

Notice is hereby given that a Meeting of the Edendale-Wyndham Community Board will be held on:

Date: Tuesday, 22 November 2016
Time: 7.30pm
Meeting Room: Memorial Hall
Venue: Balaclava Street
Wyndham

Edendale-Wyndham Community Board Agenda

OPEN

MEMBERSHIP

Members Denise Fodie
Andrew Roy
Melanie Shepherd
Pam Yorke
Councillor Paul Duffy

IN ATTENDANCE

Committee Advisor Fiona Dunlop

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

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Please note that at the conclusion of the Inaugural Meeting there will be a Workshop with Officers.

Making and Attesting of Members' Declarations

Record No: R/16/11/18749
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To enable the making and attesting of declarations of office by Community Board members.

Background

- 2 Elected members to Community Boards take up office on the day after the official declaration of the election results is publicly notified. However, they cannot make any decisions or otherwise act as a member until they have made an oral declaration and made a written declaration in the form set out in clause 14 of Schedule 7.
- 3 The oath for the Community Board members is taken at the inaugural meeting of the Community Board. The Mayor will receive and witness the declaration of the Members.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled "Making and Attesting of Members' Declarations" dated 15 November 2016.**
- b) **Notes that the Mayor has received and witnessed the declaration of the Community Board Members.**

Attachments

There are no attachments for this report.

Election of Chair and Deputy Chair

Record No: R/16/11/18018
Author: Fiona Dunlop, Committee Advisor
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose of Report

- 1 This report calls for the election of a Chairperson Community Board, as required under clause 37, Schedule 7 of the Local Government Act 2002 ('the Act').
- 2 The report also provides the opportunity for the Community Board to appoint a Deputy Chairperson to act for the Chairperson if he or she is unable to perform his or her duties.

Background

- 3 The Southland District Council requires, by statute, the election of a Chairperson to its community boards. The Community Board may also wish to appoint a Deputy Chairperson who will be called on to fulfil the duties of the Chairperson if he or she is unable to perform his or her duties. All community board members are eligible to be nominated for these roles.
- 4 The system of voting for the position of Chairperson and Deputy Chairperson is "First Past the Post".
- 5 There are no requirements for a formal nomination – the Mayor, or their nominee, will call for nominations at the Inaugural Meeting of the Community Board. Members may be nominated for these roles *in absentia*, but cannot vote.
- 6 The term of office for the Chairperson and, if appointed, the Deputy Chairperson of the Community Board shall be for the duration of the 2016/2019 triennium. However, a member may terminate (or have terminated) their office by:
 - Resigning as Chairperson or Deputy Chairperson.
 - A majority decision of the Community Board.
 - A resolution of the Community Board.
 - Being no longer eligible to hold office.
- 7 The Chairperson of the Community Board is responsible for ensuring that the decisions of the Board are consistent with the powers delegated to it by Southland District Council. The Chairperson is responsible for ensuring that the conduct of business is carried out in an orderly way and in accordance with Standing Orders, and any other statute that may apply from time-to-time. The Chairperson is responsible for reviewing the business included in the agendas to ensure that matters that ought to be considered are included.
- 8 The Chairperson may be called on to act as an official spokesperson for the Community Board on issues within its terms of reference and area of activity.
- 9 It is recommended that once elected the Chair undertake Chairs training and mentoring at the start of the triennium.
- 10 If the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and exercise any powers, of the Chairperson:
 - with the consent of the Chairperson at any time during the temporary
 - absence of the Chairperson;

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- without that consent, at any time while the Chairperson is prevented by illness or some other cause from performing the responsibilities and duties, or exercising the powers, of his or her role;
 - while there is a vacancy for the role of Chairperson.
- 11 In the absence of proof to the contrary, a Deputy Chairperson acting as Chairperson is presumed to have the authority to do so.
- 12 A Deputy Chairperson continues to hold his or her position so long as he or she continues to be a member of the Community Board or until the election of his or her successor, or until the close of the 2013/2016 triennium.
- 13 In accordance with voting procedures the Community Board is called on to elect members to the position of Chairperson and, if it chooses to do so, to appoint a Deputy Chairperson.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled “Election of Chair and Deputy Chair” dated 4 November 2016.**
- b) **Elects a Board Member to be Chair of the Community Board for the 2016/2019 Triennium.**
- c) **Elects a Board Member to be Deputy Chair of the Community Board for the 2016/2019 Triennium.**

Attachments

There are no attachments for this report.

General Explanation from Chief Executive

Record No: R/16/10/17625
Author: Fiona Dunlop, Committee Advisor
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose of Report

1. The purpose of the report is to advise that Clause 21(5) of Schedule 7 of the Local Government Act 2002 requires that the Chief Executive Officer provide an explanation to elected members on certain legislation which controls the way in which the Council's business may be conducted and the laws affecting elected members.

Background

2. The general explanation that must be conducted at the first meeting of the Southland District Council following the triennial general election is for the following pieces of legislation:
 - 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
 - Financial Markets Conduct Act 2013.
3. The information provided on the relevant legislation does not attempt to cover all the detailed points of the legislation, but brings to Councillors attention the key issues affecting their role and functions as members of the Southland District Council for the 2016/2019 Triennium.
4. The following is a brief description of each piece of Legislation outlined above.
5. The Local Government Official Information and Meetings Act 1987 (LGOIMA) governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by officers of the Council.
6. LGOIMA also sets meeting procedures and requirements.

These include:

- The requirement to give public notice of meetings
 - The public availability of the agenda and supporting papers for meetings of the Council, and its committees and subcommittees
 - The circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances
 - The responsibility of the Chair to maintain order at meetings.
7. Other laws affecting elected members which members must be aware of.
 8. The Local Authorities (Members' Interests) Act 1968, which has two main aspects:
 - This Act prohibits certain contracts between the Council and its members, or with persons associated with its members. A breach results in loss of office.

- This Act also prohibits an elected member from discussing or voting on an issue in which the member, directly or indirectly, has a pecuniary interest. Any member found to have contravened this part of the Act could be prosecuted, and if convicted, would lose office.
9. Under the Crimes Act 1961 a member of a local authority who obtains or accepts or offers to accept any bribe to do, or not do, something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to seven years.
 10. Under the Secret Commissions Act 1910, an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to two years and a fine of up to \$1,000.
 11. The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.
 12. In addition to these key statutory provisions, if an elected member is convicted of an offence that carries a term of two or more years of imprisonment under any Act specified, or under any other Act, that member will lose office.

1

Recommendation

That the Edendale-Wyndham Community Board:

1. **Receives the report titled “General Explanation from Chief Executive” dated 27 October 2016.**

Attachments

There are no attachments for this report.

Terms of Reference and Delegations 2016/2019

Record No: R/16/10/17901
Author: Fiona Dunlop, Committee Advisor
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To advise the Community Board of the Terms of Reference and Delegations for Southland District Council Community Boards for the 2016/2019 Triennium which were approved by Council at its meeting on Wednesday 26 October 2016.

Background

- 2 Section 52 of the Local Government Act 2002 provides that the role of a community board is to:
 - (a) Represent and act as an advocate for the interests of its community; and
 - (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; and
 - (c) Maintain an overview of services provided by the territorial authority within the community; and
 - (d) Prepare an annual submission to the territorial authority for expenditure within the community; and
 - (e) Communicate with community organisations and special interest groups within the community; and
 - (f) Undertake any other responsibilities that are delegated to it by the territorial authority.
- 3 In addition to the activities outlined above, Community Boards also need to consider how best to provide leadership for their communities and residents, in addressing the issues they face as they look to the future.
- 4 Community Boards have been granted by Council additional delegated powers for engagement and representation, rentals and leases and local assets and facilities. There is accountability to Council for the exercising of these powers and a requirement that they be done within Council policy.
- 5 Community Boards have also been approved to make recommendations to Council on assets and facilities, rentals and leases, financial input and local policy.
- 6 In addition to the terms of reference and delegations, Chairs of Community Boards have been delegated additional responsibilities as follows:
 - Approval of leases, rental agreements and the rollover of existing contracts under \$1,000;
 - Engaging with Community Board members to make submissions to the Council on behalf of the Community Board where a submission period is outside of the Community Board meeting cycle. Where a Chairperson is unable to base a submission on a consensus among Community Board members, a Community Board meeting must be held.

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- 7 Membership and quorums of the Community Boards remain the same as in previous Triennia with six elected members and one appointed member being a Ward Councillor.
- 8 The appointed Ward Councillor has speaking rights and voting rights at Community Board meetings to which he/she has been appointed.
- 9 Where a Ward Councillor is unable to attend a meeting of the Community Board to which he/she has been appointed, another Ward Councillor from within the same Ward may attend the Community Board meeting but has speaking rights only.
- 10 Community Boards will meet at least six times within each calendar year but can meet on more occasions if there is a requirement to consider matters requiring a resolution.
- 11 Community Boards may also meet outside of the regular meeting schedule to address issues which are time bound or to meet demand if there are a significant number of agenda items. All meetings outside of the regular meeting schedule shall be called by the Chairperson.
- 12 Community Board members will be kept abreast of operational issues and the progress of projects via regular contact with their Townships Community Engineer.
- 13 Stewart Island/Rakiura and Te Anau Community Boards have specific delegations in addition to the standard delegations. The specific delegations are as follows:

Stewart Island/Rakiura Community Board

- (a) Contributing to the development of policy relating to the governance of the Stewart Island Electrical Supply Authority (SIESA).
- (b) Overseeing the management of SIESA by way of relationship with officers of Southland District Council.

Te Anau Community Board

- (c) Overseeing the management of the Te Anau/Manapouri Airport by way of relationship with officers of Southland District Council.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled “Terms of Reference and Delegations 2016/2019” dated 12 November 2016.**
- b) **Note the Terms of Reference and Delegations for Community Boards approved by Council at its meeting on Wednesday 26 October 2016.**

Attachments

- A Terms of Reference and Delegations for Community Boards as approved by Council on 26 October 2016 [↓](#)

SOUTHLAND DISTRICT COUNCIL COMMUNITY BOARD TERMS OF REFERENCE

Authorising body	Council
Approval date	26 October 2016

1. SCOPE OF ACTIVITIES

Community Boards are bodies established by statute. Their responsibilities and powers are as delegated by the Southland District Council.

The role of each Community Board in the Southland District is to:

- Represent and act as an advocate for the interest of its community.
- Consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the Community Board.
- Maintain an overview of services provided by the Southland District Council within the community.
- Consider annual estimates for expenditure within the community and recommend these to Council.
- Communicate with community organisations and special interest groups within the community.
- Undertake any other responsibilities that are delegated to it by the Southland District Council.

In addition to these activities, Community Boards will consider how best to provide for their communities, and the people who live there, into the future.

Community Board members will provide leadership by:

- Positively representing their community and the Southland District
- Identifying key issues that will affect their community's future and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities.
- Promote a shared vision for the wider community of interest area and develop ways to work with others to achieve positive outcomes

Community Boards will adopt a strategic focus that will enable members to:

- Provide local representation and guidance on wider community issues, initiatives and projects.
- Contribute to the development and promotion of community cohesion, by developing and supporting relationships across a range of stakeholders at a local, regional and national level.
- Take part in local community forums, meetings and workshops.
- Inform local residents and ratepayers on issues that affect them.

2. MEMBERSHIP

Six elected members and one appointed member being a Ward Councillor¹.

The appointed Ward Councillor has speaking rights and voting rights at Community Board meetings to which he/she has been appointed.

Where a Ward Councillor is unable to attend a meeting of the Community Board to which he/she has been appointed, another Ward Councillor from within the same Ward may attend the Community Board meeting but has speaking rights only.

3. MEETING SCHEDULE

Community Boards will meet at least six times within each calendar year but can meet on more occasions if there is a requirement to consider matters requiring a resolution.

Community Boards may also meet outside of the regular meeting schedule to address issues which are time bound or to meet demand if there are a significant number of agenda items. All meetings outside of the regular meeting schedule shall be called by the Chairperson.

Community Board members will be kept abreast of operational issues and the progress of projects via regular contact with their Township Community Engineer.

4. QUORUM

The quorum at any meeting of a Community Board of the Southland District Council shall be not less than four members.

5. DELEGATIONS**5.1 Power to Act**

Community Boards shall have the following delegated powers and be accountable to Council for the exercising of these powers²:

Engagement and representation	
(a)	Facilitating the Council's consultation with local residents and community groups on local issues and local aspects of district wide issues including input into the Long-term Plan, Annual Plan, and policies that impact on the Board's area.
(b)	Engaging with council officers on local issues and levels of service, including infrastructural, recreational, community services and parks, reserves and cemetery matters.
(c)	Representing the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to the residents within its community.
(d)	Monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided.

¹ Local Government Commission determination – 10 April 2013

² Local Government Act 2002, Schedule 7, Clause 32

Rentals and leases

- (e) Accepting on behalf of Council the highest tenders for rentals of \$10,000; or less per annum for all leases of land and buildings within their own area.
- (f) Approving the preferential allocation of leases of land and buildings on behalf of Council within their own area where the rental is \$10,000 per annum or less.

Local assets and facilities

- (g) Overseeing the management of local halls and community centres which are owned by Council and where no management committee exists. This will occur by way of relationship with officers of Southland District Council.
- (h) Appoint a local liaison person responsible for community housing.

Some Community Boards have specific delegations in addition to the broad delegations tabled above:

Stewart Island/Rakiura Community Board

- (i) Contributing to the development of policy relating to the governance of the Stewart Island Electrical Supply Authority (SIESA).
- (j) Overseeing the management of SIESA by way of relationship with officers of Southland District Council.

Te Anau Community Board

- (k) Overseeing the management of the Te Anau/Manapouri Airport by way of relationship with officers of Southland District Council.

5.2 Power to Recommend**Assets and Facilities**

- (l) Annually providing feedback on any asset management plans or community services strategies applicable to the community for which the Community Board is responsible.

Rentals and leases

- (m) Recommending tenders and rentals in excess of \$10,000 but less than \$200,000 to the Group Manager Services and Assets.
- (n) Recommending tenders and rentals in excess of \$200,000 to the Services and Assets Committee.
- (o) Recommending tenders to the Services and Assets Committee where preference is not for acceptance of the highest tenderer,

Financial

- (p) Recommending annual estimates to Council and approving expenditure within these limits.
- (q) Recommending unbudgeted expenditure to Council or the relevant committee of Council.

Local Policy

- (r) Considering matters referred to it by officers, the Council, its committees or subcommittees, including reports and policy and bylaw proposals relating to the provision of council services within the Board's area; and
- (s) Making submissions or recommendations in response to those matters as appropriate.

5.1 Delegations to the Chairperson

The Chairperson of each Community Board is delegated with the following additional responsibilities:

- Approval of leases, rental agreements and the rollover of existing contracts under \$1,000;
- Engaging with Community Board members to make submissions to the Council on behalf of the Community Board where a submission period is outside of the Community Board meeting cycle. Where a Chairperson is unable to base a submission on a consensus among Community Board members, a Community Board meeting must be held.

6. REPORTING

Community Boards are unincorporated statutory bodies which are elected to represent the communities they serve. There are no formal reporting requirements to Council however; a Councillor of Southland District Council is represented on each Community Board.

Schedule of Meetings for 2017

Record No: R/16/11/18412
Author: Fiona Dunlop, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to approve a schedule of meeting dates for 2017 so that meetings can be publicly notified in accordance with the requirements set by the Local Government Official Information and Meetings Act 1987.

Executive Summary

- 2 The adoption of a meeting schedule allows for reasonable public notice preparation and planning for meeting agendas. The Local Government Official Information and Meetings Act 1987 which has requirements for Local Authorities to follow for public notification of meetings.
- 3 The meeting schedule for the Edendale-Wyndham Community Board is required to be set for 2017. The Local Government Act 2002 requires that following the Triennial Elections that the first meeting or the adoption of a schedule meetings must be approved.
- 4 Southland District Council approved the Terms of Reference for the Community Boards at its meeting on 26 October 2016. In the approved terms of reference was the frequency of meetings. Community Boards will meet in February, April, June, August, October and December.

Recommendation

That the Edendale-Wyndham Community Board:

- a) Receives the report titled “Schedule of Meetings for 2017” dated 15 November 2016.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Agrees to meet at 7.30pm in either Edendale or Wyndham on the following dates in 2017:
 - Tuesday 28 February 2017
 - Wednesday 26 April 2017
 - Tuesday 27 June 2017
 - Tuesday 22 August 2017
 - Tuesday 24 October 2017
 - Tuesday 5 December 2017.

Content

Background

- 5 An approved schedule of meetings dates is required so that meetings can be publicly notified in accordance with the Local Government Official Information and Meetings Act 1987.

Factors to Consider

Legal and Statutory Requirements

- 6 The legal and statutory requirements for meetings of Council, Committees, Subcommittees and Community Boards are spelt out in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Community Views

- 7 There are no community views.

Costs and Funding

- 8 The only costs for the implementation of a meeting schedule are the public notification via the daily newspaper once a month in accordance with the Local Government Official Information and Meetings Act 1987.

Policy Implications

- 9 There are no policy implications.

Analysis

Options Considered

- 10 Options considered are that if no meeting schedule be agreed, then no meetings of the Edendale-Wyndham Community Board could be held. The other option is to adopt a meeting schedule as proposed in the recommendations which enables dialogue between the Community Board and District Council Officers on a regular basis.

Analysis of Options

Option 1 – No meeting schedule

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• There are no advantages	<ul style="list-style-type: none">• Council officers and Community Board unable to achieve work in the Boards area as no meetings are being held.

Option 2 – Adoption of a schedule of meetings

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Council officers and Community Board are able to achieve work in the Boards area as meetings are being held on a regular basis	<ul style="list-style-type: none">• There are no disadvantages

Assessment of Significance

- 11 The assessment of significance is that this is not significance as defined in the Local Government Act 2002.

Recommended Option

- 12 The recommended option is option 2 – Adoption of a schedule of meetings.

Next Steps

- 13 The next steps once the schedule is adopted it to ensure that each month the meetings are publicly notified to enable the Community Board to meet.

Attachments

There are no attachments for this report.

Standing Orders

Record No: R/16/10/17747
Author: Fiona Dunlop, Committee Advisor
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 The purpose of the report is to advise the Community Board that Southland District Council adopted Standing Orders at its meeting on Wednesday 26 October 2016 for all meetings of the Council, Committees, Subcommittees, Community Boards and Community Development Area Subcommittees which form part of the Southland District Council.

Background

- 2 Under clause 27, Schedule 7 of the Local Government Act 2002 the Council is required to adopt a set of Standing Orders.
- 3 The Standing Orders will apply to all meetings of Council, Committees, Subcommittees, Community Boards and Community Development Area Subcommittees.
- 4 Standing Orders control who has speaking rights, the role of the chairperson, delegations and public forum, public excluded sections, agendas and the voting system.
- 5 The Model Standing Orders from Standards New Zealand, on which Council has based its Standing Orders, meet legislative requirements. Standards New Zealand produces model standing orders for local government, which Council uses as a basis for its own Standing Orders. These control the way a meeting is run and provide structure and mechanisms for managing such aspects as speaking rights and times, behaviour, quorum, agendas, public excluded sections and much more.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled “Standing Orders” dated 28 October 2016.**
- b) **Note that Southland District Council at its meeting on Wednesday 26 October 2016 adopted Standing Orders for use at all Council, Committee, Subcommittee, Community Board and Community Development Area Subcommittee meetings of the Southland District Council and that it is required to operate in accordance with the Standing Orders so adopted.**

Attachments

- A Standing Orders To Be Noted [↓](#)



Southland District Council

Model Standing Orders

For Meetings of
Local Authorities and Community Boards

Issued to assist those local authorities required to comply with Part 4 and Schedule 7
of the Local Government Act 2002 and Part VII of the Local Government Official Information
and Meetings Act 1987

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Southland District Council
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Invercargill 9840

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FOREWORD

This Standard is a revision of NZS 9202:2001 and includes Amendment No. 1, 2006.

