

Notice is hereby given that a Meeting of the Lumsden Community Development Area Subcommittee will be held on:

Date: Monday, 10 April 2017
Time: 6pm
Venue: Southland District Council Office,
18 Diana Street,
Lumsden

Lumsden Community Development Area Subcommittee Agenda

OPEN

MEMBERSHIP

Members

Alf Maclean
Rob Scott
Kevin Skoropada
Carolyn Smith
Greg Tither
Morris Williams
Councillor John Douglas

IN ATTENDANCE

Committee Advisor Rose Knowles
Community Partnership Leader Kelly Tagg

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

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UPDATES

Councillor's Report

Councillor Douglas to report on activities from the District Council table.

1 Apologies

At the close of the agenda no apologies had been received.

2 Election of Chair and Deputy Chair

3 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

4 Conflict of Interest

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

5 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

6 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“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.”

7 Confirmation of Minutes

- 7.1 Meeting minutes of Triennial Public Meeting of the Lumsden Community Development Area Subcommittee held on 1 March 2017.

Election of Chair and Deputy Chair

Record No: R/17/4/7353
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose of Report

- 1 This report calls for the election of a Chairperson for the Lumsden Community Development Area Subcommittee (CDA).
- 2 The report also provides the opportunity for the CDA 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 the election of a Chairperson to its CDAs. The CDA 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 CDA 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 Councillor will call for nominations at the Inaugural Meeting of the CDA. 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 CDA shall be for the duration of the 2017/2020 triennium. However, a member may terminate (or have terminated) their office by:
 - Resigning as Chairperson or Deputy Chairperson.
 - A majority decision of the CDA.
 - A resolution of the CDA.
 - Being no longer eligible to hold office.
- 7 The Chairperson of the CDA is responsible for ensuring that the decisions of the Subcommittee 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 CDA 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;
 - 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 CDA or until the election of his or her successor, or until the close of the 2017/2020 triennium.
- 13 In accordance with voting procedures the CDA 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 Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Election of Chair and Deputy Chair” dated 3 April 2017.**
- b) **Elects a Member to be Chair of the Subcommittee for the 2017/2020 Triennium.**
- c) **Elects a Member to be Deputy Chair of the Subcommittee for the 2017/2020 Triennium.**

Attachments

There are no attachments for this report.

Lumsden Community Development Area Subcommittee -Triennial Public Meeting

OPEN MINUTES

Minutes of a meeting of Lumsden Community Development Area Subcommittee Triennial Public Meeting held in the Lumsden Memorial Hall, Hill Road, Lumsden on Wednesday, 1 March 2017 at 7.00pm.

PRESENT

Councillor John Douglas
M Williams
J Lennon
K Skoropada
F Keen
L McKerchar
V Grantham
Kerry Kennedy
G Sales
L Hodge
G Watkins
C Tither
G Maclean
E Hankey
C Middlemiss
C Smith

G Swift
A Freeman
S Lennon
J Keen
W Duncan
E Swift
T Hanna
T Carroll
M Ogilvie
P Devery
A Drummond
G Tither
R Scott
A Blackmun
C Lynch
C Palmer

C Williams
G Lawrence
C Skilling
C Walker
J Palmer
W Drummond
S Taylor
K Taylor
M Partridge
T Ross
B Ross
D Millar
J Scott
J Kennedy
H Morton
I Buckingham

IN ATTENDANCE:

Mayor – Gary Tong
Group Manager Community & Futures – Rex Capil
Committee Advisor – Rose Knowles
Community Partnership Leader – Kelly Tagg

1 Welcome and Introduction

Mayor Gary Tong welcomed all present and thanked them for taking time out to participate in the local Lumsden Community Development Area election meeting.

He advised that Southland District Council approved at its 26 October 2016 meeting the Community Development Area Subcommittees Terms of Reference which clearly define the scope, membership, and delegations. It is important to note is that Community Development Area Subcommittees are Subcommittees of Council and as a consequence of this they are part of the Council governance structure. Therefore as an elected representative Subcommittee members represent Council and are part of Council. Subcommittees are not "ratepayers associations" or Council "watchdogs" but in a positive and constructive way assist in contributing to Council delivery of quality services and activities for the betterment of the communities Council serves. The Subcommittees operate as per the terms of reference and members are required to operate as per the Southland District Council Code of Conduct which all members for this triennium will receive as part of the first Subcommittee meeting and induction process for elected members

Mayor Tong also advised that as part of the process for the new way of working for the Community Development Area Subcommittees and Community Boards, there is a Community Leadership Plan Workshop to be held on Tuesday 4 April 2017 at 6.00pm in the Conference room at the Farmright building where the Subcommittee will be joined by the Mossburn, Athol and Garston Community Development Area Subcommittees. There are various other Workshops to be held in other locations across Southland for the remaining Community Boards and Community Development Area Subcommittees.

2 Apologies

An apology was received from Jim Bottcher with apologies for lateness from Morris Williams and Eric Swift.

Moved C Smith, seconded E Hankey and **resolved:**

That the apologies be accepted.

3 Chairperson's Report

The Chair gave a verbal report on activities in the Township over the past three year term. Mr R Scott highlighted the following:

- Memorial Hall upgrade
- Cemetery upgrade
- Freedom Camping
- Express thanks to CDA members, W Drummond (Freedom Camping Warden), Council Staff and Venture Southland Staff.

4 Public Forum

Issues raised in Public Forum included;

Mr B Ross – Freedom Camping issues in breach of the bylaw.

Mrs H Morton – Increase in rates.

Playground not safe with Freedom Camping in the area.

Members of Five Finger Craft shop have issues with the
Freedom Camping being around the former Railway Station.

Mrs A Freeman – Support for Freedom Camping- Lumsden is alive and vibrant

Mr W Drummond – Support for Freedom Camping –Lives across from the campsite
and had no issues.

Mr M Ogilvie – Request for no braking signs at the entranceways to the township.

Mr J Keen - Freedom Camping is ok, but should be a cost.
Hiding the railway heritage display.

Mr K Skoropada – Support for Freedom Camping.

Mr S Lennon - Use the camping ground for camping

5 Election and Appointment of Scrutineers

Mayor Tong called for nominations from the public at the meeting for members of the Subcommittee for the 2016/2019 Triennium.

Nominee	Mover	Seconder
Rob Scott	Evan Hankey	Cindy Lynch
Gary Maclean	Chris Palmer	Judy Palmer
Greg Tither	Rob Scott	Paul Devery
Carolyn Smith	May Partridge	Helena Morton
Chris Palmer	Gary Maclean	Judy Palmer
Kevin Skoropada	Rob Scott	Lynda Hodge
Morris Williams	Rob Scott	Evan Hankey
Colin Walker (declined)	Chris Palmer	Gary Maclean

Moved H Morton, seconded I Cunningham that nominations be closed

There being seven nominations for the six positions an election was necessary.

Mayor Tong called for nominations for scrutineers of the voting papers.

Moved K Skoropada, seconded E Hankey
and **resolved that Councillor Douglas and Colin Walker be appointed as the scrutineers.**

6.0 ANNOUNCEMENT OF RESULTS OF ELECTION

Mayor Tong advised that the successful nominees for the Lumsden Community Development Area Subcommittee for the 2017 – 2020 term are as follows, in alphabetical order:-

Gary McLean, Greg Tither, Rob Scott, Kevin Skoropada, Carolyn Smith, Morris Williams

Moved R Scott, seconded E Hankey
and **RESOLVED THE VOTING PAPERS BE DESTROYED.**

Councillor Douglas thanked the past members of the CDA for their time and effort.

The meeting concluded at 8.30pm.

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE
LUMSDENCOMMUNITY DEVELOPMENT AREA
SUBCOMMITTEE HELD ON WEDNESDAY 1
MARCH 2017.

DATE:.....

CHAIRPERSON:.....

General Explanation from Chief Executive

Record No: R/17/4/7354
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose of Report

1. The purpose of the report is to 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. This general explanation related to 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 elected members attention the key issues affecting their role and functions as members of the Southland District Council for the 2017/2020 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 Lumsden Community Development Area Subcommittee:

1. **Receives the report titled “General Explanation from Chief Executive” dated 3 April 2017.**

Attachments

There are no attachments for this report.

Terms of Reference and Delegations 2017/2020

Record No: R/17/4/7355
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To advise the Community Development Area Subcommittee of the Terms of Reference and Delegations for Southland District Council Community Development Area Subcommittees (CDA) for the 2017/2020 Triennium which were approved by Council at its meeting on Wednesday 26 October 2016.

Background

- 2 As per the Terms of Reference, the CDAs role 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 Southland District Council, or any matter of interest or concern to the Community Development Area Subcommittee; and
 - (c) Maintain an overview of services provided by the Southland District Council within the community; and
 - (d) Consider annual estimates for expenditure within the community and recommend these to Council; 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 Southland District Council.
- 3 In addition to the activities outlined above, CDAs will 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 CDAs have been granted by Council additional delegated powers for engagement and representation, financial, 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 CDAs 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 CDAs have been delegated additional responsibilities as follows:
 - Approval of leases, rental agreements and the rollover of existing contracts under \$1,000;
 - Engaging with CDA members to make submissions to the Council on behalf of the CDA where a submission period is outside of the CDA meeting cycle. Where a Chairperson is unable to base a submission on a consensus among CDA members a CDA meeting must be held.

- 7 Membership and quorums of the CDA 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 CDA to which he/she has been appointed, another Ward Councillor from within the same Ward may attend the CDA meeting but has speaking rights only.
- 10 CDAs will meet on the same timetable as the 2014/2017 triennium.
- 11 CDAs 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 CDA members will be kept abreast of operational issues and the progress of projects via regular contact with their Townships Community Engineer.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Terms of Reference and Delegations 2017/2020” dated 3 April 2017.**
- b) **Note the Terms of Reference and Delegations for Community Development Area Subcommittee approved by Council at its meeting on Wednesday 26 October 2016.**

Attachments

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



SOUTHLAND DISTRICT COUNCIL COMMUNITY DEVELOPMENT AREA SUBCOMMITTEE TERMS OF REFERENCE

Authorising body	Council
Approval date	26 October 2016

1. SCOPE OF ACTIVITIES

Community Development Area Subcommittees are delegated the following responsibilities by the Southland District Council.

- Represent and act as an advocate for the interest of its community.
- Consider and reporting on all matters referred to it by the Southland District Council, or any matter of interest or concern to the Community Development Area Subcommittee;
- 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;
- Undertaking any other responsibilities that are delegated to it by the Southland District Council.

In addition to these activities, Community Development Area Subcommittees will consider how best to provide for our communities, and the people who live there, into the future.

Community Development Area Subcommittees 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 Development Area Subcommittees 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 the appointed District Councillor.

