui-ā-Orotū set aside for harbour development in 1874. After the earthquake the islands became surrounded by dry land. The Napier Harbour Board Empowering Act 1932-33 empowered the Native Land Court to vest in trustees six islands that were still Māori customary land.
- 1.12 In 1936, on the application of the Napier Harbour Board, the Native Land Court ordered the appointment of six trustees for the islands (approximately 20 acres in total). On 23 May 1939 the Board published a notice of intention to take the islands under the Public Works Act 1928.
- 1.13 Hori Tupaea lodged an objection but, for reasons that are unclear, it appears that no hearing occurred. On 6 October 1939 the Governor-General proclaimed the islands as taken and

vested in the Napier Harbour Board. When the deadline for compensation claims expired on 16 November 1944 the Māori trustees had not filed a claim and so no compensation was paid.

- 1.14 In 1916 Hiha Ngarangione (of Ngāti Hinepare) and Oriwia Porou applied to the Native Land Court for an investigation of title to Te Whanganui-ā-Orotū, and based their claim on descent from the tipuna Tāwhao. The Court dismissed the case on the basis that Te Whanganui-ā-Orotū was not Māori customary land and therefore not within its jurisdiction.
- 1.15 In 1916 the Department of Lands and Survey asked the Solicitor-General for his advice on whether the Crown held title to Te Whanganui-ā-Orotū. The Solicitor-General concluded that the wording of the 1851 Ahuriri deed did not include Te Whanganui-ā-Orotū within the boundaries of the purchase and that the boundary shown on the plan attached to the deed had been drawn in error. However, the Solicitor-General found that this was of no material importance because Te Whanganui-ā-Orotū was tidal and the Court of Appeal had determined that Māori customary title did not apply below the high water mark.
- 1.16 In 1920 the Crown established a Native Land Claims Commission to inquire into a number of petitions relating to Māori land, including a 1919 petition regarding Te Whanganui-ā-Orotū. The Commission found that the boundaries described in the 1851 Ahuriri deed “skirt along the interior line of the harbour, but do not include it.” However the Commission found that the Crown had made it clear to Māori that it was purchasing Te Whanganui-ā-Orotū in 1851 through references to “moana” in the deed, though it expressed doubt that Māori appreciated the full effect of the dealing when they signed.
- 1.17 In 1924 Te Wahapango of Ngāi Te Ruruku and eighteen others petitioned Parliament again. The petitioners reiterated their argument that Te Whanganui-ā-Orotū was not included within the boundaries of the Ahuriri purchase, and appealed to the Treaty of Waitangi as a guarantee of their fishing rights in Te Whanganui-ā-Orotū. The Native Affairs Committee reported that the petition should be referred to the Government for consideration but no Crown action resulted.
- 1.18 In 1932 Hori Tupaea of Ngāti Paarau and Ngāti Hinepare and four others petitioned Parliament seeking a share in the benefits accruing from the land upraised from the bed of Te Whanganui-ā-Orotū by the 1931 earthquake. The petition stated that Ahuriri Māori never intended to include Te Whanganui-ā-Orotū in the 1851 transaction. The petition went on to say that as a result of the earthquake Ahuriri Māori had “lost all that remained to them, and have nothing to represent the rights which they formerly had and which they were always so anxious to preserve.”
- 1.19 The Native Land Court inquired into the petition in 1934. Counsel for the petitioners argued that Te Whanganui-ā-Orotū belonged to Māori when the Treaty of Waitangi was signed. Accordingly, article 2 of the Treaty applied to it. Counsel for the petitioners also reiterated the argument that Ahuriri Hapū had not sold Te Whanganui-ā-Orotū to the Crown in 1851.
- 1.20 The Crown argued that Te Whanganui-ā-Orotū had been included in the Ahuriri purchase, as it was included within the boundary apparently illustrated on the plan exhibited when the Ahuriri deed was signed. The Crown also argued that even if Te Whanganui-ā-Orotū had not been included in the purchase, ownership had transferred to the Crown automatically by virtue of

the common law because Te Whanganui-ā-Orotū was an arm of the sea. Hapū argued that this was a fresh water lagoon and was never an arm of the sea.

- 1.21 The Māori Land Court did not issue its report until 1948, after further petitions from Ahuriri Māori. The report focused on two questions: whether Te Whanganui-ā-Orotū was included in the 1851 Ahuriri purchase, and whether Te Whanganui-ā-Orotū was an arm of the sea as at 1840. The Judge who wrote the report found that the Crown had only purchased the small, tidal harbour adjacent to the Ahuriri opening. He concluded that the Court had insufficient evidence to decide the arm of the sea question, though there was “some fairly strong evidence” that Te Whanganui-ā-Orotū was originally a fresh or brackish water lagoon.
- 1.22 In 1949 the Prime Minister visited Napier. Ahuriri Hapū later testified that they declined his offer to return 4,500 acres in the northern half of Te Whanganui-ā-Orotū because they wanted the entire area returned to them. According to Ahuriri Hapū, one kaumātua said to the Government at the time, "If you're ready to give us the northern end, then surely we must also own the southern end." In 1951 Ahuriri Māori made further inquiries about the Crown's response to the Māori Land Court's report. The Crown responded that it would not take action until the claimants proved that Te Whanganui-ā-Orotū had not been an arm of the sea.
- 1.23 In 1955 counsel for Ahuriri Māori asked the Māori Land Court whether it was still willing to receive evidence in support of the 1932 petitioners' argument that Te Whanganui-ā-Orotū was not an arm of the sea as at 1840. The Chief Judge declined, stating that the case must be regarded as closed due to the amount of time that had elapsed since the hearings in 1934 and the release of the Court's report in 1948. A further petition in 1965 and a letter to the Crown in 1972 produced no action by the Crown. The Crown considered the 1948 Māori Land Court report an insufficient basis for Crown action.
- 1.24 In 1988 the Crown disestablished the Hawke's Bay Harbour Board (previously Napier Harbour Board) and the remaining endowment lands began to be redistributed to other local authorities. That year the seven Ahuriri Hapū lodged the Te Whanganui-ā-Orotū (Wai 55) claim with the Waitangi Tribunal. Following this claim the Ahuriri Hapū Settlement claim commenced. The Mana Ahuriri deed of settlement first began in 2013 and recognises all historical claims of the seven hapū prior to 1992. It settled on March 3rd 2022 and includes the legislation for Te Komiti Muriwai o Te Whanga.

2.0 Whakatakinga Introduction

- 2.1 Te Whanganui-a-Orotū is a place of great significance to Ngā Hapū o Ahuriri and is central to the existence and identity of Ahuriri Hapū. It is named after the ancestor Te Orotū who was a descendent of the great explorer ancestor Mahutapoanui who is the very beginning of the Ahuriri Hapū people.
- 2.2 Since the arrival of European settlers, Ngā Hapū o Ahuriri have been alienated from Te Whanganui-ā-Orotū. This was the result of successive governments' actions including the vesting of land and waters, legislation, and the governance and management of these lands without representation from mana whenua. Throughout this time, Māori leaders have shown great conviction in their efforts to see their kaitiaki status recognised in relation to Te Whanganui-ā-Orotū, though with limited success. It is only comparatively recently that this

status has been acknowledged, and we now transition towards co-governance supported through legislative reform.

