



# Auckland Council

## Standing Orders of the Waitemata Local Board

Adopted by the Waitemata Local Board on 12 July 2011



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## AMENDMENTS

No	Date of issue	Description	Entered by and date	
1	12 July 2011	As per Waitemata Local Board resolution 12 July 2011	Prebashni Naidoo	12 July 2011



# 1. GENERAL

## 1.1. STATUS

These standing orders were set in accordance with regulation 5(2) of the Local Government (Tamaki Makaurau Reorganisation) Standing Orders Regulations 2010. By reason of regulation 5(2) of the Local Government (Auckland Transitional Provisions) Standing Orders Regulations 2010, they serve as the standing orders of the Waitemata Local Board until the Local Board adopted its first standing orders under clause 27 of Schedule 7 of the Local Government Act 2002 (by application of section 29 of the Local Government (Auckland Council) Act 2009). The Waitemata Local Board amended and adopted these Standing Orders on 12 July 2011.

## 1.2. SCOPE AND GENERAL

The standing orders are presented in three parts:

- Part 1: General Introduction
- Part 2 Constitutional and Legislative Matters; and
- Part 3 Meeting Procedures

## 1.3. INTERPRETATION

The word "shall" identifies a mandatory requirement for compliance with these standing orders. 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 quotation marks. Square brackets indicate that the quotation has been modified in a non-material way in order to apply specifically to these standing orders, for example by substituting "local authority" with "Local Board".

## 1.4. APPLICATION OF STANDING ORDERS

1.4.1 These standing orders shall, so far as applicable, extend to the proceedings of all Local Board meetings and any committees of the Local Board, including public excluded sessions, except as provided for in Standing Order 1.4.2.

1.4.2 A workshop, working party or briefing may be established by resolution of the Local Board or any committee of the Local Board respectively, or may be called by the chairperson of the Local Board or the Chief Executive or his or her nominee.

Notwithstanding clause 1.4.1 above, the only provisions of standing orders applying to a workshop, working party or briefing shall be those contained or referred to in this clause and clause 2.15 which relates specifically to procedures for them.

### **Briefings:**

A briefing shall be convened by written notice from the Chief Executive or his or her nominee, addressed to every member to attend, expressly:

- Convening the meeting as a briefing.

- Advising the date, time and place of the briefing.
- Confirming the briefing is not to reach any decision or pass or make any resolution but is primarily for the provision of information and discussion.

### **Workshop or Working Party**

A workshop or working party shall be convened by written notice from the Chief Executive [or his or her nominee], or the chairperson of the Local Board.

The notice or resolution referred to above shall expressly:

- Convene the meeting as a workshop or working party.
- Advise the date, time and place of the workshop or working party.
- Confirm that the workshop or working party is not to reach any decision or consider, pass or make any resolution, but is solely for the provision of information and discussion.

Proceedings of a workshop, working Party or briefing shall record the following:

- i. The names of members attending, and
- ii. A statement summarising the nature of the information received.

In all other respects, the conduct of a workshop, working party or briefing shall be determined by the presiding member or facilitator of the workshop.

## **1.5. DEFINITIONS**

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

**Auckland Council or Council** means the Auckland Council established by section 6 of the Local Government (Auckland Council) Act 2009, which comprises the Governing Body and the Local Boards.

**Chairperson** means the person who presides at a meeting.

**Chief Executive** means the Chief Executive of the Auckland Council appointed under section 17 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 or under section 42 of the Local Government Act 2002, irrespective of his or her designation, and includes for the purposes of these standing orders, any other officer authorised by the Auckland Council.

**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 Board:

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

(e) A subordinate decision-making body.

**Deputation** means a request from any person or interest group in the community to make a presentation to the Local Board or any committee.

**Elected Representative** refers to elected members of the Local Board.

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

**Governing Body** means the Mayor and Councillors of the Auckland Council.

**Local Board** means the Waitemata Local Board of the Auckland Council.

**Mayor** means the Mayor of the Auckland Council.

**Meeting** means:

- any first or ordinary or extraordinary meeting of the Local Board;
- any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the Local Board; and

**Member** means any person elected or appointed to the Local Board or to any committee of the Local Board.

**Minutes** means the record of the proceedings of any meeting of the Local Board or its committees

**Order Paper** means the agenda listing items for consideration at a meeting together with reports and other attachments relating to those items.

**Public** in the case of the Local Board or a committee of the Local Board includes any people who are not elected members of the Local Board or an officer of the Auckland Council providing advice or support to the Local Board.

**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 and includes:

- a) Information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session (other than information subsequently released by the Auckland Council as publicly available information); and
- b) Any minutes or portions of minutes of public excluded sessions, other than those subsequently released by the Auckland Council as publicly available information.

**Public excluded session** refers to those meetings or parts of Meetings from which the public is excluded 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 the appropriate newspapers circulating in the Auckland region.

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

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

**Scheduled or Ordinary meeting** means any meeting publicly notified by the Auckland Council in accordance with sections 46(1) and (2) of the Local Government Official Information and Meetings Act 1987.

**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 25 December in any year and ending with 15 January in the following year.

**Workshop, working party or briefing** means an informal forum held primarily for information and/or discussion purposes, as the case may be, and at which no resolutions or decisions are made.

## 2. CONSTITUTIONAL AND LEGISLATIVE MATTERS

### 2.1. INTRODUCTION

#### 2.1.1 Alteration of standing orders

"After the adoption of the first standing orders of the Waitemata Local Board, 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]*

*Note: Standing Order 2.1.1 does not apply to these standing orders which are prescribed by Order in Council and are not the first standing orders adopted by the Local Board.*

#### 2.1.2 Temporary suspension of standing orders

"The Waitemata Local Board or its committees 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, and the reason for the suspension must be stated in the resolution of suspension."