The appointed District Councillor has speaking rights and voting rights at Community Development Area Subcommittee meetings to which he/she has been appointed.

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

3. CANDIDATE AND VOTING ELIGIBILITY

- **Eligibility for candidates to stand for election**
Residents or ratepayers from within the defined area of the CDA who have resided or owned a property in that area for a minimum of six months.
- **Nomination of candidates for election to CDAs**
Residents or ratepayers from within the defined area of the CDA who have resided or owned a property in that area for a minimum of six months.
- **Eligibility to vote at the public meeting to elect candidates for the CDA**
Residents or ratepayers from within the defined area of the CDA who have resided or owned a property in the area for a minimum of six months.
- **Defined area of the CDA**
The defined area is the legally constituted rating boundary of the CDA from where the local rate is collected and expended.
- **Identification of a candidate or nominator of the triennial public meeting**
Candidates and nominators must complete the triennial attendance register at the public meeting, the register will identify the candidates and nominators residential address or in the case of an absentee landowner his/her address can be identified from the ratepayers roll for that CDA.
- **Election of Chairperson of the CDA**
The Chairperson of the CDA is elected by members of the CDA at the inaugural meeting of the CDA for that term.
- **Nominations in absentia at Triennial meeting**
Where a nominee for election to the Subcommittee is unable to attend the Triennial meeting, the nomination is acceptable providing that nominee has lodged an apology for the meeting. The two nominators must be present at the triennial meeting.
- **Proxy Voting**
Proxy voting at the CDA triennial elections meeting is NOT permitted.

- **Community Development Area Subcommittee**

The CDA is a Subcommittee of Council and must comply with Council's Code of Conduct and Standing Orders. CDA resolutions are recommendations as per the minutes and must be confirmed by Council.

4. MEETING SCHEDULE

Community Development Area Subcommittees will meet on the same timetable as the 2013/2016 triennium.

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

5. QUORUM

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

6. DELEGATIONS

6.1 **Power to Act**

Community Development Area Subcommittees shall have the following delegated powers and be accountable to Council for the exercising of these powers¹:

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.

¹ Local Government Act 2002, Schedule 7, Clause 32

- (d) Monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided.

Financial

- (e) Approving expenditure within the limits of annual estimates.
- (f) Approving unbudgeted expenditure for locally funded activities up to the value of \$10,000.

Rentals and leases

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

Local assets and facilities

- (h) 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.
- (i) Appoint a local liaison person responsible for community housing.

6.2 Power to Recommend

Assets and Facilities

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

Rentals and leases

- (k) In relation to all leases of land and buildings within their own area, on behalf of Council;
 - a. Recommending rentals in excess of \$10,000 per annum to the Group Manager Services and Assets.
 - b. Recommending the preferential allocation of leases where the rental is in excess of \$10,000 per annum to the Group Manager Services and Assets.

Contracts/Tenders

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

Financial	
(o)	Recommending annual estimates to Council
(p)	Recommending unbudgeted expenditure in excess of \$10,000 to the Services and Assets Committee.
Local Policy	
(q)	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
(r)	Making submissions or recommendations in response to those matters as appropriate.
(s)	Appoint a local liaison person responsible for community housing.

6.3 **Delegations to the Chairperson**

The Chairperson of each Community Development Area Subcommittee is delegated with the following additional responsibilities:

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

7. **REPORTING**

Community Development Area Subcommittees 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 Development Area Subcommittee.

Standing Orders

Record No: R/17/4/7356
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 The purpose of the report is to advise the Community Development Area Subcommittee (CDA) 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 Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Standing Orders” dated 3 April 2017.**
- 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
PO Box 903
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 CDEM Constitution means that the Southland CDEM 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

2.8.4

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

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

2.9 Membership of Committees and Subcommittees

Appointment or discharge of committee members and subcommittee members

2.9.1

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

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

Elected members on committees and subcommittees

2.9.2

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

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

Local authority may replace members if committee not discharged

2.9.3

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

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

Minimum numbers on committees and subcommittees

2.9.4

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

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

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> <ul style="list-style-type: none"> (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and (b) the member concerned did not attend the meeting. <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> <ul style="list-style-type: none"> (a) not less than 14 days before the meeting; or (b) if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule." <p>[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> <ul style="list-style-type: none"> (a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and (b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment." <p>[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 Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any). [s. 49, LGOIMA]</p>
List of committee members publicly available	<p>2.15.12 The members of each committee are to be named on the relevant agenda.</p>
Public entitled to inspect minutes	<p>2.15.13 The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded. [s. 51, LGOIMA]</p>
Requests for minutes of meetings in closed session	<p>2.15.14 The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987. [s. 51, LGOIMA]</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> <ul style="list-style-type: none"> (i) The resolution or part thereof which it is proposed to revoke or alter; (ii) The meeting date when it was passed; and (iii) The motion, if any, that is intended to be moved in substitution thereof. <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	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.
No repeats where notice of motion adopted	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.
3.12 Procedural Motions to Terminate or Adjoin Debate	
Members may move procedural motions to terminate or adjourn debate	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: <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	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.
Procedural motions to terminate or adjourn debate to take precedence	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.
Voting on procedural motions to terminate or adjourn debate	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.
Closure motion to be put if no further speaker	3.12.5 Notwithstanding Standing Order 3.12.4, a closure motion shall be put if there is no further speaker in the debate.

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	3.19.4 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).
Termination of presentation if disrespectful	3.19.5 The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.15.2 regarding qualified privilege).
Time limit on presentation	3.19.6 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.
3.20 Petitions	
Form of petitions	3.20.1 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).
Petition where presented by members	3.20.2 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.
Petition in English or Māori	3.20.3 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.
Petition where presented by petitioner	3.20.4 Where a petition is presented by a petitioner, unless the local authority determines otherwise, a limit of 5 minutes is placed on that person (see Standing Orders 3.15.1 and 3.15.2 regarding qualified privilege). If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition.
3.21 Questions	
Questions to officers during debate	3.21.1 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.

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.

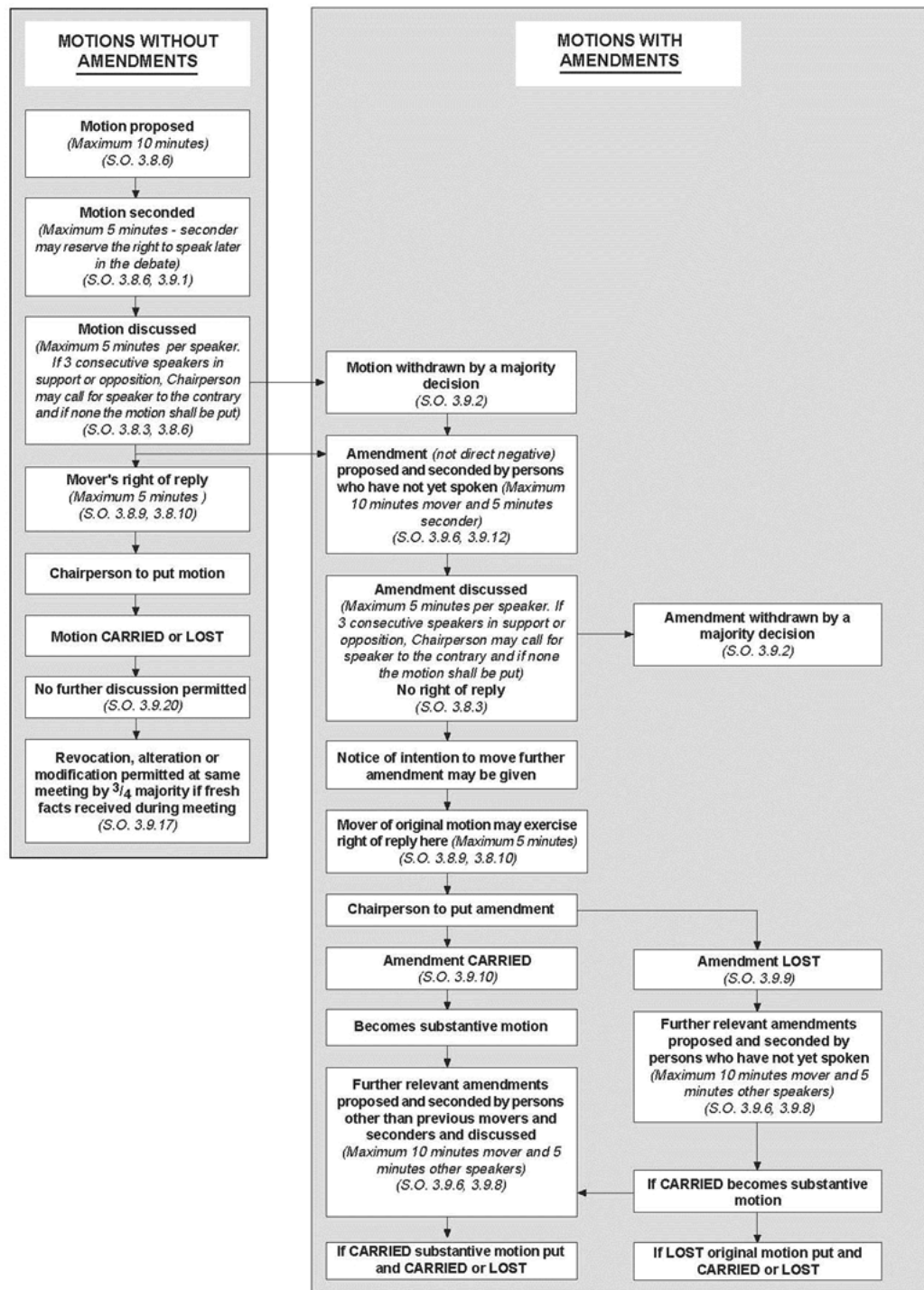
(See Standing Orders 3.3.14 and 3.3.15)

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



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 10 Attachment A

Elected Members Code of Conduct

Record No: R/17/4/7357
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To present to the Community Development Area Subcommittee (CDA) with 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 CDAs 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 2016 to ensure that it reflects today's expectations for a local authority Code of Conduct.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) Receives the report titled “Elected Members Code of Conduct” dated 5 April 2017.
- 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.

Schedule of Meetings for 2017

Record No: R/17/4/7358
Author: Rose Knowles, Committee Advisor/Customer Support Partner
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 Lumsden Community Development Area Subcommittee (CDA) is required to be set for 2017.
- 4 Southland District Council approved the Terms of Reference for the Community Development Area Subcommittees at its meeting on 26 October 2016. In the approved terms of reference was the frequency of meetings was noted as being the same as the 2014/2017 triennium.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Schedule of Meetings for 2017” dated 4 April 2017.**
- 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 the Southland District Council Office, 18 Diana St, Lumsden at 6pm on the following dates in 2017:**
 - **Monday, 12 June 2017**
 - **Monday, 14 August 2017**
 - **Monday, 9 October 2017**
 - **Monday, 4 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 Lumsden Community Development Area Subcommittee 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 significant in terms of the Council Significance and Engagement Policy.