- 2.3 The Ahuriri Hapū Claims Settlement Act 2021 establishes Te Komiti Muriwai O Te Whanga (Te Komiti) for the purpose of promoting the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Whanganui-ā-Orotū. Its role is to provide guidance and coordination in the management of Te Whanganui-ā-Orotū (Ahuriri Estuary), to local authorities and Crown agencies. Its functions include preparing and approving the Te Muriwai o Te Whanga Plan and identifying the values, vision, objectives, and desired outcomes relevant to Te Muriwai o Te Whanga.
- 2.4 Te Komiti wants to collaborate with all groups that are focused on the health and wellbeing of Te Whanganui-ā-Orotū to achieve its objectives and its management plan for the Ahuriri Estuary including the surrounding catchment area.
- 2.5 NCC, HBRC and MAT seek to collaborate with Te Komiti to work towards restoring the mauri of the Ahuriri Estuary that has been critically affected by activities over many decades, within the constraints of the project. The respective Partner Councils and MAT wish to establish a Joint Committee to coordinate the respective projects, initiatives and plans of all Partners to restore the life force of the estuary.
- 2.6 This ARP Joint Committee is not intended to look at all issues within the broader Estuary catchment. Its focus is on projects and initiatives that NCC and HBRC can directly influence through their own land holdings on and adjacent to 'Lagoon Farm' and service delivery operations. That is, primarily through HBRC and NCC's Infrastructure Directorate and Asset Management Group, and Integrated Catchment Management. The HBRC and NCC regulatory functions provide context for this Joint Committee. Additionally, MAT have influence through the Ahuriri Hapū Claims Settlement Act 2021, the Deed of Settlement, and Te Komiti Muriwai o te Whanga.
- 2.7 NCC and HBRC are committed to strengthening collaboration of each council's planning and delivery processes, alongside the priorities and projects of MAT and Te Komiti, in order to bring about a step change in the protection, mauri, and enhancement of the estuary. In that context the purpose of the ARP Joint Committee is to make recommendations in relation to the establishment of an ARP serving both that objective and providing significant water quality and biodiversity enhancement and cultural benefits for the community, as well as recreational benefits, while providing for climate resilience and stormwater management.
- 2.8 NCC and HBRC are both well placed to do this as both provide drainage and stormwater services to Napier through an extensive joint network of open waterways, along with regulatory, reserve and recreation assets and functions. Through MAT the Crown recognises the role of Ahuriri hapū as Kaitiaki of the Ahuriri Estuary and catchment areas. The settlement legislation establishes a permanent statutory committee to promote the protection and enhancement of the estuary and catchment areas for future generations.
- 2.9 The location of the ARP is currently known as Lagoon Farm, and has a legal description of Lot 1 DP 388211.

3.0 Ngā whakamāramatanga Definitions

For the purpose of these Terms of Reference:

- **“Act”** means the Local Government Act 2002.
- **“Administering Authority”** means Napier City Council
- **“Council member”** means an elected representative appointed by a Partner Council
- **“Member”** in relation to the ARP Joint Committee means each Council Member and each Mana Whenua Member
- **“Partner Council”** means one of the following local authorities: Napier City Council and Hawke’s Bay Regional Council.
- **“Technical Advisory Group or (TAG)”** means the non-elected technical advisors to the project, who may move in or out of TAG as required.
- **“Te Komiti Muriwai o te Whanga”** means the entity established by section 83 of the Ahuriri Hapū Claims Settlement Act 2021
- **“Te Muriwai o te Whanga”** means the Ahuriri Estuary and catchment areas shown on SO 486367

4.0 Te ingoa me te mana o te Komiti Hono Name and status of Joint Committee

- 4.1 The Joint Committee shall be known as the Ahuriri Regional Park (ARP) Joint Committee.
- 4.2 The ARP Joint Committee is a Joint Committee under clause 30(1)(b) of Schedule 7 of the Act.

5.0 Ngā Mema Kaunihera Hoa Haere Kōtui Partner Council Members

- 5.1 The two Councils represented within this Joint Committee are NCC and HBRC.
- 5.2 Each Partner Council shall appoint two Council members and one alternate each to sit on the ARP Joint Committee.
- 5.3 Each Partner Council shall notify the other Partner Council and the Mana Whenua members in writing of the appointments made.
- 5.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any Council Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.
- 5.5 The ARP Joint Committee shall invite lead officers to the meeting of the ARP Joint Committee from each Council in advisory roles as required.

6.0 Ngā Mema Mana Whenua Partner Mana Whenua Members

- 6.1 The representative partner from mana whenua in this ARP Joint Committee is MAT.
- 6.2 MAT may appoint four members and one alternate to sit on the ARP Joint Committee.
- 6.3 MAT must notify all Partner Councils in writing of the appointments made.

6.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any mana whenua Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by MAT.

7.0 Te Kaupapa o ngā whakataunga mō ngā whakapuakitanga Purpose of Terms of Reference

7.1 The purpose of the Terms of Reference is to:

7.1.2 Define the responsibilities of the ARP Joint Committee as delegated by the Partner Councils under the Act.

7.1.3 Provide for the administrative arrangements of the ARP Joint Committee as detailed in Clause 14.0.

8.0 Te Mana kua tukuna me te Kaupapa Delegated Authority and Purpose/Fields of Activity

8.1 The ARP Joint Committee has responsibilities delegated by the Partner Councils to fulfil its purpose being:

8.1.1 To make recommendations to the respective council's on decisions pertaining to the development of the ARP that are within the jurisdiction of each Partner Council, as it relates to the site legally described as Lot 1 DP 388211. The ARP Joint Committee shall have discretion to determine the matters presented to the MAT Board for decision.

8.1.2 To commission reports and advice; and oversee the design and delivery of projects associated with the ARP:

- a. Provide advice on and approve project briefs
- b. Commission a project manager and consultant team for the preparation of a masterplan
- c. Provide recommendations on Annual Plan budgeting and inclusion of funding in the Long Term Plan (LTP) by each Council to achieve agreed water storage and quality, ecology, cultural and recreation outcomes for the estuary, its streams drains and tributaries, and on adjacent land.
- d. Provide recommendations on the completion of a proposal to be submitted by each Council in the LTP reflecting the current situation for the ARP
- e. Make recommendations on regulatory changes and other planning documents that support the delivery of the ARP
- f. Seek advice on the best models for future governance and/or management of the site
- g. Collaborate in the preparation of applications for necessary consents to ensure timing is coordinated and activities applied for are consistent with the ARP Masterplan
- h. Establish and agree outcomes, deliverables and ensure milestone alignment and updates on a proposal towards the LTP for each Council.

- 8.1.3 The delivery of an ARP that promotes climate resilience, ecological and water quality improvements, biodiversity improvements, promotes a more natural estuary margin, and provides storm water management, low impact compatible recreational opportunities, cultural storytelling and educational opportunities.
- 8.1.4 To strengthen collaborative relationships at all levels between NCC, HBRC and MAT, and in particular the co-governance, planning, operations, and monitoring functions, as they work through a co-governance relationship to develop the ARP. Council Partners that are consenting authorities reserve the right to be independent for any element that requires consent.
- 8.1.5 To promote alignment of all Partners projects with the ARP projects, initiatives and planning documents, so that resources committed to protecting and enhancing the estuary through the development of the ARP are adequate; that they prudent and efficient; and are likely to produce the outcomes expected by the whole community. Partners will seek to identify and tap into external sources of funding as required.
- 8.1.6 To facilitate collaboration in planning and design for all waterways, drainage and stormwater networks where they discharge into the ARP.
- 8.1.7 To work with Te Komiti to establish processes and collaborate together on actions to restore the mauri of the Ahuriri Estuary through the development of the ARP on Lagoon Farm.
- 8.1.8 To keep each Partner Council, MAT and Te Komiti regularly updated on the ARP Joint Committees progress.

9.0 Ngā mana kāore e tukuna Powers not delegated

The following powers are not delegated to the ARP Joint Committee:

- 9.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 9.2 Decisions relating to the allocation of funding, the use and development of land and watercourses, and matters relating to consenting lies with each Partner Council that has jurisdiction over these decisions. Recommendations only are made by the ARP Joint Committee.
- 9.3 Unless expressly specified in 8.1 of this ToR, the ARP Joint Committee only has the power to make recommendations to Partner Councils and to MAT.

10.0 Te utunga Remuneration

- 10.1 Each Partner Council shall be responsible for remunerating its representatives on the ARP Joint Committee and for the cost of those persons' participation in the ARP Joint Committee. Participation in the ARP Joint Committee from Partner Councils is considered inclusive of the many activities Councillors are expected to fulfil within their role.

10.2 The costs associated with remunerating the Mana Whenua members shall be shared equally (50/50) between each Partner Council, and in accordance with the Hawke's Bay Regional Council Policy for Reimbursement for Project Meetings and Travel (Attachment 1), at the rate specified for Working Groups.

11.0 Ngā hui Meetings

11.1 The NCC standing orders will be used to conduct ARP Joint Committee meetings as if the ARP Joint Committee were a local authority.

11.2 The ARP Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.

11.3 The quorum shall be one member per organisation and a minimum of 4 members in total.

12.0 Te pōti Voting

12.1 The ARP Joint Committee has no decision making authority outside of operational spending. It is tasked with bringing recommendations to each Council Partner and Mana Whenua Partner for consideration.