The revision has been necessitated by the enactment of the Local Government Act 2002 (including amendments made to the Act in 2004), and the consequential repeal of relevant parts of the Local Government Act 1974 as these affect provisions of the Model Standing Orders for meetings of territorial authorities, regional councils and community boards.

These Model Standing Orders reflect legislative requirements relating to the conduct of local authority meetings, particularly the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987, including amendments made to these Acts in 2004. This includes provisions relating to extraordinary meetings (replacing special and emergency meetings), voting at meetings and the option of a casting vote for the person presiding at a meeting where there is an equality of votes, and references to subordinate decision-making bodies, to the chief executive (replacing principal administration officer) and other minor amendments. There is also a modernising of the language adopted in line with that now used in legislation.

In relation to voting at meetings, Standing Orders 2.5.1 and 3.14.2 reflect the default position in the legislation there is to be no casting vote for the presiding member, unless expressly provided for in the Standing Orders of the local authority. Southland District Council does wish to have a casting vote and as such, Appendix H *Provision for casting vote* can be used. When adopting, amending or suspending Standing Orders to provide for a casting vote, Clause 27, Schedule 7 of the Local Government Act 2002 applies.

MODEL STANDING ORDERS FOR MEETINGS OF LOCAL AUTHORITIES AND COMMUNITY BOARDS

These Standing Orders were adopted by Southland District Council at a meeting held on 26 October 2016 and apply to all meetings of this local authority, its committees and subcommittees, including all community development area subcommittees and to all meetings of the community boards listed below:

- Edendale-Wyndham Community Board
- Otautau Community Board
- Riverton/Aparima Community Board
- Stewart Island/Rakiura Community Board
- Te Anau Community Board
- Tuatapere Community Board
- Wallacetown Community Board
- Winton Community Board

PART 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 document 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 In this document the word "shall" identifies a mandatory requirement for compliance. 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 bold type 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 the 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 authorized 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 ordinary 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, and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

PART 2 CONSTITUTIONAL AND LEGISLATIVE MATTERS**2.1 Introduction**

Requirement for adoption of standing orders	2.1.1 "A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene [any provisions of the Local Government Act 2002], the Local Government Official Information and Meetings Act 1987, or any other Act." [cl. 27(1) & (2), Schedule 7, LGA]
Alteration of standing orders	2.1.2 "After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new 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]
Temporary suspension of standing orders	2.1.3 "A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75 % of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension." [cl. 27(4), Schedule 7, LGA] (See Standing Order 3.2.1)
All members to abide by standing orders	2.1.4 "A member of a local authority must abide by the standing orders adopted under Clause 27 [of Schedule 7 of the Local Government Act]." [cl. 16(1), Schedule 7, LGA] (See Standing Order 3.1.1)

2.2 First Meeting of the Local Authority Following Election

Meeting called by chief executive	2.2.1 "The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days' notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the Mayor or chairperson has made and attested the declaration required under Clause 14 [of Schedule 7 of the Local Government Act]." [cl. 21(1) - (4), Schedule 7, LGA]
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Business to be conducted**2.2.2**

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

- (a) the making and attesting of the declarations required of the Mayor (if any) and members under Clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under Clause 14 [of Schedule 7 of the Local Government Act]; and
- (c) a general explanation, given or arranged by the chief executive, of -
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) other laws affecting members, including - the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and Sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013; and
- (d) the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) **the appointment of the Deputy Mayor by the Mayor under Section 41A (3) (a) of the LGA 2002 OR if the Mayor declines to use these powers, the election of the Deputy Mayor or deputy chairperson in accordance with Clause 17 [of Schedule 7 of the Local Government Act]. Note that nothing limits or prevents a territorial authority from removing, in accordance with Clause 18 of Schedule 7, a Deputy Mayor appointed by the Mayor under Section 41A (3)(a).**

To avoid doubt Clause 17(1) of Schedule 7 does not apply to the election of a Deputy Mayor of a territorial authority unless the Mayor of the territorial authority declines to exercise the power to appoint [Section 41A(7)]

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

Members to give notice of addresses**2.2.3**

Every member of a local authority 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 local authority business may be sent or delivered.

2.3 Chairperson of Meetings**Mayor or chairperson of local authority to preside****2.3.1**

"The Mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the Mayor or chairperson vacates the chair for a particular meeting... If the Mayor or chairperson of a local authority... is absent from a meeting, the Deputy Mayor or deputy chairperson (if any) of the local authority must preside... If a Deputy Mayor or deputy chairperson has not been appointed, or 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]

Chairperson of committee to preside**2.3.2**

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

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

2.4 Quorum at Meetings**Requirement for a quorum****2.4.1**

"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]

Quorum to be present throughout meeting**2.4.2**

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

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

Definition of quorum for local authority or joint committee meetings**2.4.3**

"The quorum at a 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), cl. 30(9), Schedule 7, LGA]

Definition of quorum for committee meetings**2.4.4**

"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)

2.5 Voting at Meetings**Acts and decisions of the local authority by majority vote at meetings****2.5.1**

(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 have a casting vote

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

Mayor responsible for appointing Deputy Mayor, power to remove Deputy Mayor and voting systems for certain appointments including the Deputy Mayor, committee chairpersons and deputy chairpersons of committees

Mayor to appoint Deputy Mayor**2.6.1**

The Mayor has the power to appoint the Deputy Mayor.

[Section 41A(3), LGA]

Mayor declines to exercise powers**2.6.2**

The Mayor may decline to appoint the Deputy Mayor. In that case the procedure to appoint a Deputy Mayor shall follow the procedure contained in standing order 2.6.4.

[Section 41A (7)]

Power to remove deputy mayor**2.6.3**

- (1) At a meeting that is in accordance with this clause, a territorial authority may remove its Deputy Mayor from office.
- (2) If a Deputy Mayor is removed from office at that meeting, the territorial authority may elect a new Deputy Mayor at that meeting.
- (3) A meeting to remove a Deputy Mayor may be called by-
 - (a) A resolution of the territorial authority; or
 - (b) A requisition in writing signed by the majority of the total membership of the territorial authority (excluding vacancies)
- (4) A resolution or requisition must -
 - (a) Specify the day, time and place at which the meeting is to be held and the business to be considered at that meeting; and
 - (b) Indicate whether or not, if the Deputy Mayor is removed from office, a new Deputy Mayor or a committee chairperson is to be elected at the meeting if a majority of the total membership of the territorial authority (excluding vacancies) so resolves.
- (5) A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
- (6) The Chief Executive must give each member notice in writing of the day, time, place and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
- (7) A resolution removing a Deputy Mayor carries if a majority of the total membership of the territorial authority (excluding vacancies) votes in favour of the resolution.

[cl. 18, Schedule 7, LGA]

Voting systems for certain appointments including Deputy Mayor, chairpersons of committees and deputy chairpersons of a committee

2.6.4

Where the Mayor declines to appoint a Deputy Mayor or committee chairpersons, or where the territorial authority exercises the powers under standing order 2.6.3 to remove the Deputy Mayor or standing order 2.9.3 for discharging a chairperson appointed by the Mayor, and for the election or appointment of a deputy chairperson of a committee a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed using the one of the following systems of voting:

(a) [System A]; or

(b) [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 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

(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 1 round of voting; and
- II. if 2 or more candidates tie for the most votes, the tie is resolved by lot."

2.7 Appointment of Committees and other Subordinate Decision-Making Bodies

Mayor responsible for establishing committees and local authority able to discharge or reconstitute or add committees established by the Mayor

Appointment of Committees by Mayor

2.7.1

The Mayor has the power under Section 41A (3)(b) of the LGA 2002 to establish committees of the territorial authority.

Ability of local authority to discharge or reconstitute or add committees established by Mayor

2.7.2

However nothing limits or prevents a territorial authority from discharging or reconstituting in accordance with Clause 30 of Schedule 7, a committee established by the Mayor or appointing in accordance with Clause 30 of Schedule 7, 1 or more committees in addition to any established by the

	<p>Mayor Refer to standing orders 2.7.4 and 2.7.5 [Section 41A, cl. (3) and (4)]</p> <p>Note: section 12(2) of the Civil Defence Emergency Management Act 2002 and subsequent amendments to the Southland CDEMG Constitution means that the Southland CDEMG is not deemed to be discharged following a triennial election.</p>
<p>Mayor declines to exercise powers in 2.7.1</p>	<p>2.7.3 The Mayor may decline to establish committees. In that case the procedure to establish committees shall follow the procedure contained in standing order 2.7.4 [Section 41A (7)]</p>
<p>Appointment of Committees, Subcommittee and other subordinate decision-making bodies</p>	<p>2.7.4 "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]</p>
<p>Committees and subordinate decision making bodies subject to direction of local authority</p>	<p>2.7.5 "A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body." [cl. 30(3), (4) & (6), Schedule 7, LGA]</p>
<p>2.8 Joint Committees</p>	
<p>Appointment of joint committees</p>	<p>2.8.1 "A local authority may appoint ... a joint committee with another local authority or other public body. " [cl. 30(1), Schedule 7, LGA]</p>
<p>Status of joint committees</p>	<p>2.8.2 "A joint committee...is deemed to be both a committee of the local authority and a committee of the other local authority or public body." [cl. 30(8), Schedule 7, LGA]</p>
<p>Powers and responsibilities of joint committees</p>	<p>2.8.3 Part 1 of Schedule 7 of the Local Government Act applies to a joint committee except that -</p> <p>(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</p>

	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]
Application to a public body that is not a local authority	<p>2.8.4</p> <p>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.</p> <p>[cl. 30(10), Schedule 7, LGA]</p>
2.9 Membership of Committees and Subcommittees	
Appointment or discharge of committee members and subcommittee members	<p>2.9.1</p> <p>"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."</p> <p>[cl. 31(1) & (2), Schedule 7, LGA]</p>
Elected members on committees and subcommittees	<p>2.9.2</p> <p>"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."</p> <p>[cl. 31(3) & (4), Schedule 7, LGA]</p>
Local authority may replace members if committee not discharged	<p>2.9.3</p> <p>"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."</p> <p>[cl. 31(5), Schedule 7, LGA]</p>
Minimum numbers on committees and subcommittees	<p>2.9.4</p> <p>"The minimum number of members is 3 for a committee, and is 2 for a subcommittee."</p> <p>[cl. 31(6), Schedule 7, LGA]</p>

Mayor or chairperson of local authority an ex-officio member

2.9.5

The Mayor or chairperson of the local authority is an ex-officio member of any committee other than a community board or a quasi-judicial committee.

2.10 Powers of Delegation

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

2.10.1

(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 members and officers 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.

(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."

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

Use of delegated powers**2.10.2**

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

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

Delegations related to bylaws and other regulatory matters**2.10.3**

"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**Proceedings not invalidated by irregularities****2.11.1**

"An act or proceeding of a local authority or committee, or of a person acting vacancies or 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**Meetings to be held****2.12.1**

"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]

Right to attend meetings**2.12.2**

"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]

Calling, public notification and conduct of meetings**2.12.3**

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

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

Agenda to be sent to members**2.12.4**

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

Meetings not invalid because notice not received	<p>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).</p> <p>2.12.5 "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 -</p> <p>(a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and</p> <p>(b) the member concerned did not attend the meeting.</p> <p>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]</p>
Minutes of proceedings	<p>2.12.6 "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]</p>
2.13 Notification of meetings to members	
Period for notice in writing	<p>2.13.1 "The chief executive must give notice in writing to each member of the time and place of [a] meeting -</p> <p>(a) not less than 14 days before the meeting; or</p> <p>(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]</p>
Schedule of meetings	<p>2.13.2 "If a local authority adopts a schedule of meetings, -</p> <p>(a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and</p> <p>(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]</p>
Cancellation of scheduled meetings	<p>2.13.3 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 practicable of the cancellation and of the reasons for the cancellation.</p>

2.14 Extraordinary Meetings**Extraordinary meetings may be called****2.14.1**

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

- (a) a resolution of the local authority; or
- (b) a requisition in writing delivered to the chief executive and signed by -
 - (i) the Mayor or chairperson; or
 - (ii) not less than one-third of the total membership of the local authority (including vacancies)."

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

Notification of extraordinary meetings to members**2.14.2**

"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]

Calling of extraordinary meetings at earlier time**2.14.3**

"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]

Notification of extraordinary meetings held at earlier time**2.14.4**

"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]

Public notice of resolutions of extraordinary meetings**2.14.5**

"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.

Meetings normally to be open to the public

2.15.1

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

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

Information to be available to public

2.15.2

All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the agenda refers to any matter reasonably expected to be discussed with the public excluded.

[s. 5 & 49, LGOIMA]

Public notification about meetings

2.15.3

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. 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]

Public notification about extraordinary meetings

2.15.4

"Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing 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]

Public notification additional requirements

2.15.5

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.

Meetings not invalid because not publicly notified

2.15.6

"No meeting of any local authority [is] invalid merely

	<p>because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 - 2.15.5]."</p> <p>[s. 46(5), LGOIMA]</p>
Public notice of meetings not notified	<p>2.15.7</p> <p>"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."</p> <p>[s. 46(6), LGOIMA]</p>
Availability of agendas and reports	<p>2.15.8</p> <p>"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 -</p> <p>(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</p> <p>(b) shall be accompanied by either -</p> <p>(i) the associated reports; or</p> <p>(ii) a notice specifying the places at which the associated reports may be inspected.</p> <p>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."</p> <p>[s. 46A(1) - (6), LGOIMA]</p>
Exclusion from reports to be discussed with public excluded	<p>2.15.9</p> <p>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.</p>
Availability of agendas and reports for meetings of community boards	<p>2.15.10</p> <p>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</p>

	the control of the local authority situated within the community.
Agenda to be made available to public who are at meetings	<p>2.15.11</p> <p>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).</p> <p>[s. 49, LGOIMA]</p>
List of committee members publicly available	<p>2.15.12</p> <p>The members of each committee are to be named on the relevant agenda.</p>
Public entitled to inspect minutes	<p>2.15.13</p> <p>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.</p> <p>[s. 51, LGOIMA]</p>
Requests for minutes of meetings in closed session	<p>2.15.14</p> <p>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.</p> <p>[s. 51, LGOIMA]</p>

2.16 Reasons to Exclude Public**Lawful reasons to exclude public****2.16.1**

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the grounds specified in Section 48 of the Local Government Official Information and Meetings Act (see Appendix A).

[s. 48, LGOIMA]

Form of resolutions to exclude public**2.16.2**

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).

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

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]

Provision for persons to remain after public excluded**2.16.4**

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]

Release of public excluded information**2.16.5**

A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

2.17 Application of standing orders to public excluded session**Standing orders to apply****2.17.1**

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

2.18 Use of public excluded information**Public excluded business not to be disclosed****2.18.1**

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

2.19 Attendance at Meeting by Members of the Local Authority or of any Committee of the Local Authority by Audio Link or Audiovisual Link

Statutory provision for attendance at meetings by audio link or audiovisual link

2.19.1

“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 by means of audio link or audiovisual link if... the presiding member at the meeting is satisfied that all conditions and requirements in the standing orders in relation to attendance at that meeting by means of audio link or audiovisual link are met.”

[cl. 25A(1) and 27(5)(a), Schedule 7, LGA]

Definitions for the purposes of this Standing Order

2.19.2

“‘audio link’ means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting

“‘audiovisual’ link means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting.”

[cl. 25A(7), Schedule 7, LGA]

Meetings to which Standing Order 2.19 applies

2.19.3

Subject to the provisos below the presiding member may permit attendance by a member at meetings of the local authority or of the committee by means of audio link or audiovisual link either generally or for specified meetings:

- (a) If the member is representing the Council at some place which makes the member's physical presence at the meeting impossible or impracticable,
- (b) If the member lives more than 75 kilometres by road from the place of the meeting, or
- (c) If the member is temporarily absent from the member's usual place of residence and more than 75 kilometres by road from the place of the meeting, or
- (d) To accommodate the member's illness or infirmity, or
- (e) To accommodate unforeseen circumstances such that physical attendance is not possible,

Provided however that Standing Order 2.19 does not apply to meetings in the nature of hearings (for instance, hearings under the Local Government Act 2002 or the Resource Management Act 1991), and

Provided that the necessary audio or audiovisual technology is available to facilitate the member's request.

[cl. 25A(7), Schedule 7, LGA]

Prior arrangements to enable a member of a local authority, or of a committee of a local authority to attend any meeting of the local authority or committee by means of audio link or audiovisual link under Standing Order 2.19

2.19.4

- (a) Where it is possible to do so, a member of the local authority, or of any committee shall give the chairperson and the chief executive not less than two clear working days' written notice of the member's desire to attend a meeting of the local authority or of the committee by means of audio link or audiovisual link for specified meetings.
- (b) Where, because of the member's illness or infirmity or some emergency, it is not possible for a member to give the chairperson and chief executive not less than two working days' written notice of the member's desire to attend a meeting of the local authority or of the committee by means of audio link or audiovisual link the member may give less than two working days' written notice.
- (c) The chief executive shall take responsible steps to seek to facilitate a member's desire to attend a meeting of the local authority or of the committee by means of audio link or audiovisual link.
- (d) An act or proceeding of the local authority or committee is not invalidated if a member's request under this Standing Order 2.19 is not accommodated or if there is any technological failure or defect in any audio link or audiovisual link for a meeting.

[cl. 25A(1) and 27(5)(a), Schedule 7, LGA]

Duties of the person presiding where a member of a local authority, or of a committee of a local authority, participates in a meeting under Standing Order 2.19

2.19.5

- (a) Where a member of a local authority, or of a committee of a local authority attends any meeting of the local authority or committee by means of audio link or audiovisual link the **"person presiding must... ensure that—**
 - [(i)] technology for the audio link or audiovisual link is available and is of suitable quality; and**
 - [(ii)] the procedure for the use of that technology in all the circumstances of the particular meeting will ensure that—**
 - [A] all those participating in the meeting can hear and be heard by each other; and**
 - [B] in relation to [Standing Order 2.19.1], the attendance of a member by means of audio link or audiovisual link does not reduce the accountability or accessibility of that person in relation to the meeting; and**
 - [C] the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met."**
- (b) Where a member of a local authority, participates in a meeting under this Standing Order the chairperson may direct that the audio link or audiovisual link be terminated after taking into account relevant factors including:
 - (i) That having people participating by audio link or audiovisual link has unreasonably increased or may unreasonably increase the length of the meeting,
 - (ii) The behaviour of the people participating by audio link or audiovisual link,

- (iii) The style, degree and extent of inter-action between the different people participating by audio link or audiovisual link, and
- (iv) Any distraction to those physically present at the meeting caused as result of having people participating by audio link or audiovisual link.

[cl. 25A(1) and (3), Schedule 7, LGA]

Member not physically present at meeting not to be counted as present for the purposes of the quorum

2.19.6

- (a) **“Despite [Standing Order 2.20.1], a member of the local authority who is not physically present at the meeting is not to be counted as present for the purposes of clause 23 [of Schedule 7 of the Local Government Act 2002].”**

[cl. 25A(4), Schedule 7, LGA]

Local authority not required to make technology for an audio link or audiovisual link available

2.19.7

“Nothing in this [Standing Order] requires [the] local authority to make technology for an audio link or audiovisual link available.”

[cl. 25A(5), Schedule 7, LGA]

Giving or showing documents to a person appearing at a meeting by way of audio link or audiovisual link

2.19.8

“A document may be given or shown to, or by, a person appearing at a meeting by way of audio link or audiovisual link—

- (a) **by transmitting it electronically; or**
- (b) **by use of audiovisual link (if the person is appearing by audiovisual link); or**

(c) by any other manner that the person presiding thinks fit.”