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.

Community Liaison Persons

Record No: R/17/4/7414
Author: Rose Knowles, Committee Advisor/Customer Support Partner
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose of Report

- 1 The purpose of the report is to appoint Lumsden Community Development Area Board members as liaison persons to numerous entities in the Lumsden community.
- 2 One of the main liaison positions that needs to be appointed is the Community Housing liaison person. A copy of the Community Housing Policy is attached to the report. Section 6 of this policy contains a description of the role that the liaison person is expected to undertake on behalf of the Board.
- 3 There are also numerous other entities/organisations that the Subcommittee have previously appointed members to as a liaison/point of contact. These are as follows – Works & Cemetery, Memorial Hall, Information Centre, N S Development Fund Allocation, and N S Development Charitable Trust.
- 4 The Board may choose to appoint members to all of the positions or not. At each Community Development Area Subcommittee meeting there is an opportunity for Board members to update the Board on happenings with the entity that they have been tasked with as the liaison person.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Community Liaison Persons” dated 4 April 2017.**
- b) **Agrees to appoint a Board member as the Community Housing liaison person for Lumsden for the 2016/2019 triennium.**
- c) **Agrees to appoint Board members for the 2016/2019 triennium as liaison persons for the following:**
 - **Works & Cemetery**
 - **Memorial Hall**
 - **Information Centre**
 - **Northern Southland Development Fund Allocation**
 - **Northern Southland Development Charitable Trust**

Attachments

- A Community Housing Policy [↓](#)

POLICY: **COMMUNITY HOUSING**

GROUP RESPONSIBLE: Asset Management

DATE APPROVED: 27/5/93

DATE AMENDED: 30/6/94, 23/4/98, 1/3/01

FILE NO: 20/2/2/1, 340/20/3/4

POLICY DETAIL:

1. GENERAL POLICY

That the Southland District Council will provide Community Housing within the District which will enable residents to remain living in their local community. The units to be provided will only be those in existence as at 1 March 2001.

2. FUNDING

- (a) Community Housing is to be self-funding with no rates input to cover any operational costs. All corporate overhead charges are to be recovered from 1 July 2004.
- (b) Council has a non-replacement policy of units therefore building depreciation will not be required to be funded from rentals.
- (c) Replacement costs of chattels supplied by Council is required to be funded from rentals charged.

3. RENTAL REVIEWS

Council shall review the rentals for all Community Housing properties on an annual basis.

4. ELIGIBILITY

- (a) Units will be let primarily to persons being 60 years of age and older, or to those other persons that are considered to be in need of Community Housing.
- (b) In the event of there being more than one person to be considered for placement, it shall be the responsibility of the local Allocation Committee to decide on order of priority.

- (c) Where a unit has been vacant for two months and there is no known demand from those priority persons, then the unit may be let to any person by the Property Manager, provided that:

- The person is considered appropriate to be placed in Community Housing environment.
- The local liaison person is consulted on the prospective tenant.
- The rental shall be no less than \$5 per week more than is charged for the unit.

5. **LOCAL ALLOCATION COMMITTEE**

Where the letting of a unit requires a decision as to the order of priority, the local Allocation Committee shall consist of the following:-

- The liaison person, as appointed by the local Community Board or the Community Development Area Subcommittee.
- A member of Southland District Council staff, as appointed by the Property Manager.
- The local doctor/health nurse or Councillor, as the case may require.

6. **LOCAL LIAISON PERSONS**

- (a) Each community shall provide a Liaison Person who is a member of or appointed by the Community Board or Community Development Area Subcommittee.
- (b) The role of the Liaison Person shall be:
- To link Council and the tenants by being the first point of contact.
 - To receive any requests for repairs and maintenance and pass onto the Property Maintenance Supervisor.
 - To authorise any maintenance work up to a value of \$250, provided that such work be of an emergency nature only.

7. **PROVISION OF WHITEWARE**

- (a) All new tenancies from 1 March 2001 shall be subject to a condition that Council will only be obliged to supply an electric range (and in some cases a washing machine where other laundry facilities are not provided in the unit). Where other whiteware exists in a unit at the date of tenanting these will not be replaced when they reach the end of their functional life as determined by the Property Manager.
- (b) Tenancies in existence at 1 March 2001 shall remain on the same terms and conditions.

8. DISPOSAL OF UNITS

- (a) When units reach the end of their functional life they will not be replaced or rebuilt. If a unit is damaged or destroyed by artificial means ie fire or earthquake, etc, and it is able to be replaced or repaired by insurance payment, then any decision shall be made by Council after consulting the local community.
- (b) Where any block of units has under a 50% occupancy rate for a continuous three month period, and there is no known interest to tenant the vacant units, the whole block shall be considered for disposal. Council will examine the possibilities of placing the unit for disposal after consulting the local community.
- (c) Any relocatable unit not situated as part of a Community Housing block shall be disposed of to the tenant; or any other person when the unit becomes vacant.

9. LOCAL SUBSIDY

Local communities may decide whether to subsidise rentals or pay for any additional facilities or services provided at their local housing units.

10. GARDENING AND PLANTING

- (a) Council will only provide gardening and plantings of a general nature at each block of flats.
- (b) Tenants may have a garden adjacent to their unit with costs for the development and maintenance being met by the tenant.
- (c) In the event of a garden being no longer required or not being maintained to a reasonable standard, the Council will reinstate the area to grass.

Council Report

Record No: R/17/3/6878
Author: Kelly Tagg, Community Partnership Leader
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Chief Executive

Fresh Water Management

- 1 In mid-February Government announced a number of initiatives aimed at improving the quality of fresh water. The 'headline' announcement was the setting of a target to make 90% of NZ's rivers and lakes swimmable by 2040 which is seen as being a challenging national objective.
- 2 The package of announcements made included:
 - Proposed amendments to the National Policy Statement on Freshwater Management to require that specific requirements be included in the relevant resource management plans to manage nitrogen and phosphorous, monitor macroinvertebrate to monitor ecological health of waterways and generally strengthen the requirements to monitor and improve water quality
 - The release of 'swimmability maps' for each region in New Zealand which compare water quality between regions
 - The establishment of a \$100 million Freshwater Improvement Fund to assist projects aimed at improving water quality
 - The promotion of national regulations to exclude stock from waterways. On rolling and steep land the requirement will apply where the waterway is over 1 metre wide. The regulations will progressively come into effect from now until 2030.
- 3 Local authorities are required to give effect to the provisions included in a National Policy Statement. As a result it can be expected that the Land and Water Plan being promoted by Environment Southland will be amended to take account of these new requirements once they are formally confirmed.
- 4 It can be expected that there will be further amendments made to the way in which water is managed in the future. It is seen, for example, that there is a need to create a more integrated approach to the development of water policy across both central and local government so that policy related to water management standards, allocation rules, land use, the development of three waters infrastructure and the funding of such is developed within a coherent framework.
- 5 The amendments will have an impact on this Council as an infrastructure provider where there will be an expectation that we will continue to 'raise the bar' in terms of the standard of our discharges and the way in which we utilise drinking water etc.

LGNZ Excellence Programme

- 6 As part of a broader programme of work designed to lift the performance and reputation of the sector as a whole LGNZ launched, last year, the Local Government Excellence Programme.

- 7 The programme provides for an independent assessment of participating Councils by an independent panel. While the assessment is performed against a limited number of metrics it is still a valuable tool for identifying opportunities for improvement.
- 8 The results for the first of the Foundation Councils to have participated in the programme are expected to be released in the near future. Officers are of the view that this Council should also choose to participate in the programme at an appropriate time. Consideration will be given to the timing of when this should be.

Around the Mountain Cycle Trail (ATMCT)

- 9 Work is continuing to look at the options that Council has in relation to how it might progress development of the ATMCT following release of the Environment Court decision to overturn the resource consent for the proposed upper Oreti section of the trail.
- 10 While Council has appealed the Environment Court decision it is appropriate that Council complete a wider review of its options in light of that decision and the current status of the project more generally. As part of the current review process there are a range of factors that need to be considered. These include:
- The current stage of development and the reasons for Council originally becoming involved in developing the trail
 - The range of community views that exist on how Council should move from here
 - The contractual commitments that Council has with other funders including the Crown. In this regard it is noted that Council has a contractual commitment to complete stages 1 and 2 of the Trail
 - The costs and benefits associated with each of the different options
 - The risks associated with each option.
- 11 Officers are currently drafting a report that outlines the options that exist and the factors that Council needs to consider in making a decision about it might move forward from here. It is expected that this report will be presented to Council in the near future.

Southland Regional Development Strategy (SoRDS)

- 12 A meeting of Councillors from the four Southland Councils was held in Gore recently to discuss options for the future model for the delivery of Regional Development services, including SoRDS. There was good representation from all councillors at the meeting with more than 40+ in attendance.
- 13 As was highlighted through the SoRDS strategy development work there is a need for a new model for all Regional Development activity to be put in place if Southland is to compete on the national, let alone international stage.
- 14 It is proposed that a new entity, which will include stakeholders/shareholders from across sectors i.e. local government, central government, iwi, community and business, will be formed. The entity will be majority owned by the four local authorities, given that they will continue to be the major funders and as such, the entity will be a Council Controlled Organisation (CCO) most likely operating under a company structure. The current Venture Southland operations will be merged into the new entity.
- 15 During the Mayoral Forum discussions there has also been considerable emphasis placed on the need to have a purely skills based Board managing any new Agency and also ensure that a separate strategic tourism entity is created. The need to make a significant lift in the way in which the Region approaches the development of Tourism was one of the key recommendations coming out of the SoRDS Action Team for this area.

- 16 There will be a need to go through a community consultation process before the new entity can be legally formed as a CCO. It is envisaged that the community consultation process will be done via a joint committee made up of Councillors from all four Councils. To move forward from here the Mayoral Forum is having further work done to refine the proposal before it is formally presented to the four individual Councils and other community organisations for formal consideration.

Aquaculture opportunities

- 17 A new ecological survey is set to get under way early April to investigate the environmental and commercial feasibility of salmon farming at a site on Stewart Island. SoRDS has identified aquaculture, particularly salmon farming, in the Southland Regional Development Strategy Action Plan, as a leading opportunity to create economic diversity and boost regional economic and social development.
- 18 Scientists from the Nelson-based Cawthron Institute will carry out fieldwork including detailed seabed surveys in the north arm of Port Pegasus in an effort to understand whether the area is suitable for aquaculture.