12.2 Where voting is required, all Members of the ARP Joint Committee have full speaking rights.

12.3 Each Member has one vote.

12.4 When making recommendations, Members of the ARP Joint Committee must strive to achieve consensus, but if, in the opinion of the Chair/co-Chair, consensus is not practicable after a reasonable discussion, a recommendation of the ARP Joint Committee may be made by a minimum of 75% of those members present and voting at the meeting or voting.

12.5 The Chair/co-Chairperson may vote on any matter but does not have a casting vote.

13.0 Te hautūtanga o te Komiti Hono Leadership of the Joint Committee

13.1 The Chair/Co-Chairs are appointed by the ARP Joint Committee.

13.2 The Deputy Chair, if required, is appointed by the ARP Joint Committee.

14.0 Te Tautoko ā-Whakahaere Administrative Support

14.1 Administrative support for the ARP Joint Committee (convening meetings, keeping minutes etc) will be provided by the staff of the Napier City Council's Governance team, unless otherwise agreed.

15.0 Te Whakahaere Motuhake Independent Facilitation

- 15.1 Any matter or matters being considered by the ARP Joint Committee may be referred by the Co-Chairs for independent facilitation.
- 15.2 Where a matter is referred for independent facilitation:
- a. A sub-committee of the ARP Joint Committee may be established as required, with at least one Mana Whenua Member and at least one member from each Partner Council
 - b. The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.
 - c. The ARP Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.
 - d. The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.
- 15.3 The role of independent facilitator is to assist the ARP Joint Committee to consider, debate and reach resolution on specified matters.
- 15.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

16.0 Te whakatakoto pūrongo Reporting

- 16.1 All reports to the ARP Joint Committee shall be presented via the nominated Technical Advisory Group representative or from the ARP Joint Committee Co-Chairs.
- 16.2 Following each meeting of the ARP Joint Committee, the project manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to ARP Joint Committee representatives. It is the role of the Joint Committee Members to champion these reports within their respective Partner organisations.
- 16.3 The Technical Advisory Group shall ensure that the summary report required by 16.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting, and to Mana Whenua representatives for inclusion for the next available MAT Board meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions, and will also be available to attend the MAT Board meeting at their request.
- 16.4 The Technical Advisory Group must include a cultural advisor appointed by Mana Ahuriri Trust, and must be an integral member of the Technical Advisory Group.

17.0 Ngākau Pono Good Faith

- 17.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, MAT, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and MAT and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and MAT collectively.

18.0 Ngā panonitanga o ngā whakataunga mō ngā whakapuakitanga Variations to these Terms of Reference

18.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the ARP Joint Committee.

18.2 Amendments to the Terms of Reference may only be made with the approval of all Council and Mana Whenua Partners at the recommendation of the ARP Joint Committee. Changes recommended by the ARP Joint Committee would be determined through the voting procedure outlined in Clause 12 of this ToR.

19.0 Whakapānga ā-Pāpāho Media Contact

19.1 To be agreed by ARP Joint Committee, generally to be the Chair/Co-Chairs and Deputy Chair.

19.2 The first point of contact from media in relation to this project is Napier City Council. Napier City Council will consult with its Partner members as appropriate.

Terms of Reference adopted by resolution:

- Mana Ahuriri Trust - 30 June 2022
- Napier City Council – 14 July 2022
- Hawke's Bay Regional Council – 27 July 2022



Policy for Reimbursement for Project Meetings and Travel

HBRC will reimburse eligible people for their participation in working groups (including similar project-based meetings) and/or associated travel costs, as specified following.

Eligibility

To be eligible for reimbursement at half-day or full-day workshops/meetings, the following circumstances must apply, as relevant:

1. The person is providing necessary input to, and feedback on, proposals to address the issue at hand (which may include development or implementation of solutions), including knowledge about the local opportunities and impacts of any proposal
2. The person (or their representative organisation) must have been pre-approved for reimbursement for their participation in the project by the HBRC Chief Executive or relevant Group Manager
3. The person is presenting information at a public meeting or workshop, at the invitation of HBRC
4. The person is not otherwise receiving remuneration from HBRC with respect to the project (for example, as an HBRC regional councillor (whose remuneration is set through the Remuneration Authority) or as a contracted consultant to HBRC for the project)
5. Attendance time (including virtual attendance) at the workshop/meeting is reimbursed at either a half day or full day rate
6. The person must attend for the full duration of the workshop/meeting, unless an agreement is reached in advance with the relevant HBRC project manager
7. An IRD-compliant travel logbook must be maintained to validate any travel [use of vehicle] expense claim
8. Travel time for an eligible person to attend the workshop/meeting is reimbursed for any return trip that takes longer than one hour duration.

Not eligible

The following circumstances are not eligible for reimbursement:

1. The person is receiving remuneration from a participating organisation
2. It is a public meeting or workshop and the person is participating as any other member of the public
3. For travel time, where the return trip for the person to attend the workshop/meeting takes less than one hour
4. For the travel/use of vehicle allowance, the person is a passenger using shared transport to attend

the workshop/meeting and the person providing that transport is already being reimbursed for travel costs.

Reimbursement

1. *RPC PSGE Representative or Māori Committee Representative*

For attendance, preparation time and travel, reimbursement is in accordance with the respective rate as resolved by the HB Regional Council on 26 February 2020 (RPC) or 29 July 2020 (Māori Committee).

2. *Working Group Fee*

For attendance and preparation time, a gross fee (i.e pre-tax fee), is available for each eligible person as:

- \$175 per half day (no more than 4 hours working group time)
- \$300 per day (between 4 and 7 hours working group time)

For travel time, an eligible person making a return trip (for the purpose of participating in the working group) that takes more than one hour:

- A payment of \$37.50 per hour (after the first hour of eligible travel) to be paid upon submission of an approved Travel Claim Form.

Claims for the Working Group Fee for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received by the second Monday of the month for payment on the Friday of that week.

HBRC staff will assess withholding tax on a case by case basis, taking advice from the Chief Financial Officer as necessary.

Situations where withholding tax could apply are:

- If the advisor was part of the committee i.e attended regular meetings, similar to board members or elected representatives
- If the advisor gives a 'speech, lecture or talk of any purpose'. Generally, we would expect a 'speech, lecture or talk' to be accompanied with a presentation.

Where either of the above situations apply, withholding tax would:

- **Not be deducted** if the payment is made to a company as companies are generally exempt from withholding tax
- **Be deducted** for an individual acting in their personal capacity.

3. *Travel Allowance*

Eligible persons will be reimbursed for their travel expenses based on the current kilometre rate for business use set by the Inland Revenue Department.

Claims for the Travel Allowance for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received on by the second Monday of the month for payment on the Friday of the same week.

Implementation

1. Eligibility is authorised by the relevant group manager or Chief Executive
2. Eligibility for reimbursement must be pre-agreed between HBRC and the person concerned

3. The Māori Partnerships Team will facilitate the establishment of agreements with iwi/tangata whenua on behalf of the relevant project manager
4. The eligible person will provide HBRC with the required information to process any working group claim
[add link to required information to set up payment](#)
5. The eligible person will sign an attendance sheet at the relevant working group meeting which will be countersigned by the relevant project manager
[add link to template for record of meeting attendance](#)
6. Claims using the Meeting and Travel Claim Form may be made monthly using the Meeting and Travel Claim Form, and must be received by HBRC by the second Monday of the month for payment on the Friday of that week
[add link to Meeting and Travel Claim Form template](#)
7. The staff person assigned to administer project claims will
 - 7.1 Verify attendance at the meeting
 - 7.2 Verify any Travel Allowance claim
 - 7.3 Recommend approval to the project manager/budget manager, as appropriate
8. The project manager/budget manager will review and approve claims, as appropriate
9. The Finance Team will process for payment as follows:
 - 9.1 When withholding tax is deducted, in the middle of the month alongside payments to contractors
 - 9.2 On the Friday of the second full week of the month otherwise.
10. Reimbursement will be funded from within the relevant project budget.

Review of Reimbursement for Project Meetings & Travel Policy

Annual review – Allowance rate, setting reimbursement for forthcoming financial year.

Three-yearly – Review of policy implementation and effectiveness.