[cl. 25A(6), Schedule 7, LGA]

Local authority not responsible for the failure of any audio link or audiovisual link

2.19.9

“The local authority is not responsible for the consequences of any inadequacies or any failure of an audio link or audiovisual link, but if any member ceases to be able to participate in a meeting by reason of any technological failure or defect in any audio link or audiovisual link for the meeting that member shall be deemed to have ceased to be in attendance at the meeting.”

[cl. 25A(1), Schedule 7, LGA]

2.20 Attendance at Meetings by Members of the Public at Meetings of the Local Authority or of any Committee of the Local Authority by Audio Link or Audiovisual Link

Statutory provision for attendance at meetings by audio link or audiovisual link

2.20.1

“A person other than a member of a local authority, or committee, may participate in a meeting of the local authority or committee by means of audio link or audiovisual link if ... the presiding member at that meeting is satisfied that all conditions and requirements in the standing orders are met in relation to—

- (i) **participation at that meeting by persons other than members; and**
- (ii) **the use of audio link or audiovisual link for that participation.”**

[cl. 25A(2) and 27(5)(a), Schedule 7, LGA]

Definitions for the purposes of this Standing Order	<p>2.20.2</p> <p>“‘audio link’ means facilities that enable audio communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting</p> <p>“‘audiovisual’ link means facilities that enable audio and visual communication between participants at a meeting when 1 or more of them is not physically present at the place of the meeting.”</p> <p>[cl. 25A(7), Schedule 7, LGA]</p>
Meetings to which Standing Order 2.20 applies	<p>2.20.3</p> <p>Subject to the provisos below the presiding member may permit a person other than a member of a local authority or committee, to participate in a meeting by means of audio link or audiovisual link for specified meetings. When considering whether or not to grant such permission the presiding member may take into account factors such as:</p> <ul style="list-style-type: none"> (a) The likely length of the meeting and the possibility that having people participating by audio link or audiovisual link may unreasonably increase the length of the meeting, (b) The potential behaviour or people participating by audio link or audiovisual link, (c) The likely style, degree and extent of inter-action between the different people participating by audio link or audiovisual link, and (d) The potential that having people participating by audio link or audiovisual link may have to distract those physically present at the meeting. <p>[cl. 25A(2), Schedule 7, LGA]</p>
Prior arrangements to enable a person other than a member of a local authority or committee to participate in a meeting under Standing Order 2.20	<p>2.20.4</p> <ul style="list-style-type: none"> (a) A person other than a member of a local authority or committee shall give the chairperson and the chief executive not less than two clear working days’ written notice of that person’s desire to participate in a specified meeting of the local authority or of the committee by means of audio link or audiovisual link. (b) The local authority shall take reasonable steps to seek to facilitate that person’s desire to participate in a specified meeting of the local authority or of the committee by means of audio link or audiovisual link. (c) An act of proceeding of the local authority or committee is not invalidated if that person’s request under this Standing Order 2.20 is not accommodated or if there is any technical failure or defect in any audio link or audiovisual link for a meeting. <p>[cl. 25A(2), Schedule 7, LGA]</p>
Duties of the person presiding where a person other than a member of a local authority or committee participates in a meeting under Standing Order 2.20	<p>2.20.5</p> <ul style="list-style-type: none"> (a) Where a person other than a member of a local authority or committee participates in a meeting of the local authority or committee by means of audio link or audiovisual link the person “person presiding must ... ensure that— <p>[(a)] technology for the audio link or audiovisual link is available and is of suitable quality; and</p>

- [(b)] the procedure for the use of that technology in all the circumstances of the particular meeting will ensure that—
- [(A)] all those participating in the meeting can hear and be heard by each other; and
- [(B)] in relation to [Standing Order 2.20.1], the attendance of a member by means of audio link or audiovisual link does not reduce the accountability or accessibility of that person in relating to the meeting; and
- [(C)] the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met.”

- (b) Where a person other than a member of a local authority or committee participates in a meeting under this Standing Order the meeting may direct that the audio link or audiovisual link be terminated after taking into account relevant factors including:
- (i) That having people participating by audio link or audiovisual link has unreasonably increased or may unreasonably increase the length of the meeting,
 - (ii) The behaviour of people participating by audio link or audiovisual link,
 - (iii) The style, degree and extent of inter-action between the different people participating by audio link or audiovisual link, and
 - (iv) Any distraction to those physically present at the meeting caused as a result of having people participating by audio link or audiovisual link.

[cl. 25A(2) and (3), Schedule 7, LGA]

Local authority not required to make technology for an audio link or audiovisual link available

2.20.6

“Nothing in this [Standing Order 2.20] requires [the] local authority to make technology for an audio link or audiovisual link available.”

[cl. 25A(5), Schedule 7, LGA]

Giving or showing documents to a person appearing at a meeting by way of audio link or audiovisual link

2.20.7

“A document may be giving or show to, or by, a person appearing at a meeting by way of audio link or audiovisual link—

(a) by transmitting it electronically; or

(b) by use of audiovisual link (if the person is appearing by audiovisual link; or

(c) by any other manner that the person presiding thinks fit.”

[cl. 25A(6), Schedule 7, LGA]

Local authority not responsible for the failure of any audio link or audiovisual link

2.20.8

“The local authority is not responsible for the consequences of any technological failure or defect in any audio link or audiovisual link for a meeting.”

[cl. 25A(1), Schedule 7, LGA]

Consequential amendment to Standing Order 3.17.2:

In the third line of SO 3.17.2 after the phrase “the names of those members present;” add “the names of those members attending the meeting by means of audio link or audiovisual link;”

PART 3 MEETING PROCEDURES**3.1 Application of Standing Orders****All members to abide by standing orders****3.1.1**

A member of a local authority must abide by the standing orders adopted under Clause 27 [of Schedule 7 of the Local Government Act]."

[cl. 16(1), Schedule 7, LGA]

(See Standing Order 2.1.4)

Additional to or substitution of standing orders**3.1.2**

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]

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

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**Temporary suspension****3.2.1**

A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 % of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension (see Standing Order 2.1.3).

[cl. 27(4), Schedule 7, LGA]

3.3 Conduct of meetings**Mode of address for chairperson****3.3.1**

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

Chairperson to decide**3.3.2**

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

Chairperson rising**3.3.3**

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

Members to speak in places and address the chair	<p>3.3.4 Members granted the right to speak at meetings are to address the chairperson, and may not leave their place while speaking without the leave of the chairperson. Members may remain seated when speaking at extraordinary meetings of the local authority and at committee meetings.</p>
Priority of speakers	<p>3.3.5 When two or more members seek the right to speak, the chairperson is to name the member who has the right to speak first, provided that the following members shall have precedence, where in order, when they state their intention to:</p> <ul style="list-style-type: none"> (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).
Speeches in English or Māori	<p>3.3.6 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.</p>
Duration of meetings and time limits	<p>3.3.7 Unless pursuant to a resolution to continue, no meeting may continue for more than six hours or beyond 10.30 pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.</p>
Reporting of meetings	<p>3.3.8 When a meeting of a local authority is open to the public the following provisions shall apply:</p> <ul style="list-style-type: none"> (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.
Disorderly members to withdraw	<p>3.3.9 Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and must not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine (see Appendix C).</p>

Members not to be disrespectful	<p>3.3.10</p> <p>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.</p>
Retraction of, or apology for, offensive or malicious language	<p>3.3.11</p> <p>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.</p>
Withdrawal from meeting	<p>3.3.12</p> <p>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.</p>
Disorder in meeting	<p>3.3.13</p> <p>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.</p>
Adjournment of meeting following disorder	<p>3.3.14</p> <p>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.</p>
Contempt to be recorded in minutes	<p>3.3.15</p> <p>Where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.</p>
Removal from meeting	<p>3.3.16</p> <p>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 -</p> <ul style="list-style-type: none"> (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	
Requirement for a quorum	<p>3.4.1</p> <p>A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.”</p> <p>[cl. 23(1), Schedule 7, LGA]</p>
Quorum to be present throughout meeting	<p>3.4.2</p> <p>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.”</p> <p>[cl. 23(2), Schedule 7, LGA]</p>

Definition of quorum for local authority or joint committee meetings**3.4.3**

The quorum at a meeting for local authority or joint committee consists of -

- (a) half of 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]

Definition of quorum for committee meetings**3.4.4**

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 2.4)

3.5 Failure of a Quorum**Meeting lapses if no quorum****3.5.1**

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.

Lapsed business**3.5.2**

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

Minutes to record failure of quorum**3.5.3**

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

3.6 Leave of Absence and Apologies**Granting leave of absence****3.6.1**

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.

Apologies at meetings**3.6.2**

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

Recording of apologies**3.6.3**

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.

Absence without leave

3.6.4

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

Adoption of order of business

3.7.1

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

Agenda

3.7.2

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.

Public excluded items

3.7.3

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.

Chairperson's report

3.7.4

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.

Major items not on the agenda may be dealt with

3.7.5

An item that is not on the agenda for a meeting may be dealt with at the 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]

Minor items not on the agenda may be discussed

3.7.6

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]

**Chairperson's
recommendation**

3.7.7

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

Reserving speech

3.8.1

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

**Irrelevant matter and
needless repetition**

3.8.2

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

Limitation on speakers

3.8.3

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.

Taking down words

3.8.4

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).

Reading of speeches

3.8.5

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

Time limits on speakers	<p>3.8.6 The following time limits apply to members speaking at local authority meetings, unless extended by a majority vote of members present:</p> <p>(a) Movers of motions when speaking to the motion, ten minutes;</p> <p>(b) Movers of motions, when exercising their right of reply, five minutes;</p> <p>(c) Other members, not more than five minutes.</p> <p>(See also Standing Order 3.19.6.)</p>
Member speaking more than once	<p>3.8.7 A member may not speak more than once to a motion, save that this order does not apply to meetings of committees or subcommittees.</p>
Restarting of motion	<p>3.8.8 Members may request the chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.</p>
Right of reply	<p>3.8.9 The mover of an original motion (not an amendment) has a right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the chairperson has intimated his 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.</p>
When right of reply may be exercised	<p>3.8.10 The right of reply is governed as follows:</p> <p>(a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;</p> <p>(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.</p> <p>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.</p>
Speaking only to relevant matters	<p>3.8.11 Members may speak to any matter before the meeting or upon a motion or amendment to be proposed by themselves, or upon a point of order arising out of debate, but not otherwise.</p>

Personal explanation	3.8.12 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.
Explanation of previous speech	3.8.13 With the permission of the chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.
3.9 Motions and Amendments	
Requirement for a seconder	3.9.1 All motions and amendments moved in debate (including notices of motion) must be seconded, and thereupon the chairperson shall state the matter raised and propose it for discussion.
Withdrawal of motions and amendments	3.9.2 Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting. A motion to which an amendment has been moved and seconded, cannot be withdrawn until the amendment is withdrawn or lost.
Substituted motion by amendment	3.9.3 The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.
Motions in writing	3.9.4 The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.
Motions expressed in parts	3.9.5 The chairperson or any member may require a motion expressed in parts to be decided part by part.
Amendment once moved	3.9.6 When a motion has been moved and seconded, then proposed by the chairperson for discussion, an amendment may be moved or seconded by any member who has not spoken to the motion, whether an original motion or a substituted motion. The mover or seconder of a motion for the adoption of the report of a committee, who desires to amend any item in the report, may also propose or second an amendment.
Amendments and motions not seconded	3.9.7 Amendments and motions which are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	3.9.8 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.

Where amendment lost	<p>3.9.9</p> <p>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.</p>
Where amendment carried	<p>3.9.10</p> <p>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.</p>
Amendments relevant	<p>3.9.11</p> <p>Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.</p>
Direct negatives not allowed	<p>3.9.12</p> <p>No amendment which amounts to a direct negative, is to be allowed which, if carried, would have the same effect as negating the motion.</p>
Procedure until resolution	<p>3.9.13</p> <p>The procedures in Standing Orders 3.9.6 and 3.9.8 must be repeated until a resolution is adopted.</p>
Flow chart of motions and amendments	<p>3.9.14</p> <p>A flow chart illustrating the process regarding motions and amendments is included in this document as Appendix D.</p>
Revocation or alteration of resolutions	<p>3.9.15</p> <p>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.</p> <p>(a) Such notice is to set out:</p> <p>(i) The resolution or part thereof which it is proposed to revoke or alter;</p> <p>(ii) The meeting date when it was passed; and</p> <p>(iii) The motion, if any, that is intended to be moved in substitution thereof.</p> <p>(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.</p> <p>(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.</p>

Restriction on action to be taken on previous resolution	<p>3.9.16</p> <p>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:</p> <p>(a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if;</p> <p>(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.</p>
Revocation or alteration of resolution at same meeting	<p>3.9.17</p> <p>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.</p>
Local authority may revoke or alter any previous resolution	<p>3.9.18</p> <p>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 2 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.</p>
Restating the motion	<p>3.9.19</p> <p>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.</p>
No speakers after reply or question has been put	<p>3.9.20</p> <p>Members may not speak on any motion once the mover has commenced replying or where the chairperson has commenced putting the question.</p>
Reflections on resolutions	<p>3.9.21</p> <p>In speaking in any debate no member may unduly criticise the validity of any resolution of the local authority except by a notice of motion to amend or revoke the same.</p>

3.10 Notices of Motion**Notices of motion to be in writing****3.10.1**

Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting.

Refusal of notice of motion**3.10.2**

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

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

Mover of notice of motion**3.10.3**

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

Alteration of notice of motion**3.10.4**

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

When notices of motion lapse**3.10.5**

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

Referral of notices of motion to committees**3.10.6**

Any notice of motion referring to any matter ordinarily dealt with by a committee of the local authority may be referred to that committee by the chief executive. 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**First repeat where notice of motion rejected****3.11.1**

When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by not less than one third of all members, including vacancies.

Second repeat where notice of motion rejected	<p>3.11.2 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.</p>
No repeats where notice of motion adopted	<p>3.11.3 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.</p>
3.12 Procedural Motions to Terminate or Adjoin Debate	
Members may move procedural motions to terminate or adjourn debate	<p>3.12.1 Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:</p> <ul style="list-style-type: none"> (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 move 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.
Chairperson may accept closure motions	<p>3.12.2 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.</p>
Procedural motions to terminate or adjourn debate to take precedence	<p>3.12.3 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.</p>
Voting on procedural motions to terminate or adjourn debate	<p>3.12.4 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.</p>
Closure motion to be put if no further speaker	<p>3.12.5 Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.</p>

Closure motion on amendment	3.12.6 When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.
Right of reply following closure	3.12.7 If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.
Debate on items previously adjourned	3.12.8 The debate on adjourned items of business is to be resumed with the mover of such adjournment being entitled to speak first in the debate. Members who have already spoken in the debate may not speak again.
Adjourned items taken first	3.12.9 Adjourned items of business are to be taken first at the subsequent meeting in the class of business to which they belong.
Other business not superseded	3.12.10 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.
Referral or referred back to committee	3.12.11 Business referred, or referred back, to a specified committee is to be considered at the next meeting of that committee, unless otherwise specified.
Table of procedural motions	3.12.12 A table of procedural motions is included in this document as Appendix E.
3.13 Points of Order	
Members rising to points of order	3.13.1 Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to be seated and stop speaking.
Stating subject matter of point of order	3.13.2 The member rising is to state without explanation precisely the subject matter of the point of order.
Points of order during division	3.13.3 No point of order may be raised during a division except by the permission of the chairperson.
Types of points of order	3.13.4 The following are recognized as substance for points of order: <ul style="list-style-type: none"> (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.

Contradiction not point of order**3.13.5**

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

Decision of chairperson final**3.13.6**

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

3.14 Voting**Decisions to be decided by majority votes****3.14.1**

[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)

Chairperson's voting**3.14.2**

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 the case of equality of votes the chairperson has a casting vote.

[cl. 24, Schedule 7, LGA]

Open voting**3.14.3**

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

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

Members may abstain**3.14.4**

Any member may abstain from voting.

Members may have their votes recorded**3.14.5**

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

Method of voting	<p>3.14.6 The method of voting shall be as follows:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
Division	<p>3.14.7 When a division is called, the chief executive 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.</p>
Second division	<p>3.14.8 The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.</p>
Pecuniary interest	<p>3.14.9 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]</p>
Declaration of pecuniary interest	<p>3.14.10 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]</p>
Pecuniary interest a reason for leaving room	<p>3.14.11 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.</p>

3.15 Qualified Privilege**Qualified privilege relating to agenda and minutes****3.15.1**

Where a meeting of any local authority is open to the public during the proceedings or any part thereof, and a member of the public is supplied with a copy of the agenda 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]

Qualified privilege relating to oral statements**3.15.2**

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

[s. 53, LGOIMA]

Qualified privilege additional to any other provisions**3.15.3**

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**Chairperson may require members of the public to leave meeting****3.16.1**

The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of 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]

Removal of members of public**3.16.2**

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**Minutes to be evidence of proceedings****3.17.1**

(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]

Keeping of minutes	<p>3.17.2</p> <p>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).</p>
No discussion on minutes	<p>3.17.3</p> <p>No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.</p>
3.18 Minute Books	
Inspection of minute books	<p>3.18.1</p> <p>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 and 2.15.15). [s.51, LGOIMA]</p>
Minutes of last meeting before election	<p>3.18.2</p> <p>The chairperson and the chief executive shall authenticate the minutes of the last meeting of a local authority prior to the next election of members.</p>
3.19 Deputations and Presentations	
Deputations where heard	<p>3.19.1</p> <p>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.</p>
Urgency of major public interest	<p>3.19.2</p> <p>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.</p>
Deputations and presentations in English or Māori	<p>3.19.3</p> <p>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.</p>

Procedure for deputations	<p>3.19.4</p> <p>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).</p>
Termination of presentation if disrespectful	<p>3.19.5</p> <p>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).</p>
Time limit on presentation	<p>3.19.6</p> <p>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 two speakers.</p>
3.20 Petitions	
Form of petitions	<p>3.20.1</p> <p>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).</p>
Petition where presented by members	<p>3.20.2</p> <p>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.</p>
Petition in English or Māori	<p>3.20.3</p> <p>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.</p>
Petition where presented by petitioner	<p>3.20.4</p> <p>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.</p>
3.21 Questions	
Questions to officers during debate	<p>3.21.1</p> <p>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.</p>

APPENDICES

Appendix A Grounds to exclude the public from meetings in terms of the Local Government Official Information and Meetings Act 1987

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
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
 - (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
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through the protection of members, officers or employees of any local authority from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or

- (i) Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

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

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	North 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 Waterways Committee	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

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

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

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.
(See Standing Orders 3.7.5 and 3.7.5.1)

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 3.7.6)

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 unless expressly provided for in these standing orders.

NOTE - Where a local authority wishes to have a casting vote it should refer to Appendix H for alternative wording for this Standing Order. When adopting, amending or suspending Standing Orders to provide for a casting vote Clause 27, Schedule 7 of the Local Government Act 2002 applies.
(See Standing Order 2.5.1)

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

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
- (e) 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 a 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 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 needless repetition

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

(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 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.