Urban Development Authorities

- 19 To facilitate faster development within urban areas the Government is currently giving consideration to passing legislation that would allow for the creation of Urban Development Authorities.
- 20 The legislation would allow nationally or locally significant urban development projects to access more enabling development powers and land use rules. The new urban development authorities could have, for example, the power to assemble parcels of land, develop site specific plans, reconfigure infrastructure and to construct a mix of public and private buildings within the defined development area.
- 21 While the proposal is largely of relevance to cities and major urban areas it is part of the wider resource management package that Government is looking at to make development more enabling.

Information Management

Digitisation Project

- 22 Work is continuing on the Property File Digitisation project which has seen almost two thirds of the paper volume previously held at Council shipped for processing.

GIS Web Tool

- 23 Council has also changed the GIS tool used by the public to access property data. This has been received positively from the main users of the tool. The tool will be updated in June which will provide additional functionality enabling users to interact with the data/images/maps more easily.

Environmental Services Group

Freedom Camping – Lumsden

- 24 As members will no doubt be well aware, the designated freedom camping area in Lumsden has been very well used over the 2016/17 summer period with 50 plus vehicles there many nights. Members may also be aware that freedom camping has also been occurring on the

grassed area outside (south of) the designated area, thereby technically in breach of the bylaw.

- 25 In December 2016, a workshop was held with the CDA on freedom camping. Following this a newsletter was prepared and circulated to the Lumsden community, which outlined the state of play with freedom camping at that time.
- 26 This newsletter signalled that a further CDA review workshop would occur at the end of the 16/17 season; and that if this then resulted in changes being requested to the current Freedom Camping Bylaw 2015 and associated designated Lumsden freedom camping area, then a proposed change to the Bylaw would then be prepared and formal public consultation would occur on any such proposed change. It is suggested that it would be timely to schedule a date for this workshop discussion.
- 27 While there has been considerable positive comment on the impacts of freedom camping in the Lumsden area, there are also ongoing strong concerns being expressed. A proposed bylaw amendment consultation process would give any party the opportunity to express their view on this issue. A particular point to discuss could be whether the CDA continues to wish to provide for non-self-contained vehicles and tents on the area south of the railway station, as the visual/ amenity aspects of this have been one of the key concerns expressed to staff. It is noted that many councils have recently opted to take a firmer stance on freedom camping generally over the 2016/17 summer, particularly in relation to non-self-contained vehicles and tents.

Service Delivery Review

- 28 Under the Local Govt Act all local authorities are required to complete Service Delivery Reviews for all activities that they undertake. These reviews are intended to provide an assessment of what might constitute the most efficient way of delivering each activity or service provided by the local authority. The Council's Section 17A Local Government Act Service Delivery Review for Regulatory and Environmental Services was presented to the first meeting of the Regulatory and Consents Committee on 23rd February 2017, by Alicia McKay the external local government and business practice consultant who provided inputs into this process.
- 29 Generally the review found that key statutory functions were being well delivered, but there were opportunities for improvement in on-line delivery, further collaboration with other Councils, possible further outsourcing, and greater competition in some procurement methods. This was a very useful continuous improvement process, and an action plan around recommendations will be developed and brought forward to the Committee in the future.

Building Control

- 30 The audit team from IANZ was at Council from 27 February to 1 March for the Council's 2-yearly Building Control reaccreditation audit. The auditors have recommended that Council be reaccredited, with 1 Corrective Action Required (CAR) and 7 strong recommendations. This is a positive outcome for Michael Marron Team Leader of Building Solutions and the Building Control team. The auditors commented positively on the technical knowledge within the team, the general robustness of processes, and the cooperative approach from staff to the audit process.
- 31 The CAR related essentially to the processes followed in three of the sample commercial consents audited. The auditors commented that the staff involved were technically competent, but the material submitted with the applications was not as robust as it should have been and should not have been approved on that basis. They have requested an action

plan from Council as to how we will address this issue moving forward to avoid a reoccurrence, and this will be formulated and forwarded back to IANZ within their specified two month timeframe, hopefully considerably sooner.

- 32 Most of the strong recommendations were in the area of document and process control and these were not issues with regard to approval of substandard work. These will also be talked through in the team and an action plan formulated to address these strong recommendations.
- 33 The value of consents continue to track behind that of last year which can be attributed to the overall down turn in the economy. The value of farm buildings is up dramatically this can be attributed to the new dairy hub being constructed in the District. Average cost of a residence has increased from \$946 to \$1315 or .39%. This highlights the additional complexity in the builds. If the consented work is to be carried out in the next 12 months it will equate to about 240 inspections.

Resource Management

- 34 An application for resource consents for the proposed Rakiura Heritage Centre has been received on 1 March for a site in central Oban. This application is currently on hold, awaiting further information. It will be limited notified to property owners in close proximity to the site, who are likely to be affected by the development. A notification date is yet to be set, and accordingly a decision on this application is still some time away.
- 35 As recently reported in the Southland Times, an application to alter the designation for State Highway 1 in the Edendale area is pending and expected to be received by mid- March. This will then proceed through the formal processing and decisionmaking path as outlined in the Resource Management Act 1991.

Animal Control

- 36 The Council's Annual Dog Control report, a legal requirement of the Dog Control Act 1996, was considered and approved by the Regulatory and Consents Committee on 23 February 2017 and has been forwarded to the Department of Internal Affairs .
- 37 Council has entered into contractual arrangements with ADT Armourguard and the Invercargill City Council which will assist in providing better overall coverage for Animal Control functions throughout the District, by supplementing Council's in-house team as required. Those agencies' staff have been suitably warranted by Council and given appropriate training in our processes. Another advantage of these arrangements is that it mitigates some key health and safety risks in a series of functions which are some of the Council's higher risk areas.

Environmental Health/Alcohol Licensing

- 38 A key focus in the Alcohol Licensing area currently is clearing a backlog of existing premises renewals by 1 July 2017. This work was progressing pre-Christmas but was delayed somewhat by a raft of special license applications for pre-Christmas and post-Christmas events.
- 39 There is also a strong focus on transferring on-licensees to the new Food Act 2014 regime by 31 March 2017; they are in the first group of businesses that have to transition. The majority have transferred, and the team are following up with the small number remaining.

Heritage

- 40 Johanna Massey, Roving Museum Officer, presented to the Regulatory and Consents Committee on 23rd February 2017 on the Waikaia Museum redevelopment. Work on this

exciting heritage project is continuing at the time of writing, the stone cladding was being applied to the exterior of the building.

Community & Futures

Community Partnership

- 41 Consultant Sandra James from Christchurch has been contracted to undertake the Stewart Island Wharves Community and Stakeholder engagement. Sandra has significant experience in Local Authority and community-led engagement and will have her first visit to the Island on 22 March to speak with a few key stakeholders. This will help Sandra determine the engagement process, and the way in which the Islanders are best to be consulted. While on the Island Sandra will have a tour by road, and then by water taxi to see the wharves first hand. Following this initial visit, Sandra will return to the Island and Invercargill in the weeks following to facilitate the community and stakeholder engagement process. We anticipate this will be completed by early-mid May.
- 42 Information has been sent to approximately 1,300 ratepayers and residents in the Edendale/Wyndham Community Board area that provides an update on Council services and facilities. The update includes information on the old Area office, Wyndham Hall, and the Museum Building.
- 43 Feedback is being sought from the Te Anau community regarding how they would like to see Te Anau be "even better". The project will be completed by October 2017 in order to feed into the Long Term Plan.
- 44 Investigations into the Smith's Block on Sinclair Road as a suitable solution to the disposal of treated wastewater from Te Anau have now ceased. Due to circumstances out of Council's and Fiordland Sewerage Options' control, the Smith block on Sinclair Road is no longer a viable option. A report will go to Council in May on what the next steps for this project will be.

Council Strategic Workshop

- 45 Council hosted a Strategic Workshop from 1-3 February 2017 at which Councillors and officers worked through various strategic issues and opportunities facing the District. The format of the workshop involved staff facilitating a variety of sessions in which Councillors were provided with opportunities to consider various scenarios and offer their future aspirations for the district and Council.
- 46 There were some common themes which emerged throughout the discussions and these will be captured to assist with the development of the Council's LTP 2018-2028 – specifically related to Councils, Vision, Mission and Strategic Objectives. A summary of the Workshop discussions is currently being collated and prepared to provide an overview of the workshop. The key themes from the workshop have been well utilised by officers in discussions with local community boards, CDA election meetings and other community organisations.

CDA Election Process

- 47 The month of March saw Council facilitating the CDA Subcommittee election process – with 19 election meetings to be held from 1 March to 25 March 2017. The Mayor, Deputy Mayor, local Councillors and officers attend and lead the election meetings.
- 48 The meetings also provided an opportunity for public feedback and conversations relating to local and district wide issues. The election process is based on the SDC Community Development Area Subcommittee Terms of Reference as approved by Council in October

2016. As part of the Terms of Reference there is clearly defined candidate, nominator and voting eligibility criteria for these Council Subcommittees. Whilst this has created some concerns in some areas it has provided a consistent approach for the process. It has also informed and identified wider issues and opportunities related to future community governance options which will be considered as part of the Community Governance Review and Representation Review to be completed in 2018.

Community Governance Project and Representation Review

- 49 Further work continues to investigate opportunities for the development of Council's Community Governance Structure for 2019 and beyond.
- 50 The work undertaken involves in the next 12 months the need for explicit community engagement and involvement in understanding the future focus and structures required to achieve this. The outputs from this phase of the project will inform the representation review process which is to be undertaken in 2018.

Corporate Performance Framework

- 51 An effective Corporate Performance Framework is fundamental for Council in support of effective planning, delivery, reporting, evaluating and creating accountabilities for organisational performance.
- 52 This project will support and inform the design and implementation of business improvement processes and core systems to drive accountabilities and the monitoring of performance against objectives. It has been identified that there is a significant amount of work required to be undertaken over a period of time to develop and implement an effective Corporate Performance Framework for Council. A report will be presented to the Community and Policy Committee in due course explaining in greater detail the scope of this project and key milestones required.

Risk Management

- 53 Work in the risk management area is a 'work in progress' and will require a priority focus over the next three years. The journey will involve revising and refining the development of a risk policy and framework; development of a top down risk profile; integration into the Finance and Audit Committee work programme; alignment with strategy; articulating the risk appetite; rationalising the risk register; undertaking monitoring; and development of a risk based internal audit programme.

Venture Southland - Community Development

- 54 Amy Bird has been appointed as the new Community Development Team leader at Venture Southland. Amy has considerable experience working with local government and communities in rural Queensland, Australia.
- 55 At the request of Council, Venture Southland and subcontractors, Impact Consulting, have undertaken a Stewart Island/Rakiura Community Facilities project – to include an assessment of current facility provision and the future facility provision requirements of public community facilities for Stewart Island/Rakiura. The final report was submitted to SDC on 24 March 2017, and following a report to the Council's Executive Leadership Team will be available for the Board and wider community to view. This is expected to be no later than early-mid May 2017.
- 56 Northern Southland Community Development Planner, Steve Watson, is leaving Venture Southland in April, Amy Bird will be interim contact for the Northern Southland area until the role is filled.