Table 1: Assessment for Eligibility re Reimbursement Policy and Funding Source

| Type of person | Type of Meeting | | | |
|--|--|---|--|---|
| | HBRC Committee | HB representative at a regional or national level meeting | HB Working Group | Reimbursement Rate |
| HBRC Councillor | Governance covers costs | Governance covers costs | ? Governance covers costs | As set by the Remuneration Authority |
| RPC PSGE Representative | Māori Partnerships covers costs | Seek reimbursement from meeting owner, otherwise Māori Partnerships | Reimbursement Policy applies from project budget | As set for RPC PSGE representative |
| Māori Committee Representative | Māori Partnerships covers costs | Seek reimbursement from meeting owner, otherwise Māori Partnerships | Reimbursement Policy applies from project budget | As set for Māori Committee representative |
| Representative nominated by MC or RPC PSGE | NA | No Seek reimbursement from meeting owner | Reimbursement Policy applies from project budget | As set for Working Group member |
| Representative nominated by another entity | NA | No Seek reimbursement from meeting owner | Reimbursement Policy applies from project budget | As set for Working Group member |
| Representative nominated by Chief Executive or Group Manager | NA | No Seek reimbursement from meeting owner | Reimbursement Policy applies from project budget | As set for Working Group member |
| Contract/consultant/Expert | By CE/Group Manager invitation, through contract | By CE/Group Manager invitation, through contract | As set in contract | As set in contract |
| Self-nominated | NA | No | No - The person must be endorsed by a relevant group, the CE or relevant Group Manager | No |
| Public | NA | No | No | No |

Table 2: Application of Reimbursement Policy on the scale of public participation

| Inform | Consult | Involve | Collaborate | Empower |
|--|--|--|---|---|
| HBRC informs people of the solution Opportunity to answer questions Eg letter, website, public meeting | HBRC informs people of the proposed solution and there is opportunity to provide feedback Eg submission | HBRC works with people to ensure their concerns and aspirations are directly reflected in the alternative solutions that are developed, feedback is sought Eg public workshop | HBRC and others work together on each aspect of the proposed solution, incorporating advice & recommendations of collaborators as far as possible Eg Working group | HBRC resources others to provide the solution |
| Not applicable | Not applicable | Not applicable | Reimbursement Policy may apply | Contract formalises the nature of empowerment |

Meeting and Travel Claim Form

Project: <Name>

Name: _____ Month: _____

| Meeting | Date | Round Trip Distance (in Kms) | Travel Time |
|------------------------------|------|------------------------------|-------------|
| <Project> meeting | | | |
| | | | |
| <i>Others – please list:</i> | | | |
| | | | |
| | | | |
| | | | |
| Total | | | |

Residential Address: _____

Signature: _____ Date: _____

Project Cost Code: _____

Approved by:
 <PROJECT> Leader Name _____

Signature: _____ Date: _____

Meeting and Travel Budget Calculation Form

Project: <Name>

| Estimate | HBRC | RPC PSGE | Maori Committee | Working Group |
|-------------------------------------|------|-------------|--------------------|---------------|
| Number of people | | | | |
| Number of Half Day Meetings | | | | |
| Number of Full Day Meetings | | | | |
| Travel time | | | | |
| Travel distance | | | | |
| Allocation to Governance \$ | | | | |
| Allocation to Maori Partnerships \$ | | | | |
| Allocation to Project \$ | | | | |
| Total Allocation \$ | | | | |



Ngā Tikanga Whakahaere Hui Standing Orders

Adopted 2 February 2022

Document ID: 1627887

Kupu whakapuaki / Preface

Commented [AE1]: Section added

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

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

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

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

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

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

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1. Kupu Whakataki / Introduction

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

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

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

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

1.1 Ngā Mātāpono / 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 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

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

1.2 Ngā tohutoro ā-ture / Statutory references

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

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether 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 Ngā kupu rāpoto / Acronyms

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

1.4 Te hāngaitanga / Application

For the removal of any doubt these Standing Orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Ngā whakamārama / 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.

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

Commented [CH2]: Added

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

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

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

Commented [CH3]: Amended

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

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

Committee includes, in relation to a local authority:

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

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

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

Commented [CH4]: Added

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

Council means, in the context of these Standing Orders, the governing body of a local authority.

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

Commented [AE5]: Added

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

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

Commented [CH6]: Added

Electronic link means both an audio and audiovisual link.

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

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

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

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Item means a substantive matter for discussion at a meeting.

Commented [CH7]: Added

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

Commented [CH8]: Added

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

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

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

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

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

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

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

Commented [CH9]: Added

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

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

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

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

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

Commented [CH10]: Added

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

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

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

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

Commented [CH11]: Added

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

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

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

Presiding member means the chairperson.

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

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

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

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

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

Public notice in relation to a notice given by a local authority means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's website. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

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

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

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

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

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

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

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion or amendment.

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

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

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

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

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

Working day means a day of the week other than:

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

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

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

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members. Workshops may also be described as briefings.

Commented [CH12]: Added

Commented [CH13]: Amended

Ngā take whānui / General matters

3. Ngā tikanga whakahaere hui / Standing orders

3.1 Te kawenga ki te whakatū tikanga whakahaere hui / 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.

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

3.2 Te tukanga mō te whakatū me te whakahou i ngā tikanga whakahaere hui / 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.

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

3.3 Me whai ngā mema i ngā tikanga whakahaere hui / 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.

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

3.4 Te whakahāngai i ngā tikanga whakahaere hui / 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 Te tārewa taupua i ngā tikanga whakahaere hui / 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 specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded,

the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

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

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

Commented [CH14]: Amended

3.6 Ngā whakawā a te Kaunihera / Quasi-judicial proceedings

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

3.7 Ngā wāhi noho o ngā mema / 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. Public access to those addresses is subject to the Privacy Act.

Commented [CH15]: Added

4. Ngā hui/ Meetings

4.1 Te tikanga ā-ture ki te whakahaere hui / 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 Te roa o ngā hui / 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, then any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting, or transferred to an extraordinary meeting.

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

4.3 Te reo / 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 Te pāho mataora i ngā hui / Webcasting meetings

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

4.5 Te hui tuatahi / 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.

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

4.6 Ngā tikanga mō te hui tuatahi / 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 LGA 2002, sch 7, cl 21(4)).

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

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl14;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch7, cl 17.

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

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

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

5. Ngā kopounga me ngā pōtitanga / Appointments and elections

5.1 Te kopounga a te Koromatua i te Koromatua tuarua, ngā ūpoko o ngā komiti me ngā mema / 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 themselves.

LGA 2002, s 41A(3).

5.2 Te whakakore a te Kaunihera i tētahi tūranga i kopoua e te Koromatua / 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 LGA 2002, s 41A, the council (or a committee, if directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Te whakatū a te koromatua i ngā komiti / 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 sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

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

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

5.4 Te pōti i ngā ūpoko ā-rohe, ngā Koromatua tuarua me ngā ūpoko tuarua / 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 5.6) when electing people to the following positions:

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

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

LGA 2002, sch 7, cl 25.

5.5 Te whakakore i te tūranga a tētahi Koromatua tuarua / Removal of a deputy mayor

A deputy mayor, whether appointed by the mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 9.

LGA 2002, sch 7, cl 18.

5.6 Te pūnaha pōti mō ngā ūpoko, ngā Koromatua tuarua me ngā ūpoko komiti / 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.

LGA 2002, sch 7, cl 25.

6. Te tuku mana / Delegations

6.1 Te haepapa ki te whakaaroaro ki te tukunga mana ki ngā poari hapori / Duty to consider delegations to community boards

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

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

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

Commented [CH16]: Section moved.

6.2 Ngā tepenga o te tuku mana / Limits on delegations

Unless clearly stated in the LGA 2002 or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

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

6.3 Ka taea e ngā komiti te tuku mana / 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.

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

6.4 Te whakamahi i ngā mana tuku / 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.

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

6.5 E kore e taea te whakakore, te whakahou rānei i ngā whakatau i raro i te mana tuku / 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.

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

6.6 Kei raro ngā komiti me ngā komiti āpiti i te mana a te mana ā-rohe / 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.

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

7. Ngā komiti / Committees

7.1 Te kopounga o ngā komiti me ngā komiti āpiti / 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.

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

7.2 Te whakakore, te whakahou rānei i ngā komiti me ngā komiti āpiti / 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.