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

*(See Standing Order 3.2.1)*

#### 2.1.3 All members to abide by standing orders

"A member 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 BOARD FOLLOWING ELECTION

#### 2.2.1 Meeting called by Chief Executive

"The first meeting of the Waitemata Local Board following a triennial general election of members must be called by the Chief Executive [or nominee] as soon as practicable after the results of the election are known. The Chief Executive must give the persons elected to the Waitemata Local Board not less than seven 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 members have made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act] and a chairperson elected."

*[cl. 21(1) – (4), Schedule 7, LGA]*

## 2.2.2 Business to be conducted

"The business that must be conducted at the meeting of the Waitemata Local Board must include —

- (a) the making and attesting of the declarations required of the members under clause 14 [of Schedule 7 of the Local Government Act]; and
- (b) The election of the chairperson of the Waitemata Local Board;
- (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 Securities Act 1973 and
- (d) the fixing of the date and time of the first meeting of the [Local Board], or the adoption of a schedule of meetings; and
- (e) the election of the deputy chairperson of the Waitemata Local Board."

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

## 2.2.3 Members to give notice of addresses

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

## 2.3. CHAIRPERSON OF MEETINGS

### 2.3.1 Local Board chairperson to preside

"The chairperson of the Waitemata Local Board must preside at each meeting of the Waitemata Local Board at which he or she is present unless the chairperson vacates for a particular meeting. If the chairperson of the Waitemata Local Board is absent from a meeting, the deputy chairperson must preside. If a deputy chairperson has not been appointed, or if the deputy chairperson is also absent, the members of the Waitemata Local Board that are present must elect one 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(1)(5) & (6), Schedule 7 LGA]*

### 2.3.2 Chairperson of committee to preside

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



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

## **2.4. QUORUM AT MEETINGS**

### **2.4.1 Requirement for a quorum**

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

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

### **2.4.2 Quorum to be present throughout meeting**

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

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

### **2.4.3 Definition of quorum for Local Board or joint committee meetings**

"The quorum at a meeting of the Waitemata Local Board 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]*

### **2.4.4 Definition of quorum for Local Board committee meetings**

"The quorum at a meeting of a committee or subcommittee—

- (i) is not fewer than two members of that committee or subcommittee (as determined by the Waitemata Local Board that appoints the committee or the committee that appoints the subcommittee); and
- (ii) in the case of a committee other than a subcommittee, must include at least one member of the Waitemata Local Board."

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

*(See Standing Order 3.4)*

## **2.5. VOTING AT MEETINGS**

### **2.5.1 Actions and decisions of the Local Board by majority vote at meetings**

"(1) The actions of the Waitemata Local Board or a committee of the Local Board must be done, and the questions before the Waitemata Local Board or committee 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 [standing order 2.5.1(1)], the chairperson or other person presiding at the meeting:
  - (a) Has a deliberative vote; and
  - (b) In the case of an equality of votes, has a casting vote."

### **Open voting**

- (3) An act or question coming before the Local Board or its committees must be done or decided by open voting.

*[cl. 24, Schedule 7, LGA]*

## **2.6. APPOINTMENTS AND VOTING SYSTEM**

### **2.6.1 Provisions for election or appointment of chairperson and deputy chairperson of the Local Board and committees and representatives of the Local Board**

In the case of elections or appointments to positions, the Local Board or a committee, if so directed by the Waitemata Local Board must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

#### **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 Board or committee present and voting; and
- (b) has the following characteristics:
  - (i) there is a first round of voting for all candidates; and
  - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
  - (iii) if no candidate is successful in the second round there is a third and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
  - (iv) in any round of voting, if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

#### **System B**

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

*[cl. 25, Schedule 7, LGA]*

## **2.7. APPOINTMENT OF LOCAL BOARD COMMITTEES AND OTHER SUBORDINATE DECISION-MAKING BODIES**

### **2.7.1 Appointment of committees, subcommittees and other subordinate decision making bodies**

The Local Board may appoint committees and any 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 Board.

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

### **2.7.2 Discharge or reconstitution of committees, subcommittees and other subordinate decision-making bodies**

"Unless expressly provided otherwise in an Act, —

- (a) the Waitemata Local Board may discharge or reconstitute a committee or subcommittee or other subordinate decision making body; and
- (c) a committee may discharge or reconstitute a subcommittee.

A committee, or any other subordinate decision-making body is, unless the Waitemata Local Board resolves otherwise, deemed to be discharged on the coming into office of the members of the Waitemata Local Board elected or appointed at or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body."

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

### **2.7.3 Committees and subordinate decision-making bodies subject to direction of the Local Board**

"A committee or other subordinate decision-making body is subject in all things to the control of the Waitemata Local Board, and must carry out all general and special directions of the Waitemata Local Board given in relation to the committee or other body or the affairs of the committee or other body. Nothing in this [standing order] entitles the Waitemata Local Board 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]*

## **2.8. JOINT COMMITTEES**

### **2.8.1 Appointment of joint committee**

The Local Board may appoint a joint committee with another [Local Board], the Governing Body, another local authority, or other public body.

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

## 2.8.2 Status of joint committees

"A joint committee is deemed to be both a committee of the Waitemata Local Board and a committee of the other Local Board, Governing Body, or local authority or other public body."

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

## 2.8.3 Powers and responsibilities of joint committees

"[Part 1 of Schedule 7 of the Local Government Act 2002] applies to a joint committee except that —

- (a) The powers to discharge any individual member and appoint another in his or her stead must be exercised by the Waitemata Local Board or public body that made the appointment; and
- (b) The meeting quorum is as [stated in Standing Order 2.4.3]; and
- (c) The committee may appoint and remove its own chairperson or deputy chairperson."