Attracting and Retaining a Skilled Workforce Update:

- 57 In May 2016 Dairy Herd Manager and Assistant Herd Manager positions were removed from Immigration New Zealand's skill shortage list, in addition in October the qualifying points threshold required for each migrant worker was lifted from 140 to 160.
- 58 Lifting the points threshold means that less workers qualify and for many they no longer have a pathway to residency. Removing the roles from the skill shortage list adds significantly to the application timeframe and undermines future job certainty.
- 59 Venture Southland alongside DairyNZ and Primary ITO conducted a survey of migrants to get their thoughts on the impact on them and their families of the changes. The survey closed on the 31st of March and the responses are now being analysed and will be used as an evidence base for advocacy to retain the migrant worker skills in the region and to establish a more balanced approach to skills shortages.

People and Capability

- 60 In February 2017, Council contracted Simpson Grierson to undertake a Health and Safety Gap Analysis. The gap analysis included a review of Council's Health and Safety Management System, discussions with key operational leaders and visits to operational locations and discussions with workers and key contractors. The result of the Gap Analysis is a written report, which is due early March 2017. The report will cover findings and include recommendations.
- 61 Clare Sullivan has been appointed as the new Governance and Democracy Team Manager and joined Council in early April. She comes from a strong background of governance with Councils in Wellington and Christchurch. Clare will lead the team of Committee Advisors.
- 62 Another group of Leaders at Southland District Council are undertaking the Accelerated Leadership Programme. This is the third cohort of leaders at Southland District Council to undertake this programme. The five month programme, developed by SOLGM, is a highly interactive and practical programme that is designed to allow participants, over five workshops, to increase their leadership capacity.

Customer Support

- 63 The Winton Library has seen a decline over the last year in people utilising our late night service. After reviewing the numbers of people using the services on the late nights, we have established there is less need for the evenings and more need for a longer Saturday. After consultation with Councillors, Staff and the Community Board, we will be moving to Monday – Friday 8:30am - 5pm and Saturday 10am – 3pm. This will begin from 3rd April 2017.
- 64 In Nightcaps we are consulting with active borrowers and the Takitimu Primary School regarding the current library service given the low usage of the service we currently provide. Our aim to provide a sustainable service that meets the demand for the residents at Nightcaps. A number of options will be explored including a regular Book Bus service or books couriered to customers. A meeting with impacted borrowers and representatives from the school has been held and from here we will look at potential solutions for the community.
- 65 From 1 January 2017 until 24 March 2017, 17 requests for service were logged with Council for the Lumsden area. The request types ranged from wandering dog and other animal complaints, roading issues, roading, wheelie bin, fire permits and noise complaints.

Vince Boyle Heritage Collection

- 66 The Boyle Family of Winton very generously donated a selection of works, and uncompleted manuscripts, by the late Vince Boyle to the Winton Library and their wish is that these be made available for members of the public to use. With the help of a grant from the Southland Heritage Fund a cabinet and comfortable seating was purchased and a “living room” space has been set up in the Library for all users to enjoy.
- 67 Vince was a long time library user, a local historian, teacher, reporter and raconteur who was well known and respected in the area and whose writings meticulously record many local events.
- 68 The collection was officially handed over to the community at an afternoon tea in March, with a number of the Boyle Family present, and is now available for all users to peruse.

Services and Assets Group

Te Anau Manapouri Aerodrome Usage

- 69 The final aircraft movement statistics have come in for 2016. Data has been collected for all aircraft movements from 2009. There has been a 74% increase in the number of flights over the period up until the end of 2016. The peak year for movements was 2012 with 1,211 aircraft landings. Following this period a moderate decline occurred with 945 occurring in 2014. A steady recovery has occurred following the 2014 dip to 1,063 at the end of 2016. A steady increase in large aircraft movements has attributed to dedicated services for the Tauck Tours, aircraft reliability and the increased reliability of the approach system into the airport.

Land and Water Plan Implementation

- 70 Under the National Policy Statement for Freshwater Management (NPS-FM) water quality and quantity are to be maintained and improved, and any over allocation to be phased out over time. Environment Southland (ES) is required to set environmental limits by 2025, with all “communities” required to meet those limits in due course. They are progressing this work via their proposed Water and Land Plan.
- 71 To assist with addressing the impacts of these changes on local authority infrastructure ES have formed a 3 Waters officer working group. The objectives of the Group are to work through the implications of the new freshwater standards, develop an agreed approach to the re-consenting of local authority infrastructure and ensure that the organisational objectives are aligned.

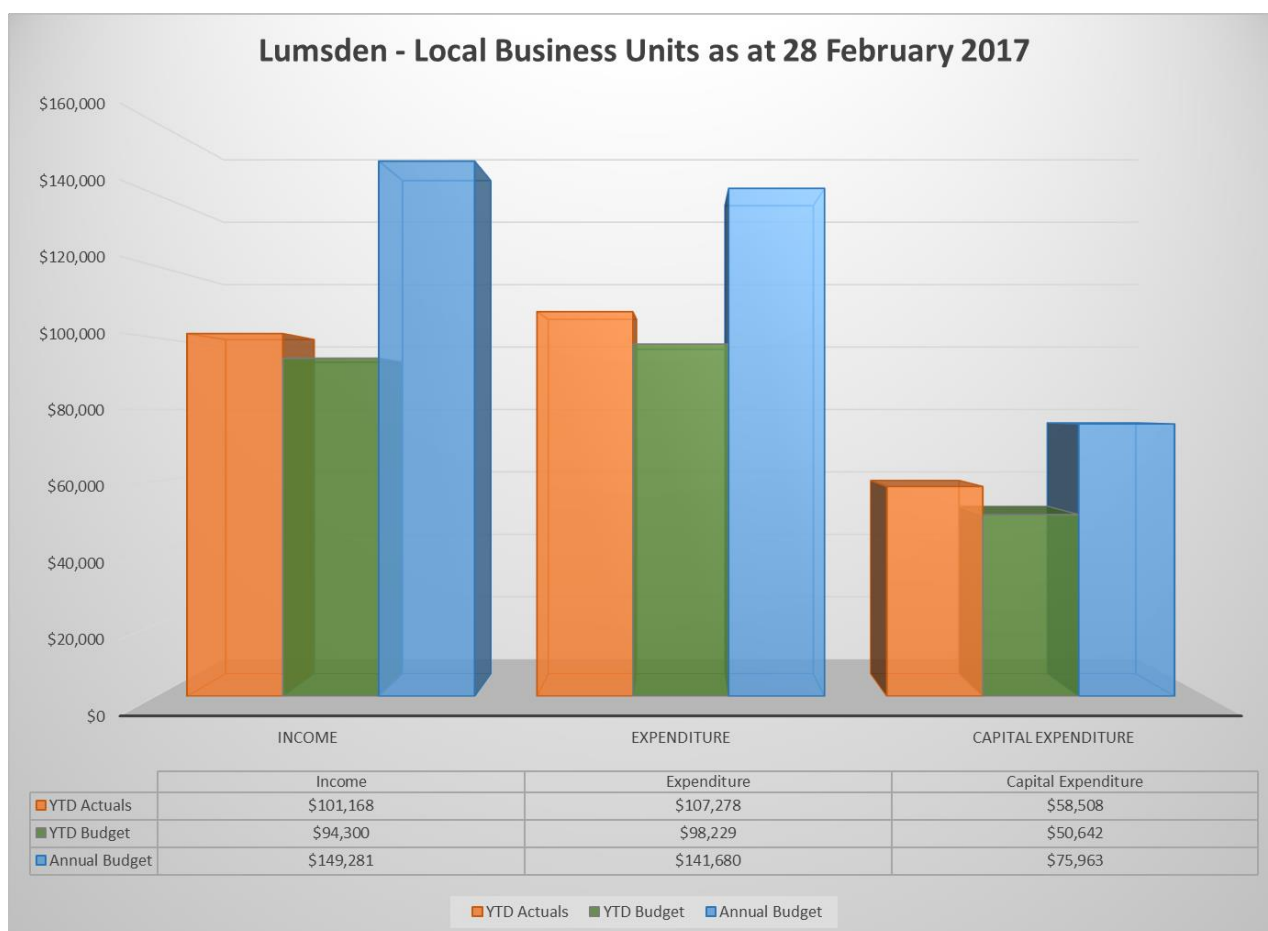
Community Engineer

- 72 As the CDA is aware, the project at the cemetery to carry out some drainage work and install kerb and channel has been completed and came in slightly under budget at \$42,927 on a budget of \$46,000. The CDA is requested to consider if they wish to use the balance of funds to tidy up the hawthorne hedge and remove the gorse from the boundary fence at the cemetery.
- 73 The Community Engineer advises his main focus since the CDAs last meeting has been around securing quotes for the Ministry of Business, Innovation and Employment (MBIE) mid-sized tourism infrastructure fund application for the potential upgrade of the Lumsden Railway Precinct. At the time of writing this report the application has been placed on hold but the work to gather the quotes will continue so that the application can be revived and updated for the next funding round.

- 74 The Subcommittee is also advised that a free trial of “claycrete” has commenced at the Railway Precinct. The claycrete acts as a dust suppressant and stabiliser which should eliminate the need to waterblast the railway station in the future and cut down some of the dust issues for adjacent property owners.

Finance

- 75 Year to date income remains slightly ahead of budget year to date due to the increase in hall hire income and a grant of \$3,000 from Meridian Energy for the upgrade of the Lumsden Hall. Interment income is also ahead of budget year to date.
- 76 Overall year to date expenditure is sitting at \$107,278 on a budget of \$98,229 or \$9,000 over budget year to date. This can be explained as follows;
- Refuse collection – spent \$19,007 year to date, annual budget is \$16,500. This increase is due to extra refuse collections over the holiday period. The Engineer recommends reviewing this annual budget going forward.
 - Cemetery Lumsden – spent \$12,046 year to date, annual budget of \$11,175. This overspend is due to part to higher than anticipated interments and additional mowing costs.
 - Beautification Lumsden – spent \$34,955 year to date, annual budget is \$42,701. An accrual of \$8,900 which was processed in February and reversed in March (but still detailed in the table below) was identified.
 - Playground Lumsden – spent \$5,566 year to date, annual budget is \$3452. This relates to the installation costs for the playground which will be transferred to the capital expenditure business unit for the purchase of the playground.



Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Council Report” dated 5 April 2017.**

Attachments

There are no attachments for this report.

Recently Adopted Policies

Record No: R/17/3/4049
Author: Robyn Rout, Policy Analyst
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☐ Recommendation ☒ Information

Purpose

1. This report notifies the Subcommittee of policies that have recently been adopted by Council. Copies of the policies are included as attachments to this document, for the Subcommittee's information.