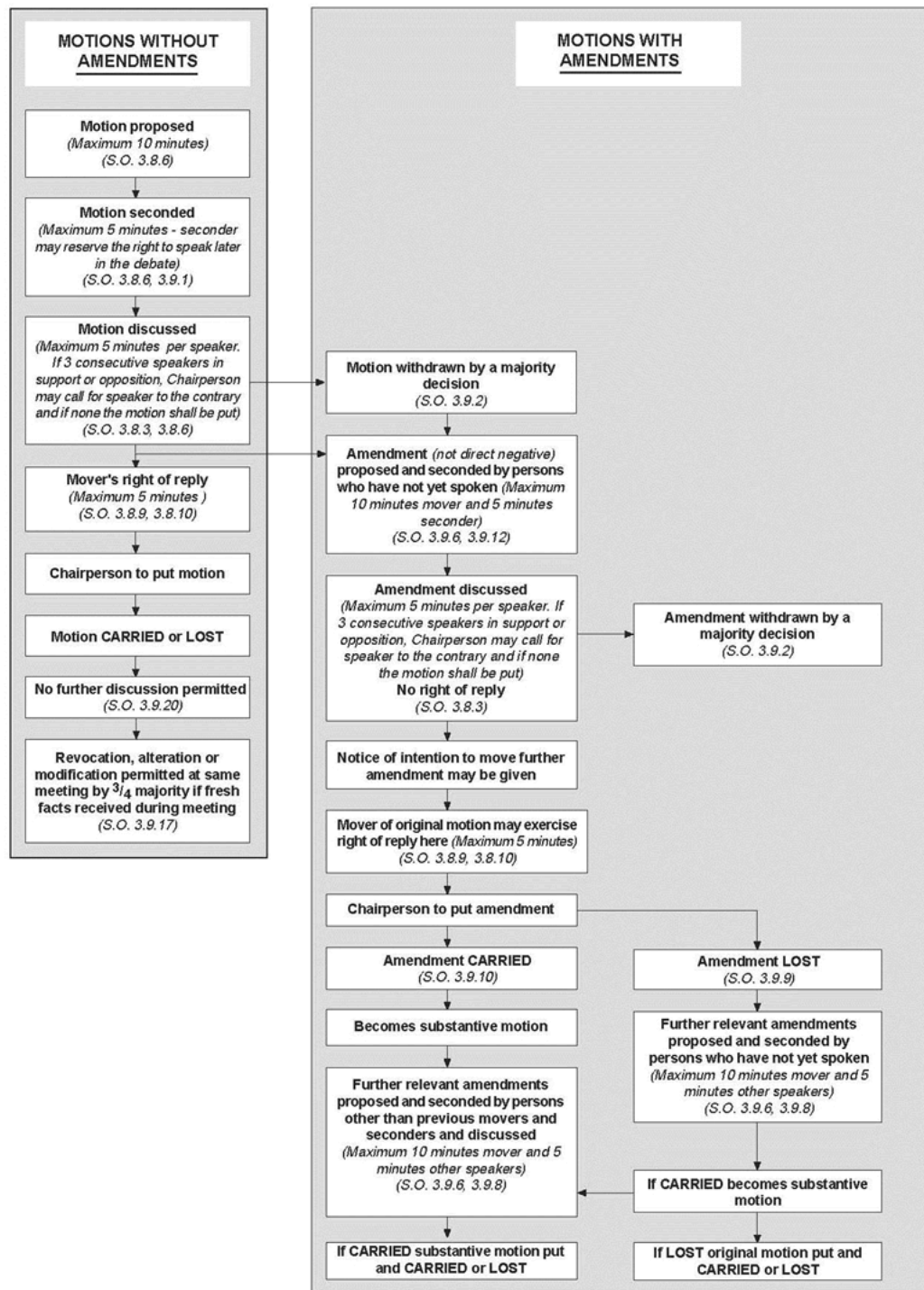
(See Standing Orders 3.3.14 and 3.3.15)

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 and amendments



Item 11 Attachment A

Appendix E Table of procedural motions

(See Standing Orders 3.12.1 to 3.12.12 and 3.13.1 to 3.13.6)

Motion	Has the Chair discretion to refuse this	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 procedural motion 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 procedural motion 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.

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	Position if a procedural motion is already before the	Remarks
(d) "That the meeting move directly to the next business, superseding the item under discussion."	No	Yes	No	No	No	No	No	Yes - 15 minutes	If carried, debate on the original motion and amendment are adjourned.	If carried, debate on the original motion and procedural motion are adjourned.	
(e) "That the item of business being discussed does lie on the table and not be further discussed at this meeting."	No	Yes	No	No	No	No	No	Yes - 15 minutes.	If carried, the original motion and amendment are both laid on the table.	Motion not in order.	
(f) "That the item of business being discussed be referred to the relevant committee."	No	Yes	No	As to committee, time for reporting back etc. only.	No	No	No	Yes - 15 minutes.	If carried, the original motion and all amendments are referred to the committee.	If carried, the procedural motion is deemed disposed of.	
(g) "Points of order."	No - but may rule against.	No	Yes - at discretion of Chairperson.	No	No	Yes	Yes	No	Point of order takes precedence.	Point of order takes precedence.	See Standing Orders 3.13.1 to 3.13.6

Appendix F Public forum

- 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 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 10 minutes.

- 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.

- F5 Clarification from staff on issues**
Clarification on issues can be sought from staff by councillors during Public Forum.

Appendix G Additional provisions for Tangata Whenua

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 a local authority, committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard.

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.

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

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."

NOTE - When adopting, amending or suspending Standing Orders to provide for a casting vote Clause 27, Schedule 7 of the Local Government Act 2002 applies.

REFERENCED DOCUMENTS

Item 11 Attachment A

Elected Members Code of Conduct

Record No: R/16/10/17750
Author: Fiona Dunlop, Committee Advisor
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To present to the Community Board the Elected Members Code of Conduct (the Code) which was adopted by the Southland District Council at its meeting on Wednesday 26 October 2016.

Background

- 2 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members. The Council has determined that the Code will apply to all Community Boards, Committees and Subcommittees when they are acting under Council delegations. It is recommended that Community Boards also agree to adopt the Code when acting under their statutory delegations.
- 3 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all elected members (both Councillors, Community Board and Community Development Area Subcommittee members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 4 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.
- 5 The Code has been revised and updated, since that which was last adopted by the Council in October 2013 to ensure that it reflects today's expectations for a local authority Code of Conduct.

Recommendation

That the Edendale-Wyndham Community Board:

- a) Receives the report titled “Elected Members Code of Conduct” dated 4 November 2016.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Notes the Elected Members Code of Conduct for Councillors and members of the Community Boards and Community Development Area Subcommittees of the Southland District Council which was adopted by Council at its meeting on 26 October 2016.
- e) Adopts the Elected Members Code of Conduct when acting under its statutory powers as provided for in the Local Government Act 2002.
- f) Notes that the Elected Members Code of Conduct must be complied with when the Board is acting under its delegations approved by Council at its meeting on 26 October 2016.

Attachments

- A Code of Conduct Adopted By Council on 26 October 2016 [↓](#)



CODE OF CONDUCT – COUNCIL, COMMUNITY BOARDS COMMUNITY DEVELOPMENT AREA SUBCOMMITTEES

Part One: Introduction

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

In the context of this report, the term “elected members” refers to Councillors, Community Board members and Community Development Area Subcommittee (CDA) members.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Southland District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, Subcommittees and Community Boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Southland District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

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

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward or community that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part Two: Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

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

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);

- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act 2002 have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions.

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Southland District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Southland District there are eight community boards:

- Edendale-Wyndham Community Board
- Otautau Community Board
- Riverton/Aparima Community Board
- Stewart Island/Rakiura Community Board
- Te Anau Community Board
- Tuatapere Community Board
- Wallacetown Community Board
- Winton Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Southland District Council within the community
- prepare an annual submission to the Southland District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Southland District Council.

Community Development Area Subcommittees

Within the Southland District there are 19 CDAs:

- Athol CDA
- Balfour CDA
- Browns CDA
- Colac Bay CDA
- Dipton CDA
- Garston CDA
- Gorge Road CDA
- Limehills/Centre Bush CDA
- Lumsden CDA
- Manapouri CDA
- Mossburn CDA
- Nightcaps CDA
- Ohai CDA
- Orepuki CDA
- Riversdale CDA
- Thornbury CDA
- Tokanui CDA
- Waikaia CDA
- Woodlands CDA

The CDA elected members, acting as the CDA, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the CDA
- maintain an overview of services provided by the Southland District Council within the community
- prepare an annual submission to the Southland District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Southland District Council.

Chief Executive

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

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards or Community Development Area Subcommittees.

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

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and sub-committee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make

themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

Relationships and Behaviours

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

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

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- treat people with courtesy and respect.

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will make no allegations regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

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

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Executive Committee.

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

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Support who will enter the issue into our Request for Service system (RFS). This enables progress on these issues to be monitored.

Relationships with the Community

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

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

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

Contact with the Media

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

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

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson
- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a personal view in the media provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, or legislation e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory and Consents Committee, where this might compromise the statutory decision-making processes.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Confidential Information

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

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. Decisions on whether confidential information is able to be released are to be made by the Chief Executive in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.

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

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member is official information under the Local Government Official Information and

Meetings Act 1987 (LGOIMA). As such the Council has a requirement to hold that information in accordance with the provisions of LGOIMA and the Public Records Act 2005. As such a copy of any such information should be provided to the Chief Executive so that it can be held in accordance with Council record management policies.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government New Zealand Conference, Local Government New Zealand Zone meetings and New Zealand Planning Institute Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

In the case of a Community Board or Community Committee elected member, an approach should be made to the Chairperson.

Costs incurred with attending training and conferences will be managed in accordance with the Elected Member Remuneration and Reimbursements Policy and the Sensitive Expenditure Policy.

Conflicts of Interest

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

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

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary or other conflict of interest arise.

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

- any employment, trade or profession carried on by the elected member or the elected member's spouse for profit or gain
- any company, trust, partnership etc for which the elected member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Southland District Council
- the address of any land where the landlord is the Southland District Council and:
- the elected member or their spouse is a tenant, or
- the land is tenanted by a firm in which the elected member or spouse is a partner, or a company of which the elected member or spouse is a director, or a trust of which the elected member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

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

Standing Orders

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

Ethics

Southland District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$300 excluding GST or more is offered to an elected member, immediately disclose this to the Chief Executive for inclusion in the register of interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or are convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

Part Four: Compliance and Review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

All alleged breaches of the code should be reported to the Mayor or Chief Executive. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

In response to a breach, the Executive Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information, could impinge on the privacy of a member of staff or of the general public or other good reason, as defined in LGOIMA, exists for considering it in public excluded.

Responses to Breaches of the Code

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

Where there are statutory provisions:

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

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

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

- censure
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

A decision to apply one or more of these actions requires a Council resolution to that effect.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

Appendix to the Code of Conduct

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

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

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

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

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

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

Local Government Official Information and Meetings Act 1987

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

- create a disturbance or a distraction while another elected member is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

The Local Government Official Information and Meetings Act 1987 sets out the rules around provision of information. This is summarised as follows:

Official Information

The term "Official Information" refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with “due particularity” (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information
 - avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
 - protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
 - maintain free and frank discussion or protect officers and elected members from harassment
 - maintain legal professional privilege
 - enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
 - prevent the use of information for improper gain.

Crimes Act 1961

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

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

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

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is:
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

In performing its role a local authority must have particular regard to the contribution that the following core services make to its communities

- (a) network infrastructure;
- (b) public transport services;
- (c) solid waste collection and disposal;
- (d) the avoidance or mitigation of natural hazards;
- (e) libraries, museums, reserves, recreational facilities and other community infrastructure

- “(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:
- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.

- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes:
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations."

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

- "(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
 - (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
 - (c) a liability has been unlawfully incurred by the local authority; or
 - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive."

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Health and Safety at Work Act 2015

Council has obligations to provide a safe working place for staff and members of the public. Attendance to health and safety concerns is part of the responsibility of each staff member and elected member.

Significant penalties exist where the provisions of the Health and Safety at Work Act 2015 are not adhered to.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

Annual Plan 2017/2018 - Confirmation of Budgets

Record No: R/16/10/17837
Author: Kushla Tapper, Community Engineer
Approved by: Ian Marshall, Group Manager Services and Assets

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 This report provides an overview of the forecasted services for the Edendale-Wyndham Community Board in 2017/2018. It includes any variations from what was forecasted in year three of the 10 Year Plan 2015-2025.
- 2 Council has streamlined its 2017/2018 Annual Plan process and as a result the Community Board is only required to review your budgets for significant changes. In addition, consideration should be given to funding any significant changes from reserves where appropriate.

Executive Summary

- 3 The draft budgets will be incorporated into the Council's Draft Annual Plan. If consultation is required, this will occur in February 2017 and March 2017. Once the plan is finalised (and subject to any changes resulting from submissions), the budgets shown for 2017/2018 will be used to set rates for the year beginning 1 July 2017.

Recommendation

That the Edendale-Wyndham Community Board:

- a) Receives the report titled “Annual Plan 2017/2018 Confirmation of Budgets” dated 14 November 2016.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Approves variations in the Edendale-Wyndham Community Board budgets from year three of the 10 Year Plan.
- e) Agree that the Budgets for the year commencing 1 July 2017 be adopted for inclusion in the Council’s Draft Annual Plan (subject to any amendments made at the meeting).
- f) Requests the levy of the following rates and charges (including GST) for the year commencing 1 July 2017 based on the approved budgets in (e) above.

<u>Rate Description</u>	<u>Rate (GST Incl)</u>
CB Rate	\$165,221
Edendale Rate	\$5,206
Edendale Hall Rate	\$4,414
Wyndham Hall Rate	\$13,454

- g) Requests the setting of the hall fees and charges (including GST) for the year commencing 1 July 2017, as attached in Appendix 3, for inclusion in the 2017/2018 Annual Plan.

Wyndham Hall Fees and Charges

<u>Fee Description</u>	<u>Rate (GST Incl)</u>
All day hire (8 hours)	\$80
Main Hall per night	\$150 - \$240
Committee Room	\$30
Supper Room	\$30
Kitchen and Supper Room	\$40
Kitchen and Committee Room	\$40

Bond may be imposed at the discretion of the custodian (no GST) \$,1000
 Diesel Charges Current Diesel Rate

If excessive staining of the floor and commercial cleaning is required the cost of such will be charged to the hirer.

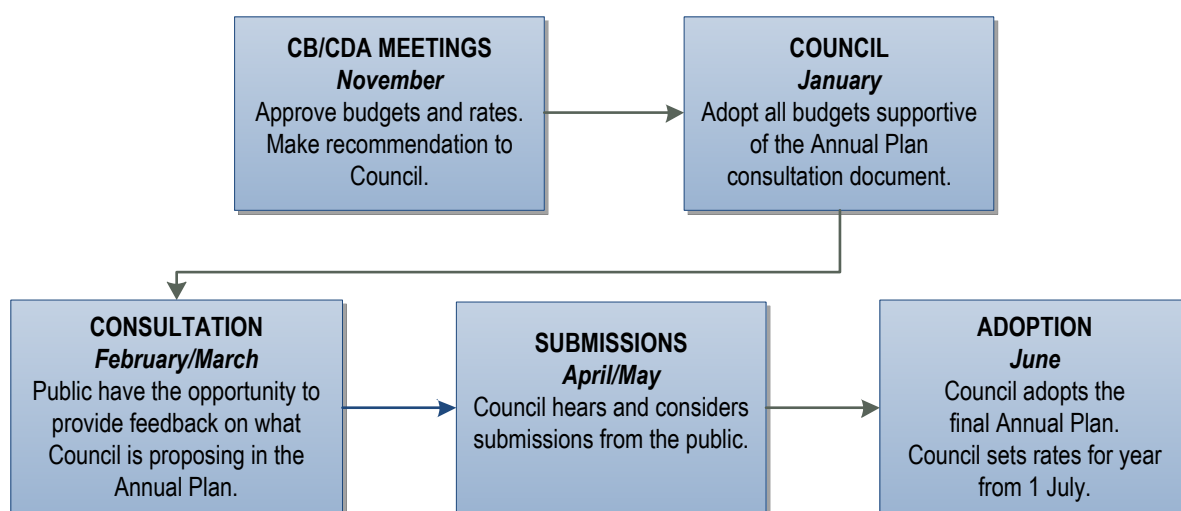
- h) Identifies the key highlights for the local area (to be agreed at the meeting).

Content

Background

- 4 The draft budgets for the Edendale-Wyndham Community Board for 2017/2018 have been based on forecasted information from year three of the 10 Year Plan 2015-2025.
- 5 The objective of this report is to highlight variations from year three of the 10 Year Plan and set rates for 2017/2018.

Overview of the process



Variances from Year Three of the 10 Year Plan

- 6 Other than the variances noted in the table below, there are no significant changes from what was originally included in year three of the 10 Year Plan.

Business Unit	Account	Annual Plan 2017/2018	10 Year Plan 2016/2017	Variance	Comments
Administration	21811 – Donations	\$2,000	\$526	\$1,474	Donation towards Pool was shown as “Grants” in 16/17. \$\$ not confirmed, therefore included with other donations in budget.
Operating Costs	31542 – General Projects	\$5,000	\$3,681	\$1,319	Slight increase for upcoming projects, to avoid dipping into reserves as “unbudgeted expenditure”.
Stormwater Drainage	35214 – Maint General	\$8,610	\$5,784	\$2,826	Increase CB rate to same level as 16/17 - using stormwater maintenance account.
Playground	35214 – Maint General	\$7,562	\$2,314	\$5,248	Moved the planned Improvements to General Maintenance.
Playground	65173 - Improvements	-	\$5,248	(\$5,248)	Moved the planned Improvements to General Maintenance.

Edendale-Wyndham Community Board
22 November 2016

Item 13

Business Unit	Account	Annual Plan 2017/2018	10 Year Plan 2016/2017	Variance	Comments
Library – Wyndham	23113 – Ordinary Time	-	\$12,232	(\$12,232)	Impact of organisational review in 2015.
Library – Wyndham	23216 – Allowance – Taxable	-	\$362	(\$362)	Impact of organisational review in 2015.
Library – Wyndham	23411 – Accident Compensation	-	\$41	(\$41)	Impact of organisational review in 2015.
Library – Wyndham	43380 – Internal Wages Oncost	\$13,471	-	\$13,471	Impact of organisational review in 2015.
Camping Ground Wyndham	11112 – Lease Income	\$6,000	-	\$6,000	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	21513 – Advertising – Other	-	\$195	(\$195)	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	31211 – Electricity	-	\$9,706	(\$9,706)	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	31514 – Caretaker / Attendants	-	\$3,358	(\$3,358)	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	31517 – Cleaning	-	\$443	(\$443)	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	31527 – Mowing	-	\$2,749	(\$2,749)	Camp ground is being leased privately from 1/11/16.
Camping Ground Wyndham	43346 – Work scheme service	-	\$1,052	(\$1,052)	Camp ground is being leased privately from 1/11/16.
Hall - Wyndham	31552 – Operating Costs	\$4,502	\$4,040	\$462	Increase Wyndham hall rate to \$45 via the Operating Costs account.

Overall impact on Rates

- 7 The changes noted above have the potential impact on the Board's rates as follows:

Rate Type	Basis of Rate	Actual 2015/2016 (incl GST)	Budget 2016/2017 (incl GST)	Proposed 2017/2018 (incl GST)
Edendale – Wyndham Community Board	Targeted Rate per Rating Unit	\$139.53 \$148,881	\$154.27 \$164,456	\$154.27 \$165,221
Edendale Pool	Targeted Rate per Rating Unit	\$5.03 \$5,199	\$5.00 \$5,167	\$5.00 \$5,206
Edendale Hall	Targeted Rate per Rating Unit	\$25.91 \$9,251	\$12.06 \$4,390	\$12.06 \$4,414
Wyndham Hall	Targeted Rate per Rating Unit	\$41.60 \$11,940	\$42.38 \$12,587	\$45.00 \$13,454

- 8 Consideration should be given to if all or some of the additional costs or projects could be funded from reserves or loans.