*[cl. 30(9), Schedule 7 LGA]*

## 2.9. MEMBERSHIP OF COMMITTEES AND SUBCOMMITTEES

### 2.9.1 Appointment or discharge of committee members and subcommittee members

"The Waitemata Local Board may appoint or discharge any member of a committee or a subcommittee. Unless directed otherwise by the Waitemata Local Board, a committee may appoint or discharge any member of a subcommittee appointed by the committee."

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

### 2.9.2 Appointed members on committees and subcommittees

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

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

### 2.9.3 Minimum numbers on committees and subcommittees

"The minimum number of members is three for a committee, and is two for a subcommittee."

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

### 2.9.4 Chairperson ex officio committee member

The chairperson of the Local Board may be appointed an ex-officio member of any committee other than a quasi-judicial committee.

## 2.10. POWERS OF DELEGATION

### 2.10.1 Delegations to committees, members and officers

- (1) For the purposes of efficiency and effectiveness in the conduct of the Local Board's business, the Local Board may delegate to a committee or member of the Waitemata Local Board or an officer of the Auckland Council any of its responsibilities, duties, and powers except –
  - (a) the duty to identify and communicate the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council; or
  - (b) the power to propose a bylaw or an amendment to a bylaw; or
  - (c) the power to confirm a bylaw or modify a proposed bylaw; or
  - (d) the power to propose the revocation of a bylaw; or
  - (e) the duty to adopt the local board plan for its area; or
  - (f) the duty to agree the local board agreement for its area with the Governing Body of the Auckland Council; or
  - (g) the power to apply to the Local Government Commission for a binding determination in respect of a dispute between itself and the Governing Body; or
  - (h) a responsibility, power or duty that the Local Government (Auckland Council) Act 2009 or any Act expressly provides may not be delegated.
- (2) However, nothing in subclause (1) restricts the power of the Local Board to delegate to a committee or member of the Local Board or an officer of the Auckland Council the power to do anything precedent to the performance or exercise by the Local Board of a duty or power specified in that subclause (after consulting the committee or member or officer).
- (3) A committee, or member of the Local Board or an officer of the Auckland Council may delegate a responsibility, duty, or power delegated to it, him, or her under this [Standing Order] to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the original delegation from the Local Board.

**Note:** This Standing Order does not apply to onward delegations by the Local Board of Governing Body or Auckland Transport matters (covered by Standing Orders 2.10.2 and 2.10.3 respectively).

*[Regulation 4 of Local Government (Auckland Transitional Provisions) Delegations, Development Contributions and Trade Wastes Regulations 2010]*

### 2.10.2 Onward delegation of Governing Body matters

The Local Board may delegate any of its responsibilities, duties, and powers delegated to it by the Governing Body to a subcommittee or person. This is subject to any conditions, limitations, or prohibitions imposed on the Local Board by the Governing Body when making the original delegation.

*[Section 31(4) and (5) Local Government (Auckland Council) Act 2009]*

### 2.10.3 Onward delegation of Auckland Transport matters

The Local Board may delegate any of its responsibilities, duties, functions, or powers delegated to it by Auckland Transport to a subcommittee or person, subject to any conditions, limitations or prohibitions imposed by Auckland Transport when making the original delegation.

*[Section 54(4) Local Government (Auckland Council) Act 2009]*

### 2.10.4 Use of delegated powers

A committee, subcommittee or person to which or to whom any responsibility, duty or power is delegated may, without confirmation by the Local Board, committee, subcommittee or individual that made the delegation, perform or exercise the responsibility, duty or power in the same way and with the same effect as: it could have been performed or exercised by:

- (a) the Local Board, in the case of a delegation under Standing Order 2.10.1;
- (b) the Governing Body, in the case of a delegation under Standing Order 2.10.2;
- (c) Auckland Transport, in the case of a delegation under Standing Order 2.10.3.

*[Regulation 4 of Local Government (Auckland Transitional Provisions) Delegations, Development Contributions and Trade Wastes Regulations 2010; sections 31(6) and 54(5) Local Government (Auckland Council) Act 2009]*

## 2.11. PROCEEDINGS NOT INVALIDATED BY VACANCIES OR IRREGULARITIES

### 2.11.1 Proceedings not invalidated by vacancies or irregularities

"An act or proceeding of the Waitemata Local Board or committee, or of a person acting as a member of the Waitemata Local Board or committee, is not invalidated by a vacancy in the membership of the Waitemata Local Board 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 Waitemata Local Board or committee, or that that person was or is incapable of being a member."

*[cl. 29, Schedule 7, LGA]*

## 2.12. GENERAL PROVISIONS AS TO MEETINGS

### 2.12.1 Meetings to be held

"The Auckland Council must hold the meetings that are necessary for the good government of its [ district]."

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

### 2.12.2 Right to attend meetings

"A member of the Waitemata Local Board has, unless lawfully excluded, the right to attend any meeting of the Waitemata Local Board or its committees."

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

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

"A meeting of the Waitemata Local Board or its committees 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 Waitemata Local Board."

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

### **2.12.4 Agenda or order paper to be sent to members**

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

### **2.12.5 Delivery of material to members**

Material relating to meetings (including advice of meetings, agenda and order papers) or other council business may be distributed to members by electronic means if the member has previously agreed to that method of delivery.

### **2.12.6 Meetings not invalid because notice not received**

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

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

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

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

### **2.12.7 Minutes of proceedings**

"The Waitemata Local Board and its committees must keep minutes of their proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the Waitemata Local Board or committee are prima facie evidence of those proceedings."

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

### **2.12.8 Members Attendance at all committee meetings**

- (1) Except when a committee is performing any judicial or quasi-judicial function, any member of the Local Board may attend any meeting of any committee, and may put a question to the chairperson to elicit information and may take part in the discussion of the committee meeting.
- (2) A member of the Local Board who is not a member of the committee may not vote on any matter before the committee.
- (3) When a committee is performing any judicial or quasi-judicial function, a member of the Local Board who is not a member of the committee shall not be entitled to take any part in the proceedings by virtue of his or her office.