New Policies

2. The Subcommittee may be aware that Council has been reviewing and developing a number of policies. The following policies came into effect when they were adopted at a Council meeting on the 23rd of February:
 - **The Easter Sunday Shop Trading Policy** – this is a new Policy that allows all shops in the District to trade on Easter Sunday.
 - **The Stewart Island/Rakiura Visitor Levy Policy** – this Policy gives guidance on the governance and administration of the Levy. The Policy has been updated to bring it into alignment with current roles within Council, and so it aligns with recently adopted terms of reference and delegations. A more comprehensive review of the Stewart Island/Rakiura Levy is scheduled to be completed next year.
3. **The Remission and Postponement of Rates on Maori Freehold Land Policy** was also adopted at the meeting on the 23rd of February, and will come into effect on the 1st of July. This Policy allows rates to be remitted on Māori Freehold Land when the land meets the criteria outlined in the Policy. The Policy has been updated to bring it into alignment with current roles within Council, and some minor matters have been clarified.
4. If any further information about the policies is needed, please contact the Strategy and Policy team.

Recommendation

That the Lumsden Community Development Area Subcommittee:

- a) **Receives the report titled “Recently Adopted Policies” dated 5 April 2017.**
- b) **Notes that the Council has recently adopted three new policies, two of which came into effect on the 23rd of February 2017.**

Attachments

- A Easter Sunday Shop Trading Policy [↓](#)
- B Stewart Island/Rakiura Visitor Levy Policy [↓](#)
- C Remission and Postponement of Rates on Maori Freehold Land Policy [↓](#)

SOUTHLAND DISTRICT COUNCIL EASTER SUNDAY SHOP TRADING POLICY

This policy applies to: the Southland District

DOCUMENT CONTROL

Policy owner: Group Manager Environmental Services	TRIM reference number: R/2016/10/17248	Effective date: 23 February 2017
Approved by: Council	Date approved: 23 February 2017	Next review date: 2022

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EASTER SUNDAY SHOP TRADING POLICY**1. PURPOSE**

The purpose of this policy is to allow all shops in the Southland District to open on Easter Sunday. This policy will:

- promote ease of business;
- recognise the needs of the retail and tourism sectors;
- apply a consistent and simple approach to Easter Sunday shop trading.

2. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Shop	Is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include - (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.
Employer	Has the same meaning as in Section 5 of the Employment Relations Act 2000
Shop Employee	Means an employee within the meaning of Section 6 of the Employment Relations Act 2000 who works in or from a shop.
Southland District	Is the area depicted in Appendix 1.

3 BACKGROUND

In 2016 the Shop Trading Hours Act 1990 (the Act) was amended, allowing councils to introduce a policy letting shops trade on Easter Sunday.

Council can apply the policy to the whole District, or just to a particular region or regions. A policy cannot define specific opening hours, what types of shops may open, or for what purposes a shop may open.

4. POLICY DETAILS

4.1 Shop Trading Permitted

This policy allows all shops to trade on Easter Sunday.

4.2 Right to refuse to work

Employers must comply with the provisions relating to a Shop Employees right to refuse to work, as is set out in the Act and in the Employment Relations Act 2000.

Employers and Shop Employees must also give notice in accordance with the time provisions set out in the Act.

4.3 Scope

This Policy applies to the whole of the Southland District. A map outlining the boundaries of the Southland District is included as Appendix 1.

This Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

4.4 Review

This Policy will be reviewed within five years of adoption. The Act requires the use of the Special Consultative Procedure when adopting, reviewing and determining whether to amend, revoke, replace or continue the policy.

5. ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Environmental Services	Providing advice on the content and scope of the policy. Advising on adopting, reviewing, amending, revoking, replacing or continuing the policy.
Strategy and Policy	Adopting, reviewing, amending, revoking, replacing or continuing the policy. Undertaking consultation in accordance with the Special Consultative Procedure.
Communications	Developing a communications strategy and assisting with consultation.

6. ASSOCIATED DOCUMENTS

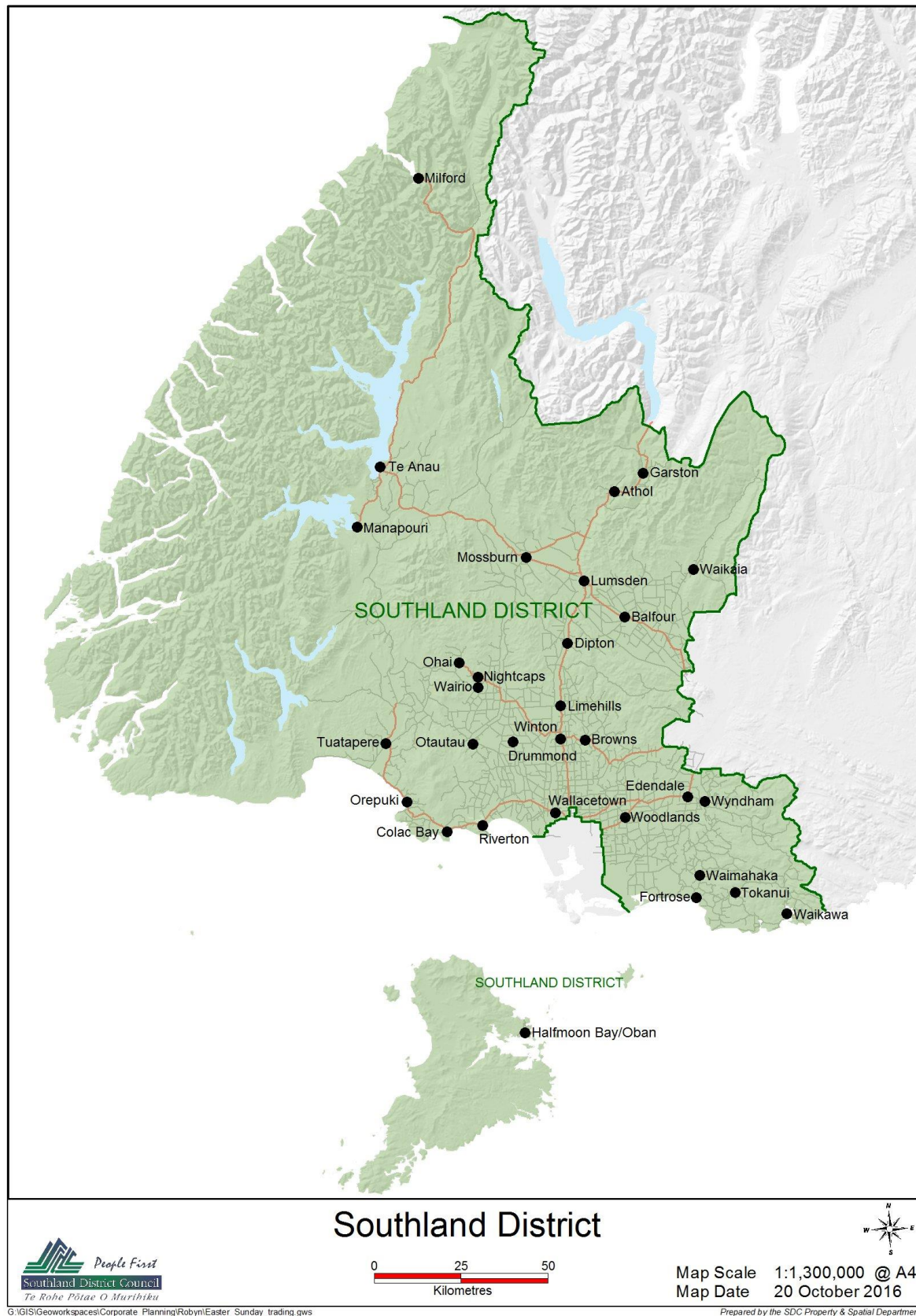
The sale and supply of alcohol on Easter Sunday aligns with the Act. The sale and supply of alcohol is restricted by the Sale and Supply of Alcohol Act 2012.

This policy aligns with the Southland Regional Development Strategy's objective of generating an ease of doing business in Southland.

7. REVISION RECORD

Date	Version	Revision Description
23 February	R/16/10/17248	Policy introduced

APPENDIX 1. Map of the Southland District



POLICY: **STEWART ISLAND/RAKIURA VISITOR LEVY**

ROLE RESPONSIBLE: Activity Manager Community Assistance

DATE APPROVED: 23 February 2017

DATE AMENDED:

FILE NO: R/17/1/1098

1.0 PURPOSE

This policy provides guidance on governance and administration of the Stewart Island/Rakiura Visitor Levy. The policy outlines who is liable to pay the levy as well as how the levy will be collected, administered, allocated and enforced.

2.0 BACKGROUND

Although Stewart Island/Rakiura has a small resident population, it is a destination for a large number of short-term visitors. This creates a unique funding challenge for Southland District Council.

The Southland District Council (Stewart Island/ Rakiura Visitor Levy) Empowering Act 2012 (the Act) was passed into law on 26 March 2012. The Act empowers Southland District Council set and collect levies and obtain revenue from visitors to Stewart Island/ Rakiura. Under the Act, funds must be used to better provide services, facilities, and amenities for Island visitors.

3.0 DEFINITIONS

The Act - the Southland District Council (Stewart Island/ Rakiura Visitor Levy) Empowering Act 2012.

Council - the Southland District Council.

Island - Stewart Island/Rakiura.

Levy - the sum of money (inclusive of GST) collected under Stewart Island/ Rakiura Visitor Levy Bylaw 2012.

Revenue - revenue (inclusive of GST) collected under Stewart Island/ Rakiura Visitor Levy Bylaw 2012, by an approved operator in accordance with contractual arrangements with the Council.

Visitor - any person who travels to the Island and is not exempt from payment of levy or revenue under the Act or the provisions of this policy.

Approved Operator - once an agreement is reached between Southland District Council and a transport vessel operator for the collection and payment of revenue, the operator becomes an Approved Operator. The Approved Operators are Real Journeys on behalf of Stewart Island Experience, Stewart Island Flights and ISS McKay on behalf of the cruise ships.

Agent - a business entity that enters into a contractual arrangement with Southland District Council to collect the Levy from its passengers on behalf of the Council.

Resident - a person recognised as living on the Island for electoral residency purposes under Section 23 of the Local Electoral Act 2001.

Ratepayer - a person who is named on a current rates notice of a rating unit on the Island. Only persons who are named on current rates notices are considered to be ratepayers, regardless of who funds rates payments.

Tenant - a person who has a tenancy agreement for a rating unit on the Island under the provisions of the Residential Tenancies Act 1986.

Dependant - a person primarily under the care and responsibility of another person, living with that person as a member of their family and substantially reliant on that person for financial support.

