



Far North District Council



Te Kaunihera o Te Hiku o te Ika



Friday, 31 October 2025

Time: 11:30 AM
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Member Jessie McVeagh
Member Eddie Court
Member Doug Te Wake
Member Scarlet Mocaraka
Member Denis Orme
Member Kelly Van Gaalen

The Local Government Act 2002 states the role of a Community Board is to:-

- A. Represent, and act as an advocate for, the interests of its community.
- B. Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board.
- C. Maintain an overview of services provided by the territorial authority within the community.
- D. Prepare an annual submission to the territorial authority for expenditure within the community.
- E. Communicate with community organisations and special interest groups within the community.
- F. Undertake any other responsibilities that are delegated to it by the territorial authority

Council Delegations to Community Boards - January 2013

The "civic amenities" referred to in these delegations include the following Council activities:

- Amenity lighting
- Cemeteries
- Drainage (does not include reticulated storm water systems)
- Footpaths/cycle ways and walkways.
- Public toilets
- Reserves
- Halls
- Swimming pools
- Town litter
- Town beautification and maintenance
- Street furniture including public information signage.
- Street/public Art.
- Trees on Council land
- Off road public car parks.
- Lindvart Park – a Kaikohe-Hokianga Community Board civic amenity.

Exclusions: *From time to time Council may consider some activities and assets as having district wide significance and these will remain the responsibility of Council. These currently include: The roading network, Hundertwasser toilets, District Library Network, Baysport, the Kerikeri, Kaikohe & Kaitia Airports, Hokianga Vehicle Ferry, i-Site network, Far North Community Centre, Kerikeri Domain, Kawakawa Heated Swimming Pool, Kaikohe Cemetery, Kerikeri Sports Complex, The Centre at Kerikeri, the Bay of Islands/Hokianga Cycle Trail.*

Set local priorities for minor capital works in accordance with existing strategies,

1. Recommend local service levels and asset development priorities for civic amenities as part of the Annual Plan and Long Term Plan processes.
2. Reallocate capital budgets within the Annual Plan of up to 5% for any specific civic amenity, provided that the overall activity budgetary targets are met.
3. Make grants from the allocated Community Funds in accordance with policy 3209, and the SPARC/Sport Northland Rural Travel fund in accordance with the criteria set by the respective body, and, for the Bay of Islands-Whangaroa Community Board, the power to allocate the Hundertwasser Donations Account.
4. Provide comment to council staff on resource consent applications having significance within the Community, including the provision of land for reserves or other public purposes.
5. To hold, or participate in hearings, as the Council considers appropriate, in relation to submissions pertinent to their community made to plans and strategies including the Long Term Plan and Annual Plan, and if appropriate recommend decisions to the Council.

6. To hold hearings of submissions received as a result of Special Consultative Procedures carried out in respect of any matter other than an Annual or Long Term Plan, and make recommendations to the Council.
7. Where recommended by staff to appoint management committees for local reserves, cemeteries, halls, and community centers.
8. To allocate names for previously unnamed local roads, reserves and other community facilities, and recommend to Council name changes of previously named roads, reserves, and community facilities subject to consultation with the community.
9. To consider the provisions of new and reviewed reserve management plans for recommendation to the Council in accordance with the Reserves Act 1977, and hear or participate in the hearing of submissions thereto, as considered appropriate by the Council.
10. To provide recommendations to the Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan.
11. Prohibit the use of skateboards in specified locations within their communities, in accordance with Council's Skating Bylaw 1998.
12. Recommend new bylaws or amendments to existing bylaws.
13. Prepare and review management plans for local cemeteries within budget parameters and in a manner consistent with Council Policy.
14. Exercise the following powers in respect of the Council bylaws within their community:
 - a) Control of Use of Public Spaces – Dispensations on signs
 - b) Mobile Shops and Hawkers – Recommend places where mobile shops and/or hawkers should not be permitted.
 - c) Parking and Traffic Control – Recommend parking restrictions, and areas where complying camping vehicles may park, and consider and grant dispensations in accordance with clause 2007.2
 - d) Public Places Liquor Control – Recommend times and places where the possession or drinking of alcohol should be prohibited.
 - e) Speed Limits – Recommend places and speed limits which should be imposed.
15. To appoint Community Board members to speak on behalf of their community in respect of submissions or petitions.
16. Specific to the Bay of Islands-Whangaroa Community Board – consider any recommendations of the Paihia Heritage Working Group and make appropriate recommendations to Council on the development of a draft Plan Change and a Section 32 analysis on heritage provisions for Paihia.
17. To set schedule of meeting dates, times and venues, subject to the meetings not conflicting with meetings of the Council and satisfying the provisions of the Local Government Official Information and Meetings Act 1987.
18. To review all proposed public art projects on a project-by project basis to ensure they comply with policy #5105 Art in Public Places, including approval of the aesthetic appearance, maintenance programme, insurance and appropriate location, and to agree to their installation.
19. In respect of applications from food establishments for permission to establish tables and chairs on a public place, i.e. Alfresco dining in accordance with Policy 3116, to consider and decide on any application which does not meet all criteria of the policy, and any application which staff recommend to be declined.
20. Subject to a report from the appropriate managers and the appropriate budgetary provision, to make decisions in respect of civic amenities including the levels of service, and the provision or removal of an amenity not provided for elsewhere in these delegations.

Terms of Reference

In fulfilling its role and giving effect to its delegations, Community Boards are expected to:

1. Comment on adverse performance to the Chief Executive in respect of service delivery.
2. Assist their communities in the development of structure plans, emergency management community response plans, and community development plans.
3. Assist their communities to set priorities for Pride of Place programmes.
4. Have special regard for the views of Māori.
5. Have special regard for the views of special interest groups, e.g. disabled, youth, aged, etc.
6. Actively participate in community consultation and advocacy and keep Council informed on local issues.
7. Seek and report to Council community feedback on current issues by:
 - a) Holding a Community forum prior to Board meetings
 - b) Varying the venues of Board meetings to enable access by members of the community
8. Monitor and make recommendations to Council to improve effectiveness of policy.
9. Appoint a member to receive Annual Plan\Long Term Council Community Plan submissions pertinent to the Board area, attend hearings within the Board area, and attend Council deliberations prior to the Plan adoption.

Protocols

In supporting Community Boards to fulfil their role, the Council will:

1. Provide appropriate management support for the Boards.
2. Organise and host regular workshops with the Community Boards to assess the 'State of the Wards & District' to establish spending priorities.
3. Prior to decision-making, seek and include 'Community Board views' in Council reports in relation to:
 - a) the disposal and purchase of land
 - b) proposals to acquire or dispose of reserves
 - c) representation reviews
 - d) development of new maritime facilities
 - e) community development plans and structure plans
 - f) removal and protection of trees
 - g) local economic development initiatives
 - h) changes to the Resource Management Plan
4. Organise and host quarterly meetings between Boards, the CEO and senior management staff.
5. Prepare an induction/familiarisation process targeting new members in particular early in the term.
6. Support Board members to arrange meetings with local agencies and service clubs to place more emphasis on partnerships and raising profile of the Boards as community leaders.
7. Permit Board chairperson (or nominated member) speaking rights at Council meetings.
8. Help Boards to implement local community projects.
9. Arrange for Infrastructure and Asset Management Staff to meet with the Community Boards in September each year to agree the capital works for the forthcoming year for input into the Annual or Long Term Plan.
10. Provide information.

Kaikohe-Hokianga Community Board Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Friday 31 October 2025 at 11:30 AM

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1 KARAKIA TĪMATANGA / OPENING PRAYER

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND CONFLICTS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Community Board and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

[Elected Member - Register of Interests](#)

3 TE WĀHANGA TŪMATANUI / PUBLIC FORUM

4 NGĀ TONO KŌRERO / DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

5 NGĀ KAIKŌRERO / SPEAKERS

6 NGĀ PŪRONGO / REPORTS

6.1 MAKING AND ATTESTING OF COMMUNITY BOARD DECLARATIONS

File Number: A5431749

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To set out the process for making and attesting of Community Board declarations.

TŪTOHUNGA / RECOMMENDATION

There is no recommendation or decision required for this report.

The minutes will record and reflect the Declarations made by each Elected Member as witnessed by the Chief Executive's Appointed Officer (Te Pou Ārahi o Te Tumu Whakarae).

1) TĀHUHU KŌRERO / BACKGROUND

Under Clause 14(1) and (2) of Schedule 7 of the Local Government Act 2002, no person can act as a member of a local authority until they have made both a written and oral declaration. This declaration confirms their commitment to faithfully and impartially carry out their duties in accordance with the law. The specific wording of the declaration is set out in Clause 14(3).

Importantly, Section 54(2) of the same Act confirms that these requirements also apply to Community Board members, with necessary modifications. This means that newly elected Community Board members must complete the Declaration before they can officially participate in meetings or make decisions.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The Chief Executive's appointed officer will witness the Declarations of the Kaikohe-Hokianga Community Board Members.

The declaration that each member is required to take is set out in Clause 14(3) Schedule 7 of the Act and reads:

Declaration by Member (English Version)

"I, (Members Name), declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [region or district], the powers, authorities, and duties vested in, or imposed upon, me as [mayor or chairperson or member] of the [local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at: 31 October 2025, in Chambers, Head Office - Kaikohe

Signature:

Signed in the presence of: (Appointed Officer)

OR

Ōati ā Mema (Te Reo Māori)

Ko au ko, _____, ka ōati ai ki runga i te pono me te tika ka mutu ki te taumata o tōku atamai me āku whakataunga. Ka mahi ai mō te painga o Te Hiku o te Ika, haere tonu ki ngā ihi me ngā herenga mahi, ka pā ki roto, ka uruhi ki runga i ahau hei mema o Te Poari o Te Hapori o Bay of Islands-Whangaroa, e ai ki te Ture Kāwanatanga ā-Rohe 2002. Te Ture Kāwanatanga ā-Rohe mō ngā Kōrero Whakamōhio me ngā Huihuinga Kōrero 1987, me tāpiri atu ki ērā atu o ngā Ture raini.

*He mea whakaū tēnei ki: 31 o Whiringa-ā-nuku, 2025, Chambers, Head Office - Kaikohe.
I hainatia i mua i te: (Pou Ārahi)*

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision required as a result of receiving this report.

ATTACHMENTS

Nil

6.2 ELECTION OF THE KAIKOHE-HOKIANGA COMMUNITY BOARD CHAIRPERSON

File Number: A5431753

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of the report is to explain the procedure for the election of the Chairperson of the Board and to elect a Chairperson.

TŪTOHUNGA / RECOMMENDATION

That the Kaikohe-Hokianga Community Board:

use System B as the preferred voting system to elect a Chairperson.

elect _____ as Chairperson for the triennium October 2025 to October 2028, in accordance with the Local Government Act 2002.

1) TĀHUHU KŌRERO / BACKGROUND

Section 54 (2) of the Local Government Act 2002 (LGA02) states that Part 1 of Schedule 7 (excluding clauses 15 and 33 to 36) applies to Community Boards.

Part 2 of Schedule 7 states that a community board must have a chairperson.

It is therefore necessary to appoint a Chairperson to the Kaikohe-Hokianga Community Board at the first meeting of the local authority under Clause 21(5)(e) of Schedule 7.

Until a Chairperson is elected, the meeting must be chaired by the Chief Executive or their nominee, as provided in Schedule 7, Clause 21.

Voting procedures are set out in Schedule 7, Clause 25.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The Local Government Act 2002, Section 54 (2), states that Schedule 7 (excluding clauses 15 and 33 to 36) applies to Community Boards.

A Chairperson of a Community Board shall be elected from among its members at its first meeting following the election of the Community Board.

When electing a Chairperson the community board must resolve to use one of the following two voting systems as set out in LGA02, Schedule 7, Clause 25(3).

System A -

- a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- b) has the following characteristics:
 - i. there is a first round of voting for all candidates; and
 - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

- iv. in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B – (recommended)

- a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b) has the following characteristics:
 - i. there is only one round of voting; and
 - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Reason for the recommendation

It is common practice for Councils and Community Boards to choose System B due to its simplicity and efficiency. This recommendation is not mandated by law but is a valid and practical option.