- (4) While a committee is deliberating its decision on any matter in the performance of any judicial or quasi-judicial function, no member of the Local Board shall be entitled to be present unless such member is a member of the committee, and unless, where the committee is conducting an oral hearing of the matter on which it is deliberating, the member was present throughout the course of that hearing.

## **2.13. NOTIFICATION OF MEETINGS TO MEMBERS**

### **2.13.1 Period for notice in writing**

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

- (a) not less than 14 days before the meeting; or
- (b) if the Waitemata Local Board or a committee has adopted a schedule of meetings not less than 14 days before the first meeting on the schedule."

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

### **2.13.2 Schedule of meetings**

"If the Waitemata Local Board or a committee adopts a schedule of meetings, —

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

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

### **2.13.3 Cancellation of scheduled meetings**

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

A scheduled meeting shall be cancelled by the chairperson of the Local Board or committee in consultation with the Chief Executive or his or her nominee.

## **2.14. EXTRAORDINARY MEETINGS**

### **2.14.1 Extraordinary meetings may be called**

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

- (a) a resolution of the Waitemata Local Board committee of the Local Board or
- (b) a requisition in writing delivered to the Chief Executive and signed by —
  - (i) the chairperson; or



- (ii) not less than one third of the total membership of the Waitemata Local Board (including vacancies) or the appropriate committee.”

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

## **2.14.2 Notification of extraordinary meetings to members**

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

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

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

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

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

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

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

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

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

“The Council must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the Waitemata Local Board or a committee 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 five 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.”

*[s51A, LGOIMA]*

## **2.15. WORKSHOPS**

### **2.15.1 Authority to call a workshop**

Workshops of the Local Board or its committees may only be called with the prior written approval of the Chief Executive in the case of either a workshop of the Local Board or a committee, or the relevant committee chairperson in the event of a workshop of a committee.

### **2.15.2 Notice of workshop to members**

Notice of the time and place of the workshop and of the matters in respect of which the workshop is being called shall be given, by whatever means is reasonable in the circumstances, to every member by the Chief Executive [or his or her nominee] at least 24 hours before the time appointed for the workshop.

### **2.15.3 Chairing of workshops**

Each workshop shall have a chairperson as follows:

- (i) in the event of a workshop of the Local Board the chairperson shall preside; and
- (ii) in the event of a workshop of a committee, the relevant committee chairperson shall preside.

### **2.15.4 Record of workshop meetings**

The proceedings of every workshop shall be recorded, including the following:

- (i) the names of the members attending;
- (ii) the nature of the matters discussed during the workshop; and
- (iii) the proceedings of the workshop.

The proceedings of every workshop shall be circulated to members and considered at the next meeting of the Local Board or committee, and, if approved by that meeting, or when amended as directed by that meeting, shall be signed by the chairperson of the Local Board or relevant committee chairperson.

### **2.15.5 Workshops exempt from provisions of Part VII (Local Government Meetings) of the Local Government Official Information and Meetings Act 1987**

The provisions of those clauses within Standing Order 2.12 do not apply to workshops of Local Boards or its committees as these are held solely for information and discussion purposes with no ability for any resolutions or decisions to be made.

[s45(2) of LGOIMA (*which* is included in Part VII of that Act) states:]

For the avoidance of doubt, it is hereby declared that any meeting of the Local Board or of any committee or sub-committee of the Local Board, at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act.

Given that workshops will not make any resolutions or decisions they are not subject to the requirements contained in Part VII of LGOIMA (e.g. public access to the meetings, availability of agenda material to the public and notification of meetings etc).

## **2.16. PUBLIC AT MEETINGS, ACCESS TO AGENDAS ETC**

### **2.16.1 Meetings normally to be open to the public**

"Except as otherwise provided by [Part VII of the Local Government Official Information and Meetings Act] every meeting of the Waitemata Local Board or its committees 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."

*[s47 & 49(a) LGOIMA]*

### **2.16.2 Information to be available to public**

"All information provided to members at Waitemata Local Board 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."

*[s5 & 49 LGOIMA]*

### **2.16.3 Public notification about meetings**

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

*[s46, LGOIMA]*

### **2.16.4 Public notification about extraordinary meetings**

"Where any extraordinary meeting of the Waitemata Local Board or a committee is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.14.3 as appropriate], the Auckland Council 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."

*[s46(3) & (4) LGOIMA]*

### **2.16.5 Public notification additional requirements**

The Chief Executive is to make any other arrangement for the notification of meetings including extraordinary meetings as the Local Board or the relevant committee may from time to time determine.

### **2.16.6 Meetings not invalid because not publicly notified**

"No meeting [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.14.3 — 2.14.5]."

*[s46(5) LGOIMA]*

## 2.16.7 Public notice of meetings not notified

"Where the Waitemata Local Board or committee becomes aware that any meeting of the [Local Board or committee] has not been publicly notified in accordance with [Standing Orders 2.14.3—2.14.5], the [Auckland Council] 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."

*[s46(6), LGOIMA]*

## 2.16.8 Public notice of resolutions of extraordinary meetings

"Where any resolution is passed at an extraordinary meeting of the Waitemata Local Board or committee, the Auckland Council must cause the resolution to be publicly notified as soon as practicable, unless the resolution was passed at a meeting or part of a meeting from which the public was excluded."

*[s51a LGOIMA]*

## 2.16.9 Availability of agendas and reports

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

- (a) shall be available for inspection at the public offices of the [Auckland Council] (including service delivery centres) and the public libraries under the Auckland Council's control and
- (b) shall be accompanied by either —
  - (i) the associated reports, or
  - (ii) a notice specifying the places at which the associated reports may be inspected.