Activity - has the meaning given in Section 5(1) of the Local Government Act 2002 This includes:

- (a) the provision of facilities and amenities; and
- (b) the making of grants; and
- (c) the performance of regulatory and other governmental functions.

Freedom traveller - a visitor who travels to the Island by means other than as a passenger of an approved operator. This includes chartered vessels and independent travel. It does not include people who travel via the ferry (Stewart Island Experience) or scheduled flight (Stewart Island Flights) or cruise ships.

Rakiura Māori Land Trust - the Rakiura Māori Lands Trust is governed by six Trustees appointed by the Māori Land Court upon recommendation from the beneficial owners. The Rakiura Māori Land Trust holds lands and funds in trust for many Rakiura Māori descendants.

4.0 COLLECTION

The Act provides for the collection of money from two sources:

1. **Revenue** collected on behalf of Southland District Council by Approved Operators; and
2. **Levy** income from visitors arriving as freedom travellers.

Through contractual arrangements, Southland District Council will collect *revenue* from Approved Operators. Approved Operators include Stewart Island Experience (the ferry), Stewart Island Flights (scheduled airline service) and cruise ships. Passengers will pay the Approved Operator in accordance with the terms of carriage ie, the levy will form part of their ticket price.

However, if the person travels via an Approved Operator and pays a local or child fare, the Approved Operator will not charge the levy.

Under the Stewart Island/Rakiura Visitor Levy Bylaw 2012, Southland District Council will collect the *levy*. The *levy* will be collected from freedom travellers, ie those who are visitors under the Act but do not travel as passengers of an Approved Operator. Where a person is a freedom traveller the categories of exemption in Clause 4.1 apply. This means that if a person is not exempt, he or she will have to pay the levy.

The Act exempts people visiting the Island for a continuous period of 21 days. If revenue is collected from such individuals, they can seek a refund from Southland District Council by providing proof they have been on the Island for at least 21 days.

4.1 Who Pays

All individuals travelling to Stewart Island/Rakiura must pay the levy or pay revenue to an Approved Operator unless they are exempt under the Act or pay a local fare.

The Act provides several categories of exemption. These are:

1. Residents, ratepayers and tenants of Stewart Island/Rakiura and their spouses, civil union partners, de facto partners, or dependants;
2. Beneficiaries of the Rakiura Māori Land Trust or individuals who have an ownership interest in a Māori land block on the Island;
3. Visitors who remain on the Island for any continuous period of 21 days or more;
4. Owners of a transport vessel or individuals employed under contract to work on a transport vessel;
5. Individuals whose visit is entirely within the boundaries of the Rakiura National Park;
6. Persons under the age of 18 years on the date of arrival on the Island.

Where the resident or ratepayer exemption applies to a person, the exemption does not automatically apply to the whole family or group. The exemption applies to the ratepayer(s) set out on the rates notice and their spouse, civil union partner, de factor partner or dependant. This does not include visiting adult children or grandchildren (unless they are dependants). Holiday home owners are exempt if they are a ratepayer on the Council's rates notice. However, beneficiaries of family trusts are unlikely to be exempt if they are not designated by name as ratepayers on the Southland District Council rates notice.

The exemption does not apply to visiting trades-people unless the person stays for more than 21 days. Volunteer visitors are also required to pay the levy unless they fall within a category of exemption.

Visiting entirely within the boundaries of the Rakiura National Park means the person visiting does not arrive or leave through the township of Oban.

5.0 CALCULATION

The amount of the levy is set out in the Stewart Island/Rakiura Visitor Levy Bylaw 2012 and is currently set at \$5.00.

In the event an increase in the levy amount is considered, public consultation will occur via the Southland District Council Annual/ Long Term Plan process. If Council decides to increase the levy amount, the increase will not take effect until 1 October in the year following the decision ie, Approved Operators will receive 15 months lead in time before they start collecting the new amount.

5.1 Arrangements with Approved Operators

Approved Operators will collect revenue on behalf of Southland District Council in accordance with contractual arrangements. The contractual arrangements will be negotiated for each Approved Operator taking into account the individual circumstances of each transport business.

Apart from cruise ships, Approved Operators will charge the levy for both inbound and outbound journeys (\$2.50 each way). This allows for passengers who use different modes of transport to travel to and from the Island and allows the levy to be apportioned across the modes of transport on an equitable basis.

5.2 Collection of the Levy from Freedom Travellers

The Stewart Island/Rakiura Visitor Levy Bylaw 2012 outlines levy collection from visitors who travel to the Island via private or chartered transportation ie, freedom travellers. A levy of \$5.00 will be payable when the person arrives on the Island. Southland District Council has provided a collection box to receive payments, placed at the Southland District Council office at 10 Ayr Street, Oban. Freedom travellers can deposit levy payments at this location at any time. Southland District Council will also enter into agreements with an agent(s) operating chartered vessels to collect the levy from passengers on behalf of Southland District Council.

Only one payment is required per person for the duration of their stay on the Island. Travel to neighbouring Islands (excluding the mainland) will not constitute leaving the Island.

6.0 PROOF OF EXEMPTION

Persons exempt under the Act can apply for a Southland District Council photo identification card. Southland District Council photo identification cards will be accepted as proof of exemption by Approved Operators and agents. They will also be accepted by enforcement officers monitoring compliance with the Stewart Island/Rakiura Visitor Levy Bylaw 2012.

A Southland District Council photo identification card will be issued and renewed at no cost to exempt applicants. Renewing a Southland District Council photo identification card will require confirmation of entitlement using documentation as set out in Appendix A. Photographs will also be updated at the time of renewal. It is the responsibility of the card holder to advise the Council of any change in contact details or exemption status.

The card remains the property of Southland District Council. Cards are not transferable and cardholders retain sole responsibility for use of the card issued to them. A replacement fee will apply to lost or damaged cards. This fee will be set out in the Southland District Council Schedule of Fees and Charges.

Agreements between Southland District Council and Approved Operators are reached on an individual basis and may differ. A Southland District Council photo identification card may be required by the Approved Operator at the time of ticket purchase or boarding the vessel for an exemption to be granted.

Each Approved Operator may choose to compile a list of names eligible for local fares. Eligibility for a local fare is a commercial decision made at the discretion of Approved Operators and is not influenced or administered by Southland District Council. Individuals can contact Approved Operators to ascertain whether they maintain such a list and to determine their eligibility for inclusion. Eligibility for local fares may mean that there is no requirement to apply for and carry a photo identification card when travelling.

6.1 Application for Exemption

An application to receive a Southland District Council photo identification card can be made by attending the Southland District Council office located at 15 Forth Street, Invercargill or by sending a completed application form to PO Box 903, Invercargill 9840 accompanied by a colour passport sized photo of each applicant.

Applicants are also required to provide documentation which proves their exemption. Examples of accepted documentation to prove exemption status are set out in Appendix A.

Two categories of card will exist, distinguished from one another by colouring. The first category will cover people with long term exemptions, including ratepayers, residents and beneficiaries of the Rakiura Māori Land Trust. Cards issued to individuals in this category will be valid for a period of up to five years.

A second category of card will be issued to people who have a temporary exemption due to circumstances such as seasonal work or extended temporary stay on the Island. These cards will be valid for a fixed period of time up to six months. To align with seasonal work trends, fixed periods for temporary cards will be from 1 October to 31 March and from 1 April to 30 September each year.

7.0 REFUNDS

People who have been charged the levy but believe that they are exempt under the Act can apply to Southland District Council to receive a refund. Refund applications should state the reason for the claim, along with a copy of supporting documentation as set out in Appendix A.

An application for a refund must be made within six months of the date of travel.

8.0 AUDIT

Southland District Council has the ability to audit the collection and payment of the levy by agents and revenue by Approved Transport Operators. Audit procedures may include a review of visitor numbers against funds received.

9.0 ENFORCEMENT

Part 2 of the Act outlines infringement offences. Any person considered a visitor that has evaded payment or falsely claims that they are not a visitor will be considered to have committed an infringement offence.

An infringement fee is set by way of regulation and will be displayed on signs erected on the Island. Infringement notices can be issued by Southland District Council Enforcement Officers. Enforcement Officers are authorised to request proof of payment or exemption from individuals.

Southland District Council photo identification cards are accepted as proof of exemption. A ticket issued by an approved transport operator, a cruise ship boarding pass or a receipt from the collection box or a levy collection agent will also be accepted as proof of payment.

10.0 ADMINISTRATION

The Stewart Island/Rakiura Visitor Levy Subcommittee (the Subcommittee) has delegated responsibility to make decisions regarding funding from the Stewart Island/Rakiura Visitor Levy Fund. Decisions will be based on the compatibility of applications with allocation criteria and alignment with strategic outcomes determined by the Subcommittee.

The Stewart Island/Rakiura Visitor Levy Subcommittee is a Subcommittee of the Community and Policy Committee and is subject to standard audit procedures. The Community and Policy Committee will be informed of funding decisions via memoranda. Southland District Council's Annual Report will contain an itemised statement of the Stewart Island/ Rakiura Visitor Levy Fund each year.

10.1 Stewart Island/ Rakiura Visitor Levy Subcommittee Membership

The Subcommittee will meet annually to review applications and allocate funding. The Subcommittee will consist of the following members appointed by Council:

- A representative recommended by each of the Approved Operators (three in total).
- One Community Board representative and the Councillor for Stewart Island.
- One independent Councillor who will act as a representative of Southland District Council and be appointed by the Council. The independent Councillor will act as Chair of the Subcommittee.

The Chair of the Subcommittee will have a casting vote, which can only be exercised to resolve an evenly split vote.

10.2 Technical Advisory Group

The Subcommittee will be supported by a Technical Advisory Group (TAG). The TAG will be appointed by Southland District Council to provide strategic insight and technical expertise regarding funding applications. The Technical Advisory Group will provide recommendations to the Subcommittee based on an assessment of the demand for projects, their viability, likely impact and alignment with strategic outcomes.

10.3 Allocation Criteria

Allocations will be made in May of each year. The application process will be administered by Venture Southland. Advertisements will be placed once the fund is open to receive applications and will include the deadline for receipt of applications. Late applications will not be considered.

Only funds that have been received by Southland District Council at the time of advertisement will be allocated.

To be considered for funding, applications must be consistent with Section 6(b) of the Act. Section 6(b) states that revenue and levies collected must be used to fund:

1. Activities used by visitors;
2. Activities on the Island for the benefit of visitors; or
3. To mitigate the adverse effects of visitors on the environment of the Island.

These criteria do not exclude applications for funding in relation to the development or maintenance of existing facilities, services and projects. However, no funds will be allocated retrospectively for projects that have already been completed.

In considering applications, the Subcommittee will give priority to applications for activities or projects that can demonstrate the widest public benefit. Applications that primarily benefit a single or limited number of persons or entities will be given a low priority.