The Kaikohe-Hokianga Community Board Standing Orders outline System B (*section 2.6.2. pages: 11–12*) as the default voting method consistent with Council Standing Orders. However, the Community Board could resolve to use to use System A if preferred.

System A is conducted by ballot during the meeting with the support of staff. The Boards Standing Orders also include clarifications for System A (e.g., tie-breaking procedures, expressions of interest, speaking time), which are helpful if the Board opts for that system.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary requirements as a result of receiving this report.

ATTACHMENTS

Nil

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a Community Board report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or budgetary provision required as a result of this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

6.3 ELECTION OF THE KAIKOHE-HOKIANGA COMMUNITY BOARD DEPUTY CHAIRPERSON

File Number: A5431755

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of the report is to explain the procedure for the election of the Deputy Chairperson for the Kaikohe-Hokianga Community Board.

TŪTOHUNGA / RECOMMENDATION

That the Kaikohe-Hokianga Community Board:

use System B as the preferred voting system to elect a Deputy Chairperson.

elect _____ as Deputy Chairperson for the triennium October 2025 to October 2028, in accordance with the Local Government Act 2002.

1) TĀHUHU KŌRERO / BACKGROUND

Clause 17 of Schedule 7, LGA 2002 states: “A local authority may elect a Deputy Chairperson.”

This means the election of a Deputy Chairperson is optional, not mandatory. The word “may” gives the Community Board the discretion to decide whether or not to appoint one.

In the Kaikohe-Hokianga Community Board Standing Orders (Section 2.2.2(e)), it says:

“The business that must be conducted at the first meeting includes...

(e) the election of the Deputy Chairperson in accordance with clause 17 of Schedule 7 of the Local Government Act.”

This reflects that while the Chairperson must be elected, the Deputy Chairperson may be elected, but it is customary and expected to do so at the first meeting.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Under Section 54(2) of the Local Government Act 2002, Schedule 7 (*excluding clauses 15 and 33 - 36*) applies to Community Boards. This includes Clause 17, which states that a Community Board may elect a Deputy Chairperson, meaning the appointment is optional, not mandatory.

If the Board chooses to appoint a Deputy Chairperson, it must resolve to use one of the two voting systems outlined in Clause 25(3) of Schedule 7:

System A -

- a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- b) has the following characteristics:
 - i. there is a first round of voting for all candidates; and
 - ii. if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

- iv. in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

System B – (recommended)

- a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b) has the following characteristics:
 - i. there is only one round of voting; and
 - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Reason for the recommendation

It is common practice for Councils and Community Boards to use System B due to its simplicity and efficiency. While not mandated by law, it is a practical and widely adopted approach.

The Kaikohe-Hokianga Community Board Standing Orders (Section 2.6.2, pages 11–12) confirm System B as the default voting method, consistent with Council Standing Orders. However, the Board may resolve to use System A if preferred.

System A is conducted by ballot during the meeting with staff support. The Standing Orders also include clarifications for System A (e.g., tie-breaking procedures, expressions of interest, speaking time), which are helpful if the Board opts for that system.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary requirements as a result of receiving this report.

ATTACHMENTS

Nil

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a Community Board report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or budgetary provision required as a result of this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

6.4 EXPLANATION OF LAWS AFFECTING ELECTED MEMBERS

File Number: A5431372

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

This report provides a brief summary of each of the key pieces of legislation, helping elected members understand their legal responsibilities and the standards expected of them in public office.

TŪTOHUNGA / RECOMMENDATION

That Kaikohe-Hokianga Community Board note the report “Explanation of Laws Affecting Elected Members”, and the advice provided by Special Counsel Linda O’Reilly, at the Governance Essentials Workshop held 23 October 2025.

1) TĀHUHU KŌRERO / BACKGROUND

At the first meeting following a triennial local election, elected members are required to receive a general explanation of key legislation that applies to their role. This requirement is set out in Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002, which states that the Chief Executive must provide or arrange an overview of relevant laws. These include the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members’ Interests) Act 1968, sections 99, 105, and 105A of the Crimes Act 1961, the Secret Commissions Act 1910, and the Securities Act 1978. On 23 October 2025 elected members attended a Governance Essentials Workshop facilitated by Linda O’Reilly, Special Counsel at Tompkins Wake. In addition, elected members are also invited to a Joint Legislative Regional Briefing on Tuesday 4 November at the Northland Regional Council, facilitated by Simpson Grierson.

Lastly, Council’s in-house legal team are able to answer any questions elected members may have in relation to any relevant laws that affect them.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

There are a number of core legal requirements that elected members should be aware of when making decisions. These include the:

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

Local Government Act 2002 (LGA02)

This Act defines the purpose of local government, including democratic decision-making and promoting the social, economic, environmental, and cultural well-being of communities, now and in the future. Under this Act local authorities have the power of general competence, which is tempered by formal planning and reporting requirements built into the Act. It sets principles for transparency, accountability, Māori participation, and prudent stewardship. Councils must follow formal decision-

making processes, especially for significant matters. Some regulatory powers are also provided, including the power to make bylaws.

Councillors are required to comply with Council's Code of Conduct, which sets expectations for behaviour, decision-making, and relationships, and promotes trust, respect, and accountability. The current Code of Conduct was adopted by Council in October 2022. However, the Government plans a review of the relevant provisions of the Act, and a new national standard Code is under development.

Local Government Official Information and Meetings Act 1987 (LGOIMA)

The Act promotes openness and public participation. Parts 1 and 2 govern access to Council (official) information and Part 7 deals with meeting procedures.

Official information, which is widely defined under the Act, should be publicly available unless valid reasons exist to withhold it. This includes information that you hold as elected members in your capacity as such – including emails, notes, text messages, voicemails, regardless of whether on your personal or Council-owned devices. If it is information that relates to your capacity as an elected member it can be 'called in' and provided to the Ombudsman in the context of a complaint from a member of the public who is seeking that information. All information 'held' by Council is subject to the Act.

Certain types of information can be withheld, e.g., where required to protect the privacy of natural persons, or commercially sensitive. But these provisions are strictly interpreted by the Ombudsman in the event of a complaint.

Meetings of Council and its committees must be publicly notified and open unless exclusion is justified. In 2024 the Ombudsman and the Auditor-General have expressed the view that non-official meetings such as workshops should also routinely be notified and open to the public unless good reason for confidentiality can be established.

Local Authority (Members' Interests) Act 1968

This Act is intended to prevent conflicts of interest. There are two main rules:

1. Members must not enter contracts with the Council that total over \$25,000 in any one financial year without Auditor-General approval. Note this applies to contracts involving a member's spouse, companies in which you or your spouse own more than 10% of the issued capital or in which either is the managing director or general manager.

Council may make an application to the Auditor-General for prior approval of any such contract in special cases.

2. Members must not vote or participate in decisions where they have a pecuniary (financial) interest unless that interest is held in common with the public. Note that a pecuniary interest exists where the matter would, if dealt with in a particular way, give rise to an expectation of a gain or loss of money.

As above, the rule extends to spouses and related companies.

A member must declare any pecuniary interest to the meeting and abstain. That declaration and abstention will be recorded in the minutes of the meeting.

A member can apply to the Auditor-General for a declaration that the rule shall not apply to a matter to be considered by Council on the grounds that it would impede the transaction of Council business, or that it would be in the interests of the community that the prohibition should not apply.

A breach of these rules carries automatic disqualification from office.

You should also be aware that participating in a decision where you have a non-pecuniary interest such as bias or pre-determination may not put you at risk but may put the decision at risk of an application for judicial review before the High Court.

Crimes Act 1961 – Sections 99, 105, and 105A

These provisions prohibit bribery and misuse of official information.

A bribe is money, valuable consideration, office, employment, or any benefit direct or indirect.

Members, who are defined as officials of Council, must not accept, obtain, agree or offer to accept, or attempt to obtain a bribe.

Members must not corruptly use or disclose Council information for pecuniary gain or advantage for yourself or any other person.

Both are offences carrying a penalty of up to 7 years imprisonment and disqualification from office.

Secret Commissions Act 1910

Prohibits using office for improper gain.

Offences include:

- accepting inducements for influencing decisions;
- failing to disclose any pecuniary interest in a contract made on behalf of Council, including family interests;
- falsifying an invoice or receipt to Council or failing to disclose any commission, discount, rebate etc. given or allowed;
- receiving a secret reward for procuring a contract.

Convictions may result in imprisonment for up to 7 years and disqualification from office.

Financial Markets Conduct Act 2013

Applies when Council offers financial products, e.g., debt or equity securities. Members are treated like company directors and may be personally liable for misleading disclosures. It is most likely to affect a Council should it choose to go directly to the market with an offer of its own debt securities, such as bonds. Accuracy and transparency are essential as substantial financial penalties can apply.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Act protects those who report serious wrongdoing. Members are shielded from retaliation and entitled to confidentiality. Council has procedures to support disclosures.

Health and Safety at Work Act 2015 (HSWA)

Members are deemed 'Officers' and must exercise due diligence in ensuring workplace safety. This includes staying informed, monitoring compliance, and ensuring safe systems are in place. Council has a Due Diligence programme to support this. Elected members have a measure of protection for failure to exercise due diligence under the Act but retain an oversight role.

Last words

In closing, this advice is procedural but essential. You have a fuller outline of these matters by way of a handout attached to this report (see **attachments**). Please take time to read them carefully. If you have any questions, I encourage you to speak with the Mayor, or the Chief Executive.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

This report is for information purposes only.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision needed as a result of this report and presentation.

ĀPITIHINGA / ATTACHMENTS

- 1. Laws Affecting Elected Members - Councillor Briefing Initial Meeting Order Paper - 29 October 2025**

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a Community Board report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or budgetary provision required as a result of this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

Laws Affecting Members – Attachment for Agenda First Meeting

1. The purpose of this brief is to provide a general explanation of some of the laws that regulate the conduct of elected members. An explanation of key legislative obligations that apply to elected members will be provided at the first meeting of Council and further explanations of relevant legislation will be given in the coming weeks.

Background

2. Clause 21(5)(c) of Schedule 7 to the Local Government Act 2002 requires that, at the first meeting of the Council following a triennial general election, the chief executive must give or arrange for a general explanation of certain laws affecting members, including:
 - Local Government Official Information and Meetings Act 1987;
 - Local Authorities (Members' Interests) Act 1968;
 - sections 99, 105 and 105A of the Crimes Act 1961;
 - Secret Commissions Act 1910; and
 - Financial Markets Conduct Act 2013.
3. The Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 deal with the role and function of the Council and councillors, as well as the conduct of meetings.
4. Councillors must be aware of certain legal provisions within the following Acts;
 - Secret Commissions Act 1910
 - Crimes Act 1961
 - Local Authorities (Members' Interests) Act 1968;

Contravention of the provisions in the three Acts above are offences that may result in financial penalties, imprisonment, and the loss of office.

Official Information and Meetings

Official information

5. The Local Government Official Information and Meetings Act 1987 governs the custody and release of official information. The fundamental principle in the Act is that information held by the Council is publicly available, unless one or more specified withholding grounds apply.