The associated reports shall be available for inspection at the public offices of the [Auckland Council]. 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 Waitemata Local Board or committee, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances."

*[s46A(1) —(6) LGOIMA]*

## 2.16.10 Exclusion from reports to be discussed with public excluded

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

### **2.16.11 Agenda to be made available to public who are at meetings**

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

*[s49, LGOIMA]*

### **2.16.12 List of committee members publicly available**

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

### **2.16.13 Public entitled to inspect minutes**

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

*[s51, LGOIMA]*

### **2.16.14 Requests for minutes of meetings in public excluded session**

"The Chief Executive must consider any request for the minutes of a meeting or part session 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."

*[s51 LGOIMA]*

## **2.17. REASONS TO EXCLUDE PUBLIC**

### **2.17.1 Lawful reasons to exclude public**

"The Waitemata Local Board or a committee 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)."

*[s48, LGOIMA]*

### **2.17.2 Form of resolutions to exclude public**

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

### **2.17.3 Motion to exclude public to be put with the public present**

"Every motion to exclude the public must be put at a time when the meeting is open to the public and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the Waitemata Local Board or the committee."

*[s48(4), LGOIMA]*

#### **2.17.4 Provision for persons to remain after public excluded**

"A resolution in accordance with Standing Order 2.17.3 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 Waitemata Local Board or the committee, knowledge that will assist the Waitemata Local Board or committee. 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."

*[s48(5) & (6) LGOIMA]*

#### **2.17.5 Release of public excluded information**

The Local Board or committee may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

### **2.18. APPLICATION OF STANDING ORDERS TO PUBLIC EXCLUDED SESSION**

#### **2.18.1 Standing orders to apply**

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

### **2.19. USE OF PUBLIC EXCLUDED INFORMATION**

#### **2.19.1 Public excluded business not to be disclosed**

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

## **3. MEETING PROCEDURES**

### **3.1. APPLICATION OF STANDING ORDERS**

#### **3.1.1 All members to abide by standing orders**

"A member must abide by these standing orders."

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

*(See Standing Order 2.1.3)*

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

Notwithstanding the generality of Standing Order 3.1.1 for any quasi-judicial proceedings, the Local Board or a committee 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."

*[s41 RMA]*

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

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

### **3.2. SUSPENSION OF STANDING ORDERS**

#### **3.2.1 Temporary suspension**

"The Waitemata Local Board or its committee(s) 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 2.1.2)."

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

### **3.3. CONDUCT OF MEETINGS**

#### **3.3.1 Mode of address for chairperson**

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

#### **3.3.2 Chairperson to decide**

The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order, and any member who refuses to obey any order or ruling of the chairperson shall be held guilty of contempt (see Standing Orders 3.1.1, 3.14.6).

#### **3.3.3 Chairperson rising**

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

#### **3.3.4 Members to speak in places and address the chairperson**

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 Board and at committee meetings. The chairperson may also determine that it is unnecessary for members to remain seated when speaking at a meeting of the Local Board and at committee meetings.

#### **3.3.5 Priority of speakers**

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

- (a) Raise a point of order (see Standing Order 3.14.1) 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 3.13.1); or
- (c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.9.13).

#### **3.3.6 Speeches in English or Māori**

A member may address the chairperson in English or Māori. The chairperson may order that a speech be translated and printed in another language. A member must give prior notice not less than two 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 Local Board or the committee is conducted in English, or in English when the normal business of the Local Board or the committee is conducted in Māori.



### **3.3.7 Duration of meetings and time limits**

Unless pursuant to a resolution to continue, no meeting may continue for more than six hours (including any meal break) or beyond 10.30pm, and any business on the agenda not dealt with must be adjourned to the next meeting or extraordinary meeting.

### **3.3.8 Reporting of meetings**

"When a meeting is open to the public the following provisions shall apply:

- (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings."

*[s49(a) LGOIMA]*

- (b) Any recording of meetings must be carried out in an unobtrusive manner, and must not be distracting to members.
- (c) Any recording of meetings must be notified to the chairperson at the commencement of the meeting.

### **3.3.9 Disorderly members to withdraw**

Members called to order by the chairperson are to resume their seats and/or stop speaking, as the case may be. Should any member refuse to obey, such member may be directed by the chairperson to withdraw from the meeting. Upon such direction, any such member is to withdraw and shall not be permitted to return during the meeting, or any period of that meeting that the chairperson may determine.

### **3.3.10 Members not to be disrespectful**

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

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

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

### **3.3.12 Withdrawal from meeting**

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

### **3.3.13 Disorder in meeting**

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

### **3.3.14 Adjournment of meeting following disorder**

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

### **3.3.15 Contempt to be recorded in minutes**

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

### **3.3.16 Removal from meeting**

"A member of the police, or an officer or employee of the [Auckland Council], may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member —

- (a) refuses or fails to leave the meeting; or
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson."

*[cl. 16(2), Schedule 7, LGA]*

## **3.4. QUORUM AT MEETINGS**

See section 2.4

## **3.5. FAILURE OF A QUORUM**

### **3.5.1 Meeting lapses if no quorum**

If a meeting is short of a quorum at its commencement or falls short of a quorum the business is to stand suspended and, if no quorum is present within 30 minutes, the chairperson is to vacate the chair and the meeting shall lapse.

### **3.5.2 Lapsed business**

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

### **3.5.3 Minutes to record failure of quorum**

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

### **3.5.4 Failure after meeting commences**

If, after business at a meeting of the Local Board or committee has commenced, a want of quorum occurs, the business shall be suspended, and if no quorum is present within 20 minutes thereafter the chairperson shall vacate the chair and the remainder of the meeting shall lapse. The business remaining to be disposed of shall stand adjourned until the next ordinary meeting unless an earlier meeting is fixed by the chairperson and notified by the Chief Executive. A fresh notice of motion is required for the renewal of any motion.