Assumptions made in preparing the Budgets

- 9 All assumptions that were made when preparing the 10 Year Plan have been applied in these budgets except the interest rate on borrowings. The interest rate applicable to community borrowings has been reduced from 6.25% per annum as per the 2015-2025 10 Year Plan, to 5.72% per annum to reflect the decline in market rates over the past year. This interest rate is based on the average BNZ three year fixed interest rate at the time of setting the 10 Year Plan and 2016/2017 Annual Plan assumptions. Please note, this interest rate is subject to confirmation by Council in December 2016, so could be subject to change.
- 10 Interest on community reserves (monies held on reserve by the community for various purposes) has been calculated at 4.19% on the average of these balances at year end and is consistent with the 2015-2025 10 Year Plan.
- 11 Inflation rates have also been kept consistent with BERL rates adopted in the 2015-2025 10 Year Plan except for significant contracts where the contract price is dependent on inflation rates (primarily significant roading, water, wastewater and refuse contracts).
- 12 In addition, inflation rates for salary costs have been updated to be in line with BERL's indication for the year.

District Funding of Water and Wastewater

- 13 Council's water and wastewater activities are funded by a fixed rate across the district for properties connected or able to be connected to a Council scheme. Decision making is the responsibility of the Council rather than community boards, but community boards are kept informed of planned projects as well as those in progress.

Stormwater Consenting Update

- 14 Council currently has discharge applications lodged with Environment Southland for a number of townships across the District. It is a requirement from Environment Southland that such discharges are consented in line with other authorities within the region.
- 15 Council staff are preparing a proposed monitoring regime which will be submitted to Environment Southland for consideration while the consent applications are processed. Although Council hope to receive approvals from submitters, Environment Southland consents staff have indicated that there may still be the need to proceed with a formal hearing. If this is the case it is expected to be held before April 2017.
- 16 Stormwater costs are the responsibility of each community, and therefore the outcome of any hearing and the subsequent monitoring and capital costs will need to be funded by the relevant community.

Fees and Charges

- 17 As part of the 2017/18 Annual Plan process, Council are required to set all Council related fees and charges.
- 18 Council has a legislative requirement to publish all fees and charges imposed by Council or Council committees. This is achieved by way of Council's annual Fees and Charges booklet. The Fees and Charges booklet is a single document where ratepayers and Council staff can locate all charges in one place for the relevant financial year. The Fees and Charges booklet Council is currently preparing is for the 2017/2018 year, and will take effect from 1 July 2017.
- 19 To assist with this process, we require you to advise of all your hall's fees and charges for the year from 1 July 2017, and as such, we have included a recommendation to this effect in this report. To assist with the process we have included the current hall charges for 2016/2017 in Appendix 3.

Factors to Consider

Legal and Statutory Requirements

- 20 The Annual Plan 2017/2018 is a requirement of the Local Government Act 2002 and is also closely aligned with the Local Government (2002) Rating Act.

Community Views

- 21 If there are significant or materially different variances from the whole 10 Year Plan, these will be included in a consultation document and released for public consultation from 6 February 2017 to 20 March 2017. As a result of the submission process, amendments may be made prior to Council formally adopting the Annual Plan in June 2017.

Policy Implications

- 22 The 10 Year Plan sets out the directions or outcomes the community desires and the activities of Council that will contribute to achieving these outcomes over 10 years. These budgets have been prepared using year three forecasted data in the 10 Year Plan. Any differences between the 10 Year Plan and Annual Plan budget have been identified and explained in the Issues Section of this report.

Analysis

Options Considered

- 23 The Engineer has reviewed the original 10 Year Plan numbers and revised as necessary, the options are to accept the report or amend it.

Analysis of Options

Option 1 - Accept the budgets as proposed in this report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Enables an Annual Plan to be compiled in with in the set time frame.• The cost and associated funding for preparing and consulting on the 2017/2018 Annual Plan are included in the organisations approved operational budgets.	<ul style="list-style-type: none">• None.

Option 2 - Amend the budgets proposed in this report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Further changes can be made to the 10 Year Plan budgets.	<ul style="list-style-type: none">• Rates requirement may need to be recalculated.• May impact the delivery of the Annual Plan within the set timeframe.

Assessment of Significance

- 24 The contents of this report is not deemed significant under the Significance and Engagement Policy.

Recommended Option

- 25 Option 1 accept the budgets as proposed in this report is recommended.

Next Steps

- 26 The budgets will be summarised in Council's Draft Annual Plan. If there are significant or materially different variances from the 10 Year Plan, these will be included in a consultation document and released for consultation in February 2017. The final Annual Plan including changes made as a result of consultation, will be adopted by Council in June 2017.

Appendices

- 27 This report has the following appendices:

Appendix 1: This section is broken into rate types and includes a list of business units that make up the rate type and financial summary statement which shows the expenditure and income and rates calculation.

Appendix 2: A list of reserves with the opening balance and projected closing balance.

Appendix 3: A list of hall fees that are current and needs to be set for 2017/2018 year.

Appendix 1

Edendale-Wyndham CB Financial Summary			
	Actuals	Budget	Forecast
	2015/2016	2016/2017	2017/2018
Operating Expenditure	(205,010)	(217,703)	(220,925)
Capital Expenditure	(6,445)	(48,853)	(4,093)
Non Cash Expenditure	2,769	2,635	2,897
Total Expenditure	(208,686)	(263,921)	(222,121)
<i>Less Funding</i>			
Net Reserve Movements	(39,597)	(1,436)	(36,975)
Other Income	118,821	122,352	115,426
Total Funding	79,224	120,916	78,451
Total Rates Required	129,462	143,005	143,670
GST	19,419	21,451	21,551
Rate (including GST)	148,881	164,456	165,221
\$ Increase/(Decrease)		15,574	765
% Increase/(Decrease)		10.46%	0.47%

CB Rates Calculation				
Rate Type	Basis of Rate	Actuals	Budget	Forecast
		2015/2016	2016/2017	2017/2018
Edendale-Wyndham CDA Rate	Fixed Charge	139.53	154.27	154.27

The Edendale-Wyndham CB Rate is comprised of the following business units:

23200 Administration	23246 Playground
23202 Operating Costs	23325 Edendale Cemetery
23207 Streetworks	29901 Wyndham Library
23213 Stormwater	29925 Wyndham Cemetery
23228 Beautification	29949 Wyndham Camping Ground
23232 Recreation Reserve	29982 Wyndham Museum

Edendale Pool Financial Summary				
	Actuals	Budget	Forecast	
	2015/2016	2016/2017	2017/2018	
Operating Expenditure	(5,132)	(4,493)	(4,527)	
Capital Expenditure	-	-		
Total Expenditure	(5,132)	(4,493)	(4,527)	
<i>Less Funding</i>				
Net Reserve Movements	568	-		
Other Income	43	-		
Total Funding	611	0	0	
Total Rates Required	4,521	4,493	4,527	
GST	678	674	679	
Rate (including GST)	5,199	5,167	5,206	
\$ Increase/(Decrease)		(32)	39	
% Increase/(Decrease)		-0.62%	0.76%	
Pool Rates Calculation				
Rate Type	Basis of Rate	Actuals	Budget	Forecast
		2015/2016	2016/2017	2017/2018
Edendale Pool Rate	Unit Charge	5.03	5.00	5.00

Edendale-Wyndham Community Board
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Edendale Hall Financial Summary				
	Actuals	Budget	Forecast	
	2015/2016	2016/2017	2017/2018	
Operating Expenditure	(31,935)	(5,451)	(6,561)	
Capital Expenditure	-	-		
Non Cash Expenditure	1,634	1,634	1,634	
Total Expenditure	(30,301)	(3,817)	(4,927)	
<i>Less Funding</i>				
Net Reserve Movements	12,877	(2,690)	(1,865)	
Other Income	9,380	2,690	2,954	
Total Funding	22,257	0	1,089	
Total Rates Required	8,044	3,817	3,838	
GST	1,207	573	576	
Rate (including GST)	9,251	4,390	4,414	
\$ Increase/(Decrease)		(4,861)	24	
% Increase/(Decrease)		-52.55%	0.55%	
Hall Rates Calculation				
Rate Type	Basis of Rate	Actuals	Budget	Forecast
		2015/2016	2016/2017	2017/2018
Edendale Hall Rate	Unit Charge	25.91	12.06	12.06

Wyndham Hall Financial Summary			
	Actuals	Budget	Forecast
	2015/2016	2016/2017	2017/2018
Operating Expenditure	(13,852)	(12,749)	(13,366)
Non Cash Expenditure	1,194	779	615
Total Expenditure	(12,658)	(11,970)	(12,751)
<i>Less Funding</i>			
Net Reserve Movements	35	(63)	(66)
Other Income	2,240	1,088	1,118
Total Funding	2,275	1,025	1,052
Total Rates Required	10,383	10,945	11,699
GST	1,557	1,642	1,755
Rate (including GST)	11,940	12,587	13,454
\$ Increase/(Decrease)		646	867
% Increase/(Decrease)		5.41%	6.89%

Hall Rates Calculation				
		Actuals	Budget	Forecast
Rate Type	Basis of Rate	2015/2016	2016/2017	2017/2018
Wyndham Hall Rate	Unit Charge	41.60	42.38	45.00

Appendix 2

Edendale-Wyndham Reserve Report			
	Opening Balance 1/07/2016	Forecast Budget 30/06/2017	Closing Balance 30/06/2018
Community Centre			
Operating			
Edendale Community Centre	126,632	129,322	130,588
Edendale Grant Hall Upgrade	132,814	27,814	28,414
Wyndham Community Centre	2,214	2,277	2,343
Total Community Centre Operating	261,660	159,413	161,344
Total Community Centre Balance	261,660	159,413	161,344
Local			
Reserve			
Edendale Cemetery	14,422	15,366	16,349
Edendale Pool	(60)	(60)	(60)
Edendale-Wyndham Footpath	17,871	(1,195)	19,778
Edendale-Wyndham General	103,488	108,104	107,555
Edendale-Wyndham Stormwater	360,501	375,443	391,011
Total Local Reserve	496,223	497,659	534,634
Total Local Balance	496,223	497,659	534,634
Overall Reserve Balance	757,883	657,072	695,978

Appendix 3

Wyndham Hall Fees and Charges	
Description	As of 1 July 2017 Including GST
All day hire (8 hours)	\$ 80.00
Main Hall per night	\$150 - \$240
Committee Room	\$ 30.00
Supper Room	\$ 30.00
Kitchen and Supper Room	\$ 40.00
Kitchen and Committee Room	\$ 40.00
Bond may be imposed at the discretion of the Custodian.	up to \$1,000
Diesel Charges (Diesel burner, burns approximately 10 litres per hour)	Current Diesel Rate
If excessive staining of the floor and commercial cleaning is required the cost of such will be charged to the hirer.	

Attachments

There are no attachments for this report.

Recently adopted Bylaws and Policies

Record No: R/16/9/16037
Author: Robyn Rout, Policy Analyst
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 This report notifies the Edendale-Wyndham Community Board of bylaws and policies that have recently been adopted by Council. Copies of the bylaws and policies are included as attachments to this document, for the Board's information.

Bylaws and Policies

- 2 The Board will be aware, from previous correspondence, that Council have been reviewing and developing a number of policies and bylaws. On the 7th of September, Council adopted the following bylaws and policies, which came into effect on 1 October 2016:
 - The Cemetery Bylaw 2016;
 - The Cemetery Management Policy 2016;
 - The Ashton Flats Roothing Bylaw 2016;
 - The Gambling Venue Policy; and
 - The TAB Venue Policy.

On 7 September Council also made the Signs and Objects on Roads and Footpaths Bylaw, and this will come into effect on 1 July 2017.

- 3 On the 28th of September, Council also adopted and made operative the Reserves Management Policy.
- 4 If any further clarification about the bylaws or policies is needed, please contact the Strategy and Policy team.

Recommendation

That the Edendale-Wyndham Community Board:

- a) **Receives the report titled "Recently adopted Bylaws and Policies" dated 15 November 2016.**
- b) **Notes that the Cemetery Management Policy, the Cemetery Bylaw 2016, the Ashton Flats Roothing Bylaw, and the Gambling Venue and TAB Venue policies came into effect on 1 October 2016.**
- c) **Notes that the Signs and Objects on Roads and Footpaths Bylaw 2016 will come into effect on 1 July 2017.**

Attachments

- A FINAL Ashton Flats Roothing Bylaw effective from October 2016 [↓](#)
- B FINAL Cemetery Bylaw effective from October 2016 [↓](#)
- C FINAL Cemetery Policy effective from October 2016 [↓](#)
- D FINAL Gambling Venue Policy - effective from October 2016 [↓](#)

- E FINAL TAB Venue Policy effective from October 2016 [↓](#)
- F FINAL Signs and Objects on Roads and Footpaths Bylaw 2016 - effective from 1 July 2017 [↓](#)
- G FINAL Reserves Managment Policy - effective 28 September 2016 [↓](#)

d)

SOUTHLAND DISTRICT COUNCIL**ASHTON FLATS ROADING BYLAW 2016**

Pursuant to the Land Transport Act 1998 the Council makes the following bylaw:

1. TITLE AND COMMENCEMENT

- 1.1 This Bylaw is the Ashton Flats Roading Bylaw 2016 and comes into force on 1 October 2016.

2. DEFINITIONS

- 2.1 **The Act** means the Land Transport Act 1998.

Council means the Southland District Council and any authorised officer of it.

Motor Vehicle has the same meaning as in section 2(1) of the Act.

Road means the legal road known as the Ashton Flats Road owned and managed by the Council and identified and described in the Schedule to this bylaw.

3. PURPOSE

- 3.1 The purpose of this bylaw is to:

- 3.1.1 Protect the Road from damage by the uncontrolled use of motor vehicles.
- 3.1.2 Restrict vehicles which are unsuitable from using the Road.
- 3.1.3 Enhance and promote road safety and the safety of users of the Road.
- 3.1.4 Protect and maintain the natural and wildlife values and habitats in the vicinity of the Road.
- 3.1.5 Prohibit the use of motor vehicles on the Road except in accordance with the written authority of the Council.

4. USE OF ROAD

- 4.1 Subject to clause 4.2, no person may drive or otherwise use a motor vehicle on the Road.

- 4.2 Clause 4.1 does not apply to:

- 4.2.1 an employee or contractor of the Council or Department of Conservation undertaking work on the Road or on land in the vicinity of the Road.
- 4.2.2 any person driving a vehicle for the purposes of providing emergency services.

- c)
- 4.2.3 any other person who has written approval from the Council to do so, and who is acting in accordance with any conditions of that approval imposed by the Council.

APPROVAL TO USE MOTOR VEHICLE ON ROAD

- 4.3 The Council may in its discretion grant approval to any person to drive or otherwise use a motor vehicle on the Road, and may impose conditions of such approval.
- 4.4 In deciding whether to grant approval under clause 4.3, and what, if any, conditions to impose, the Council shall take into account the purpose of this bylaw and any other matters it considers relevant in the circumstances.
- 4.5 The Council may require applications for approval to be made in a prescribed manner or form, and to be accompanied by payment of any application and/or processing fee and such supporting information as is reasonably necessary to enable the application to be processed and determined.
- 4.6 The Council is not required to process or determine any application which is not made in accordance with clause 4.5.

5. OFFENCES AND PENALTIES

- 5.1 Any person who breaches this Bylaw commits an offence and is liable to a fine not exceeding \$750.

6. SCHEDULES

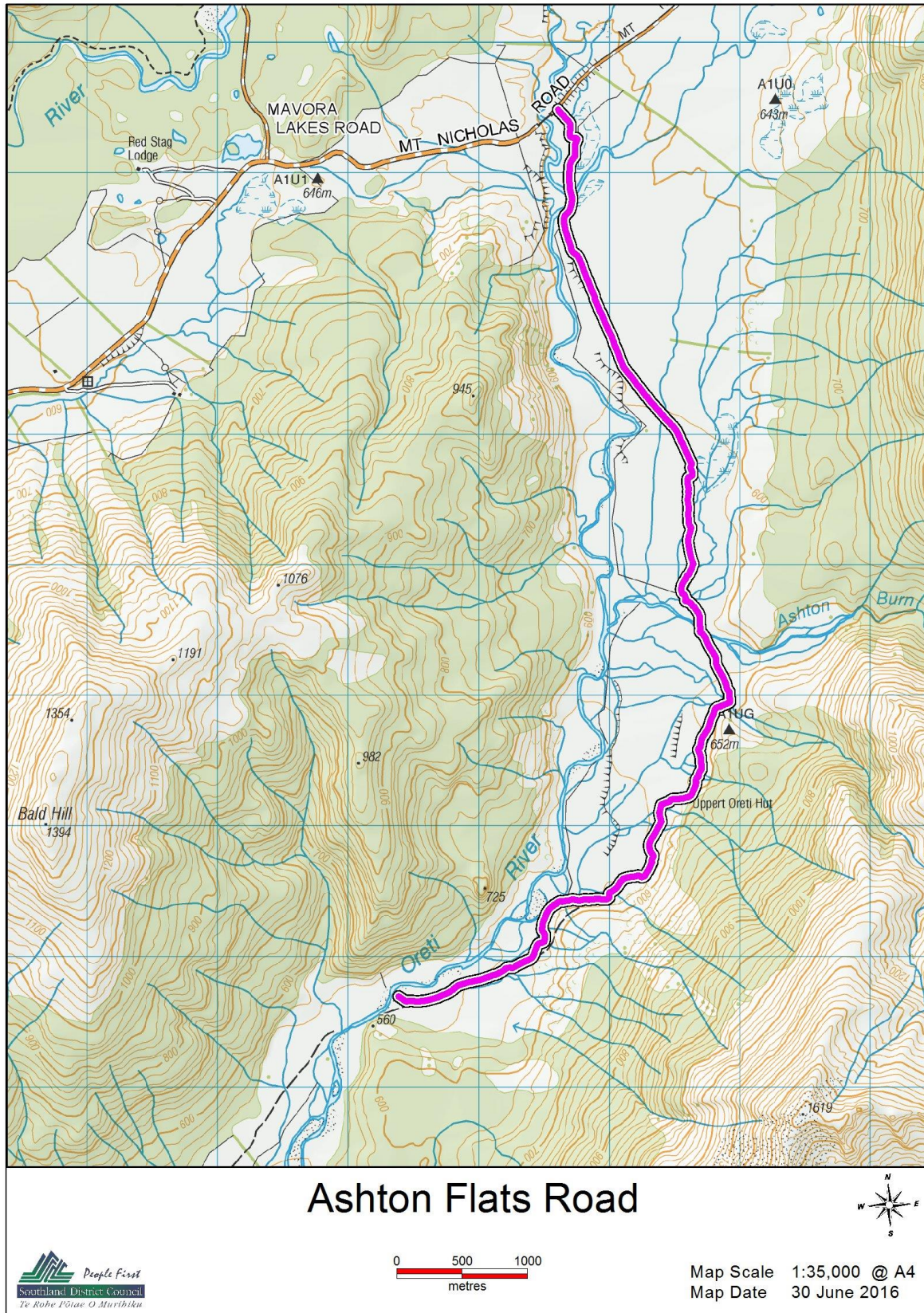
The unnamed road line intersecting Section 2, SO 12084, as delineated on the on sheet 1 (from SO 12084).

The common seal of the Southland District Council
was affixed in the presence of:

MAYOR: _____

CHIEF EXECUTIVE: _____

d)



Item 14 Attachment A

Pursuant to Section 145 of the Local Government Act 2002, and Section 16 of the Burial and Cremation Act 1964 the Southland District Council makes the following Bylaw:

SOUTHLAND DISTRICT COUNCIL CEMETERY BYLAW 2016

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1 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This Bylaw shall be referred to as the "Southland District Council Cemetery Bylaw 2016" and shall come into force on 1 October 2016.
- 1.2 Nothing in this Bylaw shall derogate from any Act or Regulation for the time being in force concerning cemeteries and burials.