Conduct of meetings

6. The Act also deals with local authority meetings, in Part 7.

7. The Act states the grounds upon which the public may be excluded from meetings (s 48). That may generally only occur when good reason to withhold information exists, and there is a statutory definition of that concept in section 7 of the Act. The public may also be excluded where the subject matter of discussion is one in respect of which a right of appeal exists to any Court or Tribunal against the decision made by the Council.
8. To exclude the public, the Council must first make a resolution stating the subject of each matter to be considered while the public is excluded, and the reasons for the exclusion.
9. A Chairpersons may require a member or members of the public to leave a meeting if their behaviour is likely to prejudice the orderly conduct of the meeting (section 50). Under standing orders Councillors may also be asked to leave by the Chairperson if their conduct prevents the orderly conduct of the meeting.
10. If a meeting is open to the public, and an agenda is supplied to a member of the public or the minutes of a meeting are produced for inspection by any member of the public after the conclusion of the meeting, any defamatory matter which is published in this way is to be treated as privileged, unless the publication was predominantly motivated by ill will (s 52). Oral statements made at meetings of the Council are also privileged, unless the statement is proved to be predominantly motivated by ill will (s 53). Ordinarily, a statement that is "privileged" cannot support a cause of action for defamation (even though that statement might be untrue or misleading).
11. Items which are not on an agenda for a meeting may nevertheless be dealt with if the meeting resolves to do so and the chairperson explains in open meeting why the item is not on the agenda and why consideration of it cannot be delayed to a subsequent meeting (s 46A(7)). (If the item is a minor matter relating to the general business of the Council then it may be discussed without the meeting having resolved to do so, so long as the chair explains at the beginning of the meeting, and when it is open to the public, that the item will be discussed; but in that case no resolution, decision or recommendation may be made except to refer the item to a subsequent meeting for further discussion (s 46A(7A)).)

Members' Interests

12. The Local Authorities (Members' Interests) Act 1968 is one of the most important statutes governing the conduct of Councillors. It has two main aspects.
 1. The prohibition of certain contracts between local authorities and their members.
 2. The prevention of voting on or discussing questions in which a member has a pecuniary interest.

Disqualifying contracts

13. The Act provides that no-one may be elected or appointed or be a member of a local authority or of any committee of it, if the total payments to be made by the Council in respect of contracts made by it with that person exceeds \$25,000 in any year. The Act covers contracts made by the Council directly with the person concerned, and contracts made by the Council in

which the Councillor is concerned or interested. Special provisions deal with companies in which a member or his or her spouse is interested either as a shareholder, or as a member of the company, or by virtue of certain management positions. There are several exceptions to this rule but, in case of any doubt, Councillors should refer to the Chief Executive so that proper advice is obtained.

14. The penalty for breach of these provisions (contained in s 3 of the Act) is immediate loss of office as well as the possibility of a fine being imposed (ss 4 and 5).

Pecuniary interest

15. Section 6 of the Act provides that a member of a local authority or of a committee of it shall not vote on or take part in the discussion of any matter before the governing body of that local authority or before that committee in which he or she has, directly or indirectly, any pecuniary interest, other than an interest in common with the public. Once again, there are special provisions dealing with a pecuniary interest in the context of the interests of the member or his or her spouse in a company. The Office of the Auditor-General is empowered to declare that the rule will not apply with respect to any specified matter or specified class of matter on particular occasions. In doing so it must act in the interests of the electors or inhabitants of the district.
16. The penalty for discussing or voting when there is a pecuniary interest is, once again, loss of office, but only upon conviction of an offence (s 7). Related to these statutory provisions is the common law principle of natural justice, which includes obligations to listen to both sides and not to be a judge in one's own cause.

Crimes of Bribery and Corruption - Crimes Act 1961

17. Councillors are within the definition of an "official" in s 99 of the Crimes Act. Section 105 of that Act provides that every official is liable to imprisonment for a term not exceeding 7 years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in an official capacity.
18. Putting this simply, it is an offence against this section to seek or obtain a reward for performing one's official duties as a councillor.
19. Section 105A further states that it is an offence, carrying a term of imprisonment of up to 7 years, for an official to use any information acquired by him or her in an official capacity to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself, or any other person.

Secret Commissions

20. The Secret Commissions Act 1910 deems every councillor to be an agent of the Council (s 16(1)(b)). It creates offences in relation to accepting inducements or rewards for doing or

forbearing to do something in relation to the Council's affairs or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (s 4(1)). It is an offence, similarly, to divert, obstruct, or interfere with the proper course of the affairs or business of the Council, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or other consideration from any person interested in the affairs or business of the Council (s 4(2)).

21. Section 5 makes it an offence for a member not to disclose to the Council his or her pecuniary interest in a contract when making a contract on behalf of the Council.
22. Section 9 of the Act makes it an offence to aid or abet, or to be in any way directly or indirectly concerned in, or privy to, the commission of any offence against the Act.
23. Conviction of an offence under the Act carries with it the possibility of imprisonment for up to 7 years. Such a conviction would also have the consequence of loss of office, in terms of clause 1 of Schedule 7 to the Local Government Act 2002.

Financial Markets Conduct

24. Under the Financial Markets Conduct Act 2013, elected members are in a similar position to company directors if the Council were to issue financial products, such as equity or debt securities, under its borrowing powers. Elected members may therefore be personally liable if product disclosure statements to investors contain untrue information and may be liable for civil action or criminal prosecution if the requirements of the Act, such as keeping an audited register of financial products issued, are not met.

Conclusion

25. This is a brief introduction to the laws affecting elected members. Councillors seeking further information should contact the Chief Executive.

6.5 NOTING OF THE KAIKOHE-HOKIANGA COMMUNITY BOARD STANDING ORDERS

File Number: A5431745

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of the report is to present Members with the Community Board's current Standing Orders.

TŪTOHUNGA / RECOMMENDATION

That the Kaikohe-Hokianga Community Board note the Kaikohe-Hokianga Community Board Standing Orders.

1) TĀHUHU KŌRERO / BACKGROUND

Standing Orders are the formal rules that guide how meetings are run, including meetings of the Council, its committees, subcommittees, and Community Boards. These rules cover how decisions are made, how members participate in debate, and how the public can engage. They help ensure that meetings are fair, transparent, and legally compliant.

Standing Orders also help councils meet their obligations under two key laws:

- The Local Government Act 2002, which requires councils to adopt Standing Orders (Schedule 7, Clause 27), and
- The Local Government Official Information and Meetings Act 1987 (LGOIMA), which sets out rules for public access to meetings and information.

Historically, councils used a version of Standing Orders developed by Standards New Zealand. However, in 2016, there was a shift across the sector to adopt a new template developed by Local Government New Zealand (LGNZ). This change was prompted by updates to the Local Government Act and a desire for clearer, more user-friendly meeting procedures.

Since then, LGNZ has taken responsibility for updating the Standing Orders template every three years, with legal input from Simpson Grierson. The most recent version was released in late 2024, and includes templates tailored for city and district councils, regional councils, and community boards.

The Kaikohe-Hokianga Community Boards current Standing Orders were first adopted on 15 November 2013 and retained by the Board for the 2016/19, 2019/22 and 2022/25 trienniums and have been amended several times:

Reference	Amendment	Date
2.6 – Voting Systems for Certain Appointments	• Council resolved to use 'System A' for voting to make the appointment of Chairperson or Deputy Chairperson	15 November 2013
3.10 – Notices of Motion	• To be delivered, via email, to the Secretary / Admin and Chairperson five (5) clear working days before the meeting.	5 April 2017
3.17 Minutes of Proceedings	• Minutes are to be taken electronically. • Delivered to the Chair at the end of the meeting. • Delivered to the Chair within 3 days for comment and correction. • Delivered to Members within 5 days and placed online	3 May 2017

2.6.2 C - Voting Systems for Certain Appointments	The following clarifications are added to these Standing Orders; (i) no formal nomination procedure is required for candidates for Chair - an Expression of Interest is sufficient, (ii) candidates may speak for 3 minutes in support of their candidacy prior to the election process, (iii) where 2 or more candidates tie for the highest number of votes, subject to (v), further rounds of voting are undertaken until the tie is broken, (iv) the meeting may be adjourned, and/or further discussion may be undertaken between votes, (v) where three or more candidates are tied for the highest number of votes, the meeting may remove a candidate by majority vote before the next round of voting (vi) where 2 candidates continue to tie for the highest number of votes and three tie breaking votes have been taken, the meeting may decide to audition the candidates by alternating the Chair between the remaining items on the agenda and continue voting later in the meeting, (vii) the order of the chairing of items in (vi) should be agreed by the candidates or, in the absence of agreement, by lot. (viii) these directions are subject to the Act which requires that a Chair be elected at the first meeting. (ix) the Deputy Chair should not be elected before the Chair	14 September 2022
2.1.3 Unanimous Consent	In order to promote an efficient meeting, these standing orders may be varied by the Chair by unanimous consent. That is, if no objections are received, or points of order made, the Chair may assume that unanimous consent has been given for the change in a single instance. Such a variation, by itself, is not a reason to invalidate any meeting decision. For example, if the members appear interested in a speaker whose speech is exceeding a time limit, the Chair may allow them to continue without seeking the explicit consent of the meeting. An alternative is to seek a suspension of the standing orders which require a 75% vote. <i>Another example is the requirement for a mover and seconder. If a motion is uncontroversial, the chair may assume the wording and progress to a discussion and vote, or in some cases simply to a vote. A decision to adopt the minutes as a true and correct record of a previous meeting is an example of this.</i> <i>The chair may choose to highlight the use of unanimous consent by using the words 'if there is no objection ...'</i> A single member objecting violates unanimous consent which then requires the following of the Standing Orders as written. Unanimous consent does not permit the violation of any rule encoded outside the Standing Orders, such as legislation”.	14 September 2022

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Looking ahead, the Local Government (System Improvements) Amendment Bill proposes a return to a standardised set of Standing Orders, to be issued by Standards New Zealand. A draft of the new standard was released for consultation in October 2025, with the final version expected by April 2026. This change aims to improve consistency, transparency, and governance across all councils and community boards in Aotearoa New Zealand.

Until then, it is recommended that the Community Board continues to operate under its current Standing Orders. On 23 October 2025, as part of the post-election onboarding programme, the Democracy Services team facilitated a mock debate as a brief demonstration of Standing Orders in action. The aim was to help elected members adopt a positive outlook and approach to understanding and implementing Standing Orders in meetings.

Reason for the recommendation

To note the current Standing Orders for the Kaikohe-Hokianga Community Board.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision required in the receiving of this report.

ATTACHMENTS

1. Kaikohe-Hokianga Community Board Standing Orders

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a community board report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities.	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or budgetary provision as a result of this report
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.



KAIKOHE-HOKIANGA
COMMUNITY BOARD

Standing Orders

1. The following Standing Orders were adopted by resolution of the Kaikohe Hokianga Community Board passed on 15 November 2013.
2. Amendment Schedule:

Reference	Amendment	Date
2.6 – Voting Systems for Certain Appointments	Council resolved to use 'System A' for voting to make the appointment of Chairperson or Deputy Chairperson	15 November 2013
3.10 – Notices of Motion	To be delivered, via email, to the Secretary / Admin and Chairperson five (5) clear working days before the meeting.	5 April 2017
3.17 Minutes of Proceedings	- Minutes are to be taken electronically. - Delivered to the Chair at the end of the meeting. - Delivered to the Chair within 3 days for comment and correction. - Delivered to Members within 5 days and placed online	3 May 2017
2.6.2 C - Voting Systems for Certain Appointments	The following clarifications are added to these Standing Orders; (i) no formal nomination procedure is required for candidates for Chair - an Expression of Interest is sufficient, (ii) candidates may speak for 3 minutes in support of their candidacy prior to the election process, (iii) where 2 or more candidates tie for the highest number of votes, subject to (v), further rounds of voting are undertaken until the tie is broken, (iv) the meeting may be adjourned, and/or further discussion may be undertaken between votes, (v) where three or more candidates are tied for the highest number of votes, the meeting may remove a candidate by majority vote before the next round of voting (vi) where 2 candidates continue to tie for the highest number of votes and three tie breaking votes have been taken, the meeting may decide to audition the candidates by alternating the Chair between the remaining items on the agenda and continue voting later in the meeting, (vii) the order of the chairing of items in (vi) should be agreed by the candidates or, in the absence of agreement, by lot. (viii) these directions are subject to the Act which requires that a Chair be elected at the first meeting. (ix) the Deputy Chair should not be elected before the Chair	14 September 2022
2.1.3 Unanimous Consent	In order to promote an efficient meeting, these standing orders may be varied by the Chair by unanimous consent. That is, if no objections are received, or points of order made, the Chair may assume that unanimous consent has been given for the change in a single instance. Such a variation, by itself, is not a reason to invalidate any meeting decision. For example, if the members appear interested in a speaker whose speech is exceeding a time limit, the Chair may allow them to continue without seeking the explicit consent of the meeting. An alternative is to seek a suspension of the standing orders which require a 75% vote. <i>Another example is the requirement for a mover and seconder. If a motion is uncontroversial, the chair may assume the wording and progress to a discussion and vote, or in some cases simply to a vote. A decision to adopt the minutes as a true and correct record of a previous meeting is an example of this.</i> <i>The chair may choose to highlight the use of unanimous consent by using the words 'if there is no objection ...'</i> A single member objecting violates unanimous consent which then requires the following of the Standing Orders as written. Unanimous consent does not permit the violation of any rule encoded outside the Standing Orders, such as legislation".	14 September 2022

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1 GENERAL

1.1 Scope and General

This document sets out Standing Orders for the conduct of proceedings at meetings of territorial authorities, regional councils, and community boards in the form of model orders for adoption with or without amendment. It incorporates new provisions in the Local Government Act 2002 as they affect the provisions of the model Standing Orders.