## **3.6. LEAVE OF ABSENCE AND APOLOGIES**

### **3.6.1 Granting leave of absence**

The Local Board may grant leave of absence to a member from a meeting or other meetings of the local board or its committees upon application by the member.

The granting of absence may be delegated to the chairperson of the Local Board to protect the privacy of the member applying.

### **3.6.2 Apologies at meetings**

If a member has not obtained leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Local Board or the relevant committee.

Acceptance of the apology shall be deemed to be a granting of leave of absence for that meeting.

### **3.6.3 Recording of apologies**

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

### **3.6.4 Absence without leave**

"An extraordinary vacancy is created where any member is absent without leave of the Waitemata Local Board from four consecutive meetings other than extraordinary meetings of the Local Board."

*[cl. 5, Schedule 7, LGA]*

## **3.7. ORDER OF BUSINESS**

### **3.7.1 Adoption of order of business**

- (1) Subject to standing order 3.7.1(2), the order of business is to be determined by the Local Board or the relevant committee. 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.

(2) The Order of Business for ordinary meetings of the Local Board shall be:

Open Section

- Welcome
- Apologies
- Declarations of Interest
- Confirmation of Minutes
- Leave of Absence
- Acknowledgements
- Petitions
- Deputations
- Public Forum
- Extraordinary business
- Notices of Motion
- Councillor's Report
- Reports of the Chief Executive
- Reports of Committees
- Chairperson's Report
- Board Member's Reports
- Reports Requested/Pending
- Consideration of extraordinary business items

Public Excluded Section

- Reports

(3) For the avoidance of doubt, there is no default order of business for ordinary or other meetings of committees.

### **3.7.2 Status of agenda**

An agenda detailing business to be considered by a meeting may be issued to members of the news media on the basis that it cannot be considered policy until adopted by the Council.

### **3.7.3 Public excluded items**

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

### **3.7.4 Chairperson's report**

The chairperson by report has the right to direct the attention of the Local Board or the relevant committee as the case may be to any matter or subject within the role or function of the Local Board or committee respectively.

### **3.7.5 Major items not on the agenda may be dealt with (extraordinary business)**

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

- (a) the Local Board or committee 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.”

*[s46A(7), LGOIMA]*

### **3.7.6 Minor items not on the agenda may be discussed (Extraordinary business)**

“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 Waitemata Local Board or committee; 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 Board or committee for further discussion.”

*[s46A(7) & 46A(7A), LGOIMA]*

## **3.8. PRECEDENCE OF BUSINESS**

Notwithstanding anything to the contrary contained in these standing orders, and after the confirmation of the minutes of the previous meeting, the chairperson as a matter of urgency, or the Local Board or committee on a motion duly passed without debate, may accord precedence to any business set down on the order paper for consideration.

## **3.9. RULES OF DEBATE**

### **3.9.1 Reserving speech**

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

### **3.9.2 Irrelevant matter and needless repetition**

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

### **3.9.3 Limitation on speakers**

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

### **3.9.4 Taking down words**

When any member objects to words used and requests that 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 3.14.4).

### **3.9.5 Reading of speeches**

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

### **3.9.6 Time limits on speakers**

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

- (a) Movers of motions when speaking to the motion, 10 minutes;
- (b) Movers of motions when exercising their right of reply, five minutes;
- (c) Other members, not more than five minutes.

### **3.9.7 Member speaking more than once**

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

### **3.9.8 Restating of motion**

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

### **3.9.9 Right of reply**

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

### **3.9.10 When right of reply may be exercised**

The right of reply is governed as follows:

- (a) Where no amendment has been moved the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment the mover of the original motion may make such reply at the conclusion of the debate on such amendment and this reply exhausts their rights as mover of the original motion (see Standing Order 3.9.9), provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

**Note:**

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

**3.9.11 Speaking only to relevant matters**

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

**3.9.12 Personal explanation**

Notwithstanding Standing Order 3.9.7 members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.

**3.9.13 Explanation of previous speech**

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

**3.9.14 Governing Body speaking rights**

Members of the Governing Body shall have speaking rights at the discretion of the chairperson.

**3.10. MOTIONS AND AMENDMENTS**

**3.10.1 Requirement for a seconder**

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

**3.10.2 Withdrawal of motions and amendments**

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

**3.10.3 Substituted motion by amendment**

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

#### **3.10.4 Motions in writing**

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

#### **3.10.5 Motions expressed in parts**

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

#### **3.10.6 Amendment once moved**

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

#### **3.10.7 Amendments and motions not seconded**

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

#### **3.10.8 Further amendments**

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

#### **3.10.9 Where amendment lost**

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

#### **3.10.10 Where amendment carried**

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

#### **3.10.11 Amendments relevant**

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

#### **3.10.12 Direct negatives not allowed**

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



### **3.10.13 Procedure until resolution**

The procedures in Standing Orders 3.10.6 and 3.10.7 must be repeated until a resolution is adopted or defeated.

### **3.10.14 Revocation or alteration of resolutions**

A notice of motion for the revocation or alteration of all or part of a previous resolution of the Local Board or a committee is to be given to the Chief Executive by the member intending to move such a motion.

- (a) Such notice is to set out:
  - (i) The resolution or part thereof which it is proposed to revoke or alter;
  - (ii) The meeting date when it was passed; and
  - (iii) The motion if any that is intended to be moved in substitution thereof.
- (b) Such notice is to be given to the Chief Executive at least seven 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 board or the committee who made the previous resolution, including vacancies.
- (c) The Chief Executive [or his or her nominee] must then give members at least two clear working days notice in writing of the intended motion and of the meeting at which it is proposed to move such motions.