2 REVOCATION

- 2.1 The Southland District Council Cemetery Bylaw 2006 is revoked.

3 DEFINITIONS

- 3.1 For the purposes of this Bylaw:

"Beam Lawn Cemetery" means a cemetery or part of a cemetery in which the surface is laid down as a grass lawn with headstones plaques and tablets erected on the beam provided by Council at the head of the burial plots.

"Burial Plot" means a plot in a cemetery used for the burial of the dead.

“Burial Warrant” means a certificate issued by Council after application on the prescribed form and payment of any fees authorising the burial of the person named in it and prescribing the terms and conditions of burial.

“Cemetery” means any cemetery vested in or under the control of Council.

“Closed Cemetery” means a cemetery which has been closed by a closing order.

“Council” means the Southland District Council.

“Disinterment” means the removal of any body (or remains of any body) buried in any cemetery.

“Exclusive Right of Burial” means the purchase of a plot(s) for exclusive burial at a later date, in accordance with Section 10 of the Burial and Cremation Act 1964.

“Existing plot” means a plot previously used for a burial.

“Manager” means the person appointed by Council to manage its cemeteries.

“Sexton” means any person approved by Council to manage the day to day activities of any cemetery and includes his or her assistants.

4 BURIALS AND PLOTS

- 4.1 No burial shall be made in any cemetery without a burial warrant.
- 4.2 Burials plots may be sold on such terms as Council decides. An exclusive right of burial may be granted under Section 10 of the Burial and Cremation Act 1964.
- 4.3 Upon application being made and the prescribed fees paid to Council, an urn containing the ashes of a deceased person may be buried in any part of the Cemetery that Council generally or in any particular case authorises.
- 4.4 The minimum depth of soil cover over any coffin in a Burial Plot shall be one metre.
- 4.5 No person other than the Sexton, or a person under the Sexton's direction, shall dig any grave, or open the ground for burial, in any part of any Cemetery.

5 HOURS FOR BURIALS

- 5.1 Burials shall only be held on the days and between the hours identified in the Southland District Council Cemetery Policy.

6 FEES

- 6.1 All fees and charges under this Bylaw shall be set from time to time by resolution of Council and will be included in the Southland District Council Schedule of Fees and Charges.

7 HEADSTONES AND MEMORIALS

- 7.1 All headstones and related works shall be constructed in accordance with New Zealand Standard 4242:1995 - Headstones and Cemetery Monuments or any subsequent New Zealand Standard. All foundations for kerbs, tombstones, headstones and monuments shall be constructed of permanent materials and be laid to the satisfaction of Council using the services of a qualified tradesperson approved by Council.

- 7.2 All headstones and memorials shall be kept in good repair by the holder of the Burial Plot or their personal representative. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all headstones or memorials which fall into a state of decay or disrepair, may at any time be removed by Council.
- 7.3 All vases or containers for flowers and other tributes shall be housed in insets into the base on which the memorial is placed, and shall be approved by Council. No glass vases or containers shall be permitted in the Cemetery.
- 7.4 In any Beam Lawn Cemetery no person shall:
- a) erect any kerb, railing, fence, building, or other structure, on or around any Burial Plot or part of;
 - b) install or place any memorial plaque, memorial tablet, or other item on any Burial Plot without the prior permission of Council, and subject to compliance with the following conditions:
 - i) any memorial tablet, plaque or headstone shall consist of a permanent material as may be approved by Council; and
 - ii) such tablet, plaque or headstone shall be of an approved size and set in an approved position.
- 7.5 A temporary single grave marker may be placed at the head of the grave prior to a permanent memorial being installed.
- 7.6 Purchasers of Burial Plots in any Cemetery, other than a lawn cemetery, may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300 mm above the ground level. Tombstones, headstones, or other monuments may be erected.
- 7.7 No person, without permission of Council, may remove any kerb, headstone, monument, or tablet from any Cemetery or any grave.
- 7.8 No person without authority will remove or take from any cemetery, or from any grave in any Cemetery, any vase, wreath, plant, flower or any other item.
- 7.9 No person erecting or repairing any headstone, monument, fence or other work in, or around any grave, in any Cemetery shall make use of any footpath or other part of such Cemetery for placing or depositing any tools or material in connection with the work for a longer time than is reasonably necessary for the purpose of completing such work. Any person who, after receiving notice in writing by Council requesting the removal thereof within a time specified in such notice, neglects or refuses to comply with the notice issued breaches this Bylaw.
- 7.10 No person shall make use of any footpath or roadway in the Cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in an approved manner.
- 7.11 Any person, business, or group wishing to provide or undertake services in the Cemetery, other than provided in this document, shall require the prior approval of Council.
- 7.12 A person who produces Power of Attorney documents relating to the Exclusive Right Holder(s) will have the same interment and monument works decision rights as the holder(s) would.

8 SHRUBS AND TREES

- 8.1 No tree or shrub shall be planted or removed in any cemetery by any person without the consent of Council being first obtained.

9 WREATHS

- 9.1 During a period of seven days, or such other period as Council decides following a burial, any wreath may be placed on a plot, but shall be removed at the expiration of that period.

10 FLOWERS AND TRIBUTES

- 10.1 Any floral tribute placed on a Plot shall be placed in a vase.
- 10.2 The vase, or any other tribute, shall be installed adjoining any tablet or plaque on the side nearest the head of the Plot.
- 10.3 Council may at any time remove damaged vases, or vases of a type not approved by Council, and he/she may also remove at any time dead flowers and dead foliage.
- 10.4 Council may at any time remove damaged tributes or tributes deemed unacceptable by Council.

11 VEHICLES

- 11.1 No person shall take a vehicle into any Cemetery except between the hours of sunrise and sunset, unless authorised by Council.
- 11.2 No person shall permit any vehicle under his/her control to remain in any Cemetery after sunset without the permission of Council.
- 11.3 No person shall operate any vehicle in a Cemetery except on the roads open for vehicular traffic, and in the direction indicated by traffic signs.
- 11.4 No person shall operate any vehicle in a Cemetery at a greater speed than 20 km/hr, or the speed that is signposted.
- 11.5 Every person operating any vehicle in a Cemetery shall stop or move the vehicle as directed by the Sexton or a Funeral Director.

12 SOLICITING OF ORDERS

- 12.1 No person shall advertise or solicit any order or custom for any work to be done in or in connection with any Cemetery,
- 12.2 No person shall, without the consent of the Funeral Director, or special permit in writing for the occasion from Council, take any photograph or moving image of a funeral.

SOUTHLAND DISTRICT COUNCIL CEMETERY MANAGEMENT POLICY

This policy applies to:

DOCUMENT CONTROL

Policy administrator: Strategic Manager Property	TRIM reference number: r/16/5/6739	Effective date: 1 October 2016
Approved by: Council	Date approved: 7 September 2016	Next review date: September 2026

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CEMETERY MANAGEMENT POLICY

1 PURPOSE

The Southland District Council Cemetery Management Policy aims to ensure:

- The effective and consistent management of Council controlled cemeteries throughout the Southland District;
- That there is certainty for all in relation to monuments at Council controlled cemeteries; and
- That remembrance can occur in the best possible surroundings.

2 DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Beam Lawn Cemetery	Means a cemetery or part of a cemetery in which the surface is laid down as a grass lawn with headstones plaques and tablets erected on the beam provided by Council at the head of the burial plots.
Burial Plot	Means a plot in a cemetery used for the burial of the dead.
Burial Warrant	Means a certificate issued by Council after application on the prescribed form and payment of any fees authorising the burial of the person named in it and prescribing the terms and conditions of burial.
Cemetery	Means any cemetery vested in or under the control of Council.
Closed Cemetery	Means a cemetery which has been closed by a closing order.
Council / SDC	Means the Southland District Council.
Disinterment	Means the removal of any body (or remains of any body) buried in any cemetery.
Exclusive Right of Burial	Means the allocation of a plot(s) for exclusive burial at a later date, in accordance with Section 10 of the Burial and Cremation Act 1964.
Existing Plot	Means a plot previously used for a burial.
Funeral Director	Means a person whose business is, or includes, disposing of bodies.
Manager	Means the person appointed by Council to manage its cemeteries.
Service Person	Means a person who has been on operational service in Her Majesty's Forces pursuant to Section 15 (a)(i) of the Burial and Cremation Act 1964.
Sexton	Means any person approved by Council to manage the day to day activities of any cemetery and

Term	Meaning
	includes his or her assistants.

3 SCOPE

This policy applies to all cemeteries managed or controlled by Southland District Council.

This policy affects all members of the public; including Council employees, residents, visitors and contractors, who have an interest in or are undertaking work within Council managed or controlled cemeteries in the Southland District.

4 POLICY DETAILS

The Southland District Council Cemetery Management Policy outlines the overall principles that underpin how Council manages its cemeteries.

4.1 Interments

4.1.1 Burial Warrants

All requests for interments must be made to Council through an application for a burial warrant. The Funeral Director or person having the management or control of the burial shall make application to Council for a burial warrant.

No burial warrant shall be issued until the interment fee has been paid. In the case of a burial under the management or control of a Funeral Director, Council may, at its discretion, waive the requirement and charge the cost of the same to the Funeral Director concerned.

No burial will take place until the Sexton has received the burial warrant. Notification of an intended burial shall be given to the Sexton at least 16 working hours prior to the time arranged for the funeral or such lesser time as agreed with Council. Agreement will be subject to the payment of any additional costs incurred.

When a burial warrant is issued Council may, upon specific application made to it, authorise the digging and filling of the grave by relatives and associates of the deceased under the direction of the Sexton.

4.1.2 Authorisation

If the burial involves interment in a plot already used or allocated, any request for a burial warrant must detail the right to use the plot. Where there is doubt regarding the allocation of a plot, Council may require confirmation that the burial is authorised.

4.1.3 Hours of Burial

As a general rule, burials shall be held between the hours of 9.00 am to 4.00 pm Monday to Friday in the months of October to April, and 9.00 am to 3.30 pm in the months of May to September and 9.00 am to 1.00 pm on Saturday, or such other days or hours as Council may determine. Burials will not take place on public holidays or days that they are observed.

Council will consider requests for interment which for religious, cultural or any other reasons may be outside the scope of Council's Policy, Bylaw or contract arrangements.

4.2 Exclusive Right of Burial

4.2.1 General

An Exclusive Right of Burial may be either pre-allocated, or bought at the time of burial.

If a person wishes to have a plot pre allocated, they gain the Exclusive Right of Burial for that plot. This means that the individuals named in the allocation obtain the right to be buried in that plot; this does not mean they own the piece of land on which the plot sits.

The Exclusive Right of Burial is held by the individuals for a maximum of 20 years. After this time, if no burial has taken place in that plot, the Exclusive Right of Burial will revert back to Council with no entitlement for refund of any fees paid. Council may re-allocate the plot to the individuals in the first instance if the individuals wish to retain that plot. It is the responsibility of the holder of an Exclusive Right of Burial to ensure that the Exclusive Right of Burial is re-allocated. However, Council will endeavour to contact the holder of an Exclusive Right of Burial when the Exclusive Right of Burial is due to lapse. It is the responsibility of the holder to ensure that Council has the correct contact details. Re-allocation of an Exclusive Right of Burial shall incur a fee.

No memorials, plaques or headstones can be erected until such time as a burial has taken place in the grave and all fees have been paid, other than with the approval of Council.

4.2.2 Transfer of an Exclusive Right of Burial to Another Party

The person who is allocated the Exclusive Right of Burial of a plot may, with the consent of Council, transfer that right to another person, or entity, including a charitable organisation for example. This will incur the same fee as issue for an Exclusive Right of Burial. The original certificate must be presented to Council with the transfer section completed and signed by the person allocated Exclusive Rights.

4.2.3 Surrender of an Exclusive Right of Burial to Council

The holder or joint holders of an Exclusive Right granted by Council may surrender the Exclusive Right to Council.

Council will only accept the surrender of an Exclusive Right if:

- a) Evidence of allocation of the Exclusive Right is supplied to Council.
- b) The plot described in the Exclusive Right to be surrendered has not been used for burial of human remains, including the remains from a cremation or if it has previously been used, an exhumation has occurred and the plot is no longer required.

4.2.4 Transfer to Surviving Holder where Exclusive Right is held jointly

If jointly held, upon the death of one of the joint holders of an Exclusive Right, the remaining joint holder is, or joint holders are, entitled to the full allocation of the Exclusive Right.

4.2.5 Exclusive Right Bequeathed

The holder of a burial permit may bequeath the Exclusive Right as if it were the holder's personal estate.

Upon application made by a person to whom a burial permit has devolved as a result of a bequest, Council will amend the register so as to indicate that the person has become the holder of the Exclusive Right. A new certificate will be issued and the original certificate will be retained at Council and recorded as cancelled.

Evidence in writing of a bequeath is required to be provided to Council in order to make any changes.

4.3 **Burial of Her Majesty's Service Personnel**

Southland District Council may:

- a) Set aside areas specifically for the burial of deceased service personnel.
- b) Allow the subsequent interment of the husband, wife, civil union partner or de-facto partner of the deceased service personnel in the same plot.
- c) On application consider the interment of the husband, wife, civil union partner or de-facto partner prior to the death of the service personnel.

4.4 **Burials not managed by a Funeral Director**

The following conditions apply for burials in cemeteries where a Funeral Director is not responsible for the organisation and management of the burial.

When an application is made for a burial warrant, the application shall provide:

- a) The full name of deceased.
- b) Evidence of death certified by a Registered Medical Practitioner.
- c) The name of cemetery in which burial to take place.
- d) The date and time for burial.
- e) Any special services required for burial.

Payment of the burial fee is required at the time of the application for a burial warrant.

An adult person shall be nominated to oversee the burial. That person shall be responsible for liaison with Council staff and the Sexton at the cemetery and for directing the burial process.

By arrangement with the Sexton, digging and filling of graves by relatives and associates of the deceased may be permitted. Activities associated with this activity will be restricted to the immediate environs of the grave site.

4.5 Disinterment

A disinterment requires a licence from the Ministry of Health. The Ministry of Health is reluctant to issue a licence to disinter a body between one month and one year after interment because of the decomposition process.

Applications for a disinterment licence must be made through the Southern District Health Board and provided to Council when requesting a disinterment. Where an application for a disinterment of any deceased is received by Council, the applicant shall be liable for all costs associated with the disinterment.

Disinterring ashes does not need a disinterment licence but does need to be requested and managed through Council.

Human remains interred for more than 100 years are also subject to the jurisdiction of Heritage New Zealand.

No family members are to be present at the disinterment unless specifically authorised by Council.

4.6 Cemetery Standards

Council aims for all cemeteries within the District to be of a high quality and reflect the community's standards. Council also has duties under statute with regard to public health and these are recognised within the standards.

Council will manage cemeteries in line with the requirements of the Bylaw. To help achieve this Council will:

- a) Develop and maintain an asset management plan for its cemetery activity.
- b) Maintain its obligation for safe and reasonable access to burial sites.
- c) Maintain the surrounds to be attractive and representative of its nature.
- d) Ensure allocated plots are maintained to acceptable standards.

4.7 Cemetery Maintenance

Council shall maintain lawn areas, trees and vegetation, roadways and paths adjacent to and within the monumental sections. All shrubs, plants, etc in the cemetery and gardens are planted and cared for by Council. Council may remove any trees, shrubs, or other vegetation from the cemetery.

The public are not permitted to plant flowers, shrubs, or trees in any area within the cemetery boundary without Council's written consent. Council may remove any shrubs, trees, or other vegetation that have been planted on a burial site or within the Cemetery without Council's written consent.

Council is not responsible for the erection, upkeep, maintenance, repair, restoration, or cleaning of any monument or structure at a burial site. Council will endeavour to contact any known family member if damage is caused to a grave or monument.

Council may act to remove any structure in a cemetery that has become dilapidated, unsightly, is crumbling, or deemed to be unsafe in a risk assessment carried out by Council. Council's actions will be limited to making unsafe structures safe to ensure public and employee safety.

Where subsidence is evident, Council may fill and compact the ground.

Council is responsible for:	Individuals are responsible for:
<ul style="list-style-type: none"> • Maintaining adequate access to gravesites. • Maintaining any communal spaces (such as lawns). • Constructing and maintaining structures used by more than one burial plot (such as concrete beams or niche walls). 	<ul style="list-style-type: none"> • Payment of fees for services and for the use of structures used by more than one burial plot (such as concrete beams or niche walls). • Maintaining any private structures erected within the burial plot (vaults, headstones or fences).

Council will ensure that appropriate maintenance arrangements are in place to allow public access to all grave sites in closed cemeteries under the control of Council.

4.8 Funding, Fees and Charges

Cemetery fees are detailed in Council's Schedule of Fees and Charges.

Council will review the interment fee on an annual basis using the following formula:

- a) Adult interment fee determined by contractor, cost of burial plus staff time.
- b) Interment one year old and up to five years old - 50% of adult interment fee.
- c) Interment stillborn and up to one year old - 25% of adult rate.
- d) Cremated ashes within an ashes beam - one hour of staff time.
- e) Cremated ashes into existing plot - no charge.
- f) Allocation of Exclusive Right of Burial - two hours of staff time.
- g) Cremated ashes into new standard plot - including allocation of Exclusive Right of Burial - two hours of staff time.

Specific site preparation by the Sexton not covered by Council's Schedule of Fees and Charges shall be at the cost of the applicant.

4.9 Burial Charges: Poor Persons

Where application is made to Council for the burial free of charge of any deceased poor person, the applicant will also furnish to Council an order signed by a Justice of the Peace in accordance with the Burial and Cremation Act 1964.

Burial will take place in a plot as determined by Council and no fence or headstone will be erected unless all fees have been paid and the plot allocated.

Any person may, within two years from the date of such burial or such extended time as Council shall approve, pay for allocation of the plot by paying all outstanding charges at current contract rates.

4.10 Non-Council Controlled Cemeteries

To meet Council's statutory obligations to provide cemeteries within the District, Council will, if approached, by the administrators of non-Council controlled cemeteries, consider accepting the particular cemetery as a Council controlled one.

Any cemetery administration accepted by Council will only be on the basis that Council becomes the sole administrator.

4.11 Cemetery Records

In accordance with the Burial and Cremation Act 1964, Council maintains records of burials within cemeteries. All records are available to the public.

Burials are registered to meet the requirements of the Births, Deaths and Marriages Act 1995. A record of reservations or pre-death requirements is maintained for those with Exclusive Right of Burial. Each burial is recorded from the date of issuing the Burial Warrant and the register is reviewed regularly for accuracy.

4.12 Public Use of Cemeteries

Public use of the cemetery is covered by the Southland District Council Cemetery Bylaw 2016. Activities detrimental to the value or detracting from the passive and contemplative nature of the cemetery will not be permitted.

Southland District Council accepts no responsibility for the effects of vandalism and intentional (wilful) damage to assets under Council ownership.

5 ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Strategic Property	Asset owner
Community Engineers	Manage daily activities including all contracts
Customer Support	Initial point of contact for enquiries and control burial warrant process
Records Management	Manage records

6 ASSOCIATED DOCUMENTS

The following documentation is to be read in conjunction with this policy:

- Southland District Council Cemetery Bylaw 2016;
- New Zealand Standard 4242: 1995 Headstones and cemetery monuments;
- Burial and Cremation Act 1964;
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

7 REVISION RECORD

Date	Version	Revision Description
Southland District Council Cemetery Bylaw 2010	R/10/3/2938	This 2010 Bylaw got split into the SDC Cemetery Bylaw 2016, and the SDC Cemetery Management Policy.
Southland District Council Cemetery Bylaw 2006		Superseded by 2010 Bylaw.