This Standard is presented in three parts. Part 1 is the general introduction. Part 2 covers constitutional and legislative matters, and Part 3 relates to meeting procedures.

Part 3 involves some repetition of Part 2, to ease use and to ensure each part can stand alone without the need for undue cross referencing.

1.2 Interpretation

The terms “normative” and “informative” have been used in these Standing Orders to define the application of the Appendix to which they apply. A “normative” appendix is an integral part of a Standard, whereas an “informative” appendix is only for information and guidance. Informative provisions do not form part of the mandatory requirements of the Standard.

In this Standard the word “shall” identifies a mandatory requirement for compliance with the Standard. The word “should” refers to practices which are advised or recommended.

Where direct quotations from the legislation are cited in these Standing Orders, they are shown in italics with quotation marks.

1.3 Definitions

In these Standing Orders, unless inconsistent with the context:

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items.

Chairperson means the mayor of a territorial authority or Chairperson of a regional council or community board including any person acting as the mayor of territorial authority or Chairperson of the regional council or community board, and any person presiding at any meeting of a Committee or subcommittee of a regional council, territorial authority, or community board.

Chief Executive means the Chief Executive of a local authority appointed under section 42 of the Local Government Act 2002, irrespective of their designation, and includes for the purposes of these Standing Orders, any other officer authorised by the local authority.

Clear working days means the number of working days prescribed in these Standing Orders for the giving of notice; and excluding the date of service of that notice and the date of the meeting, the subject of that notice.

Committee includes, in relation to a local authority:

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

Deputation means a request from any person or interest group in the community to make a presentation to the local authority or any Committee.

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

Local authority means the local authority and/or the community boards covered by these Standing Orders, being a local authority or a community board as defined in section 5 of the Local Government Act 2002.

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

Meeting means any first, or extraordinary meeting of a local authority; and any meeting of any Committee, standing Committee, joint Committee, special Committee or subcommittee of the local authority. At any meeting of a local authority, or of any Committee or subcommittee of a local authority, at which no resolutions or decisions are made, the provisions of these Standing Orders regarding public access and notification need not apply.

Member means any person elected or appointed to the local authority or to any Committee or subcommittee of the local authority and includes the mayor of a territorial authority and the Chairperson of a regional council or community board, or of any Committee or subcommittee of a regional council, territorial authority or community board.

Minutes means the record of the proceedings of any meeting of the local authority and its Committees and subcommittees.

Public excluded information means any information which can be excluded from the public for reasons meeting the provisions of the Local Government Official Information and Meetings Act 1987.

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

Publicly notified means notified to members of the public by notice contained in some newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice published on signboard affixed to public places in the district to which the notice relates.

Quorum means the minimum number of members needing to be present to constitute a valid meeting.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day, Matariki Day and the 28th October known for the signing of Te Wakaputanga.
- (b) day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

2 CONSTITUTIONAL AND LEGISLATIVE MATTERS

2.1 INTRODUCTION

2.1.1 Requirement for adoption of Standing Orders

"A local authority must adopt a set of Standing Orders for the conduct of its meetings and those of its Committees. The Standing Orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act."

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

2.1.2 Alteration of Standing Orders

"After the adoption of the first Standing Orders of a local authority, an amendment of the Standing Orders or the adoption of a new set of Standing Orders requires, in every case, a vote of not less than 75% of the members present."

[cl.27(3), Schedule 7, LGA]

2.1.3 Unanimous Consent

In order to promote an efficient meeting, these standing orders may be varied by the chair by unanimous consent. That is, if no objections are received, or points of order made, the chair may assume that unanimous consent has been given for the change in a single instance. Such a variation, by itself, is not a reason to invalidate any meeting decision.

For example, if the members appear interested in a speaker whose speech is exceeding a time limit, the chair may allow them to continue without seeking the explicit consent of the meeting. An alternative is to seek a suspension of the standing orders which require a 75% vote.

Another example is the requirement for a mover and seconder. If a motion is uncontroversial, the chair may assume the wording and progress to a discussion and vote, or in some cases simply to a vote. A decision to adopt the minutes as a true and correct record of a previous meeting is an example of this.

The chair may choose to highlight the use of unanimous consent by using the words 'if there is no objection ...'

A single member objecting violates unanimous consent which then requires the following of the standing orders as written.

Unanimous consent does not permit the violation of any rule encoded outside the Standing Orders, such as legislation". *Carried unanimously by resolution 14 September 2022*

2.1.4 Temporary suspension of Standing Orders

"A local authority or Committee may temporarily suspend Standing Orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension."

[cl. 27(4), Schedule 7, LGA] (See Standing Order 3.2.1)

2.1.5 All members to abide by Standing Orders

"A member of a local authority must abide by the Standing Orders adopted under clause 27 [of Schedule 7 of the Local Government Act]."

[cl. 16(1), Schedule 7, LGA] (See Standing Order 3.1.1)

2.2 FIRST MEETING OF THE LOCAL AUTHORITY FOLLOWING ELECTION

2.2.1 Meeting called by Chief Executive

"The first meeting of a local authority following a triennial general election of members must be called by the Chief Executive as soon as practicable after the results of the election are known. The Chief Executive must give the persons elected to a local authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the Chief Executive may give notice of the meeting as soon as practicable. The Chief Executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the Chairperson has made and attested the declaration required under clause 14 [of schedule 7 of the Local Government Act]."

[cl. 21(1) – (4), Schedule 7, LGA]

2.2.2 Business to be conducted

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

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation given or arranged by the chief executive, of –
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) other laws affecting members including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; sections 99,105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910 and the Securities Act 1978; and
- (d) the fixing of the date and time of the first ordinary meeting of a local authority, or the

adoption of a schedule of ordinary meetings; and

- (e) the election of the Deputy Chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act].”

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

2.2.3 Members to give notice of addresses

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

2.3 CHAIRPERSON OF MEETINGS

2.3.1 Mayor or Chairperson of a local authority to preside

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

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

2.3.2 Chairperson of Committee to preside

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

[cl. 26(2), (5) & (6), Schedule 7, LGA]

2.4 QUORUM AT MEETINGS

2.4.1 Requirement for a quorum

“A meeting is duly constituted if a quorum is **present** whether or not all of the members are voting or entitled to vote.”

[cl. 23(1), Schedule 7, LGA]

2.4.2 Quorum to be present throughout meeting

“Business may not be transacted at any meeting unless at least a quorum of members is **present** during the whole of the time at which the business is transacted.”

[cl. 23(2), Schedule 7, LGA]

2.4.3 Definition of quorum for local authority or joint Committee meetings

"The quorum at any meeting of –

- (a) a local authority or joint Committee consists of –
 - (i) half of the members if the number of members (including vacancies is even); or
 - (ii) a majority of members if the number of members (including vacancies) is odd."

[cl. 23(3), Schedule 7, LGA]

2.4.4 Definition of quorum for Committee meetings

"The quorum at a meeting of –

- (b) [...(b) a Committee –
 - (i) is not fewer than two members of the Committee (as determined by the local authority or Committee that appoints the Committee); and
 - (ii) in the case of a Committee other than a subcommittee, must include at least 1 member of a local authority."

[cl.23(3), Schedule 7, LGA] (see Standing Order 3.4)

2.5 VOTING AT MEETINGS

2.5.1 Acts and decisions of the local authority by majority vote at meetings

- (1) "The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by –
 - (a) vote; and
 - (b) the majority of members that are present and voting."

Casting Vote

- (2) "For the purposes of [2.5.1(1)], the Mayor or Chairperson or other person presiding at the meeting:

- (a) has a deliberative vote; and
- (b) In the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated, and the status quo is preserved)." (see appendix H p52) (Council resolution 05.11.2007)

Open voting

- (3) "An act or question coming before the local authority must be done or decided by open voting."

Mandatory requirements (1) and (2) apply unless the Local Government Act 2002 provides otherwise. *[cl.24, Schedule 7, LGA]*

2.6 VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

2.6.1 The Mayor has the power to appoint the;

- a) Deputy Mayor; and

- b) Chairperson of each Committee of the local authority and, for that purpose, the Mayor:
 - (1) may make the appointment before the other members of the Committee are determined; and
 - (2) may appoint himself or herself.
- (a) If the Mayor declines to exercise the power to appoint the Deputy Mayor, the local authority (or a Committee, if so directed by the local authority) must elect one of the members of the local authority to be Deputy Mayor.
- (b) If the Mayor declines to exercise the power to appoint any Chairperson of a Committee, the local authority (or a Committee, if so, directed by the local authority) must elect that Chairperson.

Apart from appointments by the Mayor, in the case of elections or appointments to positions, the local authority (or a Committee, if so, directed by the local authority) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

2.6.2 Provisions for election or appointment of Deputy mayor, Chairpersons and Deputy Chairpersons of local authorities and Committees, and representatives of the local authority

“[This Standing Order applies to] –

- (a) The election or appointment of the Chairperson and Deputy Chairperson of a regional council; and
- (b) the election or appointment of the Deputy mayor; and
- (c) the election or appointment of the Chairperson and Deputy Chairperson of a Committee; and
- (d) the election or appointment of a representative of a local authority.

If this [Standing Order] applies, a local authority or a Committee (if a local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- (a) [System A]; or
- (b) [System B]; (Council resolution 05 November 2007 to use system B)

System A

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of a local authority or Committee present and voting; and
- (b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and

- (iv) in any round of voting, if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(c) *The following clarifications are added to these Standing Orders;*

- (i) *no formal nomination procedure is required for candidates for Chair - an Expression of Interest is sufficient,*
- (ii) *candidates may speak for 3 minutes in support of their candidacy prior to the election process,*
- (iii) *where 2 or more candidates tie for the highest number of votes, subject to (v), further rounds of voting are undertaken until the tie is broken,*
- (iv) *the meeting may be adjourned, and/or further discussion may be undertaken between votes,*
- (v) *where three or more candidates are tied for the highest number of votes, the meeting may remove a candidate by majority vote before the next round of voting*
- (vi) *where 2 candidates continue to tie for the highest number of votes and three tie breaking votes have been taken, the meeting may decide to audition the candidates by alternating the Chair between the remaining items on the agenda and continue voting later in the meeting,*
- (vii) *the order of the chairing of items in (vi) should be agreed by the candidates or, in the absence of agreement, by lot.*
- (viii) *these directions are subject to the Act which requires that a Chair be elected at the first meeting.*
- (ix) *the Deputy Chair should not be elected before the Chair*

(Amended by Community Board resolution 14.09.2022)

System B

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only one round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.”

[cl.25, Schedule 7, LGA]

2.7 APPOINTMENT OF COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES

2.7.1 Appointment of Committees, subcommittees and other subordinate decision-making bodies

“A local authority may appoint – the Committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and... a Committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local

authority.”

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

2.7.2 Discharge or reconstitution of Committees, subcommittees and other subordinate decision-making bodies

“Unless expressly provided otherwise in an Act, -

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

A Committee, subcommittee or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the Committee, subcommittee, or other subordinate decision-making body.”