### **3.10.15 Restriction on action to be taken on previous resolution**

Where a notice of motion has been given in terms of Standing Order 3.10.14, 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 Board or the committee who made the previous resolution, provided that if, in the opinion of the chairperson:

- (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if
- (b) By reason of repetitive notices the effect of the notice is an attempt by a minority to frustrate the will of the Local Board or the committee who made the previous resolution.

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

### **3.10.16 Revocation or alteration of resolution at same meeting**

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

### **3.10.17 Local Board or committees may revoke or alter any previous resolution**

The Local Board or a committee may, on a recommendation contained in a report by the chairperson or, the report of any committee or subcommittee, revoke or alter all or part of resolutions previously passed at meetings. At least two clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

### **3.10.18 Restating the motion**

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

### **3.10.19 No speakers after reply or motion has been put**

Members may not speak to any motion once the mover has commenced replying to the motion or where the chairperson has commenced putting the motion.

### **3.10.20 Reflections on resolutions**

In speaking in any debate no member may unduly criticise the validity of any resolution of the Local Board or committee except by a notice of motion to amend or revoke the same.

## **3.11. NOTICES OF MOTION**

### **3.11.1 Notices of motion to be in writing**

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 or his or her nominee at least five clear working days before such meeting.

### **3.11.2 Refusal of notice of motion**

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

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the Local Board or the relevant committee; 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.

### **3.11.3 Mover of notice of motion**

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

### **3.11.4 Alteration of notice of motion**

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

### **3.11.5 When notices of motion lapse**

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

### **3.11.6 Referral of notices of motion to committees**

Any notice of motion referring to any matter ordinarily dealt with by a committee of the Local Board 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.

## **3.12. REPEAT NOTICES OF MOTION**

### **3.12.1 First repeat where notice of motion rejected**

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

### **3.12.2 Second repeat where notice of motion rejected**

If such a repeat notice of motion as provided for in Standing Order 3.12.1 is also rejected by the Local Board or committee any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.

### **3.12.3 No repeats where notice of motion agreed or adopted**

Where a notice of motion has been considered and adopted by the Local Board or committee, 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.

## **3.13. PROCEDURAL MOTIONS TO TERMINATE OR ADJOURN DEBATE**

### **3.13.1 Members may move procedural motions to terminate or adjourn debate**

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

- (a) That the meeting be adjourned to the next ordinary 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 board.

### **3.13.2 Chairperson may accept closure motions**

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

### **3.13.3 Procedural motions to terminate or adjourn debate to take precedence**

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

### **3.13.4 Voting on procedural motions to terminate or adjourn debate**

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

### **3.13.5 Closure motion to be put if no further speaker**

Notwithstanding Standing Order 3.13.4 a closure motion shall be put if there is no further speaker in the debate.

### **3.13.6 Closure motion on amendment**

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

### **3.13.7 Right of reply following closure**

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

### **3.13.8 Debate on items previously adjourned**

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

### **3.13.9 Adjourned items taken first**

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

### **3.13.10 Other business not superseded**

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

### **3.13.11 Referral or referred back to committee**

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

## **3.14. POINTS OF ORDER**

### **3.14.1 Members rising to points of order**

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

### **3.14.2 Stating subject matter of point of order**

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

### **3.14.3 Points of order during division**

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

### **3.14.4 Types of points of order**

The following are recognised as substance for points of order:

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

### **3.14.5 Contradiction not point of order**

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

### **3.14.6 Decision of chairperson final**

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

## **3.15. VOTING**

### **3.15.1 Decisions to be decided by majority votes**

"[Unless the Local Government Act 2002 provides otherwise], the acts of the Waitemata Local Board or its committees must be done, and the questions before the Waitemata Local Board or its committee must be decided at a meeting by —

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

*[cl. 24, Schedule 7, LGA]*

*(See Standing Order 2.5.1)*

### **3.15.2 Chairpersons voting**

Unless the Local Government Act 2002 provides otherwise, for the purposes of Standing Order 3.15 1, the chairperson or other person presiding at the meeting —

- (a) Has a deliberative vote; and
- (b) In the case of an equality of votes, has a casting vote.

### **3.15.3 Open voting**

"An act or question coming before the Waitemata Local Board or its committees must be done or decided by open voting."

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

### **3.15.4 Members may abstain**

Any member may abstain from voting.

Any member may abstain from voting and only when a division has been called for may, on request, have their abstention recorded in the minutes (see standing order 3.15.7).

### **3.15.5 Members may have their votes recorded**

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

### **3.15.6 Method of voting**

The method of voting shall be as follows

- (a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member; in which event the chairperson shall call a division.
- (b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.

- (c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands vote by voices or division and the result displayed shall be notified to the chairperson who shall declare the result.

### **3.15.7 Division**

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

### **3.15.8 Second division**

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

### **3.15.9 Pecuniary interest**

"No members may vote or take part in the discussion of any matter at any meeting where they directly or indirectly have any pecuniary interest as defined in law other than an interest in common with the public."

*[s6(1), Local Authorities (Members' Interests) Act]*

### **3.15.10 Declaration of pecuniary interest**

Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest apart from any interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.

### **3.15.11 Pecuniary interest a reason for leaving room**

Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.15.10 should consider leaving the meeting room for the full duration of discussion on such matters.

## **3.16. QUALIFIED PRIVILEGE**

### **3.16.1 Qualified privilege relating to agenda and minutes**

"Where a meeting of the Waitemata Local Board or its committee 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."

*[s52, LGOIMA]*

### **3.16.2 Qualified privilege relating to oral statements**

“Any oral statement made at any meeting of the Waitemata Local Board or its committee in accordance with the rules that have been adopted by that Waitemata Local Board 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.”