POLICY: GAMBLING VENUE POLICY**GROUP RESPONSIBLE:** Regulatory Services**DATE APPROVED:** 15 May 2013**DATE AMENDED:** 7 September 2016**DOCUMENT NO:** R/16/8/13643**1. INTRODUCTION**

The Gambling Act 2003 (the Act) came into force on 18 September 2003. Under Section 101 of the Act, the Council is required to adopt a policy to regulate the number and location of non-casino electronic gaming machines (Class 4), more commonly known as pokie machines.

At 31 March 2013 the Southland District had 23 Class 4 gaming venues and 133 electronic gaming machines.

The Council has the ability to limit the number and location of venues and the number of electronic gaming machines and must have regard to the social impact of gambling in developing its policy. As required under the Act, this policy only applies to gambling venues licensed after 17 October 2001, or to venues licensed prior to this if they wish to increase the number of electronic gaming machines.

2. DEFINITIONS

Class 4 Gambling - means any activity that involves the use of a gaming machine outside a casino, and may be conducted only by a corporate society and only to raise money for authorised purposes.

Class 4 Gambling Venue - means a place used to conduct Class 4 gambling i.e. premises with Class 4 gaming machines licensed under the Gambling Act 2003. This includes any TAB venue with gaming machines.

Corporate Society – means a society that is:

- (a) Incorporated under the Incorporated Societies Act 1968 or
- (b) Incorporated as a board under the Charitable Trusts Act 1957 or
- (c) A company incorporated under the Companies Act 1993 that:
 - i. does not have the capacity or power to make a profit; and
 - ii. is incorporated and conducted solely for authorised purposes.

Corporate Societies may therefore include clubs (RSA, sports clubs etc.), trusts and racing clubs.

DIA - means the Department of Internal Affairs.

Southland District - means all the area covered by the Southland Territorial Local Authority.

New Venue - any venue that has not held a Class 4 venue licence for six months or more or that has never held a Class 4 venue consent.

The Council - means Southland District Council.

3. OBJECTIVES

- (a) To assist in limiting the harm of problem gambling in the community.
- (b) To encourage responsible gambling practices and attitudes in Class 4 Venues.
- (b) To reduce the number of electronic gaming machines in the community over time.
- (d) To facilitate community involvement in decisions about gambling by ensuring that all communities in the Southland district are given the opportunity to consult with Council in a manner that is culturally appropriate.

4. RESTRICTIONS ON VENUE AND MACHINE CONSENTS

- (a) The Council will not grant consent for the establishment of any additional Class 4 venues or additional gaming machines, including Class 4 machines in TAB venues, under this policy.
- (b) A gambling venue consent is for one venue (one premises) and is not transferable to another venue, unless consent is obtained from the Council as provided for in Clause 5 below. The consent is given to a venue at a given address, not to a person or business.
- (c) Once a venue ceases to operate, the machine numbers will not be allocated to any new or existing venue except as specified in Clause 5 below.
- (d) Council will not provide a consent under Sections 95(1)(f) or 96(1)(e) of the Gambling Act 2003 to any application by corporate societies with Class 4 licences seeking Ministerial discretion to increase the number of gaming machines permitted at a venue, except as provided in Clause 5 below.

5. TRANSFER OR CHANGES TO EXISTING VENUES AND MACHINE CONSENTS

- (a) If the owner of the principal business of the venue changes, the Council consent remains allocated to the venue. The new owner is not required to obtain a Council consent but a new licence may be required from the Department of Internal Affairs.
- (b) Council will consent to the transfer of a licence from an existing venue to a new venue where the venue will be operated by the same corporate society, and subject to a social impact study. The maximum number of gaming machines permitted to operate at the new venue, at the time when the new Class 4 venue licence takes effect, is the same as the maximum number of gaming machines permitted to operate at the old venue, immediately before the licence relating to the old venue is cancelled.

- (c) Two or more licensed Class 4 Clubs in the Southland District may apply to the Council to merge and increase the number of machines that can be operated at a venue, subject to a social impact study. Council consent will only permit the maximum number of gaming machines to be the sum of the number of gaming machines specified in all of the corporate societies' (the clubs that are merging) Class 4 venue licences at the time of application.
- (d) Any substitute venues may only be established if:
 - (i) The vacated site will not be able to be used as a Class 4 venue; and
 - (ii) Council considers that the location of the new venue is suitable, taking into account the matters referred to in Section 101(4) of the Gambling Act.
- (e) Council may arrange its own peer review of any social impact study provided, at the applicant's cost.

6. VISUAL AND SOUND

New substitute venues that are granted territorial authority consent are subject to the following additional conditions:

- (a) Only one sign may make reference to the existence of Class 4 gambling, and may be visible from the street or other public space. This sign shall not mimic or replicate the operation of gaming machines.
- (b) No other sign shall promote or identify the existence on site, of gaming machines.
- (c) Advertising signs and activities within the building, associated with the operation of gaming machines, shall not be visible from beyond the property boundary.
- (d) The operation of gaming machines shall not be audible from beyond the venue property boundary.

7. ENCOURAGING RESPONSIBLE GAMBLING PRACTICES

- Two of the stated purposes of the Gambling Act 2003 are to "prevent and minimise the harm caused by gambling, including problem gambling" and to "facilitate responsible gambling".
- Enforcement and monitoring of gambling venues is the responsibility of the DIA.
- Regulations made under the Gambling Act 2003 set out:
 - What constitutes an unsuitable venue.
 - Requirements and restrictions regarding gambling machines.
 - Requirements of venues to provide information about problem gambling.
 - Requirements of venues to provide problem gambling awareness training to staff.
- A Council consent for a venue is not revocable once issued and cannot lapse or expire unless there is a period of six months or more where a Class 4

licence is not held for the venue. Further, Council has no retrospective powers with regards to any consented venues and cannot impose conditions subsequently on any venue which has an existing licence.

- The Council is supportive in general of initiatives and actions that would help to ensure there is a balanced gambling environment where potential harm is managed effectively, and where those who wish to gamble can do so safely. In this regard, Council encourages responsible gambling practices as outlined in **Appendix 1**.
- Where Council has concerns about the operation of existing gambling venues these will be reported to DIA. Council inspectors do not have enforcement powers over venues in terms of their gambling activities.
- The provision of information by the venues about problem gambling is required under the regulations and is a key way of promoting responsible gambling. Where Council has concerns about a venue in this regard, it will be reported to DIA.

8. APPLICATIONS FOR CONSENT

- (a) All applications will incur a fee which will be prescribed by the Council pursuant to Section 150 of the Local Government Act 2002.
- (b) Council will publicly notify applications for Class 4 Gambling Venues and allow for public submissions to be lodged.
- (c) Applications for consent by the Council must be made to the Council on the prescribed form and include:
 - Name and contact details of the applicant.
 - Names of venue management staff.
 - Street address of premises being relocated and new proposed address.
 - Fees.
 - Details of design and layout shall be provided to demonstrate how the venue will comply with Clause 6.
 - Any other information that may reasonably be required to allow proper consideration of the application including how the applicant will encourage responsible gambling practices.
- (d) The decision will be made at Officer level pursuant to delegated authority and based on the criteria detailed in this Policy, except where any matter of opposition is raised in a public submission, in which case the application will be heard and determined by Council.

9. COMMENCEMENT OF POLICY

This Policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.

This Policy is effective from 1 October 2016.

10. **REVIEW OF POLICY**

The Council will review its Gambling Venues Policy within three years from the date on which this policy comes into effect.

Item 14 Attachment D

ENCOURAGING RESPONSIBLE GAMBLING PRACTICES <i>Best Practice</i>	<i>Supporting Action</i>
Host Responsibility and Harm Minimisation Policy	The applicant has in place a Host Responsibility and Harm Minimisation Policy. The programme conforms to best practice as set out by national guidelines or standards should these become available.
Location of gaming machines	Electronic gaming machines sites should be located so that: <ul style="list-style-type: none"> • The facility is ancillary to a principal business and is not the primary purpose of the site. • The facility is separate from the area of the principal business so that the legal age limit of 18 can be observed and enforced.
Staff training programme or activities	The applicant demonstrates that staff and management are familiar with its Host Responsibility and Harm Minimisation Policy. The programme provides information on: <ul style="list-style-type: none"> • The potential effects of gambling on customers. • The identification of problem gambling traits. • The processes for approach, intervention and follow up for patrons with suspected problem gambling. • Identification practices for patrons appearing under 25 and actions to be followed. • Systems in place to support self barring. • Recognition of intoxicated patrons and steps to be followed to prevent intoxicated patrons from gambling. • Systems to be followed if children are left unattended in premises or nearby premises.
Policy on under age access to gambling machines	The licensee must ensure that appropriate signage is in place indicating age restrictions so that this is visible at every gambling machine and at the point(s) of entry into the gambling area. Policy on identification checks for patrons appearing under 25. Staff training on identification of patrons appearing under 25 and actions to be followed.
Provision of problem gambling information	The licensee must ensure that patrons have access to appropriate information on problem gambling and problem gambling help services. Gambling help line phone number information is placed on or near all gambling machines. Additional material on problem gambling and help services displayed in at least one other area within the premises, situated near to gambling machines.
Clocks are visible in premises	The licensee ensures that clocks are visible from gambling machines.
There is good visibility where gambling machines are located	Natural or artificial light illuminates the area where gambling machines are located at all times when machine are in operation.

POLICY: **TAB VENUE POLICY**

GROUP RESPONSIBLE: Regulatory Services

DATE APPROVED: 7 September 2016

DATE AMENDED: 31 January 2007, 24 February 2010, 15 May 2013
(Note - the Gambling and TAB Venue Policy was split into two separate policies at the February 2010 Council meeting).

FILE NO: 140/20/1/4 140/20/1/16 R/16/6/9302

POLICY DETAIL:

OBJECTIVES

1. To minimise the harm that could be caused by gambling, including problem gambling.
2. To facilitate community involvement in decisions about the provision of gambling.

POLICY

3. Council does not have any additional requirements to regulate the operation or location of TAB venues, other than those contained in the District Plan under the Resource Management Act 1991.

COMMENCEMENT OF POLICY

5. This Policy has been adopted by Council following the special consultative procedure prescribed by the Local Government Act 2002.
6. This Policy is effective from 1 October 2016.

REVIEW OF POLICY

This Policy shall be reviewed three yearly from the date of commencement.

Pursuant to Section 145 Local Government Act 2002 the Southland District Council makes this Bylaw:

**SOUTHLAND DISTRICT COUNCIL SIGNS AND OBJECTS ON ROADS AND
FOOTPATHS BYLAW 2016**

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PART 1

PRELIMINARY PROVISIONS

1 TITLE

- 1.1 The title of this Bylaw is “THE SOUTHLAND DISTRICT COUNCIL SIGNS AND OBJECTS ON ROADS AND FOOTPATHS BYLAW 2016”.

2 PURPOSE

- 2.1 This Bylaw is made for the purposes of:

- a) Protecting the public from nuisance.
- b) Protecting, promoting, and maintaining public health and safety.
- c) Regulating, controlling, or prohibiting the placement of signs or objects on roads and footpaths.

3 COMMENCEMENT AND APPLICATION

- 3.1 This Bylaw will come into force on 1 July 2017.
- 3.2 This Bylaw applies to all Roads under the control of the Southland District Council. This includes footpaths and berms.
- 3.3 This Bylaw does not regulate the placement of signs or objects in parks, reserves or open spaces owned or controlled by Southland District Council.
- 3.4 Signs and objects on private land are regulated under the Southland District Plan, and not this Bylaw.

4 REPEAL

- 4.1 The Southland District Council Control of Advertising Signs Bylaw 2008 is repealed on 1 July 2017.

5 INTERPRETATION

- 5.1 In this Bylaw:

Advertising	means using words or any pictorial or other representation to notify the availability of or to promote the sale of an object, a product, a service or business.
Authorised Officer	means a person appointed or authorised by the Council to act on its behalf in relation to this Bylaw.
Council	means the Southland District Council.
District Plan	means the operative Southland District Plan.
Display	means place, erect, construct or fix.
Flag Sign	means a flag with advertising.
Footpath	means that portion of any road laid out or constructed for the use of pedestrians and includes the edging and kerbing and includes any footbridge.
Footpath Sign	means a sign containing advertising displayed on a footpath but does not include a flag sign .
Object	includes any item other than a sign displayed on a road or footpath by the occupier of a premises. It includes planter boxes, topiaries and items displayed for sale but does not include furniture placed on roads and footpaths for the purposes of alfresco dining.
Pedestrian	means a person travelling on foot, in a wheelchair or a mobility scooter or using a buggy, pushchair or perambulator.
Permit	means any approval or consent required or given by the Council under this Bylaw.

Road	<p>means the whole of any land which is within a district, and which—</p> <ul style="list-style-type: none"> (a) immediately before the commencement of this Part was a road or street or public highway; or (b) immediately before the inclusion of any area in the district was a public highway within that area; or (c) is laid out by the Council as a road or street after the commencement of this Part; or (d) is vested in the Council for the purpose of a road as shown on a deposited survey plan; or (e) is vested in the Council as a road or street pursuant to any other enactment;— <p>and includes—</p> <ul style="list-style-type: none"> (f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988; (g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;— <p>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989</p>
Sign	<p>means words or any pictorial or other representation or notice on any material or object. This does not include any illuminated sign, which will be assessed under the provisions of the District Plan.</p>
Temporary Sign	<p>means a sign that is portable and not fixed to land or buildings.</p>

- 5.2 Any term not defined in this bylaw but which is defined in the Local Government Act 2002 shall have the meaning given to it by the Act.

PART 2

CONTROL OF SIGNS

6 GENERAL CONTROL OF SIGNS

- 6.1 This Bylaw allows for the placement of two signs on a road or footpath without a permit if the signs meet the conditions contained in Part 4 of this Bylaw.
- 6.2 No person may display a sign on a Road or Footpath without a Permit from the Council, unless:
- a) The display of the Sign is authorised by this Bylaw; or
 - b) It is a Temporary Sign associated with a cultural, social, sporting or educational activity and is removed after the activity ceases.
- 6.3 No person may display a Sign in a location or manner that impedes the safe and efficient flow of pedestrian or vehicular traffic on a Footpath or Road.

7 SIGNS AND FLAGS ON FOOTPATHS

- 7.1 To be authorised under this Bylaw a Sign must comply with all of the following:
- a) A Footpath Sign is only authorised if it complies with the following specifications:

Minimum height	0.5 metres
Maximum height	1.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres

- b) A Flag Sign on a Footpath is only authorised if it complies with the following specifications:

Maximum height	3.0 metres
Maximum width	0.9 metres
Maximum base spread	0.6 metres

- c) A Footpath Sign or Flag Sign on a Footpath must:
 - (i) Advertise a business or relate to the business activity; and
 - (ii) Be located adjacent to the business to which it relates; and
 - (iii) Be removed when the business is not open to the public; and
 - (iv) Have a minimum width of Footpath free of objects, adjacent to the Footpath Sign or Flag Sign, of 1.5 metres; and
 - (v) Be placed immediately adjacent to the Footpath kerb; and
 - (vi) Not protrude onto the vehicle carriageway of a road; and
 - (vii) Not, alone or with other Footpath Signs or Flag Signs, unreasonably impede safe and efficient pedestrian flow.

- d) A Flag Sign fixed to a building must:
 - (i) Relate to a business in that building; and
 - (ii) Have a clearance height of a minimum of 2.1 metres above the ground; and
 - (iii) Not protrude onto the vehicle carriageway of a road; and
 - (iv) Not protrude into any Footpath more than 0.6 metres.

PART 3

OBJECTS ON ROADS AND FOOTPATHS

8 GENERAL CONTROL OF OBJECTS ON ROADS AND FOOTPATHS

- 8.1 Council does not require a permit for objects placed on roads or footpaths unless the standard conditions contained in Part 4 of this Bylaw cannot be met.

PART 4

STANDARD CONDITIONS

9 LOCATION OF SIGNS AND OBJECTS

- 9.1 Signs or objects must be placed on the footpath outside the premises to which they relate unless a permit allows them to be placed in another location.
- 9.2 Generally, signs or objects should be placed on the footpath only when the premises to which they relate are open to the public.
- 9.3 Pedestrians using the footpath must not be impeded by the signs or objects placed on the footpath.
- 9.4 Signs or objects placed on the footpath must be placed to ensure a minimum 1.2 metres continuous, straight-line width of the footpath remains clear for pedestrian access.

9.5 Displaying a sign in a public place

- 9.5.1 The sign must correspond with the specifications and description in the permit application, including but not limited to the construction and dimensions of the sign.
- 9.5.2 Any sign, including any structure attached to the sign, must be maintained in good repair. If it is damaged for any reason it must be removed, repaired or replaced within 24 hours of sustaining damage, if there is a safety issue otherwise within 72 hours.
- 9.5.3 Permits are granted for an unlimited timeframe unless otherwise stated in the permit.

- 9.5.4 The permit holder is responsible for any damage to the public place or any other property of the Southland District Council caused by the sign, or the activities of the permit holder, the permit holder's contractors or the permit holder's employees in relation to the permitted sign.

9.6 Placing objects on or use of the footpath

- 9.6.1 Objects other than tables and chairs may not occupy more than one quarter of the footpath width or 0.6 metres, whichever is the lesser.
- 9.6.2 Objects including but not limited to umbrellas, canopies or shades must be secured in such a way that they will not fall or be blown over.
- 9.6.3 The lower edge of the canopy of any umbrella or shade must be at least 2.1 metres above the footpath.
- 9.6.4 Access to fire exits, fire hydrants, shop doorways, parking meters, rubbish receptacles, street furniture and bicycle stands must be kept clear at all times.
- 9.6.5 All braziers or heating devices must be securely fixed so as to not fall over.
- 9.6.6 A brazier or heating device must not present a danger to any pedestrian or building.

PART 5 **ADMINISTRATION**

10 FEES AND CHARGES

- 10.1 The Council may set fees and charges for any Permit granted under the Bylaw. Fees will be set each year in the Council's Annual Plan.

11 DELEGATIONS

- 11.1 The Chief Executive may appoint Authorised Officers of Southland District Council.
- 11.2 The Chief Executive and Authorised Officers may exercise any power, function or duty under this Bylaw or carry out any act in order to achieve its effective administration including:
- a) Process, grant or refuse permits;
 - b) Specify additional conditions that apply to a permit (guided by any site specific constraints);
 - c) Specify forms and procedures for the effective administration of the Bylaw;
 - d) Make any decision or determination required in this Bylaw in order to administer it;
 - e) Make any decisions regarding suspension, withdrawal or removal of a Permit;
 - f) Remove, store or dispose of Signs or objects in breach of this Bylaw;
 - g) Determine the costs of the removal, storage or disposal of Signs or objects in breach of this Bylaw.

12 PERMITS

- 12.1 Permits are issued under the Southland District Council Signs and Objects on Roads and Footpaths Bylaw 2016.
- 12.2 The permit holder must present the permit if requested by any officer of the Southland District Council.
- 12.3 The permit may be reviewed by the Council at any time and may be revoked on 48 hours written notice or earlier if necessary to prevent harm to any person or damage to any private or public property.
- 12.4 The permit is only valid if all applicable fees have been paid and funds have cleared.
- 12.5 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:
- a) Complete the required application form;
 - b) Pay the applicable fee; and
 - c) Comply with the conditions of that Permit.
- 12.6 The Council may grant a Permit for any activity that would otherwise contravene this Bylaw.
- 12.7 A Permit is personal to the applicant and the address and is not transferable.
- 12.8 An Authorised Officer may revoke or suspend any Permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the Authorised Officer may consider appropriate in the event the Permit issued is breached, or to protect Council property, public health and safety or to minimise nuisance.