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

2.7.3 Committees and subordinate decision-making bodies subject to direction of local authority

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

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

2.8 JOINT COMMITTEES

2.8.1 Appointment of joint Committees

“A local authority may appoint... a joint Committee with another local authority or other public body.”

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

2.8.2 Status of joint Committees

“A joint Committee... is deemed to be both a Committee of the local authority and a Committee of the other local authority or public body.”

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

2.8.3 Powers and responsibilities of joint Committees

Part 1 of Schedule 7 of the Local Government Act applies to a joint Committee except that –

- (a) the powers to discharge any individual member and appoint another in his or her stead

- must be exercised by the local authority or public body that made the appointment; and
- (b) the meeting quorum is as outlined in 2.4.3; and
- (c) The Committee may appoint and remove its own Chairperson or Deputy Chairperson
[cl.30(9) Schedule 7, LGA]

2.8.4 Application to a public body that is not a local authority

For the purposes of a public body that is not a local authority, Standing Orders 2.8.2 and 2.8.3 apply to the extent that they are not inconsistent with the law applicable to Committees of the public body.

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

2.9 MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

2.9.1 Appointment or discharge of Committee members and subcommittee members

"A local authority may appoint or discharge any member of a Committee. Unless directed otherwise by the local authority, a Committee may appoint or discharge any member of a subcommittee appointed by the Committee."

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

2.9.2 Elected members on Committees and subcommittees

"The members of a Committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or Committee may appoint to a Committee or subcommittee a person who is not a member of the local authority or Committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the Committee or subcommittee... at least 1 member of a Committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any Committee unless that Committee is a subcommittee."

[cl.31(3) & (4) Schedule 7, LGA]

2.9.3 Local authority may replace members if Committee not discharged

"If a local authority resolves that a Committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7) [of Schedule 7 of the Local Government Act], the local authority may replace the members of that Committee, subcommittee or other subordinate decision-making body after the next triennial general election of members."

[cl.31(5), Schedule 7, LGA]

2.9.4 Minimum numbers on Committees and subcommittees

"The minimum number of members is 3 for a Committee and is 2 for a subcommittee."

[cl.31(6) Schedule 7, LGA]

2.9.5 Mayor or Chairperson of local authority as an ex-officio member

The mayor or Chairperson of the local authority may be appointed an ex-officio member of any Committee other than a community board or quasi-judicial Committee.

2.10 POWERS OF DELEGATION

2.10.1 Delegations to Committees, subcommittees, subordinate decision-making bodies, community boards, members and officers

- (1) “Unless expressly provided otherwise in [the Local Government Act 2002], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a Committee or other subordinate decision-making body, community board or member or officer of the local authority any of its responsibilities, duties, or powers except –
- (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
 - (d) the power to adopt a long-term council community plan, annual plan or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act 2002] in association with the long-term council community plan or developed for the purpose of the local governance statement; or
- (2) Nothing in this clause restricts the power of a local authority to delegate to a Committee or other subordinate decision-making body, community board or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the Committee or body or person) of any power or duty specified in...[(a) – (f) above].
- (3) A Committee or other subordinate decision-making body, community board or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the Committee or body or person that makes the original delegation ***provided that where an officer has delegated a responsibility to another officer, the latter officer shall not have the power to further delegate the authority***.”

[\[cl.32\(1\), \(2\) & \(3\), Schedule 7, LGA\]](#)

Note: In 2.10.1(3) above the amendment adding the words in bold italics were resolved by Council on 05.11.2007.

2.10.2 Use of delegated powers

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

[\[cl.32\(4\), Schedule 7, LGA\]](#)

2.10.3 Delegations related to bylaws and other regulatory matters

"A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters."

[cl.32(5), Schedule 7, LGA]

2.11 PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

2.11.1 Proceedings not invalidated by vacancies or irregularities

"An act or proceeding of a local authority or Committee, or of a person acting as a member of a local authority or Committee, is not invalidated by a vacancy in the membership of the local authority or Committee at the time of that act or proceeding, or the subsequent discovery of some defect in the election or appointment of the person acting as a member of the local authority or Committee, or that that person was or is incapable of being a member."

[cl.29, Schedule 7, LGA]

2.12 GENERAL PROVISIONS AS TO MEETINGS

2.12.1 Meetings to be held

"A local authority must hold the meetings that are necessary for the good government of its region or district."

[cl.19(1), Schedule 7, LGA]

2.12.2 Right to attend meetings

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

[cl.19(2), Schedule 7, LGA]

2.12.3 Calling, public notification and conduct of meetings

"A meeting of a local authority must be called and conducted in accordance with [Schedule 7 of the Local Government Act]; and Part VII of the Local Government Official Information and Meetings Act 1987; and the Standing Orders of the local authority."

[cl.19(3), Schedule 7, LGA]

2.12.4 Agenda to be sent to members

In the case of each meeting to which Standing Order 2.12.1 applies, an agenda detailing the business to be brought before that meeting together with relevant attachments must be sent to every member not less than two clear working days before the day appointed for the meeting (in the case of extraordinary meetings cl.2.14.2 applies).

2.12.5 Meetings not invalid because notice not received

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

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

A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member."

[cl.20(1), (2), Schedule 7, LGA]

2.12.6 Minutes of proceedings

"A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings."

[cl.28(1), (2), Schedule 7, LGA]

2.13 NOTIFICATION OF ORDINARY MEETINGS TO MEMBERS

2.13.1 Period for notice in writing

"The Chief Executive must give notice in writing to each member of the time and place of [a] meeting –

- (a) not less than 14 days before the meeting; or*
- (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule."*

[cl.19(5)(a), (b), Schedule 7, LGA]

2.13.2 Schedule of meetings

"If a local authority adopts a schedule of meetings, –

- (a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and*
- (b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment."*

[cl.19(6), Schedule 7, LGA]

2.13.3 Cancellation of scheduled meetings

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

2.14 EXTRAORDINARY MEETINGS

2.14.1 Extraordinary meetings may be called

"If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by-

- (a) a resolution of the local authority; or*
- (b) a requisition in writing delivered to the Chief Executive and signed by -
 - (i) the mayor or Chairperson; or*
 - (ii) not less than one-third of the total membership of the local authority (including vacancies)."**

[cl. 22(1), Schedule 7, LGA]

2.14.2 Notification of extraordinary meetings to members

"Notice in writing of the time and place of the meeting called under [Standing Order 2.14.1] and of the general nature of business must be given by the Chief Executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours."

[cl. 22(3), Schedule 7, LGA]

2.14.3 Calling of extraordinary meetings at earlier time

"If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or Chairperson; or if the mayor or Chairperson are unavailable, the Chief Executive."

[cl. 22(2), Schedule 7, LGA]

2.14.4 Notification of extraordinary meetings held at earlier time

"Notice of the time and place of a meeting called under [Standing Order 2.14.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person's behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the Chief Executive at least 24 hours before the time appointed for the meeting."

[cl. 22(4), Schedule 7, LGA]

2.14.5 Public notice of resolutions of extraordinary meetings

"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.*

For the purposes of this [Standing Order] resolution means the resolution on the matter or matters for which the extraordinary meeting was held."

[s. 51A, LGOIMA]

2.15 PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC.

2.15.1 Meetings normally to be open to the public

"Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purposes of [Part VII of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public and shall be entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any news media."

[s. 47 & 49(a), LGOIMA]

2.15.2 Information to be available to public

All information provided to members at Council and Committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter

reasonably expected to be discussed with the public excluded.

[\[s. 5 & 49, LGOIMA\]](#)

2.15.3 Public notification about meetings

All meetings scheduled for the following month shall be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. Where any meeting is to be held on or after the 21st day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

[\[s. 46, LGOIMA\]](#)

2.15.4 Public notification about extraordinary meetings

“Where any extraordinary meetings of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3 as appropriate], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held as is reasonable in the circumstances”.

[\[s. 46\(3\) & \(4\), LGOIMA\]](#)

2.15.5 Public notification additional requirements

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

2.15.6 Meetings not invalid because not publicly notified

“No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 - 2.15.5].”

[\[s. 46\(5\), LGOIMA\]](#)

2.15.7 Public notice of meetings not notified

“Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified.”

[\[s. 46\(6\), LGOIMA\]](#)

2.15.8 Availability of agendas and reports

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

The agendas -

- (a) shall be available for inspection ... at the public offices of the local authority, (including service delivery centres) and the public libraries under the authority’s control; and*
- (b) shall be accompanied by either -*

- (i) the associated reports; or
- (ii) a notice specifying the places at which the associated reports may be inspected.

The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public... Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances."

[\[s. 46A\(1\)-\(6\), LGOIMA\]](#)

2.15.9 Exclusion from reports to be discussed with public excluded

The Chief Executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.

2.15.10 Availability of agendas and reports for meetings of community boards

Where agendas and associated reports are for meetings of community boards, it is sufficient for the purposes of these Standing Orders that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.

2.15.11 Agenda to be made available to public who are at meetings

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).

[\[s. 49, LGOIMA\]](#)

2.15.12 List of Committee members publicly available

The members of each Committee are to be named on the relevant agenda.

2.15.13 Public entitled to inspect minutes

The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.

[\[s. 51, LGOIMA\]](#)

2.15.14 Requests for minutes of meetings in closed session

The Chief Executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

[\[s. 51, LGOIMA\]](#)

2.16 REASONS TO EXCLUDE PUBLIC

2.16.1 Lawful reasons to exclude 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 grounds specified in section 48 of the Local Government Official Information and Meetings Act (*see Appendix A*).
[s. 48, LGOIMA]

2.16.2 Form of resolutions to exclude public

Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based. (*For an example resolution refer to Appendix B*).

2.16.3 Motion to exclude public to be put with the public present

Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority.
[s. 48(4), LGOIMA]

2.16.4 Provision for persons to remain after public excluded

A resolution in accordance with Standing Order 2.16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the Chief Executive and relevant staff during a public excluded session.
[s. 48(5) & (6), LGOIMA]

2.16.5 Release of public excluded information

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.

B. 2.17 APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION

2.17.1 Standing Orders to apply

Standing Orders apply to meetings or parts of meetings from which the public has been excluded.

C. 2.18 USE OF PUBLIC EXCLUDED INFORMATION

2.18.1 Public excluded business not to be disclosed

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which

the public is properly excluded, or where it is proposed that the public be properly excluded.

3 MEETING PROCEDURES

3.1 APPLICATION OF STANDING ORDERS

3.1.1 All members to abide by Standing Orders

“A member of a local authority must abide by the Standing Orders adopted under clause 27 [of Schedule 7 of the Local Government Act].”

[cl. 16(1), Schedule 7, LGA] (see Standing Order 2.1.4)

3.1.2 Additional to or substitution of Standing Orders

Notwithstanding the generality of Standing Order 3.1.1, for any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices additional to, or in substitution of, these Standing Orders for the conduct of the business to be transacted.

For example, Committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.

[s. 41, RMA]

3.1.3 Exclusions for meetings at which no resolutions or decisions are made

For the avoidance of doubt, any provision of these Standing Orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the local authority or of any Committee or subcommittee or other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

3.2 SUSPENSION OF STANDING ORDERS

3.2.1 Temporary suspension

A local authority or Committee may temporarily suspend one or more Standing Orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension. *(see Standing Order 2.1.3). [cl. 27(4), Schedule 7, LGA]*

3.3 CONDUCT OF MEETINGS

3.3.1 Mode of address for Chairperson

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

3.3.2 Chairperson to decide

The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the Chairperson shall be held guilty of contempt. *(see Standing Orders 3.1.1, 3.13.6 and Appendix C).*

3.3.3 Chairperson rising

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

3.3.4 Members to speak in places and address the chair

Members granted the right to speak at meetings are to address the Chairperson and may not leave their place while speaking without the leave of the Chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority and at Committee meetings.

3.3.5 Priority of speakers

When two or more members seek the right to speak, the Chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:

- (a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker;
- (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or
- (c) Make a point of explanation or request an indulgence of the Chairperson.
(see [Standing Order 3.8.13](#)).