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

Please note: Section 12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

7.3 Te kōpounga, te whakakore rānei i ngā mema komiti me ngā mema komiti āpiti / 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.

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

7.4 Te tū a ngā mema pōti ki ngā komiti me ngā komiti āpiti / 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.

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

7.5 Ka āhei te mana ā-rohe ki te whakakapi i ngā mema mēnā kāore i whakakorehia te komiti / 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), sch 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

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

7.6 Te mematanga a te Koromatua / Membership of Mayor

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

LGA 2002, s 41A(5).

7.7 Kāore e noho manakore tētahi whakatau ahakoa i rangirua te mematanga / 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.

LGA 2002, sch 7, cl 29.

7.8 Te kopounga o ngā komiti hono / 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;
- (b) How the chairperson and deputy chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and

- (e) How the agreement may be varied.

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

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

7.9 Te tūnga o ngā komiti hono / 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.

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

7.10 Te mana ki te kopou me te whakakore i ngā mema takitahi o tētahi komiti hono / 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.

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

I mua i te hui / Pre-meeting

8. Te tuku pānui / Giving notice

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

8.1 Te pānui tūmatanui – ngā hui noa / Public notice – ordinary meetings

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

LGOIMA, s 46.

8.2 Te pānui ki ngā mema – ngā hui noa / Notice to members - ordinary meetings

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

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

8.3 Ka āhei ki te karanga hui Motuhake / 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
 - ii. Not less than one third of the total membership of the council (including vacancies).

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

8.4 Te pānui ki ngā mema – ngā hui Motuhake / Notice to members - extraordinary meetings

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

each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

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

8.5 Ka āhei ki te karanga hui ohotata / Emergency meetings may be called

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

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

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

8.6 Te pūnaha mō te karanga hui ohotata / Process for calling an emergency meeting

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

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

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

8.7 Te pānuī tūmatanui – ngā hui ohotata me te Motuhake / Public notice – emergency and extraordinary meeting

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

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

LGOIMA, s 46(3).

8.8 Kāore e manakore ngā hui / 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.

LGOIMA, s 46(6).

8.9 Ngā tatūnga i whakamanahia i te hui Motuhake / 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.

LGOIMA, s 51A.

8.10 Ngā hōtaka hui / 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 publicly notify each meeting.

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

8.11 Te kore e whiwhi pānui a ngā mema / 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.

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

8.12 Te whakakore hui / 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. Te rārangi take o ngā hui / Meeting agenda

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

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

Commented [CH17]: Added

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

Commented [CH18]: Amended section

9.2 Te pūnaha mō te whakatakoto take hei whakatau / 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 13.

9.3 Ka āhei te tumu whakarae ki te whakaroa, whakakore rānei i tētahi tono / 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.

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

Commented [CH19]: Amended

9.4 Te raupapatanga o ngā mahi / 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 Te marohi a te ūpoko / 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. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

Commented [CH20]: Additional wording

9.6 Te pūrongo a te ūpoko / Chairperson may prepare report

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

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

Commented [CH21]: Amended

9.7 Te wātea o te rārangi take ki te marea / 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.

LGOIMA, ss 5 & 46A.

9.8 Te tirotiro a te marea i te rārangi take / 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.

LGOIMA, s 46A(1).

9.9 Te tango take i te rārangi take / 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 Te tuari i te rārangi take / Distribution of the agenda

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

Commented [AE22]: Amended wording to LGNZ template. Target of agenda distribution 7 days prior to a meeting will be maintained. This change means urgent late papers will not breach standing orders.

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 Te tūnga o te rārangi take / Status of agenda

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

9.12 Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa / 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.

LGOIMA, s 46A(7).

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

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

9.13 Te kōrerorero i ngā take iti kāore i runga i te rārangi take / 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.

LGOIMA, s 46A(7A).

9.14 Ngā take o te rārangi take kāore e whārikihia ki te marea / Public excluded business on the agenda

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

LGOIMA, s 46A(9).

9.15 Te maru whāiti e pā ana ki te rārangi take me ngā meneti / 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.

LGOIMA, s 52.

Ngā Tikanga Hui / Meeting Procedures

10. Te whakatuwhera me te whakakapi / 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.

11. Kōrama / Quorum

11.1 Ngā hui Kaunihera / Council meetings

The quorum for a meeting of the council is:

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

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

11.2 Ngā hui komiti me te komiti āpiti / Committees and subcommittee meetings

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

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

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

11.3 Ngā komiti hono / Joint Committees

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

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

11.4 Te herenga mō te kōrama / 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.

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

11.5 Ka tārewa te hui mēnā karekau he kōrama / Meeting lapses where no quorum

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

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

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

11.6 Ngā take mai i ngā hui tārewa / Business from lapsed meetings

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

12. Te urunga a te marea me te hopunga / Public access and recording

12.1 E tuwhera ana ngā hui ki te marea / 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.

LGOIMA, s 47 & 49(a).

12.2 Ngā take e panaia ai te marea / Grounds for removing the public

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

LGOIMA, s 50(1).

12.3 Ka āhei te mana ā-rohe ki te hopu i ngā hui / Local authority may record meetings

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

12.4 Ka āhei te marea ki te hopu i ngā hui / 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 should be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

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

13. Te taenga / Attendance

13.1 Te mōtika a ngā mema ki te tae ki ngā hui / 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.

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

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

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

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

13.2 Te tae ki ngā hui ina whakahaere whakawā te komiti / Attendance when a committee is performing judicial or quasi-judicial functions

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

13.3 Te tuku tamōtanga / Leave of absence

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

Commented [CH23]: Amended

13.4 Ngā whakapāha / 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 Mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

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

13.5 Te hopu whakapāha / Recording apologies

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

13.6 Te tamōtanga kāore i whakaaetia / Absent without leave

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

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

13.7 Te mōtika kia tae atu mā te hononga ā-oro, ataata-rongo rānei / Right to attend by audio or audio visual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded. [If the chairperson is not satisfied by the explanation, they may terminate the link.](#)

Commented [CH24]: Added

13.8 Te tūnga a te mema: kōrama / Member's status: quorum

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

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

13.9 Te tūnga a te mema: te pōti / Member's status: voting

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

13.10 Ngā mahi a te ūpoko / Chairperson's duties

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

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

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

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

13.11 Ngā tikanga mō te taenga mā te hononga ā-oro, ataata-rongo rānei / Conditions for attending by audio or audio visual link

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

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

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

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

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

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

13.13 Ka āhei te ūpoko ki te whakakore i te hononga / 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;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.16).

13.14 Te tuku, te whakaatu rānei i tētahi tuhinga / Giving or showing a document

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

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

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

13.15 Ina mūhore te hononga / Link failure

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

13.16 Te matatapu / 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 time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

Commented [CH25]: Added

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

14.1 Ngā hui kaunihera / Council meetings

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

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

14.2 Ētahi atu hui / Other meetings

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

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

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

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

14.4 Ngā whakataunga a te ūpoko / Chairperson's rulings

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where appoint of order questions the chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Ina tū te ūpoko / Chairperson standing

Whenever the chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the chairperson without interruption.

14.6 Te mōtika a te mema ki te korero / Member's right to speak

Members are entitled to speak in accordance with these Standing Orders. Members should address the chairperson when speaking. They may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Ka āhei te ūpoko ki te whakaraupapa i ngā kaikōrero / Chairperson may prioritise speakers

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

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

15. Ngā Matapakinga a te Marea / Public Forums

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

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

15.1 Ngā tepenga wā / Time limits

A period of up to 45 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the Chief Executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 10 minutes, with a further 5 minutes allowed for questions from elected members. No more than two speakers can speak on behalf of an organization during a public forum, unless otherwise decided by the meeting. Where the number of speakers presenting in the public forum exceeds 3 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Ngā Herenga / Restrictions

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

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

15.3 Ngā pātai i ngā matapakinga a te marea / Questions at public forums

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

15.4 Kāore he tatūnga / No resolutions

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

16. Ngā Teputeihana / Deputations

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

16.1 Ngā tepenga wā / Time limits

Speakers can speak for up to 10 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Ngā Herenga / Restrictions

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

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

16.3 Te pātai i ngā teputeihana / Questions of a deputation

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

16.4 Ngā tatūnga / Resolutions

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

17. Ngā Petihana / Petitions

17.1 Te āhua o ngā petihana / Form of petitions

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

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the meeting at which they will be presented, however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Te petihana ka whakatakotohia e te kaipetihana / 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 10 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

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

17.3 Te petihana ka whakatakotohia e tētahi mema / Petition presented by member

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

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

18. Te aukati i te marea / Exclusion of public

18.1 Ngā mōtini me ngā tatūnga ki te aukati i te marea / 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 s 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

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

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

LGOIMA, s 48.