PART 6**ENFORCEMENT AND COMPLIANCE****13 OFFENCES AND PENALTIES**

- 13.1 Every Person or Permit holder who:
- a) Fails to comply with any provision of this Bylaw; or
 - b) Breaches the conditions of any permit granted pursuant to this Bylaw
- commits an offence under Section 239 of the LGA 2002 and is liable to a fine as specified in Section 242 of the LGA 2002.
- 13.2 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA 2002.
- 13.3 In accordance with Section 163 of the Act, Council may remove or alter any sign or other work or thing that is or has been constructed in breach of this Bylaw.

- 13.4 Council may recover the cost of removing or altering the Sign or other work or thing that is in breach of this Bylaw from the person who committed the breach. Payment of this cost does not relieve the person of liability for the breach of this Bylaw.
- 13.5 In accordance with Sections 164 and 165 of the Act, Council may seize and impound property if it is used in breach of this Bylaw.
- 13.6 In accordance with Sections 167 and 168 of the Act, Council may return or dispose of property seized and impounded. The person in breach of this Bylaw is responsible for any costs associated with disposal of seized property.

14 COMPLIANCE MONITORING

- 14.1 If a complaint is upheld regarding a breach of this Bylaw, Council may recover the cost of investigating and resolving the complaint from the party in breach of the Bylaw.
- 14.2 Where a complaint is not upheld, no costs shall be recovered.

SOUTHLAND DISTRICT COUNCIL RESERVES MANAGEMENT POLICY

DOCUMENT CONTROL

Policy Administrator: Strategic Manager Property	TRIM reference number: R/16/3/3262	Effective date: 28 September 2016
Approved by: Council	Date approved: 28 September 2016	Next review date:

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1.0 PURPOSE

This policy provides guidance on the administration, use, maintenance and development of reserves across the Southland District.

2.0 SCOPE

Policy statements in this document apply to all parks, reserves and open spaces controlled by Southland District Council unless specific exemption is provided in individual Reserve Management Plans.

3.0 DEFINITIONS

Term	Meaning
Activity Management Plan (AMP)	The Parks and Reserves Activity Management Plan is used to document Council's management practices for parks and reserves over a 30 year period.
Council/the Council	Southland District Council as the land owner/administering body of reserves.
Long Term Plan (LTP)	Southland District Council's Long Term Plan. It is also referred to as the 10 Year Plan.
Parks, Reserves and Open Spaces	The term reserve refers to any parcel of land owned, administered and/or managed by Council, as a reserve, park, or open space.
Reserve Management Plan	Reserve Management Plans are a requirement of Section 41 of the Reserves Management Act 1977. Reserve Management Plans provide direction for the day-to-day management of reserves and details about factors that impact upon reserves. They also establish clear directions for future management and development.
Unmanned Aerial Vehicles/ UAVs	The term Unmanned Aerial Vehicle (UAV) is defined in the Southland District Council Unmanned Aerial Vehicles Policy. The term UAV covers all electric powered remote controlled model aircraft, including the type commonly referred to as 'drones' that are capable of vertical take-off and landing and small hand-launched gliders with less than a 1.5 metre wing span.

4.0 BACKGROUND

Southland District has 155 reserves, parks and open spaces, distributed over a land area of 30,400.94 km². Southland District's reserves offer an extensive range of recreational opportunities and environmental characteristics.

Reserves owned, administered and/or managed by the Council have two distinct forms of legal status:

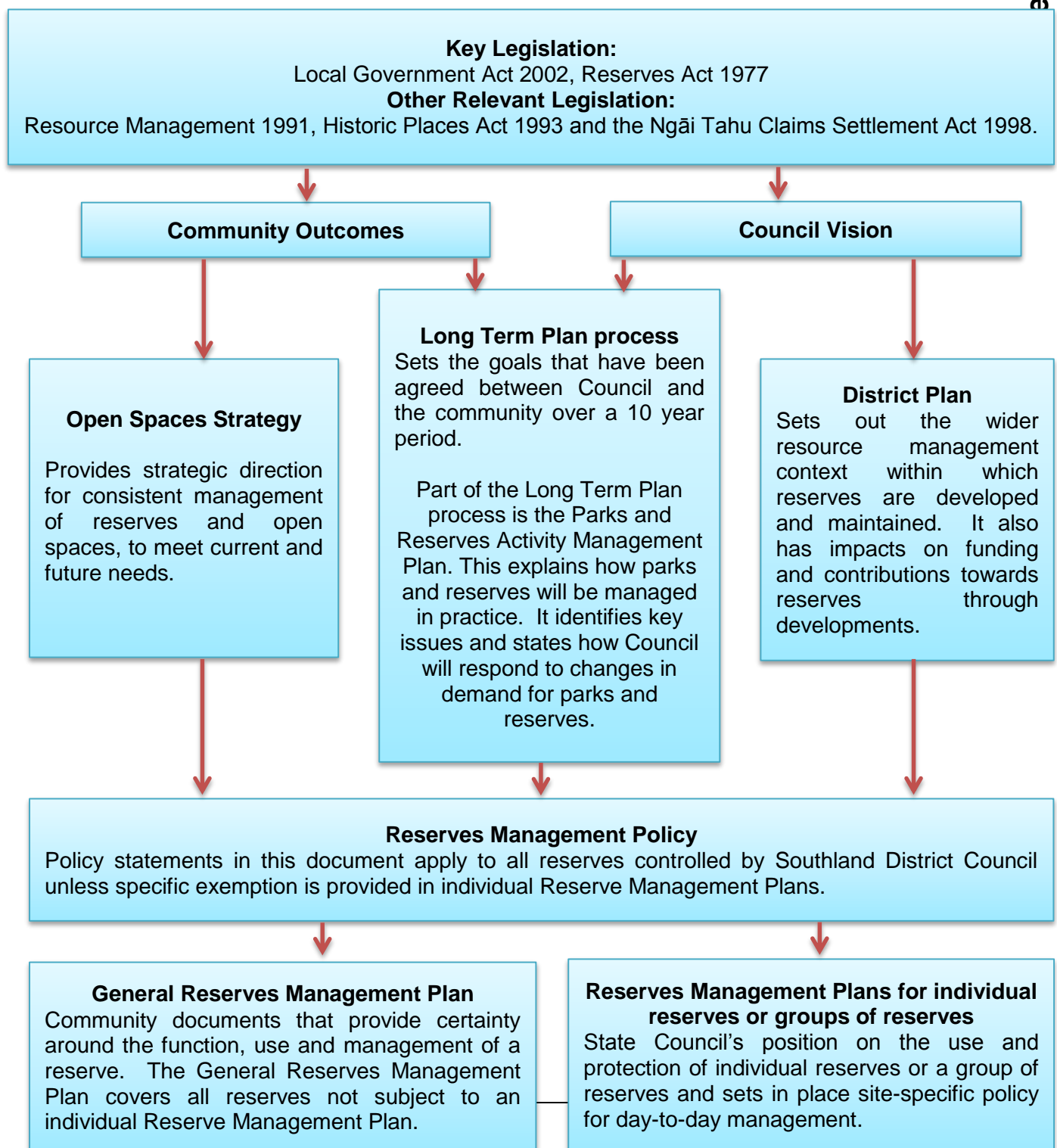
- land held subject to the Reserves Act 1977, and classified according to its principal purpose

- freehold land held by Council in fee simple title for parks purposes but not held under the Reserves Act.

The Reserves Act 1977 applies to all public land that has been vested or gazetted under the Act and specifies in general terms the purpose of each class of reserve. The Act also requires that each reserve be managed in accordance with its purpose and classification.

The terms parks, reserves and open spaces could also refer to parcels of land held by the Council for a wide variety of purposes akin to those described in the Reserves Act or the Local Government Act 2002. Not all of these parcels of land are protected under these Acts.

Southland District's parks, reserves and open spaces are governed and regulated by a broad range of legislation, plans, policies and bylaws.



4.1 The Reserves Act

The Reserves Act 1977 applies to land that is gazetted as a reserve under the Act. While the term park(s) is used in this document, not all parks are reserves under the Reserves Act 1977. The management of these parks, however, will not differ in general terms from reserves as defined by the Reserves Act 1977.

Under Section 41 of the Reserves Act 1977, the Council is required to keep Reserve Management Plans under continuous review. Since Reserve Management Plans are aligned to the General Reserves Management Policy, this policy will also be kept under continuous review.

4.2 Local Context

As well as aligning with other Southland District Council Plans and Policies, the General Reserves Management Policy also adheres to Environment Southland's Regional Plan and Ngāi Tahu ki Murihiku's Natural Resource and Environmental Iwi Management Plan 2008 - e Tangi a Tauria - The Cry of the People.

5.0 POLICY STATEMENTS**5.1 Council Approval**

Some activities outlined in this policy require specific approval or authorisation from the Council. The nature and context of the activity will determine how approval may be granted. For further information on how to obtain approval for specific activities, please contact Southland District Council.

5.2 General Access

Unless it is limited by the Reserves Act 1977, public access to reserves is a right. The Council provides a level and standard of access to reserves that is appropriate to how each reserve is used.

Several factors may impact on public access to reserves. These include:

- leases or licences to occupy the reserve held by third parties
- safety issues
 - activities that are occurring on a reserve for a period of time (eg planting or construction) or
- other restrictions under the Reserves Act 1977.

Clubs and organisations may gain exclusive use of a reserve for a specific period of time (eg during organised sports teams training or match occasions) with prior written approval from the Council.

From time to time, reserves may be closed to the public and a rental charged for the entry by an organisation staging a special event. This is subject to Section 53(1)(e) of the Reserves Act 1977 and requires the written approval of the Council.

5.3 Pedestrian Access

If required, pedestrian access will be controlled by the provision of walking tracks, footpaths and footbridges.

Where practical, access to reserves and reserve facilities will be inclusive and will consider universal design. Walking tracks will be maintained to the appropriate standard developed by the Department of Conservation and Standards New Zealand as set out in the "New Zealand Handbook - Tracks and Outdoor Visitor Structures (SNZ HB 8630:2004)".

5.4 Vehicle Access

Council may provide access roads and parking facilities within reserves. Motorised vehicles, other than maintenance vehicles, must only be used on roadways or parking areas unless prior written approval from the Council has been obtained.

Use of non-motorised vehicles (such as bicycles, skateboards and roller-blades) is permitted provided their use does not endanger other reserve users, cause damage to the reserve or make undue noise.

Non-motorised vehicles should not be used on walking tracks unless there is a sign indicating that their use is permitted.

5.5 Leases and Licences to Occupy

The Council may enter into formal lease agreements on reserve land when the land is available and there is a clear requirement for consistent use or service or a demonstrated opportunity for reliable improvement in service. Management responsibilities of the lessee will be clearly identified in the lease agreement.

5.6 Animals

Dog access to parks and reserves is determined by Southland District Council's Dog Control Bylaw 2015. The Dog Control Bylaw 2015 also determines what degree of control is required on reserves where dogs are allowed.

Signage or information in the Reserve Management Plans will indicate if other animals are specifically excluded on any reserve.

Council may use grazing as a management tool on reserves. Grazing will comply with the Southland District Council Rooding Bylaw and the Southland District Council Keeping of Animals, Poultry and Bees Bylaw.

5.7 Aircraft and Helicopter Landings

Landing an aeroplane, helicopter or any kind of flying machine in a Council reserve is not permitted without prior written approval from the Council.

Emergencies are an exception to this rule. Parties wishing to use any reserve for the purpose of landings during special events or for approved training exercises should contact Southland District Council for further advice.

5.8 Sale and Consumption of Alcohol

Consumption of alcohol in public spaces is regulated by legislation and the Alcohol Control Bylaw. The sale and supply of alcohol is regulated by the Sale and Supply of Alcohol Act 2012. Council permits special licences to be issued for the sale and supply of alcohol on reserves. Club licences may be issued to lease holders within reserves.

5.9 Trading

Trading in reserves must comply with Section 54 (1) (d) of the Reserves Act 1977 and may be subject to the Trading in Public Places Bylaw.

Section 54 (1) (d) of the Reserves Management Act 1977 allows trading to occur under leases and licences or for a temporary occupation of not more than six consecutive days. Trading activities must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

Applications to trade in reserves for a period of not more than six consecutive days will be administered under the Trading in Public Places Bylaw. Applications to trade in reserves for a longer time period will require a lease or licence. If trading is contemplated under the relevant Reserve Management Plan, applications will not be publicly notified. If trading is not contemplated under the relevant Reserve Management Plan, applications will be publicly notified and an opportunity for objections will be provided.

When making decisions regarding applications to trade on reserves, Council will consider a number of factors including the nature of trading, its impact on other reserve users and the effect on the reserve and existing infrastructure and facilities.

5.10 Fires

Lighting fires outside of a contained barbecue is not permitted on reserves unless there is prior written approval from the Council and the Southern Rural Fire Authority.

5.11 Fireworks Displays

Fireworks displays must:

- be approved by the local community board, community development area subcommittee or Council
- be undertaken only by people authorised by Council
- have a safety plan (including fire control) that has been approved by the Council
- have any approvals required under the Hazardous Substances and New Organisms Act
- have a fire permit issued by the Southern Rural Fire Authority if the display is during a Restricted Fire Season.

5.12 Buildings and Structures

The number of buildings and structures on reserves will be limited to a level that facilitates the safe and appropriate use of each reserve. Sharing facilities by more than one club or group is encouraged.

All new buildings or major changes to existing buildings and structures on reserves require approval from Council as the land owner of the reserve. Council will consider how buildings and structures will integrate with the natural environment of the reserve. The Building Act 2004 and the Southland District Plan may also include other requirements which must be met.

Buildings and structures will be maintained to a high standard and, where practical, designed to limit the opportunity for vandalism.

5.13 Boundaries and Fencing

The Council will reach an agreement with adjoining land owners on the type and standard of fencing and the contributions made by each party. On occasion, fencing may not be required. Required contributions may be financial or made through the provision of materials or labour.

There may be some situations where Council is not required to contribute to a boundary fence, for example if there is an existing fencing covenant.

Consideration will be given to the needs of the Council and the adjoining land owner. The characteristics of the reserve and the land use of adjoining neighbours will also influence Council's decisions in relating to fencing. Decisions relating to fencing will be formalised through a fencing agreement.

Where it is impractical or undesirable to erect a fence on a reserve boundary, the fence may deviate from the legal boundary with the agreement of the adjoining land owner.

5.14 Toilets

A district-wide approach is taken to the number, location and standard of public toilets. Proposals for new toilets are considered against criteria which take into consideration requirements and availability across the District.

5.15 Play Equipment

All new playgrounds and replacement of playground equipment will comply with the Building Act 1991, the Resource Management Act 1991 and the New Zealand Safety Standards NZS 5828:2004 or subsequent updates.

The design and location of each playground will reflect the visual character of the reserve and consider environmental factors such as the orientation of the sun, shelter from the wind, visibility and disturbance to adjoining properties.

5.16 Signs and Interpretation

The placement of signs on reserves by non-Council organisations requires written approval from Council. Advertising signs are subject to the Southland District Plan.

Council will ensure that new or replacement signage identifies places that are of cultural significance in accordance with the Ngāi Tahu Claims Settlement Act 1998.

5.17 Electoral advertisements and hoardings

No election hoardings and signs are permitted to be placed or erected in Council controlled or owned parks, reserves and open spaces.

5.18 Pest Plant and Pest Animal Control

Pest plants and animals on Council reserves will be controlled in accordance with Environment Southland's Regional Pest Management Strategy.

5.19 Litter Control and Dumping

Litter bins may be provided on reserves at strategic locations and in sufficient numbers to meet the reasonable demands of the users. These bins will be cleared regularly to prevent overfill and spillage.

Where there are no litter bins, reserve users are required to remove all litter from the reserve. The dumping of refuse including garden waste on reserves is an offence under the Litter Act 1979.

5.20 Landscaping, Amenity Planting and Areas of Native Vegetation

Landscaping, amenity planting and vegetation management will be undertaken on reserves in accordance with Reserves Management Plans.

Any new plantings on a reserve will consider visibility and safety. The retention of indigenous vegetation and threatened plants on reserves is a priority for the Council. Where possible, existing native vegetation on reserves shall be preserved and revegetated using locally sourced native species. The use of exotic species will be restricted to areas where exotic species predominate and/or the recreational use of the reserve would be enhanced by the use of exotics (eg for shade).

The removal or damage to any tree, shrub or plant material from within reserves is prohibited without the prior written approval of the Council.

5.21 Memorials

Memorials and plaques for individuals are only permitted in locations identified in Reserve Management Plans. All memorial plantings and commemorative plaques require written approval from the Council.

5.22 Monuments, Artwork and Sculptures

Monuments, art work and sculptures must have relevance to the reserve and enhance the natural surroundings. When determining whether the placement of a monument, artwork or sculpture is appropriate, the nature of the item, the proposed location, reserve use and reserve values will be considered.

Maintenance of monuments, artworks and sculptures will be undertaken by Council staff, or contractors, unless agreed otherwise at time of construction.

5.23 Outdoor Furniture

Outdoor furniture will be appropriate to the needs of reserve users. The nature of outdoor furniture, including materials and colour will be consistent with the natural surroundings. All outdoor furniture will be approved by the Council.

Maintenance of outdoor furniture will be undertaken by the Council staff or contractors.

5.24 Network Utility Infrastructure

Reserves are often crossed by network utility infrastructure, particularly power pylons. While most of these have been in place for many years, the Council will only consider new requests to place utility infrastructure in a reserve if all alternative options have been considered.

5.25 Lighting

Lighting may be provided for walkways and parking areas in reserves. Impacts on adjoining land owners are considered in relation to ground lighting or lighting outside buildings.

Where there are sports grounds in a reserve, lighting for night time training may be considered. Controls on lighting usage may be imposed by the Council.

6.0 ROLES AND RESPONSIBILITIES

Reserve users are responsible for ensuring that their use, activity, or any associated buildings or structures comply with relevant legislation, the Southland District Plan, Southland District Council Policies and Council Bylaws.

Some other documents which regulate activity on reserves are provided in the table below.

Activity	Regulated by
Camping	Freedom Camping Bylaw
Consumption of alcohol in public places	Alcohol Control Bylaw and Summary Offences
Sale and supply of alcohol	Sale and supply of Alcohol Act 2012
Dogs	Dog Control Bylaw and Dog Control Act 1996
Other animals	Keeping of Animals, Poultry and Bees Bylaw
Trading	Trading in Public Places Bylaw
Unmanned aerial vehicles	Unmanned Aerial Vehicle Policy

7.0 ASSOCIATED DOCUMENTS

This document should be considered in the context of the following associated documents:

Bylaws:

- Southland District Council Dog Control Bylaw
- Southland District Council Keeping of Animals, Poultry and Bees Bylaw
- Southland District Council Alcohol Control Bylaw
- Southland District Council Trading in Public Places Bylaw
- Southland District Council Animal Management Bylaw
- Southland District Council Freedom Camping Bylaw
- Southland District Council Roading Bylaw

Plans:

- Reserve Management Plans
- Southland District Plan
- Southland District Council Long Term Plan
- Parks and Reserves Activity Management Plan
- Southland District Council Animal Management Bylaw

Strategy:

- Southland District Council Open Spaces Strategy

Policies:

- Southland District Council Unmanned Aerial Vehicles Policy
- Southland District Council Smoke Free Open Spaces Policy

Acts:

- Reserves Act 1977
- Resource Management Act 1991
- Local Government Act 2002
- Sale and Supply of Alcohol Act 2012
- Building Act 2004
- Health Act 1956
- Fencing Act 1978

8.0 REFERENCES

- New Zealand Handbook - Tracks and Outdoor Visitor Structures (SNZ HB 8630:2004)
- New Zealand Safety Standards NZS 5828:2004

9.0 REVISION RECORD

Date	Version	Revision Description
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»
«Type Date»	«Version»	«Revision»