3.3.6 Speeches in English or Māori

A member may address the Chairperson in English or Māori. The Chairperson may order that a speech be translated and printed in another language. A member must give prior notice, not less than 2 working days before the meeting, to the Chairperson if he or she intends to address the Chairperson in Māori, when the normal business of the Committee is conducted in English, or in English when the normal business of the Committee is conducted in Māori.

3.3.7 Duration of meetings and time limits

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

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

3.3.8 Reporting of meetings

When a meeting of a local authority is open to the public the following provisions shall apply:

- (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.
([\[s. 49\(a\) LGOIMA\]](#))
- (b) Any recording of meetings must be carried out in an unobtrusive manner and must not be distracting to members.
- (c) Any recording of meetings must be notified to the Chairperson at the commencement of the meeting.

3.3.9 Disorderly members to withdraw

Members called to order by the Chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the Chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the Chairperson may determine ([see Appendix C](#)).

3.3.10 Members not to be disrespectful

No member of the local authority at any meeting may be disrespectful in speech or use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. In addition, no member may impute improper motives or make offensive remarks about the private affairs of any other member of the local authority or its staff.

3.3.11 Retraction of, or apology for, offensive or malicious language

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

3.3.12 Withdrawal from meeting

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.

3.3.13 Disorder in meeting

The Chairperson may require any member whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the Chairperson.

3.3.14 Adjournment of meeting following disorder

Should the disorder continue, the Chairperson has the right to adjourn the meeting for a time specified by the Chairperson. At the end of that period the meeting shall resume and decide, without debate, the question as to whether the meeting shall proceed or be adjourned. The Chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

3.3.15 Contempt to be recorded in minutes

Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.

3.3.16 Removal from meeting

“A member of the police, or an officer or employee of the local authority, may, at the request of the Chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the Standing Orders and that member –

- (a) refuses or fails to leave the meeting; or*
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson.”* ([cl. 16\(2\), Schedule 7, LGA](#))

3.4 QUORUM AT MEETINGS

3.4.1 Requirement for a quorum

"A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote."

[cl. 23(1), Schedule 7, LGA]

3.4.2 Quorum to be present throughout meeting

"Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted."

[cl. 23(2), Schedule 7, LGA]

3.4.3 Definition of quorum for local authority or joint Committee meetings

"The quorum at a meeting for local authority or joint Committee consists of –

*(a) half the members if the number of members (including vacancies) is even;
or*

(b) a majority of members if the number of members (including vacancies) is odd."

[cl. 23(3), Schedule 7, LGA]

3.4.4 Definition of quorum for Committee meetings

"The quorum at a meeting of –

(b) a Committee -

(i.) is not fewer than 2 members of the Committee (as determined by the local authority or Committee that appoints the Committee); and

(ii.) in the case of a Committee other than a subcommittee, must include at least 1 member of the local authority."

[cl. 23(3), Schedule 7, LGA] (See Standing Order 3.4)

3.5 FAILURE OF A QUORUM

3.5.1 Meeting lapses if no quorum

If a meeting is short of a quorum at its commencement, or falls short of a quorum, the business is to stand suspended and, if no quorum is present within 10 minutes, the Chairperson is to vacate the chair and the meeting shall lapse.

3.5.2 Lapsed business

The business remaining to be disposed of following the lapsing of a meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the Chairperson and notified by the chief executive.

3.5.3 Minutes to record failure of quorum

If a meeting lapses by reason of failure of a quorum, the names of the members then in attendance, and the fact of the lapse, are to be recorded in the minutes.

3.6 LEAVE OF ABSENCE AND APOLOGIES

3.6.1 Granting leave of absence

The local authority may grant leave of absence to a member from a meeting or other meetings of the local authority or its Committees upon application by the member.

3.6.2 Apologies at meetings

If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the local authority. Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

3.6.3 Recording of apologies

The Chairperson of each meeting must invite apologies at the beginning of each meeting, including apologies for lateness and early departure, and these and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

3.6.4 Absence without leave

An extraordinary vacancy is created where any member is absent without leave of the territorial authority, regional council or community board from 4 consecutive meetings other than extraordinary meetings of the territorial authority, regional council or community board.

[\[cl. 5, Schedule 7, LGA\]](#)

3.7 ORDER OF BUSINESS

3.7.1 Adoption of order of business

The order of business is to be determined by the local authority.

3.7.2 Agenda

The Chief Executive is to prepare for each meeting an agenda listing and attaching information on the items of business to be brought before the meeting so far as is known. At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the meeting or the Chairperson accord precedence to any business set down on the agenda.

3.7.3 Public excluded items

The Chief Executive must place on a public excluded agenda any matters for which he/she considers the local authority, or Committee of the local authority, is likely in his/her opinion to wish to exclude the public in terms of the Local Government Official Information and Meetings Act 1987, provided that an indication of the subject matter likely to be considered with the public excluded is placed on the agenda available to the public.

3.7.4 Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority, or the relevant Committee as the case may be, to any matter or subject within the role or function of the local authority or Committee respectively.

3.7.5 Major items not on the agenda may be dealt with

"An item that is not on the agenda for a meeting, may be dealt with at that meeting if -

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

[s.46A(7), LGOIMA]

3.7.6 Minor items not on the agenda may be discussed Where an item is not on the agenda for a meeting, —

- (a) That item may be discussed at that meeting if –
 - (i.) That item is a minor matter relating to the general business of the local authority; and
 - (ii.) The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

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

3.7.7 Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting.

3.8 RULES OF DEBATE

3.8.1 Reserving speech

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

3.8.2 Irrelevant matter and needless repetition

In speaking to any motion or amendment, members are to confine their remarks strictly to such motion or amendment and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the Chairperson's ruling is final and not open to challenge.

3.8.3 Limitation on speakers

If 3 speakers have spoken consecutively in support of, or in opposition to a motion, the Chairperson may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had the right of reply, the motion must be put. Members speaking must, if so called upon by the Chairperson, announce whether they are speaking in support of, or against the motion or amendment being debated.

3.8.4 Taking down words

When any member objects to words used and desires his/her objection to be recorded in the minutes, the Chairperson may order the objection to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken.

(see Standing Order 3.13.4).

3.8.5 Reading of speeches

Members shall not read their speeches, except with the permission of the Chairperson, but may refresh their memory by reference to notes.

3.8.6 Time limits on speakers

The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:

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

(See also Standing Order 3.19.6.)

3.8.7 Member speaking more than once

A member may not speak more than once to a motion, save that this order does not apply to meetings of Committees or subcommittees.

3.8.8 Restating of motion

Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

3.8.9 Right of reply

The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the Chairperson has intimated his/her intention to put the motion, no other member of the local authority may speak on the motion. Movers in reply are not to introduce any new matter and must confine themselves strictly to answering previous speakers.

3.8.10 When right of reply may be exercised

The right of reply is governed as follows:

- (a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- (b) If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 3.8.9), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

NOTE - A right of reply can be exercised at either the end of the debate on an original motion or at the end of the debate on an amendment. Only the mover of an original motion has a right of reply, and that right can only be used once. In addition to a right of reply, the mover of an original motion may reserve a right of reply and speak once to an original motion and once to each amendment without losing that right of reply.

3.8.11 Speaking only to relevant matters

Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.

3.8.12 Personal explanation

Notwithstanding Standing Order 3.8.7, members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.

3.8.13 Explanation of previous speech

With the permission of the Chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matters may not be introduced.

3.9 MOTIONS AND AMENDMENTS

3.9.1 Requirement for a seconder

All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the Chairperson shall state the matter raised and propose it for discussion.

3.9.2 Withdrawal of motions and amendments

Once motions or amendments have been seconded and put to the meeting by the Chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.

3.9.3 Substituted motion by amendment

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

3.9.4 Motions in writing

The Chairperson may require movers of motions or amendments to provide them in writing signed by the mover.

3.9.5 Motions expressed in parts

The Chairperson or any member may require a motion expressed in parts to be decided part by part.

3.9.6 Amendment once moved

When a motion has been moved and seconded, then proposed by the Chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a Committee, who desires to amend any item in the report, may also propose or second an amendment.

3.9.7 Amendments and motions not seconded

Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.

3.9.8 Further amendments

No further amendment may be allowed until the first amendment is disposed of, although members may notify the Chairperson of their intention to move further amendments and the tenor of their content.

3.9.9 Where an amendment lost

Where an amendment is lost, another may be moved and seconded by any members who have not spoken to the motion, whether an original motion or substituted motion. Movers of previous amendments which were lost are regarded as having spoken to the motion only and are entitled to speak to the new amendment but are not entitled to move or second the new amendment.

3.9.10 Where an amendment is carried

Where an amendment is carried, the motion as amended becomes the substantive motion, and any member, other than previous movers or seconders in the debate, may then propose a further amendment.

3.9.11 Amendments relevant

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

3.9.12 Direct negatives not allowed

No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.

3.9.13 Procedure until resolution

The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.

3.9.14 Flow chart of motions and amendments

A flow chart illustrating the process regarding motions and amendments is included in these Standing Orders as Appendix D.

3.9.15 Revocation or alteration of resolutions

A notice of motion for the revocation or alteration of all or part of a previous resolution of

the local authority is to be given to the Chief Executive by the member intending to move such a motion.

- (a) Such notice is to set out:
 - (i) The resolution or part thereof which it is proposed to revoke or alter;
 - (ii) The meeting date when it was passed; and
 - (iii) The motion, if any, that is intended to be moved in substitution thereof.
- (b) Such notice is to be given to the Chief Executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion and is to be signed by not less than one third of the members of the local authority, including vacancies.
- (c) The Chief Executive must then give members at least 2 clear working days' notice in writing of the intended motion and of the meeting at which it is proposed to move such.

3.9.16 Restriction on action to be taken on previous resolution

Where a notice of motion has been given in terms of Standing Order 3.9.15, no action which is irreversible may be taken under the resolution which is proposed for revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the Chairperson:

- (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority;

then, in either case, action may be taken as though no such notice to the Chief Executive had been given or signed.

3.9.17 Revocation or alteration of resolution at same meeting

If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members then present and voting.

3.9.18 Local authority may revoke or alter any previous resolution

A local authority meeting may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any Committee, revoke or alter all or part of resolutions previously passed at meetings. At least two clear working days' notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

3.9.19 Restating the motion

The Chairperson may, immediately prior to any division being taken, request the Chief Executive to restate the motion upon which the division is to be taken.

3.9.20 No speakers after reply or question has been put

Members may not speak on any motion once the mover has commenced replying or where the Chairperson has commenced putting the question.

3.9.21 Reflections on resolutions

In speaking in any debate no member may unduly criticize the validity of any resolution of the local authority except by a notice of motion to amend or revoke the same.

3.10 NOTICES OF MOTION

3.10.1 Notices of 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 Chairperson 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.]

3.10.2 Refusal of notice of motion

The Chairperson may direct the Chief Executive to refuse to accept any notice of motion which:

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

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

3.10.3 Mover of notice of motion

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

3.10.4 Alteration of notice of motion

A notice of motion may be altered only by the mover with the consent of the meeting.

3.10.5 When notices of motion lapse

Notices of motion not moved on being called for by the Chairperson, shall lapse.

3.10.6 Referral of notices of motion to Committees

Any notice of motion referring to any matter ordinarily dealt with by a Committee of the local authority may be referred to that Committee by the Chief Executive. Where such notices are so referred, the mover of the motion shall, if not a member of that Committee, have the right to move that motion, and of reply, as if a Committee member.

3.11 REPEAT NOTICES OF MOTION

3.11.1 First repeat where notice of motion rejected

When a motion, which is the subject of a notice of motion, has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the Chairperson, is

substantially the same in purport and effect, may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.

3.11.2 Second repeat where notice of motion rejected

If such a repeat notice of motion, as provided for in Standing Order 3.11.1, is also rejected by the local authority any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.

3.11.3 No repeats where notice of motion adopted

Where a notice of motion has been considered and adopted 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.