*[s53, LGOIMA]*

### **3.16.3 Qualified privilege additional to any other provisions**

The privilege conferred by Standing Order 3.16.2 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 meeting.

## **3.17. MAINTENANCE OR PUBLIC ORDER AT MEETINGS**

### **3.17.1 Chairperson may require members of the public to leave meeting**

“The chairperson presiding at any meeting of the Waitemata Local Board 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.”

*[s50 LGOIMA]*

### **3.17.2 Removal of members of public**

If any member of the public who is required in accordance with Standing Order 3.17.1 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 Auckland Council may, at the request of the chairperson remove or exclude that member of the public from the meeting.

## **3.18. MINUTES OF PROCEEDINGS**

### **3.18.1 Minutes to be evidence of proceedings**

- “(1) The Waitemata Local Board and its committees must keep minutes of their proceedings.
- “(2) Minutes of proceedings duly entered and authenticated as prescribed by the Waitemata Local Board or a committee are prima facie evidence of those proceedings.”

*[cl 28, Schedule 7, LGA]*



### **3.18.2 Keeping of minutes**

The Chief Executive or his/her designated representative must keep the minutes of meetings. The minutes must record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of speakers from each delegation and the subject of the delegation, 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 2.17.3, 3.3.15, 3.5.3, 3.6.3, 3.9.4, 3.15.4, 3.15.5 and 3.15.11).

### **3.18.3 No discussion on minutes**

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

## **3.19. MINUTE BOOKS**

### **3.19.1 Inspection of minute books**

"The minute books of the Waitemata Local Board and its committees 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 2002 (see Standing Order 2.16.13 and 2.16.14)."

*[s51, LGOIMA]*

### **3.19.2 Minutes of last meeting before election**

The chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Local Board prior to the next election of members.

## **3.20. DEPUTATIONS AND PRESENTATIONS**

### **3.20.1 Deputations where heard**

Deputations may be received by the Local Board or any of its committees provided an application for admission setting forth the subject, has been lodged with the Chief Executive at least seven working days before the date of the meeting concerned, and has been subsequently approved by the chairperson. The chairperson may refuse a request for a deputation if in his or her opinion there will be insufficient time to receive the deputation because of the amount of business to be conducted at the meeting or the number of other deputations; or if the deputation is repetitious or offensive; or if the subject matter of the deputation is not relevant to the role of the Local Board or committee or is more appropriate to the business of a committee or a different committee or the Governing Body or another Local Board, in which case the chairperson may refer the request for a deputation to that other body.

### **3.20.2 Urgency or major public interest**

Notwithstanding Standing Order 3.20.1, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest the chairperson may determine that the deputation be received.

### **3.20.3 Deputations and presentations in English or Maori**

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

### **3.20.4 Procedures for deputations**

Except with the approval of the Local Board or committee, not more than two 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 3.16.2 regarding qualified privilege).

### **3.20.5 Deputations from the governing body or other local board**

A deputation from another Local Board or the Governing Body must be authorised by a resolution of that body and be about a matter affecting the other local board's or Governing Body's interests. The period of notice shall be two clear days.

### **3.20.6 Termination of presentation if disrespectful**

The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (see Standing Order 3.16.2 regarding qualified privilege).

### **3.20.7 Time limit on presentation**

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

### **3.20.8 Public Forum**

A period of up to 30 minutes, or such other time as the Local Board or any of its committees may determine, will be set aside for a public forum at the commencement of meetings of the Local Board which are open to the public. Each speaker during the public forum section of a meeting may speak for three minutes.

#### **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.

## **Subjects of public forum**

In respect of the Local Board, 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.

## **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. Questions by members, if permitted, are to be confined to obtaining information or clarification on matters raised by the speaker.

## **3.21. PETITIONS**

### **3.21.1 Form of petitions**

Every petition presented to the Local Board 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 3.16.1 and 3.16.2 regarding qualified privilege).

### **3.21.2 Petition where presented by members**

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

### **3.21.3 Petition in English or Maori**

A petition presented to the Local Board or any of its committees may be in English or Māori. Prior arrangement with the chairperson should be sought at least two working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.

### **3.21.4 Petition where presented by petitioner**

Where a petition is presented by a petitioner, unless the Local Board or the committee determines otherwise a limit of five minutes is placed on that person (see Standing Orders 3.16.1 and 3.16.2 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 the presentation of the petition.

## **3.22. QUESTIONS**

### **3.22.1 Questions to officers during debate**

In the course of any debate at any Local Board 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.

### 3.23. REQUESTS FOR REPORTS

Any requests for new reports to be provided must be by way of formal resolution of the Local Board or appropriate committee. The Chief Executive is authorised to delay commissioning any report which in his or her opinion would involve significant cost. In that instance the Chief Executive [or his or her nominee] is to report back to the next meeting of the local board or appropriate committee with an estimate of cost and seek a direction as to whether the report is to be prepared.

## 4. APPENDIX A

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

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

- A1 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where such disclosure would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
  - (b) To endanger the safety of any person
- A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information:
    - (i) Would disclose a trade secret or
    - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of wahi tapu or
  - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information:
    - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
    - or
    - (ii) Would be likely otherwise to damage the public interest; or
  - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public or
  - (g) Maintain the effective conduct of public affairs through the protection of members, officers or employees of any local authority from improper pressure or harassment; or

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

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

- A3 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would
  - (a) Be contrary to the provisions of a specified enactment or
  - (b) Constitute contempt of Court or of the House of Representatives
- A4 That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the local authority by an Ombudsman under section 30(1) or section 38(3) of the Local Government Official Information and Meetings Act 1987 (in the case of the 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 the Auckland Council 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 the local authority in relation to any application or objection under the Marine Farming Act 1971