Applications to the Stewart Island/Rakiura Visitor Levy Fund must be made using the appropriate documentation provided by Venture Southland. All applications must include:

- An outline of the project or work requiring funding, including a timeline.
- If the project involves physical works, scale conceptual plans including site plans.
- Any requirement for resource or building consent.
- A business plan for the project including costs and on-going funding requirements, if any.
- Evidence of legal status of the applicant (eg, charitable trust or body corporate).
- An assessment of how the project meets the purposes of the Act and responds to the set strategic outcomes.
- Declarations of interest.

If a Subcommittee member has any connection to an application greater than that of the general public that member should declare an interest in the relevant application, prior to it being considered. In such circumstances, the member affected shall still be entitled to speaking and voting rights, unless the member has a pecuniary interest in the application.

11.0 REVIEW

Southland District Council will review the Stewart Island Rakiura Bylaw and this Policy within 6 years of adoption.

APPENDIX A: DOCUMENTS WHICH CAN BE USED TO CLAIM EXEMPTION OR REFUND

The table below contains a list of documents which will be accepted as proof of exemption from the need to pay the Stewart Island/Rakiura Levy.

These documents will be accepted in relation to 1) applying for a photo identification card and 2) applying for a refund.

Original documentation from both Category A and Category B must be presented concurrently. Southland District Council requires proof of both identity and levy exemption status. A current address will need to be provided to receive notice of renewals and other information.

This is not a comprehensive list and other equivalent documents may be accepted when applying for a Southland District Council photo identification card or applying for levy refund.

At least one photo ID must be produced from Category A The name on the document must be exactly the same as the applicant's name	
<ul style="list-style-type: none"> • Passport (Passports can be accepted up to two years after the expiry date). • Proof of Age Card with photo. • Drivers Licence. • Public Service Employee ID Card bearing a photo. • Education ID Card with photo. • Firearms licence. 	
At least one form of identification from Category B	
Reason for exemption	Example of accepted proof of exemption
<ul style="list-style-type: none"> • <i>Ratepayers.</i> • <i>Tenants.</i> • <i>Residents.</i> 	<p>One or more of the following documents showing name and address on Stewart Island:</p> <ul style="list-style-type: none"> • Notice of rates or VG number verified by Rates Department. Rates Notices must state that the applicant is the owner of the property to which the Rates Notice was sent and the document must be current at the time of the application. • Tenancy Agreement. • Utilities bill. • Insurance Renewal Advice. • Motor Vehicle Registration. • Electoral roll number. • Mortgage documents. • Current Land Titles Office records.
<ul style="list-style-type: none"> • <i>Spouses of a ratepayer or tenant.</i> • <i>Civil union or de facto partner of a ratepayer or tenant.</i> • <i>Dependants of a ratepayer or tenant.</i> 	<ul style="list-style-type: none"> • Application to be made in conjunction with the respective person.
<ul style="list-style-type: none"> • <i>Rakiura Māori Land Trust beneficiaries.</i> 	<ul style="list-style-type: none"> • Southland District Council may be able to check property rights via the www.Maorilandonline.govt.nz website or work with the Rakiura Māori Land Trust to access its database of beneficiaries.
<ul style="list-style-type: none"> • <i>People under the age of 18.</i> 	<ul style="list-style-type: none"> • Passport. • School student concession card. • Birth Certificate.
<ul style="list-style-type: none"> • <i>Owners or those working on transport vessels.</i> 	<ul style="list-style-type: none"> • Employment documentation (eg, payslips, letter from employer).
<ul style="list-style-type: none"> • <i>Visitors whose visit is for 21 days or more.</i> 	<ul style="list-style-type: none"> • Tickets or invoices showing names and dates of arrival and departure. • Receipts for accommodation covering the relevant time period.

SOUTHLAND DISTRICT COUNCIL DRAFT REMISSION AND POSTPONEMENT OF RATES ON MĀORI FREEHOLD LAND

This policy applies to: Council and owners of Māori freehold land

DOCUMENT CONTROL

Policy owner: Community and Futures	TRIM reference number: R/16/8/13717	Effective date: 1/07/2017
Approved by: Council	Date approved: 23 February 2017	Next review date: 1/07/2020

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REMISSION AND POSTPONEMENT OF RATES ON MĀORI FREEHOLD LAND

1. PURPOSE

Southland District Council has developed the Remission and Postponement of Rates on Māori Freehold Land Policy (the Policy) to ensure fair and equitable collection of rates from all sectors of the community. The Policy recognises that certain Māori-owned lands have particular features, ownership structures or other circumstances that make it appropriate to provide rates relief.

The Policy provides the framework for granting remissions and postponements for the payment of rates and penalties on Māori freehold land, as is adopted under Section 102(2)(e) and Section 108 of the Local Government Act (2002).

2. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
LGA	Local Government Act (2002)
LGRA	Local Government (Rating) Act (2002)
Maori freehold land	Land whose beneficial ownership has been determined by the Māori Land Court by freehold order.
Service Rates	Sewerage and water rates, recycling and rubbish bin collection rates
Waahi Tapu	Place sacred to Maori in the traditional, religious, ritual or mythological sense.

3. POLICY DETAILS

3.1 Background

The Southland District Council carries out its rating function in accordance with the requirements of the LGRA and the LGA.

All Māori freehold land in the Southland District is liable for rates in the same manner as if it were general land (as per section 91 LGRA).

Māori Freehold land is defined in the LGRA as land whose beneficial ownership has been determined by a freehold order issued by the Māori Land Court. Only land that is the subject of such an order may qualify for remission or postponement under this policy.

Whether rates are remitted in any individual case will depend on the individual circumstances of each application. Schedule 11 of the LGA identifies the matters which must be taken into account by Council when considering rates relief on Māori freehold land.

When considering the objectives listed below Council must take into account:

- the desirability and importance of the objectives (3.2) to the District; and
- whether remitting the rates would assist attainment of those objectives.

3.2 Objectives

The objectives of rates remission and postponement on Māori freehold land by Council are:

- (a) supporting the use of the land by the owners for traditional purposes;
- (b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands;
- (c) avoiding further alienation of Māori freehold land;
- (d) facilitating any wish of the owners to develop the land for economic use;
- (e) recognising and taking account of the presence of Waahi Tapu that may affect the use of the land for other purposes;
- (f) recognising and taking account the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere);
- (g) recognising and taking account of the importance of the land for community goals relating to:
 - i. the preservation of the natural character of the coastal environment,
 - ii. the protection of outstanding natural features,
 - iii. the protection of significant indigenous vegetation and significant habitats of indigenous fauna;
- (h) recognising the level of community services provided to the land and its occupiers;
- (i) recognising matters related to the physical accessibility of the land.

3.3 Conditions and Criteria for the Postponement and Remission of Rates on Maori Freehold Land

Conditions for the rates to receive rates remission include for defined Maori freehold land to be:

- Maori freehold land as set out in the definitions
- not occupied by a dwelling, out-building or commercial building; and
- not used for economic benefit.

Applications for remission of rates on Māori freehold land must be made in writing, and should include:

- a description of the size, position and current use of the land,
- an indication of the ownership and documentation that shows the land which is subject to the application for rates remission is Māori freehold land,
- outline future plans for the land (if any),
- sources and level of income generated by the land (if any),
- financial accounts if requested,
- outline the reason for the request,
- describe how the application meets any one or more of the objectives listed in 3.2.

Council may grant a remission of up to 100% of all rates, except Service Rates.

3.4 Postponement of Rates

Council does not postpone rates for Māori freehold land; however, it will remit 100% of rates (excluding Service Rates) on application, if the application meets the criteria set out in 3.3.

3.5 Remission of Penalties

Remission on rates penalties on Māori freehold land will be subject to application meeting the criteria set out in 3.3. Each application will be considered on its merits and remission will be granted where it is considered just and equitable to do so.

Where significant arrears exist, penalties may be remitted whilst regular payments are made to reduce the arrears balance.

Decisions on remission of penalties will be made on the same basis as remission of rates, with the delegated authority to remit penalties being given to the Chief Financial Officer, with recommendations from the Finance Manager.

3.6 Remission of Rates

An application for remission of rates must be considered by the Chief Financial Officer.

All rates on Māori freehold land whose owners name or names (or the name of the lessee) appears on the valuation roll (under Section 92 of the LGRA) will be collected in the usual manner of rate collection and follow up.

All rates, rates arrears and penalties on Māori freehold land vested in trustees will be collected from income derived from that land and held by the trustees for the beneficial owners, but limited to the extent of the money derived from the land and held by the trustees on behalf of the beneficial owner or owners (as per Section 93 LGRA).

For Māori freehold land, any person who actually uses the land whether for residing, farming, storage or any other use, whether they have a lease or not, is liable to pay the rates (as per Section 96 LGRA). The rates invoice will be delivered to that person and the rates will be collected in the usual manner. Section 97 of the LGRA provides for the person to be treated as having used the whole of the land for the whole financial year, unless they can establish otherwise.

Rates arrears on Māori freehold land shall be reviewed annually and amounts determined by Council as uncollectible shall be written off (for accounting purposes) on such land.

3.7 Existing decisions on Māori Freehold land

Any decisions made by Council regarding rates remissions on Māori freehold land before 1 July 2017 remain recognised by Council.

3.8 Length of decision

Decisions regarding rates remission on Māori freehold land remain in perpetuity, unless the land becomes occupied or used for economic benefit. In this case, it is expected that the landowners would advise Council of the change in land use. If there is evidence of the use of the land for occupation or economic benefit, Council may request financial statements regarding the property in order to review a decision. Reviews of decisions regarding rates remission for Māori freehold land will be made by the Chief Financial Officer.

4. ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Finance Manager	Receive applications and make recommendations to Chief Financial Officer for remission of rates on Māori freehold land.
	May request financial statements regarding the property if there is evidence that the land is occupied or

	being used for economic benefit.
	May write off rates if the application is accepted
Chief Financial Officer	Accept or decline applications for remission of rates on Māori freehold land. Review applications, if applicable, for remission of rates on Māori freehold land.

5. ASSOCIATED DOCUMENTS

- Local Government Act (2002),
- Local Government (Rating) Act (2002)

6. REVISION RECORD

Date	Version	Revision Description
2016	Remission and Postponement of Rates on Māori Freehold Land	R/16/8/13717 – Long Term Plan 2018-2028
2015	Remission and Postponement of Rates on Māori Freehold Land	R/15/6/10846 – Long Term Plan 2015-2025
2012	Remission and Postponement of Rates on Māori Freehold Land	R/13/8/11136 - Long Term Plan 2012-2022
2007	Rates Remission Policy for Māori Freehold Land	2007/05/4523
26 June 2003	Remission and Postponement of Rates on Māori Freehold Land	
30 January 1997	Remission and Postponement of Rates on Māori Freehold Land	