3.12 PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE

3.12.1 Members may move procedural motions to terminate or adjourn debate

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

- (a) That the meeting be adjourned to the next meeting, unless an alternative time and place is stated; or
- (b) That the item of business being discussed be adjourned to a time and place to be stated; or
- (c) That the motion under debate be now put (a "closure motion"); or
- (d) That the meeting moves directly to the next business, superseding the item under discussion; or
- (e) That the item of business being discussed does lie on the table, and not be further discussed at that meeting; or
- (f) That the item of business being discussed be referred (or referred back) to the relevant Committee of the local authority.

3.12.2 Chairperson may accept closure motions

The Chairperson may accept a closure motion if there have been no less than 2 speakers for and 2 speakers against the motion, or, if there are no such speakers, in the Chairperson's opinion, it is reasonable to do so.

3.12.3 Procedural motions to terminate or adjourn debate to take precedence

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

3.12.4 Voting on procedural motions to terminate or adjourn debate

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

3.12.5 Closure motion to be put if no further speaker

Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.

3.12.6 Closure motion on amendment

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

3.12.7 Right of reply following closure

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

3.12.8 Debate on items previously adjourned

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

3.12.9 Adjourned items taken first

Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.

3.12.10 Other business not superseded

The carrying of any motion to adjourn a meeting shall not supersede other business before the meeting remaining to be disposed of, and such other business is to be considered at the next meeting.

3.12.11 Referral or referred back to Committee

Business referred, or referred back, to a specified Committee is to be considered at the next meeting of that Committee, unless otherwise specified.

3.12.12 Table of procedural motions

A table of procedural motions is included in these Standing Orders as **Appendix E**.

3.13 POINTS OF ORDER

3.13.1 Members rising to points of order

Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.

3.13.2 Stating subject matter of point of order

The member rising is to state without explanation precisely the subject matter of the point of order.

3.13.3 Points of order during division

No point of order may be raised during a division except by the permission of the Chairperson.

3.13.4 Types of points of order

The following are recognized as substance for points of order:

- (a) Where disorder is drawn to the attention of the Chairperson; or
- (b) Use of disrespectful, offensive or malicious language; or
- (c) Discussion of a question not before the local authority; or
- (d) Misrepresentation of any statement made by a member or by an officer or employee of the local authority or
- (e) The breach of any standing order; or
- (f) A request that words objected to be recorded in the minutes.

3.13.5 Contradiction – not a point of order

Rising to express a difference of opinion or to contradict a statement of a previous speaker does not constitute a point of order.

3.13.6 Decision of Chairperson final

The Chairperson may decide on any point of order immediately after it has been raised by any member or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final.

3.14 VOTING

3.14.1 Decisions to be decided by majority votes

“[Unless the Local Government Act 2002 provides otherwise], the acts of a local authority must be done and the questions before the local authority must be decided, at a meeting by –

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

[cl. 24, Schedule 7, LGA] (See Standing Order 2.5.1)

3.14.2 Chairperson’s voting

Unless the Local Government Act 2002 provides otherwise, for the purposes of Standing Order 3.14.1, the Mayor or Chairperson or other person presiding at the meeting –

- (a) has a deliberative vote; and
- (b) in case of equality of votes, does not have a casting vote (and therefore the act or question is defeated, and the status quo is preserved). *(see appendix H p52) (amendment Council resolution 05.11.2007)*

3.14.3 Open voting

“An act or question coming before the local authority must be done or decided by open voting”.
[cl. 24(3), Schedule 7, LGA]

3.14.4 Members may abstain

Any member may abstain from voting.

3.14.5 Members may have their votes recorded

Any member's vote or abstention must be recorded in the minutes if so requested by that member.

3.14.6 Method of voting

The method of voting shall be as follows:

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

3.14.7 Division

When a division is called, the Chief Executive or his/her nominee shall take down the names of the members voting for and against the motion and abstentions and is to hand the list to the Chairperson to declare the result. The result of the division shall be entered into the minutes.

3.14.8 Second division

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

3.14.9 Pecuniary interest

No members may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public. [\[s. 6\(1\), Local Authorities \(Members' Interests\) Act\]](#)

3.14.10 Declaration of pecuniary interest

Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes. [\[s. 6\(1\), Local Authorities \(Members' Interests\) Act\]](#)

3.14.11 Pecuniary interest a reason for leaving room

Members who have declared a pecuniary interest in matters to be discussed under Standing Order. 3.14.10 should consider leaving the meeting room for the full duration of discussion on such matters.

3.15 QUALIFIED PRIVILEGE

3.15.1 Qualified privilege relating to agenda and minutes

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda for the meeting or any part of the minutes of that meeting are provided, the publication of any defamatory matter included in the agenda or in the minutes is privileged unless the publication is proved to have been made with ill will or taking improper advantage of the publication.

[\[s. 52, LGOIMA\]](#)

3.15.2 Qualified privilege relating to oral statements

Any oral statement made at any meeting of a local authority in accordance with the rules that have been adopted by that local authority for the guidance and order of its proceedings, is privileged, unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

[\[s. 53, LGOIMA\]](#)

3.15.3 Qualified privilege additional to any other provisions

The privilege conferred by Standing Order 3.15.2 is in addition to, and not in substitution for, or derogation of any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

3.16 MAINTENANCE OF PUBLIC ORDER AT MEETINGS

3.16.1 Chairperson may require members of the public to leave meeting

The Chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain. [\[s. 50, LGOIMA\]](#)

3.16.2 Removal of members of public

If any member of the public who is required in accordance with Standing Order 3.16.1 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the Chairperson, any police officer or employee of the local authority may, at the request of the Chairperson, remove or exclude that member of the public from the meeting.

3.17 MINUTES OF PROCEEDINGS

3.17.1 Minutes to be evidence of proceedings

- (1) "A local authority must keep minutes of its proceedings.
- (2) Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings."

[\[cl. 28, Schedule 7, LGA\]](#)

3.17.2 Keeping of minutes

The Chief Executive or his/her designated representative must keep the minutes of meetings. The minutes must record the

- date, time and venue of the meeting;
- the names of those members present;
- identification of the Chairperson;
- apologies tendered and accepted;
- arrival and departure times of members;
- any failure of a quorum;
- a list of speakers in the public forum and the topics they cover;
- a list of items considered;
- resolutions and amendments pertaining to those items;
- any objections to words used;
- all divisions taken;
- names of any members requesting the recording of their abstentions or votes;
- declarations of pecuniary interest;
- contempt, censure and removal of any members;
- resolutions to exclude members of the public; and
- the time that the meeting concludes or adjourns.

(see Standing Orders 2.16.3, 3.3.15, 3.5.3, 3.6.3, 3.8.4, 3.14.4, 3.14.5, and 3.14.11).

3.17.3 No discussion on minutes

No discussion shall arise on the substance of minutes at any succeeding meeting, except as to their correctness.

3.18 MINUTE BOOKS

3.18.1 Inspection of minute books

The minute books of the local authority must be kept by the Chief Executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act

(see Standing Order 2.15.14). [s. 51, LGOIMA]

3.18.2 Minutes of last meeting before election

The Chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Council prior to the next election of members.

3.19 DEPUTATIONS AND PRESENTATIONS

3.19.1 Deputations where heard

Deputations may be received by the local authority or any of its Committees provided an application for admission setting forth the subject, has been lodged with the Chief Executive at least 2 working days before the date of the meeting concerned and has been subsequently approved by the Chairperson. The Chairperson may refuse requests for deputations which are repetitious or offensive.

3.19.2 Urgency or major public interest

Notwithstanding Standing Order 3.19.1, where in the opinion of the Chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the Chairperson may determine that the deputation be received.

3.19.3 Deputations and presentations in English or Māori

A deputation or presentation to a local authority or any of its Committees, may be made in English or Māori. Prior arrangement with the Chairperson should be sought at least 2 working days before the meeting if the address is not in English. The Chairperson may order that any speech or document presented be translated and/or printed in another language.

3.19.4 Procedures for deputations

Except with the approval of the local authority or Committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the deputation has completed making its submissions and answering questions.

(see Standing Order 3.15.2 regarding qualified privilege).

3.19.5 Termination of presentation if disrespectful

The Chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the Chairperson has reason to believe that statements have been made with malice. *(see Standing Order 3.15.2 regarding qualified privilege).*

3.19.6 Time limit on presentation

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

3.20 PETITIONS

3.20.1 Form of petitions

Every petition presented to the local authority or to any of its Committees, must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.

(see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege).

3.20.2 Petition where presented by members

Any member of the local authority, who presents a petition on behalf of the petitioners is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it.

3.20.3 Petition in English or Māori

A petition presented to a local authority or any of its Committees may be in English or Māori. Prior arrangement with the Chairperson should be sought at least 2 working days

before the meeting if the petition is not in English. The Chairperson may order that any petition be translated and/or printed in another language.

3.20.4 Petition where presented by petitioner

Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the Chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the Chairperson shall terminate presentation of the petition.

3.21 QUESTIONS

3.21.1 Questions to officers during debate

In the course of any debate at any local authority meeting, any member may, at the Chairperson's discretion, ask any question of the relevant officer on any matter under debate. Such questions are to be directed through the chair.

4 APPENDICES

APPENDIX A - GROUNDS TO EXCLUDE THE PUBLIC FROM MEETINGS IN TERMS OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Normative

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

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

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

Provided that where A2 of this Appendix applies the public may be excluded, unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3)** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4)** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of a local authority named or specified in the First Schedule to this Act).
- A5)** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a local authority where:
 - (i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings; or
 - (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

APPENDIX B - SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

Informative

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting.

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

Item No	Minutes/report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	Report of the Chair of the Strategy and Finance Committee.	Appointment of Directors – City Services limited	Good reason to withhold exists under section 7	Section 48(1)(a)
2.	Report of the Sustainable Transport and Utilities Committee Meeting of 24/12/2003	Northern connection to Smith Road. Purchase of Land	Good reason to withhold exists under section 7	Section 48(1)(a)
3.	Report of the Chairman of the Parks, Gardens and	Property purchase – 20 Smith Street	Good reason to withhold exists under section 7	Section 48(1)(a)
4.	Report of the Council Hearings Panel	Recommendation on Submissions to Variation 100 to City Proposed District Plan	Good reason to withhold exists under section 7	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No:	
1	Protection of privacy of natural persons (Section 7(2)(a))
2, 3	Conduct of negotiations (Section 7(2)(i))
4	Prevention of improper advantage (Section 7(2)(j))

NOTE – Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

APPENDIX C - POWERS OF THE CHAIRPERSON

Normative

This Appendix is intended to separately set out the Chairperson's powers which are contained in various parts of the Model Standing Orders.

The provisions in the Model Standing Orders shall be authoritative. The relevant Model Standing Orders are referred to in brackets.