18.2 Ka āhei ngā tāngata ka tohua ki te noho mai / 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.

LGOIMA, s 48(6).

18.3 Ngā take e aukatihia ana ki te marea / 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.

LGOIMA, s 46A(8).

18.4 Te kore e whāki i ngā mōhiohio / 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; and
- (b) The information is no longer confidential.

18.5 Te tuku i ngā mōhiohio nō te nohoanga aukati ki te marea / 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.

Commented [AE26]: Amended

19. Te pōti / Voting

19.1 Mā te nuinga e whakatau / 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 (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

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

19.2 Te pōti tuwhera / Open voting

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

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

19.3 Kei te ūpoko te pōti whakatau / 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.

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

Commented [AE27]: Previous triennium's additional sentence removed due to move away from Double Debate:
A casting vote is not applicable at standing committee meetings

19.4 Te tikanga pōti / Method of voting

The method of voting must be as follows:

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

19.5 Te tono i te wehenga / Calling for a division

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

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

19.6 Te tono kia tuhi i ngā pōti / Request to have votes recorded

Where a member or members have abstained or voted against a carried motion, the vote(s) or abstention will be immediately recorded for the accuracy of the record.

Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Ka āhei ngā mema ki te noho puku / Members may abstain

Any member may abstain from voting.

20. Ngā whanonga / Conduct

20.1 Te tono kia tau ngā mema / 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 immediately leave the meeting for a specified time.

20.2 Ngā whanonga e hāngai ana ki te Tikanga Whakahaere / Behaviour consistent with Code of Conduct

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

20.3 Te tango kōrero me te whakapāha / 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.

20.4 Ngā whanonga kino / Disorderly conduct

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

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

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

20.5 Te whakahāwea / 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.

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

20.6 Te pana i te tangata i te hui / Removal from meeting

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

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

20.7 Ngā take taharua ahumoni / 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.

LAMIA, ss 6 & 7.

20.8 Ngā take taharua ahumoni-kore / Non-financial conflicts of interests

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter, or any subsequent vote.

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

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

20.9 Te maru whāiti mō ngā whakaritenga hui / 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.

LGOIMA, s 53.

20.10 He āpiti hanga te maru whāiti ki ētahi atu whakaritenga / 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.

LGOIMA, s 53.

20.11 Ngā pūrere hiko i ngā hui 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:

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

21. Ngā tikanga whānui mō te tautohetohe / General rules of debate

21.1 Kei te ūpoko te tikanga / Chairperson may exercise discretion

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

21.2 Te tepenga wā mā ngā kaikōrero / Time limits on speakers

The following time limits apply to members speaking at meetings:

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

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

21.3 Ngā pātai ki ngā kaimahi / 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 is to be dealt with is at the chairperson's discretion.

21.4 Ngā pātai whakamārama / Questions of clarification

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

21.5 Kotahi noa iho te wā e āhei ai te mema ki te korero / Members may speak only once

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

21.6 Ngā tepenga mō te maha o ngā kaikōrero / Limits on number of speakers

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

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

21.7 Ka āhei te kaitautoko ki te whakatārewa i tana korero / Seconder may reserve speech

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

21.8 Me hāngai ngā kōrero ki ngā take whai panga / Speaking only to relevant matters

Members may only speak to;

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

Members must confine their remarks strictly to the motion or amendment they are speaking to. The chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

21.9 Te whakahua anō i te mōtini / Restating motions

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

21.10 Te whakahē i ngā tatūnga / Criticism of resolutions

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

21.11 Te whakahē kupu / 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.

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

21.12 Te mōtika ki te whakautu / 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.

The original mover may speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right of reply until the closure motion.

Commented [CH28]: Amended

21.13 E kore e āhei tētahi atu mema ki te korero / No other member may speak

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

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

21.14 Ngā mōtini hei hiki i te hui / Adjournment motions

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

21.15 Te whakaae a te ūpoko ki ngā mōtini whakakapi / Chairperson's acceptance of closure motions

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

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

22. Ngā tikanga whānui mō te kōrero me te mōtini / General procedures for speaking and moving motions

22.1 Ngā kōwhiringa mō te kōrero me te mōtini / 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 C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [*by simple majority*] to adopt either of the other two options for the meeting generally, or for any specified items on the agenda.

22.2 Kōwhiringa A / 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 (in which case it becomes the substantive motion) or lost, cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.

22.3 Kōwhiringa B / Option B

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

- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Kōwhiringa C / Option C

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

23. Ngā mōtini me ngā whakahoutanga / Motions and amendments

23.1 Te whakatakoto me te tautoko mōtini / 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. A motion should be moved and seconded before debate but after questions.

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

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

Commented [CH29]: Added

23.2 Te tuhi i ngā mōtini / Motions in writing

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

23.3 Ngā mōtini i whakawehea / Motions expressed in parts

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

23.4 Te whakakapi mōtini / Substituted motion

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

23.5 Me hāngai ngā whakahoutanga me kua e whakahē i te mōtini / 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. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

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

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

Deleted section

23.6 Ngā whakahoutanga kua kōrerotia kētia / Foreshadowed amendments

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

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

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

23.9 Ina whakahēngia tētahi mōtini / Where a motion is lost

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

23.10 Te tango i ngā mōtini me ngā whakahoutanga / Withdrawal of motions and amendments

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

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

23.11 Kāore e āhei he kaikōrero i muri i te whakautu a te kaimōtini, i te tonono rānei i te pōti / 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.

Commented [AE30]: Chairperson may recommend amendment: A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

Commented [CH31]: Amended

24. Te whakakore, te whakahou rānei i ngā tatūnga / Revocation or alteration of resolutions

24.1 Ka āhei tētahi mema ki te mōtini ki te whakakore i tētahi whakataunga / 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 Part 6, of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Mā te rōpū nāna te whakatau e whakakore / 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.

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

24.3 Te herenga ki te tuku pānui / 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.

24.4 Ngā herenga mō ngā mahi i raro i te tatūnga whai pānga / 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.

24.5 Te whakakore, te whakahou rānei mā te tatūnga i taua hui tonu / Revocation or alteration by resolution at same meeting

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

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

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

25. Ngā mōtini whakahaere / Procedural motions

25.1 Me pōti ngā mōtini whakahaere i taua wā tonu / Procedural motions must be taken immediately

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

25.2 Ngā mōtini whakahaere ki te whakakapi, whakatārewa rānei i tētahi tautohetohe / Procedural motions to close or adjourn a debate

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

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

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

25.3 Te pōti mō ngā mōtini whakahaere / Voting on procedural motions

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

25.4 Te tautohetohe i ngā take i whakatārewatia / Debate on adjourned items

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

25.5 Ngā take e toe ana i ngā hui i whakatārewatia / Remaining business at adjourned meetings

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

25.6 Ngā take e tukuna ana ki te kaunihera, komiti, poari hapori rānei / 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.

25.7 Etahi atu momo mōtini whakahaere / Other types of procedural motions

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

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

26.1 Ka āhei ngā mema ki te tono ki te whakatika hapa / Members may raise points of order

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

26.2 Ngā kaupapa mō te whakatika hapa / Subjects for points of order

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

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

26.3 Ngā whakahē / Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Te tono whakatika hapa i te wā o te wehenga / Point of order during division

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

26.5 Te whakatau a te ūpoko mō ngā tono whakatika hapa / 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.

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

27. Te pānui i ngā mōtini / Notices of motion

27.1 Me tuhi te pānui mō te mōtini e takune ana / Notice of intended motion to be in writing

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

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

27.2 Te whakahē i te pānui mōtini / 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 the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

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

27.3 Te kaimōtini o te pānui mōtini / Mover of notice of motion

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

27.4 Te whakarerekē i te pānui mōtini / Alteration of notice of motion

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

27.5 Ka tārewa te pānui mōtini / When notices of motion lapse

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

27.6 Te tuku i ngā pānui mōtini / 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.

27.7 Ngā pānui mōtini tārua / Repeat notices of motion

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

Commented [CH32]: Amended

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

28. Ngā meneti / Minutes

28.1 Ka noho ngā meneti hei taunakitanga mō te hui / 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 or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, sch 7, cl 28.

28.2 Ngā take ka tuhi ki ngā meneti / 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) Member absent without apology or leave of absence;
- (f) Member absent on council business;
- (g) The arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) The names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Commented [HB33]: New

Commented [HB34]: New

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

28.3 Kāore e āhei te whakawhiti kōrero mō ngā meneti / No discussion on minutes

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

28.4 Ngā meneti o te hui whakamutunga i mua i te pōtitanga / Minutes of last meeting before election

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

29. Te whakarite mauhanga / Keeping a record

29.1 Te whakarite i ngā mauhanga tika / Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

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

Public Records Act 2002, s 17.

29.2 Te tikanga mō te tiaki i ngā mauhanga / Method for maintaining records

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

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

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

29.3 Te tiroiro / Inspection

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

LGOIMA, s 51.

29.4 Te tiroiro i ngā take aukati marea / Inspection of public excluded matters

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

Ngā tohutoro tuinga / Referenced documents

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

Āpitianga 1: Ngā take e aukatihia ai te marea / 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:

- 1 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.
- 2 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.

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 wāhi tapu; or

- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

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

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public not be excluded.

- 3** 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.
- 4** 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).
- 5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

LGOIMA, s 48.

Āpitianga 2: He tauira mō te tatūnga ki te aukati i te marea / Appendix 2: Sample resolution to exclude the public

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

1 that the public is excluded from:

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

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

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

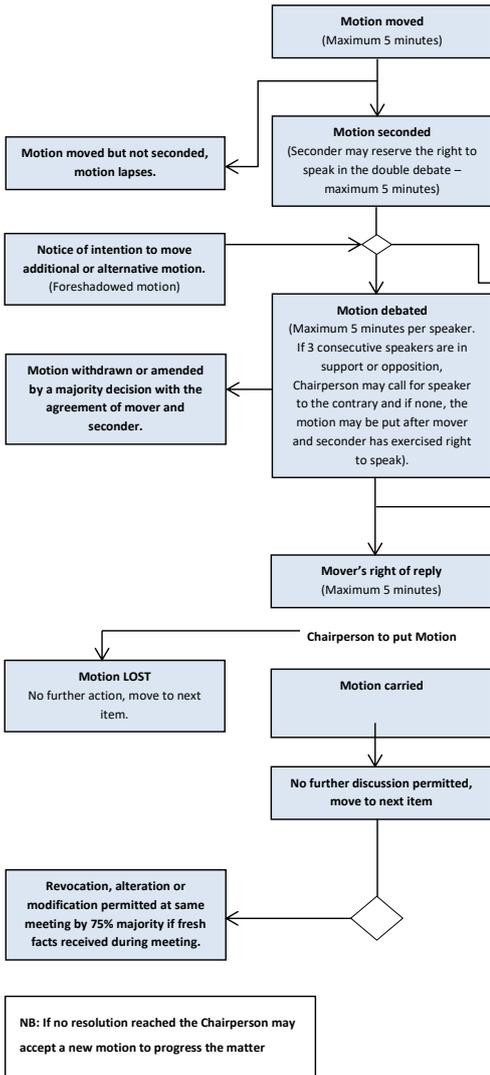
| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public |
|------------------------------|---------------------------------|---|
| | | To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).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

| Meeting Item No. and subject | Reason for excluding the public | Grounds for excluding the public |
|------------------------------|---------------------------------|--|
| | | To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)). |
| | | To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)). |
| | | To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)). |

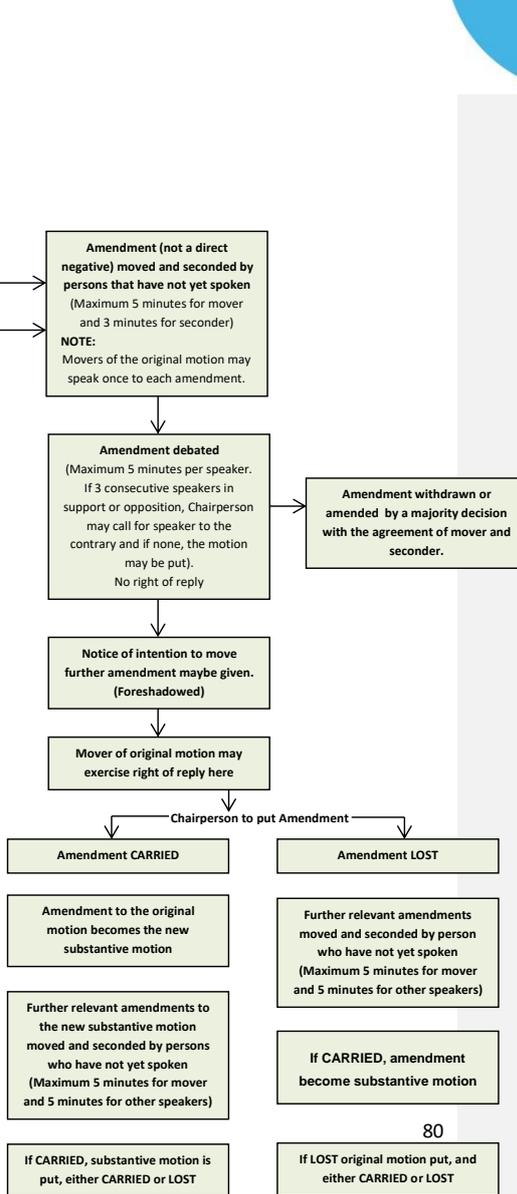
2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*.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

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

Motions without amendments

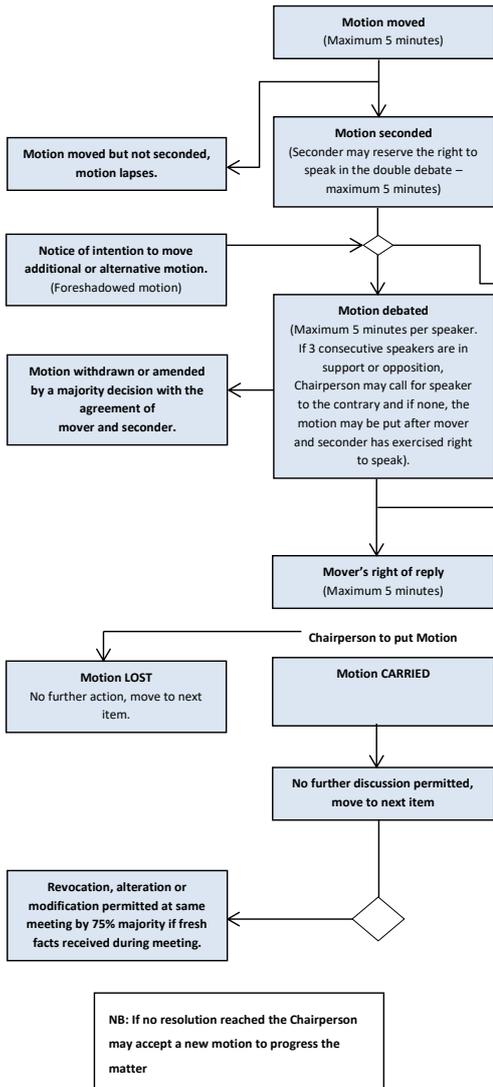


Motions with amendments

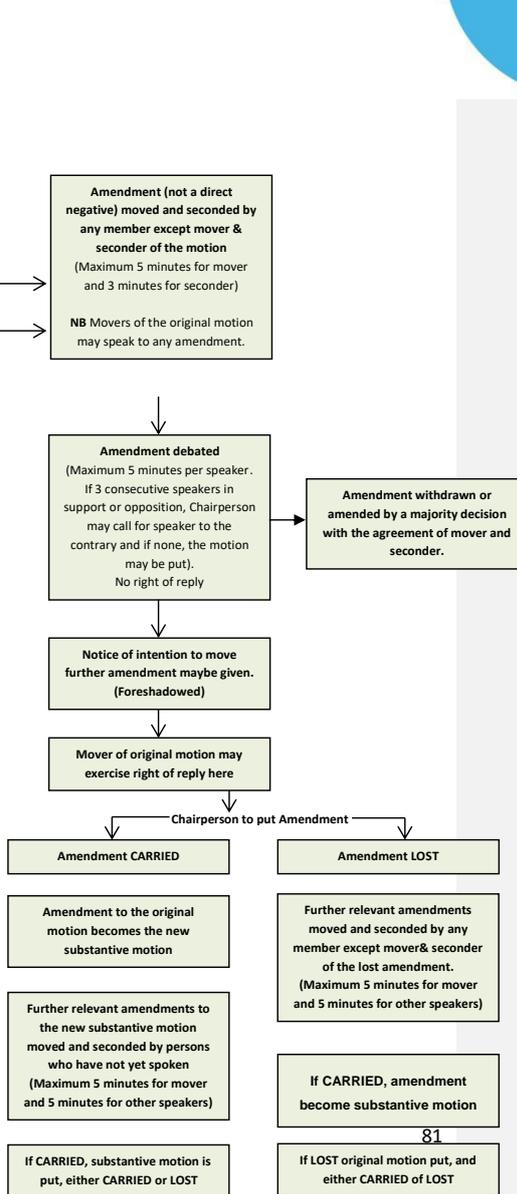


Āpitianga 4: Ngā mōtini me ngā whakahoutanga (Kōwhiringa B) / Appendix 4: Motions and amendments (Option B)

Motions without amendments

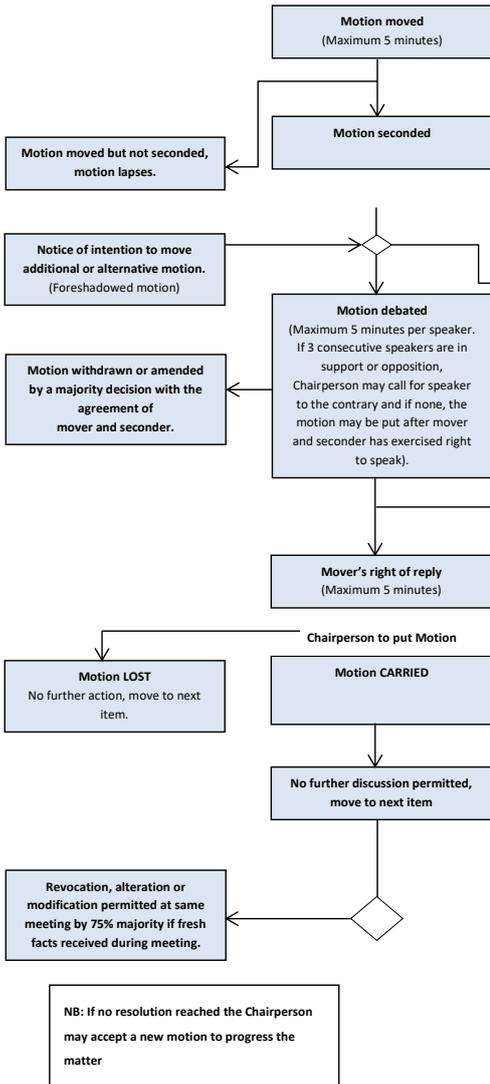


Motions with amendments

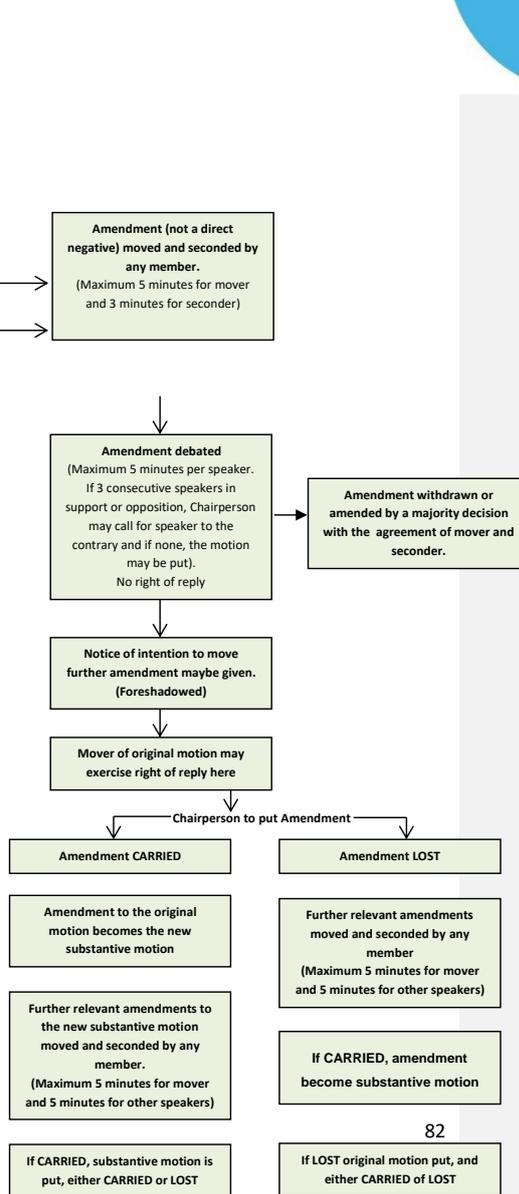


Āpitihanga 5: Ngā mōtini me ngā whakahoutanga (Kōwhiringa C) / Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Āpitihanga 6: Tūtohi mō ngā mōtini whakahaere / Appendix 6: Table of procedural motions

| Motion | Has the Chair discretion to refuse this Motion? | Is seconder required? | Is discussion in order? | Are amendments in order? | Is mover of procedural motion entitled to reply? | Are previous participants in debate entitled to move this motion? | Can a speaker be interrupted by the mover of this motion? | If lost, can motion be moved after an interval? | Position if an amendment is already before the Chair | Position if a procedural motion is already before the Chair | Remarks |
|---|---|-----------------------|-------------------------|--------------------------|--|---|---|---|---|---|--|
| (a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place" | No | Yes | No | As to time and date only | No | No | No | Yes – 15 minutes | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned | On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again |
| (b) "That the motion under debate be now put (closure motion)" | No | Yes | No | No | No | No | No | Yes – 15 Minutes | If carried, only the amendment is put | If carried, only the procedural motion is put | The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put |
| (c) "That the item of business being discussed be adjourned to a stated time and place" | No | Yes | No | As to time and date only | No | No | NO | Yes – 15 minutes | If carried, debate on the original motion and amendment are adjourned | If carried, debate on the original motion and procedural motion are adjourned | |

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

Āpitianga 7: Ngā tikanga mō te pāhotanga mataora / Appendix 7: Webcasting protocols

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

1. The default shot will be on the chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally, interjections from other members or the public are not covered. However, if the chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

ĀpitiHanga 8: Ngā Mana Whakahaere a te Ūpoko / Appendix 8: Powers of a Chairperson

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

Chairperson to decide all questions

The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision. The chairperson's ruling is final and not open to debate.

Chairperson to decide points of order (SO. 26.5)

The chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the chairperson.

Items not on the agenda (SO.9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Motion in writing (SO.23.2)

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

Motion in parts (SO.23.3)

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

Notice of motion (SO.27.2)

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson may call a meeting

The chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next scheduled meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO.21.8)

The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO.21.11)

The chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising (SO.14.5)

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

Members may leave places (SO.14.6)

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

Priority of speakers (SO.14.7)

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

Minutes (SO.28.1)

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

Questions of speakers (SO.16.3)

The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO.20.3)

The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

Chairperson's rulings (SO.14.4)

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance (SO.13.10)

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

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

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

Āpitianga 9: Te pūnaha mō te whakakore i te tūranga a te ūpoko, te Koromatua tuarua rānei / Appendix 9: Process for removing a chairperson or 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.

LGA 2002, sch 7, cl 18.

Āpitianga 10: He tauira mō te whakaraupapatanga o ngā take / 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)

Āpitiḡanga 11: Te pūnaha mō te whakatakoto take hei whakatau / Appendix 11: Process for raising matters for a decision

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community or local board; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of the chief executive; or
- Report of the chairperson.

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

[Appendix 9 \(Mayors' powers to appoint under s.41A\) and 11 \(Workshops\) from the 2019-2022 Standing Orders have been moved to the LGNZ Standing Orders Guide](#)