C1 - 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. ([See Standing Order 3.3.2](#))

C2 - Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson. ([See Standing Orders 3.13.3 and 3.13.6.](#))

C3 - Items not on the agenda

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 of the Council for further discussion. ([See Standing Orders 3.7.5 and 3.7.6.](#))

C4 - Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority. ([See Standing Order 3.7.4.](#))

C5 - Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion. ([See Standing Order 3.7.7.](#))

C6 - Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, does not have a casting vote. (Council resolution 5 November 2007) ([See Standing Order 2.5.21.](#))

C7 - Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover. ([See Standing Order 3.9.4](#))

C8 - Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part. ([See Standing Order 3.9.5](#))

C9 - Notice of motion

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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. [\(See Standing Orders 3.10.2 and 3.11.3\)](#)

C10 - 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, until the proposed notice of motion has been dealt with by the local authority, 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 local authority, action may be taken as though no such notice had been given. [\(See Standing Order 3.9.16\)](#)

C11 - Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority including vacancies. [\(See Standing Order 3.11.1\)](#)

C12 - 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 recommendation. [\(See Standing Order 3.9.18\)](#)

C13 - 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 ordinary meeting;
 - (b) May requisition an extraordinary meeting to be held at a specified time and place in order to conduct specified business;
- [\(See Standing Orders 3.5.2, 2.14.1 and 2.14.2\)](#)

C14 - Irrelevant matter and tedious repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matter or indulging in needless repetition is final and not open to challenge. [\(See Standing Order 3.8.2\)](#)

C15 - Taking down words

The Chairperson may order words used and objected to by any member to be recorded in the minutes, provided such objection is made at the time the words are used and not after any

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other members have spoken, [\(See Standing Order 3.8.4\)](#)

C16 - Reading of speeches

The Chairperson may permit members who request permission to do so, to read their speeches. [\(See Standing Order 3.8.5\)](#)

C17 - 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. [\(See Standing Orders 3.8.12 and 3.8.13\)](#)

C18 - Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption. [\(See Standing Order 3.3.3\)](#)

C19 - Members may leave places

The Chairperson may permit members to leave their place while speaking. [\(See Standing Order 3.3.4\)](#)

C20 - Priority of speakers

The Chairperson shall determine the order in which members may speak when two or more members indicate their wish to speak. [\(See Standing Order 3.3.5\)](#)

C21 - Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members. [\(See Standing Orders 3.17.1 and 3.18.2.\)](#)

C22 - Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or tangata whenua participation, for the purpose of obtaining information or clarification on matters raised by the speaker. [\(See Appendices F4 and G5\)](#)

C23 - Withdrawal of offensive or malicious expressions

- (a) The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression. [\(See Standing Order 3.3.11\)](#)
- (b) 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. [\(See Standing Order 3.3.12\)](#)

C24 - Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson may be required by the Chairperson to withdraw from the meeting for a specified time. [\(See Standing Orders 3.1.1 and 3.3.2\)](#)

C25 Disorderly behaviour The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified

- by the Chairperson. [\(See Standing Orders 3.3.13 and 3.16.1\)](#)
- (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. [\(See Standing Orders 3.3.14 and 3.3.15\)](#)

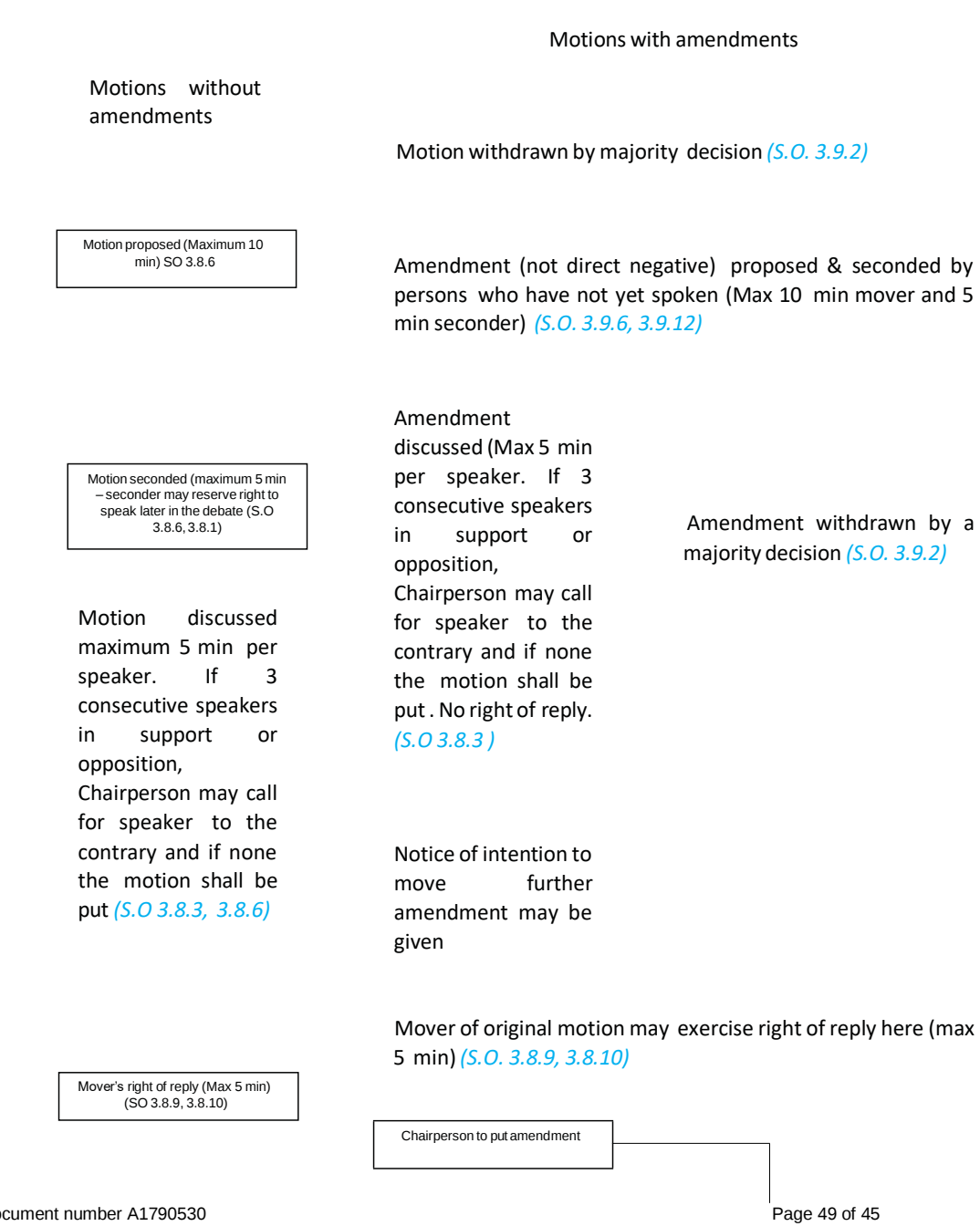
C26 - Failure to leave meeting

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

[\(See Standing Orders 3.3.16 and 3.16.2\)](#)

APPENDIX D - MOTIONS & AMENDMENTS

Normative



Chairperson to put motion

Amendment CARRIED (S.O. 3.9.10)

Motion carried or lost

No further discussion permitted

Revocation, alteration
or modification
permitted at same
meeting by ¾ majority
if fresh facts received
during meeting
(SO 3.9.17)

Amendment LOST (S.O. 3.9.9)

Becomes substantive
motion

Further relevant amendments
proposed & seconded by persons
who have not yet spoken (Max
10 min mover & 5min other
speakers) S.O. 3.9.6. 3.9.8)

Further relevant
amendments
proposed &
seconded by persons
other than previous
movers & seconders
& discussed (Max 10
min mover & 5 min
for other speakers
(S.O. 3.9.6, 3.9.8)

If CARRIED becomes substantive
motion

If LOST original motion put &
CARRIED or LOST

If CARRIED
substantive motion
put & CARRIED or
LOST

APPENDIX E - TABLE OF PROCEDURAL MOTIONS

Normative

See Standing Orders 3.12.1 to 3.12.2.12 and 3.13.1 to 3.13.6

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 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 amendment are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again.
(b) "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 amendment are adjourned.	

(c) "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.
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APPENDIX F - PUBLIC FORUM

Informative

F1 - Public forum

A period of up to 30 minutes, or such other time as the local authority may determine, will be set aside for a public forum at the commencement of ordinary meetings of the local authority, Committee and subcommittee meetings which are open to the public. Each speaker during the public forum section of a meeting, may speak for three minutes. (amend F1 to add “At the discretion of the Chairperson” at the beginning of the first sentence – Council resolution 05.11.2007)

F2 - Time extension

Standing Orders may be suspended on a vote of not less than 75% of those present, to extend the period of public participation or the period any speaker is allowed to speak.

F3 - Subjects of public forum

In respect of local authority, Committee and subcommittee meetings, the public forum is to be confined to those items falling within the terms of reference of that meeting, provided the matter is not sub-judice.

NOTE — The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, Committee or subcommittee sits in a quasi-judicial capacity.

F4 - Questions of speakers during public forum

With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

APPENDIX G - ADDITIONAL PROVISIONS FOR TANGATA WHENUA

Informative

G1 - Tangata whenua representation at meetings

Where representatives of the tangata whenua identify any item on the agenda for a meeting of a local authority, Committee or subcommittee which the tangata whenua wish to discuss, they may attend the meeting for that purpose. These provisions do not apply to any meeting of the local authority, Committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard. *(amend G1 to add "At the discretion of the Chairperson" at the beginning of the first sentence – Council resolution 05.11.2007)*

G2 - Speaking rights in addition to public forum

The right to speak at meetings of the local authority conferred by these provisions are in addition to and separate from those rights of a public forum available in terms of Appendix F. *(deleted – Council resolution 05.11.2007)*

G3 - Tangata whenua representation at Committees and subcommittees

Where representatives of the tangata whenua have, in accordance with clause F1, identified items they wish to discuss at a meeting, they may be represented by such number of representatives as is equal to the number of permanent members of that Committee or subcommittee who are present at that meeting.

G4 - Tangata whenua speaking time

Representatives of the tangata whenua shall have the right to address any meeting of the local authority, Committee or subcommittee for a period of 15 minutes in total on any item or issue which has been identified or initiated by the tangata whenua and listed for consideration at a meeting.

G5 - Questions of speakers during tangata whenua participation

With the permission of the Chairperson, members may ask questions of representatives of the tangata whenua. If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

NOTE - The term "tangata whenua" is not mentioned in the Local Government Act 2002. The Act refers to "Māori".

APPENDIX H - PROVISION FOR CASTING VOTE

Normative

Where a local authority wishes to have a casting, vote replace Standing Order 3.14.2(b) with “in the case of equality of votes the Chairperson has a casting vote.”

Casting vote provided for by Council resolution 05 November 2007 ([clause 27, Schedule 7 of the Local Government Act 2002 applies](#))

6.6 KAIKOHE-HOKIANGA COMMUNITY BOARD SCHEDULE OF MEETINGS FOR 2025

File Number: A5431741

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

For the Kaikohe-Hokianga Community Board to note the date and time of the remaining meetings in 2025.

TŪTOHUNGA / RECOMMENDATION

**That Kaikohe-Hokianga Community Board;
receive the report “Kaikohe-Hokianga Community Board Schedule of Meetings for 2025”
and:**

hold the remaining meetings for 2025 on:

- i. Friday 28 November 2025 from 10:00 am, in Council Chambers**
- ii. Friday 19 December 2025 from 10:00 am, in Council Chambers**

adopt Wednesdays at 10am in Council Chambers as their meeting day and time for 2026.

TĀHUHU KŌRERO / BACKGROUND

The Local Government Act 2002 was introduced to modernise and clarify the roles, responsibilities, and powers of local authorities in New Zealand. It emphasizes democratic decision-making, community engagement, and transparency.

Under Schedule 7, Clause 21(5) of the Local Government Act 2002, the business to be conducted at the inaugural meeting of a local authority must include the fixing of the date and time of the first meeting of the local authority or the adoption of a schedule of meetings. This is a legal requirement that ensures the council formally sets its meeting calendar at the outset of its term.

For example, during the 2022–2025 triennium, the Board met on *Fridays* at 10:00am, and during the 2019–2022 triennium, the Board met on *Wednesdays* at 10:00am. Also, for general information, in 2022–2025 the Te Hiku Community Board met on Tuesdays at 10:00am, and the Bay of Islands-Whangaroa Community Board met on Thursdays at 10:00am.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

To ensure a balanced distribution of meeting days across the district and to support operational efficiency, staff recommend that the Kaikohe-Hokianga Community Board:

- a) receive the report “Kaikohe-Hokianga Community Board Schedule of Meetings for 2025” and:
- b) hold the remaining meetings for 2025 on:
 - i. Friday 28 November 2025 from 10:00 am, in Council Chambers
 - ii. Friday 19 December 2025 from 10:00 am, in Council Chambers
- c) adopt Wednesdays at 10am in Council Chambers as their meeting day and time for 2026.

The Schedule of 2026 Formal Meetings will be tabled at the December meeting has once Council has confirmed it.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary requirements in the receiving of this report

ĀPITI HANGA / ATTACHMENTS

Nil

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This report is of low significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Not applicable
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications as a result of this report
Chief Financial Officer review.	This report has not been reviewed by Chief Financial Officer

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE