

**Standing Orders of
the
Ōrākei
Local Board
of the
Auckland Council**

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Part 1. General Provisions

1. Title and Commencement

1.1 Standing Orders of the Ōrākei Local Board of the Auckland Council

- 1.1.1 This document shall be cited as the Standing Orders of the Ōrākei Local Board of the Auckland Council.
- 1.1.2 These Standing Orders came into force on 21 September 2018 and were amended on 20 June 2019.
- 1.1.3 These Standing Orders have been adopted by the Ōrākei Local Board to establish an orderly and proper procedure, in accordance with the statutory requirements of New Zealand law, for dealing with the Board's business at its meetings.
- 1.1.4 These Standing Orders are binding on all members of the Board, and others as applicable.
[cl 16(1), sch 7, LGA 2002]
- 1.1.5 These Standing Orders apply to all meetings of the Board and any committee of the Board, unless stated otherwise. This includes meetings and sessions from which the public are excluded.
- 1.1.6 For quasi-judicial proceedings, the Board or a specific committee of the Board 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 1991 have powers under the Commissions of Inquiry Act 1908.
[s 41, Resource Management Act 1991]
- 1.1.7 The Board may amend these Standing Orders or adopt new ones. A least 75 per cent of the members present must vote in favour of the amendment or adoption.
[cl 27(3), sch 7, LGA 2002]
(See cl. 8.2.2 for procedure to temporarily suspend particular clause(s) of Standing Orders during a meeting).

1.2 Legal requirement to hold meetings

- 1.2.1 The Board must hold meetings that are necessary for the good governance of the Board's area. Meetings must be called and conducted in accordance with:
- a) Schedule 7 of the Local Government Act 2002
 - b) Part 7 of the Local Government Official Information and Meetings Act 1987
 - c) these Standing Orders.

[cl 19(1) &(3), sch 7, LGA 2002]

1.3 Definitions

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

Apology means an apology given by a member for his or her absence from a meeting, and includes apologies for lateness and early departure.

Auckland Council or the 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.

Board means the Ōrākei Local Board.

Casting vote means a second vote which can be exercised by the chairman in order to break a tied vote.

Chairman means the person who presides at a meeting. The term 'Chairman' is gender neutral.

Chief executive means the chief executive of Auckland Council appointed under section 42 of the Local Government Act 2002, irrespective of his or her designation, and includes, for the purposes of these Standing Orders, his or her nominee or any other staff authorised by Auckland Council (see 'Staff')

Clause in the context of these Standing Orders mean a distinct provision, numbered for ease of location and reference.

Clear working days means the number of working days prescribed in these Standing Orders for giving notice. It excludes the date of service of that notice and the date of the meeting itself.

Committee includes, in relation to the Board:

- a) a committee comprising all the members of the Board
- b) a committee appointed by the Board
- c) a joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002
- d) a subordinate decision-making body.

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

Deliberative vote means the ordinary vote of member (as compared to the casting vote of a chairman).

Deputation means a request from any person or interested group in the community to make a presentation to the Board or any committee of the Board.

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

Electronic Link means an audio link or an audio-visual link.

Emergency meeting has the meaning defined in clause 22A of Schedule 7 of the Local Government Act 2002.

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

Governing body means the Mayor and its members.

Joint committee see clause 16.4.

Leave of absence means leave granted to a member to be absent from a meeting or series of meetings of the Board or its committees, upon application by the member.

LGA 2002 means Local Government Act 2002.

LGACA 2009 means Local Government (Auckland Council) Act 2009.

LGOIMA 1987 means Local Government Official Information and Meetings Act 1987.

Lie on the table, when used in a procedural motion, means the discussion on the motion under debate is closed but may be continued at an unspecified later time.

Local board means a local board of the Auckland Council.

Mayor means the Mayor of Auckland.

Meeting means:

- a) any first or ordinary or extraordinary or emergency meeting of the Board
- b) any meeting of any committee, joint committee and special committee of the Board.

Note: The provisions of these Standing Orders do not apply to Board workshops at which resolutions or decisions are not made.

Member means any person elected to the Ōrākei Local Board and/or appointed to any committee of the Board.

Minutes means the record of the proceedings of any meeting of the Board or one of its committees.

Motion means a formal proposal to a meeting, expressing a proposed decision. Once passed it becomes a resolution.

New Zealand Sign Language means the main language of the deaf community in New Zealand and is one of the official languages of New Zealand.

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

Point of order relates to the proper conduct of the meeting.

Procedural motion means a motion relating to meeting procedure. Clause 8.2 provides for members to propose specific types of procedural motions.

Public in the case of the Board or a committee of the Board includes any person who is not a member of the Board or the relevant committee, or Auckland Council staff providing advice or support to the Board.

Public excluded information means any information that can be excluded from the public for reasons that satisfy the provisions of the Local Government Official Information and Meetings Act 1987 and includes:

- a) information that is currently before a public excluded session, is proposed to be considered at a public excluded session, or has previously been considered at a public excluded session (other than information subsequently released by the Auckland Council as publicly available information)
- 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.

Public forum means a time set aside at the start of a meeting where members of the public may address the Board or any committee of the Board.

Publicly notified means made known to members of the public notice on the Auckland Council's website, until any opportunity for review or appeal has lapsed, and by a notice printed in appropriate newspapers circulating in the Auckland region.

Quasi-judicial function or proceedings means a function or proceedings similar to those exercised by a court, involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument or the application of legal principles.

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

Resolution is a motion that has been passed.

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

Staff includes all Auckland Council employees, contractors and officers.

Substantive motion means a motion of substance, as compared to procedure.

Te Reo means the language of the Māori people and is one of the official languages of New Zealand.

Ward Governing Body Member means the elected member who represents the ward, as determined by the Local Government Commission, which, so far as is practicable, coincides with the Ōrākei Local Board area, presently called the Ōrākei Ward.

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
- b) Where Waitangi Day or ANZAC Day falls on a weekend, the following Monday
- c) Auckland Anniversary Day
- d) a day in the period commencing with 20 December in any year and ending with 10 January in the following year.

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

1.4 Interpretation

The word 'must' used in these Standing Orders indicates that a practice is mandatory. The word 'may' used in these Standing Orders indicates that a practice is optional. The word 'should' indicates that a practice is advised or recommended.

In general, clauses in these Standing Orders that refer to, or derive from, legislation have been paraphrased for readability. Where legislation is referred to, the text of the legislation must have precedence over the relevant clause of these Standing Orders.

1.5 Languages

1.5.1 Member

- a) A member must address the meeting in one of the three New Zealand official languages.
- b) When the Board's business is usually conducted in the English language, the member must give the chairman at least five clear working days' notice that they intend to address the meeting in either New Zealand Sign Language or in Te Reo.

1.5.2 Members of the Public and others

- a) A member of the public may address a meeting in one of the three New Zealand official languages.
- b) The member of the public who wishes to present at a public forum or a deputation or presenting a petition must give the chairman at least five clear working days' notice that they intend to address the meeting in either New Zealand Sign Language or in Te Reo.
- c) In the event that a translator New Zealand Sign Language or in Te Reo is unavailable, the member of the public will be given the option to either present in English, provide their own translator or defer to another meeting.

1.6 Duration of meetings and time limits

1.6.1 A meeting must not continue for more than six hours from when it starts (including any meal breaks) unless the meeting resolves to continue.

1.6.2 Any business on the agenda that has not been dealt with must be deferred to the next meeting or to an extraordinary or emergency meeting of the Board.

1.7 How business is brought before a meeting

1.7.1 Business may be brought before a meeting for decision through placing the following on an agenda:

- report of chief executive
- report of chairman (clause 5.1.4)
- report of a committee
- notice of motion from a member (clause 7.1)

1.7.2 Where the matter is urgent and has not been placed on an agenda, it may be brought before a meeting as "extraordinary business" (clause 3.5) by:

- report of chief executive
- report of chairman

1.7.3 Where there is no time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the chairman.

1.7.4 Requests for new reports

- a) Requests for new reports must be made by resolution of the Board.

The chief executive may delay commissioning any reports that would involve significant cost or are beyond the scope of the Board PROVIDED the chief executive reports to the Board's next business meeting with an estimate of the cost involved, and seeks a direction on whether the report should still be prepared.

Part 2. Notice of meetings to members

2.1 Notice for members

2.1.1 The chief executive must give notice in writing to each member of the Board of the time and place of any meeting.

2.1.2 Notice must be given at least 14 days before the meeting, unless the Board has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

[cl 19(5), sch 7, LGA 2002]

2.2 Members' addresses

To assist the chief executive to carry out the duties in clause 3.1, members must give the chief executive a residential, business or other address (and, if they wish, a fax number or email address), where notices and other materials relating to meetings and Board business can be sent.

2.3 Meeting schedules

Where the Board adopts a meeting schedule:

- a) the schedule may cover any period that the Board considers appropriate
- b) the schedule may be amended
- c) notification of the schedule, or an amendment to it, will constitute notification of every meeting on the schedule or the amendment.

[cl 19(6), sch 7, LGA 2002]

2.4 Cancellation of scheduled meetings

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

2.4.2 A scheduled meeting may be cancelled by the chairman in consultation with the chief executive.

2.5 Meetings not invalid because notice not received

2.5.1 Where a member did not receive notice of a meeting, or did not receive it in good time, the meeting is not invalid - unless the person responsible for giving notice is proved to have acted in bad faith or without reasonable care and the member concerned did not attend the meeting.

2.5.2 A member may waive the need to be given notice of a meeting.

[cl 20, sch 7, LGA 2002]

2.6 Extraordinary and emergency meetings

2.6.1 How extraordinary meetings are called:

An extraordinary meeting may be called by:

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

The resolution or requisition must specify 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.

[cl 22(1), sch 7, LGA 2002]

2.6.2 Notification of extraordinary meetings to members

The chief executive must give members at least three clear working days' written notice of the time, place and general nature of the business of an extraordinary meeting. The notice period may be reduced where a resolution is made to this effect, but may not be less than 24 hours.

[cl 22(3), sch 7, LGA 2002]

2.6.3 Calling an emergency meeting

- 1) The chairman, or if the chairman is unavailable, the chief executive, may call a meeting for an earlier time if this is necessary to deal with the business.
- 2) The chairman or the chief executive calling such a meeting must give each member notice of the time and place of the meeting and the matters in respect of which the meeting is being called, by whatever means is reasonable in the circumstances, at least 24 hours before the meeting.

[cl 22(2) & (4), sch 7, LGA 2002]

Part 3. Agendas for meetings

3.1 Agenda to be sent to members

- 3.1.1 The chief executive must prepare an agenda for each meeting setting out the items the meeting will consider.
- 3.1.2 The members of the Board and any committee are to be named on the relevant agenda.
- 3.1.3 The chief executive must send the agenda to every member at least two clear working days before the day of the meeting, except where the meeting is an extraordinary or emergency meeting.
- 3.1.4 The chief executive may send the agenda, and other materials relating to the meeting or other Board business, to members by electronic means.

3.2 Order of business

For guidance the following should be considered the usual order of business for ordinary meetings of the Board:

Open section

- 1) Welcome
- 2) Apologies
- 3) Declarations of interest
- 4) Confirmation of minutes
- 5) Leave of absence
- 6) Acknowledgements
- 7) Petitions
- 8) Deputations
- 9) Public forum
- 10) Ward Governing Body Member's Report
- 11) Extraordinary business
- 12) Notices of motion
- 13) Reports
- 14) Consideration of extraordinary business items

Public excluded section

- 15) Reports

- 3.2.1 The minutes of the previous meeting must be confirmed first. Then, the business as set out in order of the agenda unless the chairman gives precedence to any business in the agenda.
- 3.2.2 The order of business for an extraordinary or emergency meeting shall be limited to items that are relevant to the purpose of the meeting. *(See also clause 8.2.7 'Remaining business at adjourned meetings')*.

3.3 Status of agenda and Board decisions

No one may take any matter on a meeting agenda to be Board policy until it has been adopted by the Board.

3.4 Public excluded items of business

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason, in terms of the Local Government Official Information and Meeting Act, that the public are excluded. *(See Part 11, Public Access to meetings and information from meetings)*.

[s46A and 48, LGOIMA 1987]

3.5 Urgent items not on the agenda may be dealt with as extraordinary business

An item that is not on the agenda may be dealt with at the meeting, if brought before the meeting by a report from either the chief executive or the chairman; and

- 1) the Board by resolution so decides; AND
- 2) the chairman 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.

HOWEVER, where the matter is so urgent that a written report is not practical, the report may be verbal.

[s46A(7), LGOIMA 1987]

3.6 Discussion on minor matters not on the agenda

3.6.1 A meeting may discuss an item that is not on the agenda, if it is a minor matter relating to the general business of Board and the chairman explains at the beginning of the public part of the meeting that the item will be discussed.

3.6.2 The meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

3.6.3 Whether or not a minor matter of extraordinary business may be discussed at a meeting is at the discretion of the chairman.

[s46A(7) & (7A), LGOIMA 1987]

Part 4. Meeting quorum and attendance

4.1 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

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

4.2 Definition of quorum for Board or joint committee meetings

The quorum at a meeting of the 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)(a) & 30A(6), sch 7, LGA 2002]

4.3 Definition of quorum for Board committee meeting

The quorum at a meeting of a committee is not fewer than two members of that committee (as determined by the Board); and must include at least one member of the Board.

[cl 23(3)(b), sch 7, LGA 2002]

4.4 Meeting must lapse where no quorum

4.4.1 A meeting must lapse and the chairman must vacate the chair if a quorum is not present within 30 minutes of the scheduled or appointed start of the meeting.

4.4.2 However, the chairman may extend the time that the meeting will wait for a quorum by up to a further 10 minutes in situations where members are known to be travelling to the meeting, but are delayed due to unusual weather or traffic congestion.

4.4.3 Where a meeting lapses because there is no quorum, this will be recorded in the minutes, together with the names of the members who attended and any apologies and leave of absence.

4.5 Business from lapsed meetings

Where a meeting lapses, the remaining business will be deferred until the next ordinary meeting, unless the chairman sets an earlier meeting date for an extraordinary meeting and this is notified by the chief executive.

4.6 Lapses after meeting starts

4.6.1 Where, after a meeting starts, a member or members leave and there is no longer a quorum the business of the meeting will be suspended. If the quorum is not made up within 10 minutes from the time there is no quorum, the balance of the meeting must lapse and the chairman must vacate the chair.

4.6.2 Any remaining business on the agenda that has not been dealt with must be deferred to the next ordinary meeting or to an extraordinary meeting.

4.7 Right to attend meetings

Any member has the right to attend any Board or committee meeting, unless they are lawfully excluded.

[cl 19(2), sch 7, LGA 2002]

4.8 Granting leave of absence

4.8.1 The Board may grant leave of absence to a member from its meetings or those of its committees, upon application by the member PROVIDED however, the chairman

may grant leave of absence to protect the privacy of the member applying.

4.8.2 The meeting's minutes must record that a member has leave of absence for that meeting.

4.9 Apologies for meetings

4.9.1 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 Board.

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

4.10 Recording apologies

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

4.11 Absence without leave

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

[cl 5, sch 7, LGA 2002]

4.12 Attendance by audio link or audio visual link

4.12.1 Attendance by electronic link

Provided the conditions in these Standing Orders are met, members of the Board have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

[cl 25A(1) & 27(5)(a), sch 7, LGA 2002]

4.12.2 Member's status – quorum and vote

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum **HOWEVER** if the meeting otherwise has a quorum, then the member attending by electronic link can vote on any matters raised at the meeting.

[cl 25A(4), sch 7, LGA 2002]

4.12.3 Conditions for attending by electronic link

The Board may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Situations where approval can be given are:

- a) where the member is representing Auckland Council or specifically the Board at a place that makes their physical presence at the meeting impossible or impracticable
- b) to accommodate the member's illness or infirmity
- c) in emergencies.

The member who is seeking to attend by electronic link may not take part in the vote to give approval **EXCEPT** where there is an emergency, in which case the member seeking to attend by electronic link can take part in the vote.

[cl 25A(1) & 27(5)(b), sch 7, LGA 2002]

4.12.4 Request to attend by electronic link

- a) Where possible, a member will give the chairman and the chief executive at least two clear working days' written notice, where they wish to attend a meeting by electronic link. **HOWEVER**, where because of illness or emergency, this is not possible, the member may give less notice.
- b) Where such a request is made, the chief executive must take reasonable steps to enable the member to attend by electronic link. **HOWEVER**, the chief executive has no obligation to

make the technology for an electronic link available.

- c) If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the Board.

[cl 25A(1), (5) & 27(5), sch 7, LGA 2002]

4.12.5 Chairman's duties relating to electronic links

Where a member is attending a meeting by electronic link, the chief executive must confirm to the chairman that:

- a) the technology for the link is available and of suitable quality
- b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by electronic link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are met
 - iv. the requirements in these Standing Orders are met.

[cl 25A(1) & (3), sch 7, LGA 2002]

4.12.6 Chairman may terminate link

The chairman may direct that an electronic link should be terminated where:

- a) use of the link is increasing, or may unreasonably increase, the length of the meeting
- b) the behaviour of the members using the link warrants it, including the style, degree and extent of interaction between them
- c) it is distracting to the members who are physically present at the meeting
- d) the quality of the link is no longer suitable.

4.12.7 Giving or showing a document

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

- a) transmitting it electronically
- b) using the electronic link
- c) any other manner that the chairman thinks fit.

[cl 25A(6), sch 7, LGA 2002]

4.12.8 Link failure

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

[cl 25A(1), sch 7, LGA 2002]

4.12.9 Confidentiality

A member who is attending a meeting by electronic link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the chairman may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

4.12.10 Attendance of non-members by electronic link

A person other than a member of the Board may participate in a meeting of the Board by means of audio link or audio-visual link if the person is otherwise approved to participate in accordance with Parts 13 and 14 of these Standing Orders.

Part 5. Conduct of Meetings

5.1 Chairman's role

5.1.1 Chairman to preside

- 1) The chairman of the Board must preside at each meeting of the Board, unless he or she vacates the chair for all or part of a particular meeting.
- 2) If the chairman is absent from a meeting, the deputy chairman must act as chairman. If a deputy chairman has not been appointed, or if the deputy chairman is also absent, the members of the Board who are present must elect one of its members to be chairman at that meeting. That person shall exercise the responsibilities, duties, and powers of the chairman.
- 3) Where the Board has appointed a committee, the chairman appointed for that committee must preside at meetings of that committee and if the chairman is absent then the committee must appoint one of the members of the committee to preside.

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

5.1.2 Mode of address for Chairman

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.

5.1.3 Chairman to decide

- 1) The chairman is to decide all questions where these Standing Orders make no provision or insufficient provision, and all points of order (*see clauses 6.2 and 8.2.3*).
- 2) Any member who refuses to obey a chairman's ruling or order must be held to be in contempt.

5.1.4 Chairman's report

The chairman may, by way of report, bring any matter to the attention of a meeting of the Board.

5.1.5 Calling to order

- 1) When the chairman calls members to order, they must be seated and stop speaking.
- 2) The chairman may close any presentations by presenters in public forum or by a deputation(s) or petitioners if he or she considers the presenters is being disrespectful, offensive or making malicious statements.

5.1.6 Chairman rising

Whenever the chairman rises during a debate, members must be seated and be silent so that they can hear the chairman without interruption.

5.1.7 Members speaking

- 1) The chairman grants members the right to speak.
- 2) Members must address the chairman when speaking. They may remain seated when speaking, and may not leave their place while speaking, unless they have the leave of the chairman.

5.1.8 Chairman prioritises speakers

When two or more members wish to speak, the chairman will name the member who may speak first, PROVIDED that the other members who wished to speak must have precedence when they intend to:

- 1) raise a point of order, including a request to obtain a time extension for the previous speaker (*see clause 6.2*)
- 2) move a motion to close or adjourn the debate (*see clause 8.2.5*).
- 3) make a point of explanation or request an indulgence of the chairman (*see clauses 6.1.3 and 6.1.4*).

5.1.9 Questions to staff during debate

During a debate at a Board or committee meeting, members can ask staff questions about the matters being discussed. Questions must be asked through the chairman, and are at his or her discretion.

5.2 Members' conduct

5.2.1 Disrespect

- 1) No member of the Board may speak disrespectfully, or use offensive or malicious language or impart improper motives to other members or staff at any meeting.
- 2) No member may comment disrespectfully on another member's vote on any motion.

5.2.2 Calling to order

When the chairman calls members to order, and the members fail to sit and stop speaking, the chairman may direct that they should leave the meeting immediately for a specified time.

5.2.3 Retractions and apologies

The chairman may call upon a member or speaker to withdraw any offensive or malicious comments, and may require them to apologise. If the member refuses to do so, the chairman may direct that they should leave the meeting immediately for a specified time.

5.2.4 Disorderly conduct

- 1) The chairman may require any member whose conduct is disorderly or who is creating a disturbance to leave the meeting immediately for a specified time.
- 2) If the disorder continues, the chairman may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.
- 3) The chairman may also adjourn the meeting if other people cause disorder or in the event of an emergency.

5.2.5 Removal of member from meeting

A member of the police, or staff of Auckland Council, may, at the request of the chairman, 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 chairman.

[cl 16(2), sch 7, LGA 2002]

5.2.6 Contempt to be recorded in minutes

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

5.3 Members' Interests

5.3.1 Financial interests

- 1) Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.
- 2) No member may vote on, or take part in a discussion about, any matter in which they have a direct or indirect financial interest. Where practical, members with a financial interest should leave the meeting room for the duration of the discussion. If it is not practical to leave the meeting, the member must leave the table for the duration of the discussion.
- 3) The minutes must record any declarations of financial interests, and the member's abstention from the discussions and voting on the matter.

[s6(1), Local Authorities (Members' Interests) Act 1968]

5.3.2 Non-financial interests

- 1) Where a member declares a non-financial interest in any matter, the member may decide

whether that matter constitutes a conflict.

- 2) If the member considers that there is a conflict, they may not take part in the discussions about or vote on that matter. The member must leave the table when the matter is considered, but does not need to leave the meeting.
- 3) The minutes must record the declaration and member's subsequent abstention from discussion and voting.

5.4 Qualified privilege

5.4.1 Qualified privilege relating to agenda and minutes

Where all or part of a meeting of the Board or its committees is open to the public, and a member of the public is supplied with a copy of the agenda or any part of the minutes for that meeting, 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 1987]

5.4.2 Qualified privilege relating to oral statements

Any oral statement made at any meeting of the Board in accordance with these Standing Orders is privileged - unless the statement is proved to have been made with ill will or taking improper advantage of the publication.

[s53, LGOIMA 1987]

5.4.3 Qualified privilege additional to any other provisions

The privilege conferred in the preceding clause 5.4.2 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.

[s53, LGOIMA 1987]

Part 6. Debates

6.1 Rules of debate

6.1.1 Time limit

The following time limits apply to members speaking at meetings:

- 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.

A time limit can be extended by a majority vote of the members present.

6.1.2 Member speaking more than once

- 1) A member may not speak more than once to a motion or amendment. This clause does not apply to meetings of committees.
- 2) The mover of an original motion may speak once to that original motion and once to an amendment but may exercise a right of reply.

6.1.3 Personal explanation

NOTWITHSTANDING clause 6.1.2 members may make a personal explanation with the permission of the chairman, but such matters may not be debated.

6.1.4 Explanation of previous speech

NOTWITHSTANDING clause 6.1.2 a member who has already spoken may with the permission of the chairman give an explanation of some material part of a speech previously given by the member in the same debate, but new matters may not be debated.

6.1.5 Limit on number of speakers

- 1) If three speakers have spoken consecutively in support of or in opposition to a motion or/and amendment, the chairman may call for a speaker to the contrary.
- 2) If no such speaker is forthcoming, and after the mover has had the right of reply, the motion must be put.
- 3) Members speaking must, if requested by the chairman, announce whether they are speaking in support of or against the motion or an amendment being debated.

6.1.6 Reserving speech

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

6.1.7 Reading speeches not permitted

Members must not read speeches, EXCEPT with the permission of the chairman although they may refresh their memory by referring to their notes.

6.1.8 Speaking only to relevant matters

- 1) Members may speak to any matter on the agenda, or on a motion or an amendment they propose, or on a point of order arising out of debate, but not otherwise.
- 2) Members must confine their remarks strictly to the motion or the amendment they are speaking to.
- 3) Members must not introduce irrelevant matters or repeat themselves needlessly.

The chairman's ruling on matters arising under this clause is final and not open to challenge.

6.1.9 Restating motion

A member may ask the chairman to restate the motion or amendment at any time during the debate, but may not interrupt a speaker.

6.1.10 Criticisms of resolutions not permitted

No member may criticise the validity of any resolution of the Board or committee.

6.1.11 Objecting to words

- 1) When a member objects to any words used by another member in speech during a debate, the member must object when the words are used and not after any other member has spoken.
- 2) A member may request that the minutes of the meeting record the member's objection to any words used by another member during a debate.
- 3) The chairman shall decide whether the minutes should record the member's objection and the chairman's ruling is final and not open to challenge.

6.1.12 Right of reply

- 1) The mover of an original motion has a right of reply.
- 2) A mover of an amendment to the original motion does not have a right of reply.
- 3) In the reply, the mover must not introduce any new matters but must confine the reply to answering previous speakers.
- 4) A mover's right of reply can only be used once. HOWEVER, the mover may exercise a right of reply which can be exercised either at the end of the debate on the original motion or at the end of the debate on a proposed amendment. The original mover's right of reply is then exhausted, although the member may still take part in the debate on any subsequent proposed amendments.
- 5) When a member exercises a right of reply, no other member may speak:
 - a) after the mover has started the reply
 - b) after the mover has indicated that they wish to forego this right
 - c) where the mover has spoken to an amendment to the original motion, and the chairman has indicated that the motion is to be put.

6.2 Points of order

6.2.1 Members may raise points of order

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

6.2.2 Subjects for points of order to be precisely stated

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

- a) disorder – bringing disorder to the attention of the chairman
- b) language – use of disrespectful, offensive or malicious language
- c) commenting disrespectfully on another member's vote on any motion
- d) irrelevance – the topic being discussed is not the matter currently before the meeting
- e) misrepresentation – misrepresentation of any statement made by a member or staff
- f) breach of Standing Orders – the breach of any clause must be stated
- g) record words – a request that the minutes record the words objected to.

6.2.3 Contradictions during debate

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

6.2.4 No point of order during division

No point of order may be raised during a division EXCEPT by the permission of the chairman.

6.2.5 Decision of chairman final

The chairman 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 chairman upon any point of order is not open to any discussion and is final.

Part 7. Notices of Motions

(See also Part 10 for revocation or alteration of resolutions)

7.1 Notices of motion to be in writing

Notices of motion must:

- a) be in writing signed by the mover
- b) be seconded in writing
- c) state the meeting at which it is proposed that the notice of motion be considered
- d) be delivered to the chief executive at least seven clear working days before such meeting.

(See also Standing Order 10.1)

7.2 Notice to be seconded prior to delivering to chief executive

The notice of motion delivered to the chief executive must be signed by another member of the meeting as a seconder, unless Standing Order 10.1 applies.

7.3 Refusal to accept notice

7.3.1 The chairman may direct the chief executive to refuse the notice if it:

- a) is disrespectful, or contains offensive language or malicious statements
- b) is not related to the role or functions of the Board or the relevant committee
- c) is ambiguous, or states fact or opinion that cannot form part of an effective resolution, and the mover has declined to comply with requirements of the chief executive
- d) is concerned with matters that are already on the agenda.
- e) has substantially the same purpose and effect as one that the Board or a committee has rejected within the previous six months, unless one-third of all members (including vacancies) have signed the new notice
- f) is to the same effect as a notice of motion that the Board has considered twice and rejected within the previous six months.
- g) is to the same effect as a notice of motion already adopted and that still stands.

7.3.2 The chief executive must let the member who is proposing the motion know the reason it has been refused.

7.4 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.

7.5 Alteration of notice of motion

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

7.6 When notices of motion lapse

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

Part 8. Motions and Amendments

8.1 Motions and amendments

8.1.1 General provisions relating to motions and amendments

In relation to a debate, any member may:

- a) move or second one motion or one amendment only
- b) speak once to the original motion or substituted motion
- c) speak once to each amendment.

This Part does not apply to committees.

8.1.2 Requirement for a seconder

All motions, including notices of motions, and amendments moved in debate must be seconded.

8.1.3 Motion and amendments not seconded lapse

Motions and amendments which are proposed but not seconded shall lapse and are not recorded in the minutes.

8.1.4 Motions in writing

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

8.1.5 Motions put in parts

The chairman or any member may request a motion that has been expressed in parts, to be decided part by part.

8.1.6 Substituted motion by amendment

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

8.1.7 Amendments to motions

- 1) Only members who have not moved or seconded or spoken to the original (or substituted) motion may move or second an amendment to it.
- 2) All members may speak to the amendment.
- 3) Where the mover or seconder of a motion to adopt a report of a committee wishes to amend an item in the report, the original mover or seconder may also propose or second the suggested amendment.

8.1.8 Amendments must be 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.

8.1.9 Direct negatives not allowed

Any amendment which amounts to a direct negative is not allowed. Direct negatives are amendments which, if carried, would have the same effect as negating the motion.

8.1.10 Further amendments

The meeting must dispose of an amendment before any further amendments can be proposed. However, members may notify the chairman that they intend to move further amendments and the nature of their content.

8.1.11 Lost amendments

- 1) Where an amendment is lost, the meeting will resume the debate on the original (or substituted) motion. Any member who has not spoken to that motion may speak to it and may move or second a further amendment (*See also Clause 8.1.7 Amendments to motions*).

- 2) Movers and seconders of previous amendments 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.

8.1.12 When amendment has been carried

Where an amendment is carried, the motion as amended becomes the substantive motion. Any member, other than previous movers or seconders in the debate and members who have spoken to the original (or substituted) motion, may then propose a further amendment. [see *Amendments to motions*].

8.1.13 Procedure until final motion is adopted or lost

The procedures in clauses 8.1.6 to 8.1.12 must be repeated until a motion is adopted or lost.

8.1.14 Withdrawal of motions and amendments

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

8.1.15 No speakers after reply or motion has been put

A member may not speak to any motion once:

- a) the mover has started their right of reply in relation to the motion
- b) the chairman has started putting the motion.

8.2 Procedural motions

8.2.1 Procedural motions to close or adjourn a debate

Any member who has not spoken in a debate may move one of the following procedural motions to close or adjourn a debate PROVIDED the member seeking to move a procedural motion must not interrupt another member who is already speaking:

- a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place)
- b) that the motion under debate should now be put (a closure motion)
- c) that the item being discussed should be deferred to a specified time and place
- d) that the meeting should move directly to the next item, replacing the item under discussion
- e) that the item being discussed should lie on the table, and not be further discussed at that meeting
- f) that the item being discussed should be referred (or referred back) to the Board or to a committee.

8.2.2 Procedural motion to temporarily suspend particular clause(s) of Standing Orders

- 1) A member may move a motion to temporarily suspend a particular clause(s) of the Standing Orders as a procedural motion during a meeting. The member must name the clause(s) to be suspended and provide a reason for suspension. If seconded, the chairman must put it without debate.
- 2) The Board may temporarily suspend one or more clauses of the Standing Orders during a meeting by a vote of not less than 75 per cent of the members present and voting.
- 3) The reason for the suspension and specific clause(s) suspended must be stated in the resolution of suspension.
- 4) No motion may be moved or put to suspend Standing Orders as a whole.

[cl 27(4), sch 7, LGA 2002]

8.2.3 Other types of procedural motions

The chairman has discretion about whether to allow any other procedural motion that is not

contained in these Standing Orders.

8.2.4 Procedural motions take precedence

A procedural motion to close or adjourn a debate will take precedence over other business, other than points of order. If the procedural motion is seconded, the chairman must put it to the vote immediately, without discussion or debate.

8.2.5 Voting on procedural motions to close or adjourn debate

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

8.2.6 Debate on deferred items of business

- 1) When debate resumes on items of business that have been previously deferred, the member who moved the adjournment may speak first in the debate.
- 2) Members who have already spoken in the debate may not speak again.

8.2.7 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business is not replaced, and the remaining business will be considered first at the next ordinary meeting, or at an extraordinary meeting called to consider any or all of the remaining business.

8.2.8 Chairman may accept closure motions

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

8.2.9 Closure motion to be put if no further speaker

Notwithstanding clause 8.2.8 a closure motion shall be put if there is no further speaker in the debate.

8.2.10 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.

8.2.11 Right of reply following closure motion

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

Part 9. Voting

9.1 Decisions by Majority vote

Unless the Local Government Act 2002 or these Standing Orders provide otherwise, any act or questions coming before the Board must be done or decided on by an open vote by the majority of the members who are present and voting.

[cl 24(1) & (3), sch 7, LGA 2002]

9.2 Chairman has casting vote

The chairman or other person who is presiding at the meeting has a deliberative vote and, in cases where the votes are equal, has the casting vote.

[cl 24 (4), sch 7, LGA 2002]

9.3 Members must abstain from voting in certain circumstances

9.3.1 Where a member has declared a direct or indirect financial interest under clause 5.3.1 or where a member has declared a non-financial interest under clause 5.3.2 but declares a conflict in the subject matter being debated, the member must abstain from voting.

9.3.2 Members present and eligible to vote are expected to vote and not abstain.

9.4 Members may have their votes recorded

If a member requests it, immediately following a vote, the minutes must record the member's vote or abstention.

9.5 Method of voting

The method of voting must be one of the following:

- a) the chairman, in putting the motion, will call for an expression of opinion on the voices or take a show of hands. The chairman then announces the result, which is conclusive, unless a member immediately questions the announcement, in which case the chairman will call a division
- b) the chairman or any member will call for a division instead of, or immediately after, receiving an opinion on the voices or taking a show of hands
- c) an electronic voting system, if available. The chairman must declare the result displayed immediately.

9.6 Divisions

9.6.1 When a division is called, the chief executive must take down the names of the members voting for and against the motion and of those abstaining, and will hand the list to the chairman to declare the result. The minutes must record the result of the division.

9.6.2 Where there is confusion or error in the original division, the chairman may call a second division.

9.6.3 The chairman may, immediately prior to any division being taken, request staff supporting the meeting to restate the motion upon which the division is to be taken.

Part 10. Revocation or alteration of resolutions

10.1 Notice for Revocation or alteration of resolutions

(See Part 7. Notices of Motion)

- 10.1.1 A notice of motion for the revocation or alteration of all or part of a previous resolution of the Board must be delivered to the chief executive by the member intending to move such a motion. Such notice must be in writing by the mover and set out:
- i. the resolution or part thereof which is proposed to be revoked or altered
 - ii. the meeting date when it was passed
 - iii. the motion (if any) that is intended to be moved in substitution thereof.
- 10.1.2 Such notice must be signed by not less than one third of the members of the Board or the committee who made the previous resolution, including vacancies.
- 10.1.3 Such notice must 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.
- 10.1.4 The chief executive 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.

10.2 Restrictions on actions under the affected resolution

- 10.2.1 Where a member has given a notice of motion to revoke or alter a previous resolution, no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with EXCEPT where, in the opinion of the chairman:
- a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked
 - b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the Board that made the previous resolution.
- 10.2.2 In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

10.3 Revocation or alteration by resolution at same meeting

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

10.4 Revocation or alteration by recommendation in report

- 10.4.1 The Board or a committee of the Board may, on a recommendation in a report by the chairman or chief executive, or the report of any committee, revoke or alter all or part of a resolution passed by a previous meeting.
- 10.4.2 The chief executive must give at least two clear working days' notice of the meeting that will consider such a proposal, accompanied by details of the proposal.

Part 11. Public Access to meetings and information from meetings

11.1 Public access to meetings

11.1.1 Meetings normally to be open to public

- 1) Except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting of the Board shall be open to the public.
- 2) For the purposes of Part 7 of the Local Government Official Information and Meetings Act 1987, bona fide members of the news media shall be treated as 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.
- 3) Any person who wishes to record the proceedings of a Board meeting must notify the chairman of their request to do so before the meeting starts, and if approval is given, shall record the meeting unobtrusively, without distracting members or other persons who may be present.

[s 47 & 49(a) LGOIMA 1987]

11.2 Public notification of meetings

11.2.1 Public notification

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than five days before the end of every month, together with the relevant dates, times and places of the meetings. HOWEVER, meetings to be held on or after the 21st day of the month may instead be publicly notified not more than 10 nor less than five clear working days before the day on which the meeting is to be held.

[s 46(1)&(2), LGOIMA 1987]

11.2.2 Public notification additional requirements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the Board may from time to time determine.

11.2.3 Notification of extraordinary and emergency meetings

Where the Board calls an extraordinary or emergency meeting but cannot give public notice to the extent required in clause 11.2.1, the Board must publicly notify the meeting, and the general nature of business to be considered at it, as soon as reasonably practicable before the meeting. HOWEVER, if it is not practicable to publish a notice in newspapers before the meeting, the Board must publicly notify the meeting as soon as practicable on the Auckland Council's website and in any other manner that is reasonable in the circumstances.

[s 46(3) & (4), LGOIMA 1987]

11.2.4 Public notice of resolution from extraordinary and emergency meetings

The chief executive shall publicly notify, as soon as practicable, resolutions on the matters for which the extraordinary or emergency meeting was held, UNLESS:

- a) the meeting passed the resolution while the public was excluded; or
- b) The chief executive publicly notified the extraordinary or emergency meeting at least five clear working days before the day of the meeting.

[s 51A, LGOIMA 1987]

11.2.5 Meetings not publicly notified

- 1) Where the Board becomes aware that a meeting has not been publicly notified in accordance with these Standing Orders, the chief executive must give public notice that the meeting was not notified, the reasons why it was not notified and the general nature of any business transacted at the meeting, as soon as practicable.

2) A meeting does not become invalid merely because it was not publicly notified.

[s 46 (5) & (6), LGOIMA1987]

11.3 Public access to information

11.3.1 Information to be available to public

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

[s 5 & 49 LGOIMA 1987]

11.3.2 Availability of agendas and reports

- 1) 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 relating to that meeting.
- 2) Agendas:
 - a) shall be available for inspection at the public offices of the Auckland Council (including service delivery centres) and the Council's libraries in the Board's area
 - 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.
- 3) The associated reports shall be available for inspection at the public offices of the Auckland Council in the Board's area.
- 4) Any member of the public may take notes from any agenda or report that they inspect. They may also request a copy of all or part of an agenda or report, and upon paying the prescribed amount (if any) must be provided with a copy as soon as practicable.
- 5) Where a meeting is an extraordinary or emergency meeting called pursuant to a resolution of the Board, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances.

[s 46A(1)-(6) LGOIMA1987]

11.4 Matters discussed with public excluded

The chief executive may exclude, from the information that is made available to the public, any reports (or items from reports) that he or she reasonably expects the meeting to discuss while the public is excluded. The chief executive shall indicate such excluded reports on the agenda.

[s 46A(8), 5 & 49(d), LGOIMA1987]

11.5 Agenda to be available at meetings

A reasonable number of copies of the agenda shall be provided at meetings for viewing by members of the public.

[s 49, LGOIMA 1987]

11.6 Public may be excluded from meetings

11.6.1 Motions and resolutions to exclude public

- 1) The Board or a committee of the Board may resolve to exclude the public from a meeting. The only grounds for exclusion are those specified in Section 48 of the Local Government Official Information and Meetings Act 1987.
- 2) Every motion to exclude the public must be put when the meeting is open to the public, and copies of the motion must be made available to any member of the public who is present.
- 3) If the motion is passed, the 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. The resolution must state the general subject of each matter to be excluded, the

reason for passing the resolution in relation to that matter, and the grounds on which the resolution is based. The resolution will form part of the meeting's minutes.

[s 48 & schedule 2A, LGOIMA1987]

11.6.2 Specified people may remain

- 1) Where the members resolve to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the members, they have knowledge that will assist the members. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and how it will assist.
- 2) No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.

[s 48 (5) & (6), LGOIMA1987]

11.6.3 Public excluded business not to be disclosed

- 1) No member or staff member may disclose to any person (other than another member or relevant staff member) information that has been, or is to be, presented to any meeting from which the public is excluded, or proposed to be excluded.
- 2) This restriction does not apply where:
 - a) a meeting has resolved to make the information publicly available
 - b) there are no grounds under the Local Government Official Information and Meetings Act 1987 for withholding the information when requested
 - c) the information is no longer confidential.
- 3) The Board or committee of the Board may provide for the release to the public of information, which the meeting considered while the public were excluded.

11.7 Public order

11.7.1 Public required to leave meeting

The chairman may require any member of the public to leave the meeting, where the chairman believes on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

[s 50, LGOIMA1987]

11.7.2 Removal of members of public

Any police officer or Auckland Council staff may, at the request of the chairman, remove or exclude a member of the public from a meeting if they have been required to leave in accordance with Standing Order 11.7.1 and

- 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 chairman.

[s 50, LGOIMA1987]

11.8 Minutes

11.8.1 Public entitled to inspect minutes

The public may, without charge, inspect and take notes from the minutes of any meeting or part of any meeting that the public was not excluded from.

The public may be given a copy of such minutes.

[s 51, LGOIMA1987]

11.8.2 Minutes for public excluded sessions

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

[s 51(3), LGOIMA1987]

Part 12. Petitions

12.1 Petition in English or Te Reo

A written petition provided to the Board may be in English or Te Reo.

[see clause 1.5.2]

12.2 Form of petitions

The prayer or statement of every written petition presented to the Board must comprise fewer than 50 words (not including signatories), and not be disrespectful nor use offensive language or include statements made with malice (*See clause 5.4 Qualified privilege*).

12.3 Petition presented by petitioner

A petitioner who presents a petition to the Board at a meeting of the Board may speak for five minutes about the petition, unless the meeting resolves otherwise. (*See clause 5.1.5(2)*)

12.4 Petition presented by member

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

- a) the petition
- b) the petitioners' statement or prayer
- c) the number of signatures.

Part 13. Deputations

13.1 Notice to be given

- 13.1.1 Deputations may be received by the 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 clear working days before the date of the meeting concerned, and has been subsequently approved by the chairman.
- 13.1.2 Where in the opinion of the chairman the matter which is the subject of a deputation is one of urgency or major public interest the chairman may determine that the deputation be received and the time requirement to be waived.

13.2 Chairman's discretion

The chairman may:

- a) decline a request for a deputation where the request does not comply with these Standing Orders
- b) 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
- c) refuse a request for a deputation where it is offensive, repetitious or vexatious.

13.3 Subjects not permitted

A speaker may not speak about a matter that:

- a) has already been considered and decided
- b) has a separate public hearings or consultation process attached to it
- c) is subject to a quasi-judicial process
- d) is outside of the scope or functions of the Board or committees.

13.4 Procedures for deputations

- 1) Except with the approval of the Board, not more than two members of a deputation may address the meeting.
- 2) 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

13.5 Time limit on presentation

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

[Note: s 76 – 81, LGA 2002, regarding decision-making]

13.6 Deputations from another local board

A deputation from another local board must be authorised by a resolution of that body and be about a matter affecting the other local board's interests.

Part 14. Public Forum

14.1 Time limits for public forum

- 1) A period of up to 30 minutes, or such other time as the Board may determine, will be set aside for a public forum at the commencement of meetings of the Board which are open to the public HOWEVER, this provision does not apply to the inaugural meeting of the Board, following each triennial election.
- 2) Each speaker during the public forum section of a meeting may speak for three minutes.
- 3) On a vote of not less than 75 per cent of those present to extend the period of public participation or the period any speaker is allowed to speak may be extended.

14.2 Restriction on subjects of public forum

The public forum is to be confined to those items falling within the scope or functions of the Board. Speakers must not speak about a matter that is under judicial consideration or subject to a quasi-judicial process.

14.3 Questions of speakers during public forum

- 1) With the permission of the chairman, 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.
- 2) Members may not debate any matter raised during the public forum session that is not on the agenda for the meeting, or take any action in relation to it, other than through the usual procedures for extraordinary business if the matter is urgent.
- 3) The meeting may refer the matter to a future meeting, or to a committee, or to the chief executive for investigation.

Part 15. Governing Body input

15.1 Ward Governing Body Member's report

- 15.1.1 The Ward Governing Body member may provide updates at Board meetings on regional matters of interest to the Board or on any matter the member wishes to raise with the Board.
- 15.1.2 Provision will be made for this purpose in the Order of Business for ordinary meetings of the Board, and for other meetings only with the approval of the chairman
- 15.1.3 Application for a deputation must be made to the chief executive at least seven clear working days before the date of the meeting.

15.2 Input by other individual members of the Governing Body

- 15.2.1 Any other member of the Governing Body in his or her capacity as a member of the Governing Body may provide input to the Board and its committees, at the discretion of the chairman. This might include reporting on regional matters of interest to the Board, or on any matter the Governing Body member wishes to raise with the Board.
- 15.2.2 The Governing Body member must give the chief executive at least seven clear working days' notice, before the date of the meeting, of his or her wish to provide input.
- 15.2.3 The Governing Body member may speak for up to five minutes.

15.3 Deputations

- 15.3.1 A deputation from the Governing Body, authorised by a resolution of that Body, about a matter affecting the Board's or Governing Body's business may be received by the Board.
- 15.3.2 Application for a deputation must be made to the chief executive at least seven clear working days before the date of the meeting.

15.4 Chairman's discretion

The chairman may:

- a) decline a request to speak where the request does not comply with these Standing Orders
- b) refuse a request to speak if in his or her opinion there will be insufficient time to receive the deputation and to hear the Governing Body member because of the amount of business to be conducted at the meeting
- c) waive the requirement when an application to speak is made less than seven clear working days before the meeting, if the chairman considers the matter is urgent and of major public interest
- d) prohibit a Governing Body member from speaking if he or she is offensive, repetitious or vexatious, or otherwise breaches these Standing Orders.

15.5 Restrictions on subjects for input

A Governing Body deputation and an individual member may not speak about a matter that:

- a) has already been considered and decided by the Board
- b) has a separate public hearings or consultation process attached to it
- c) is subject to a quasi-judicial process
- d) is outside of the scope or functions of the Board.

Part 16. Power to appoint Committees

16.1 Appointment of committees

- 1) The Board may appoint committees that it considers appropriate for the efficient and effective conduct of the Board's business and delegate to such committees any of its duties, responsibilities and powers.

[cl 30 (1) sch 7, LGA 2002]

- 2) The Board may at any time discharge or reconstitute a committee.
- 3) A committee is subject in all things to the control of the Board, and must carry out all general and special directions of the Board that relate to the committee or its affairs.
- 4) Nothing in this standing order entitles the Board or committee to rescind or amend a decision made under a delegation, which authorises the making of a decision by a committee.

[cl 30(3), (4) & (6), sch 7, LGA 2002]

Note: At the end of each term, a committee is deemed to be discharged on the coming into office of the members of the Board elected or appointed at or following the triennial general election.

[cl 30(5)&(7), sch 7, LGA 2002]

16.2 Membership of committees

- 1) The Board may appoint or discharge any member of a committee.

[cl 31(1), sch 7, LGA 2002]

- 2) The minimum number of members of a committee is three.

[cl 31(6), sch 7, LGA 2002]

- 3) The Board may appoint to a committee a person who is not a member of the Board if, in the opinion of the Board, that person has the skills, attributes or knowledge that will assist the work of the committee.
- 4) At least one member of a committee must be an elected member of the Board. Auckland Council staff acting in the course of their employment may not act as a member of any committee.

[cl 31(3) & (4), sch 7, LGA 2002]

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

16.3 Members' attendance at committee meetings

16.3.1 Except when a committee is performing a judicial or quasi-judicial function, any member of the Board may:

- a) attend any meeting of any committee
- b) put a question to the chairman to elicit information
- c) take part in the discussion at the committee meeting.

16.3.2 A member of the Board, who is not a member of the committee, may not vote on any matter before the committee.

16.3.3 When a committee is performing any judicial or quasi-judicial function, a member of the 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.

16.3.4 While a committee is deliberating its decision on any matter in the performance of any judicial or quasi-judicial function, no member of the Board shall be entitled to be present

unless:

- a) they are a member of the committee; and
- b) 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.

[cl 19(2), sch 7, LGA 2002]

16.4 Joint committees

16.4.1 Appointment of joint committee

The Board may appoint a joint committee with another local board, the Governing Body, another local authority, or other public body PROVIDED the Board has first reached agreement with the other party or parties on matters specified in clause 30A of Schedule 7 of the Local Government Act 2002.

[cl 30(1) & 30A, sch 7, LGA 2002]

16.4.2 Status of joint committees

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

[cl 30A(5), sch 7, LGA 2002]

16.4.3 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 Board, Governing Body or public body that made the appointment
- b) the meeting quorum is as stated in clause 4.2
- c) the committee may appoint and remove its own chairman or deputy chairman.

[cl 30A(6), sch 7, LGA 2002]

Part 17. Minutes of proceedings of meetings

17.1 Minutes to be evidence of proceedings

- 1) The Board and its committees must keep minutes of their proceedings. These minutes, when duly entered and authenticated, will be prima facie evidence (i.e. a record) of the proceedings they relate to.

[cl 28, sch 7, LGA 2002]

- 2) All minutes shall be authenticated by the chairman of the meeting.
- 3) The chief executive and the relevant chairman must authenticate the minutes of the last meeting of the Board and its committees before the next election of members.

17.2 Matters to be recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- a) the date, time and venue of the meeting
- b) the names of the members present
- c) the chairman
- d) any apologies accepted or declined and requests granted for leave of absence
- e) the times of the arrival to the meeting and departure of members from the meeting
- f) any failure of a quorum
- g) a list of the speakers who gave public, Governing Body, or other local board input, and the subjects they covered
- h) a list of speakers from each deputation and the subject of the deputation
- i) a list of the items considered
- j) the resolutions and amendments pertaining to those items, including those that were lost or were ruled out of order
- k) the names of all movers, and seconders
- l) any objections made to words used
- m) all divisions taken and, if taken, a record of the result
- n) the names and votes of any members requesting their votes or abstentions be recorded
- o) any declarations of financial interest or non-financial conflicts of interest and any abstentions from the discussion and voting
- p) the contempt, censure and removal of any members
- q) any resolutions to exclude members of the public and the names of any people permitted to stay
- r) the time that the meeting concludes or adjourns.

[cl 28, sch 7, LGA 2002]

17.3 No discussion on minutes

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

17.4 Inspection of minute records

The minute records of the Board and its committees must be kept by the chief executive and be available to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.

[s 51, LGOIMA 1987]

STANDING ORDERS AT A GLANCE

Summary of the most common standing orders referred to during a meeting.

Note: The summary omits detail. Please refer to the full standing orders.

MEETING QUORUM AND ATTENDANCE PART 4

Quorum

- Quorum for Board meetings is half of the members if number is even; or majority of members if number is odd
- Quorum for committee meetings is not fewer than two members; and must include one Board member
- Quorum not present at commencement:
 - meeting lapses after 30 minutes,
 - chair can extend this in specific circumstances
- Quorum lost during meeting:
 - meeting lapses after 10 minutes
- Business of lapsed meeting is deferred to next meeting unless chairman calls earlier meeting

Attendance

- Leave of absence may be granted and recorded in minutes
- Apologies may be tendered and must be recorded in minutes
- Chairman to invite apologies and should be recorded in minutes
- Attendance by audio link or audio visual link:
 - Attendance by electronic link
 - Member's status – quorum and vote
 - Conditions for attending by electronic link
 - Request to attend by electronic link
 - Chairman's duties relating to electronic links
 - Chairman may terminate link
 - Giving or showing a document
 - Link failure
 - Confidentiality

CONDUCT OF MEETINGS PART 5

Chairman's role (5.1)

- Chairman presides if present, unless vacates the chairman
- Deputy presides in absence of chairman
- If neither present, the meeting elects a chairman
- Chairman decides all questions not covered by standing orders
- Chairman decides all points of order
- Members to be silent when chairman rises
- Chairman decides speaking order but must give precedence to:
 - points of order
 - closure or deferral motions
 - points of explanation
 - requests for chairman's indulgence
- Members may question staff, at chairman's discretion

Members conduct (5.2)

- Members must not:
 - be disrespectful
 - use offensive or malicious language
 - impute improper motives to other members or staff
 - comment disrespectfully on another member's vote on any motion
- Chairman may order a member to withdraw from the meeting if:
 - member refuses to obey the chairman's instruction to stop speaking, or
 - member refuses to obey the chairman's instruction to withdraw and apologise for offensive or malicious expression, or
 - member's conduct is disorderly
- If disorder continues, chairman may adjourn meeting. Reconvened meeting to decide whether to proceed or adjourn
- Minutes record a resolution to hold a member in contempt
- A member may be physically removed

Members interest (5.3)

- Financial interest: member takes no part in discussion or voting; minutes record the declaration and abstention; member leaves the room, or at a minimum, the table

- Non-financial conflict of interest: member takes no part in discussion or voting; minutes record the declaration and abstention; member leaves the table but not required to leave the room.

Qualified privilege (5.4)

- Defamatory matter in agenda or minutes is privileged unless publication motivated by ill will
- Similar re oral statements at meeting

DEBATES PART 6

- Time limits:
 - Movers speaking to motion 10 minutes
 - Movers right of reply 5 minutes
 - Others 5 minutes
- Only speak once to a motion
- Only one right of reply – if used at end of amendment it is exhausted
- 3 consecutive speakers in support or opposition – chairman may call for speaker to contrary - if none, puts motion after right of reply
- Member can second a motion or amendment and reserve right to speak later in debate
- Speeches not to be read, except with permission
- No irrelevant matters or tedious repetition – chairman's ruling final
- Members can only speak to:
 - A matter before the meeting
 - A motion or amendment they are proposing
 - A point of order
 - Personal explanation with permission of chairman
 - Explanation re previous speech in same debate, with permission of chairman
- If member immediately objects to words used, and requests minutes to record their objection, chairman must order minutes to record objection
- Mover of original motion has right of reply but may not introduce new matter; then motion is put.

Points of Order (6.2)

- Terms:
 - *Point of order*: relates to the proper conduct (order) of the meeting
- Speaker currently speaking to stop
- Member must state subject matter
- Types:
 - (a) where disorder is drawn to the attention of the chairman, or
 - (b) use of disrespectful offensive or malicious language, or
 - (c) commenting disrespectfully on another member's vote on any motion, or
 - (d) discussion of a question not before the meeting, or
 - (e) misrepresentation of any statement made by a member or by Auckland Council staff, or
 - (f) the breach of any standing order, or
 - (g) a request that words objected to be recorded in the minutes.
- Contradiction is not a point of order
- Chairman may hear further argument before deciding
- Ruling of chairman is not open to discussion and is final
- During division needs chairman's permission

MOTIONS AND AMENDMENTS PART 8

Motions and amendments (8.1)

- Terms:
 - *Substantive motion*: a motion is either procedural or substantive; a substantive motion deals with a matter of

substance

- *Original motion*: the substantive motion moved at the commencement of the debate; if it is amended it is no longer the original motion and is referred to as the substantive motion
- *Substituted motion*: the meeting agrees to substitute the original motion with different wording with the agreement of the mover and seconder
- *Foreshadowed motion*: when an amendment is being debated, a member, when speaking in debate, may indicate a further amendment once the current amendment is dealt with
- Secunder is required for all motions and amendments, then chairman states the motion and proposes it for discussion
- Once seconded and put, motions or amendments cannot be withdrawn without consent of majority of members present and voting
- Chairman may require motions in writing
- Chairman may require motion to be decided in parts
- A meeting may substitute a motion with an amendment provided the mover and seconder agree (“substituted motion”)
- In any debate a member may:
 - speak once to each motion, including the original motion, a substituted motion or an amendment
 - move or second a motion once only
- See flowchart for more detail
- Meeting deals with one amendment before another amendment permitted
- An amendment must be relevant
- An amendment cannot be a direct negative (which would have same effect as the motion being lost)
- No member can speak to a motion once the mover has commenced the reply or the chairman has commenced putting the motion
- No member may unduly criticise the validity of a resolution

Procedural motions (8.2)

- Terms:
 - *Procedural motion*: A motion may be either procedural or substantive; a procedural motion deals with a matter of procedure; the standing orders provide for members to raise specific procedural motions
- Can be moved by member who has not spoken in debate but must not interrupt
- Types that may be raised by members:
 - (a) meeting be adjourned
 - (b) item of business be deferred
 - (c) motion under debate be now put (closure motion)
 - (d) move directly to next item of business
 - (e) item of business lies on the table with no further discussion at that meeting
 - (f) item of business be referred to relevant committee
- Are put immediately without debate if seconded
- Majority vote required for procedural motions to close or adjourn debate. If lost no further procedural motion within 15 minutes
- Closure motion may be accepted by chairman after two speakers for and two speakers against, or chairman considers it reasonable
- Closure motion may relate to amendment
- If closure motion carried, mover of motion or amendment under debate has right of reply before it is put
- When debate resumes on a deferred item, previous speakers cannot speak again (other than mover)
- Deferred items are to be taken first at the subsequent meeting

Temporary suspension of particular standing orders (8.2.2)

- 75 per cent majority vote required
- Resolution to suspend must state reason

VOTING PART 9

- Chairman has casting vote
- All voting to be open
- Members may abstain in certain circumstances
- Members may request minutes record their vote or abstention
- Voting methods:
 - Voices or show of hands
 - If questioned immediately then division
 - Chairman or member can call division at start or after voices/hands.
- If confusion on division - second division taken
- The chairman may request staff to restate the motion prior to a division

PUBLIC ACCESS TO MEETINGS AND INFORMATION FROM MEETINGS PART 11

Exclusion of public (11.6)

- Resolution to exclude the public must be in the specified form
- Must be passed when public are present

Public order (11.7)

- Any member of public likely to prejudice orderly conduct of meeting may be required to leave
- If necessary, any constable or Auckland Council staff may physically remove such person
- Security contractors act under instruction from authorised staff
- See LGOIMA 1987 s50 for full legislation and separate guidance for chairman

DEPUTATIONS PART 13

- At the discretion of the chairman
- Not more than two members may address meeting (unless have approval of Board for more)
- May speak for 10 minutes
- Chairman may terminate presentation if disrespectful, offensive or where statements are made with malice

PUBLIC FORUM PART 14

- Time extension, from 30 minutes, can be obtained by vote to suspend specified standing order(s)
- Questions in order to obtain information or clarification may be asked with permission of chairman
- Cannot be debated unless on the agenda or the process for extraordinary business is used
- Chairman may prohibit a speaker from speaking if offensive, repetitious, vexatious or in breach of standing orders

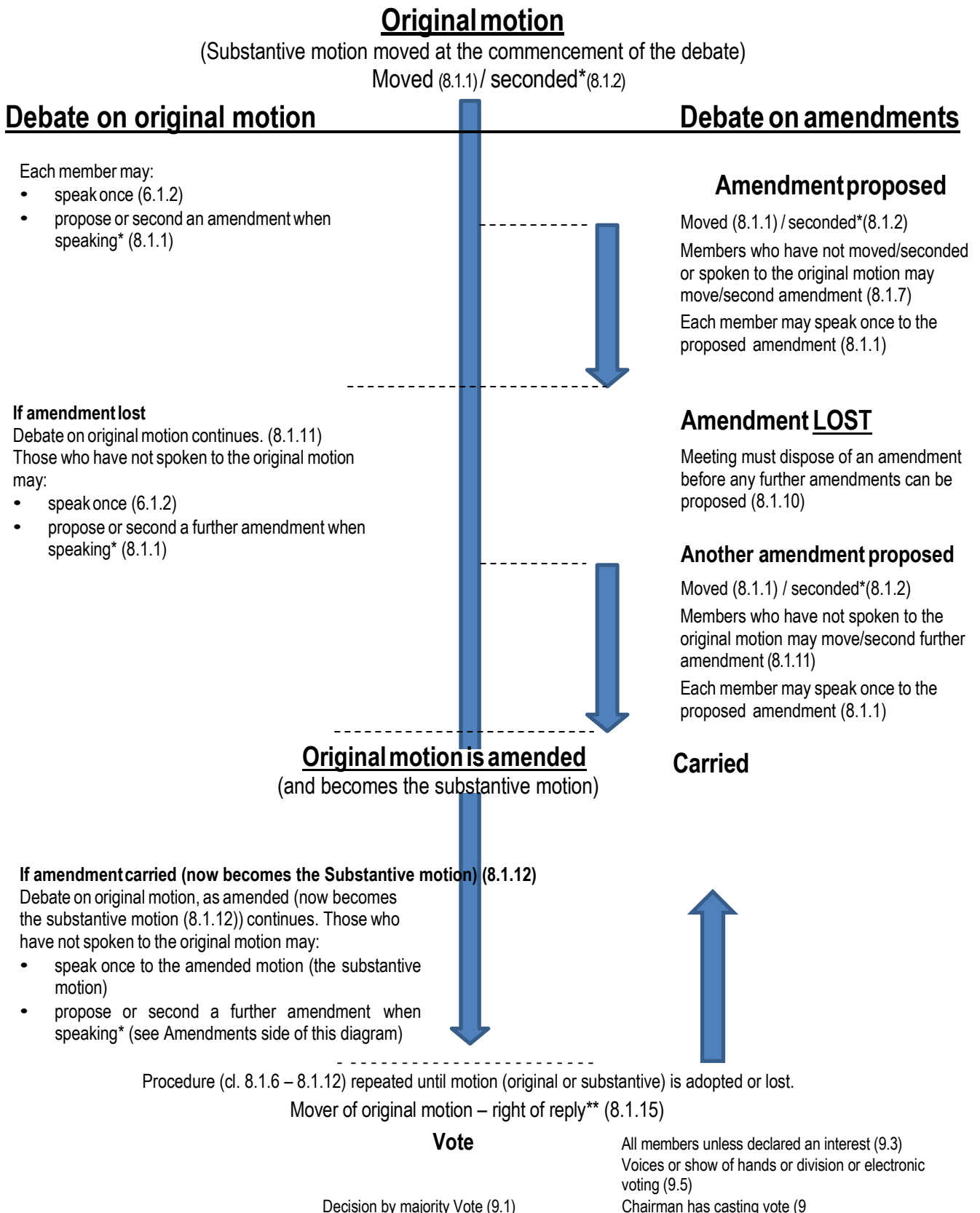
GOVERNING BODY PART 15

Governing body input

- Governing body members can also request to speak as a deputation (when supported by resolution)
- Governing body members may provide input at the discretion of the chairman.
- May speak for up to five minutes
- Chairman may prohibit offensive, repetitious or vexatious speech, or speech that breaches these Standing Orders

MOTION AND AMENDMENTS
DIAGRAMMATIC EXAMPLE (Refer to the full Standing Orders)

The following diagram is to assist members and is not deemed to be part of the Standing Orders and is intended to illustrate the process for motions and amendments which are set out in detail in clause 8.1



Notes

* A seconder may second a motion or amendment and reserve the right to speak.

** The original mover's right of reply may be used during a debate on an amendment, without a further right of reply.

RIGHT OF THE BOARD TO EXCLUDE THE PUBLIC FROM MEETINGS

(This Appendix is included for convenience only and is intended to assist those attending meetings of the Board)

Local Government Official Information and Meetings Act 1987

Section 48 Right of local authorities to exclude public

The Ōrākei Local Board may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:

- a) 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 for which good reason for withholding would exist
- b) 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—
 - i. be contrary to the provisions of a specified enactment; or
 - ii. constitute contempt of court or of the House of Representatives:
- c) that the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to the Board by an Ombudsman
- d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Board to deliberate in private on its decision or recommendation in any proceedings which applies to
 - a. any proceedings before the Board where—
 - i. a right of appeal lies to any court or tribunal against the final decision of the Board in those proceedings; or
 - ii. the Board is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - c. any proceedings of the Board in relation to any application or objection under the Marine Farming Act 1971.

Section 5 Principle of availability of information

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

Section 6 Conclusive reasons for withholding official information

Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely—

- a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b) to endanger the safety of any person.

Section 7 Other reasons for withholding official information

1. Where this section applies, good reason for withholding official information exists, for the purpose of section 5, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
2. Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—
 - a) protect the privacy of natural persons, including that of deceased natural persons; or
 - b) protect information where the making available of the information—
 - i. would disclose a trade secret; or
 - ii. would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
 - ba) in the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or

- c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - i. would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. would be likely otherwise to damage the public interest; or
- d) avoid prejudice to measures protecting the health or safety of members of the public; or
- e) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- f) maintain the effective conduct of public affairs through—
 - i. the free and frank expression of opinions by or between or to Board members or officers or employees of the Council, or any persons to whom section 2(5) applies, in the course of their duty; or
 - ii. the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- g) maintain legal professional privilege; or
- h) enable the Board holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- i) enable the Board holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- j) prevent the disclosure or use of official information for improper gain or improper advantage.

**EXCLUSION OF THE PUBLIC – WHO NEEDS TO LEAVE THE MEETING
Standing Order 11.6 and s48(5) and (6) LGOIMA**

(This Appendix is included for convenience only and is intended as a guideline to assist those attending meetings of the Board)

Members of the public

All members of the public must leave the meeting when the public is excluded under clause 11.6.1 of these Standing Orders, unless a resolution is passed under clause 11.6.2 to allow specified persons to remain.

Specified persons

- may include members of the public who are presenting information;
- may include specific staff (all relevant administrative and senior management may remain) in terms of the General Principles set out below;
- may include representatives of a Council Controlled Organisation in terms of the General Principles set out below;
- may include members of the Governing Body in terms of the General Principles set out below;
- may include elected members of other local boards in terms of the General Principles set out below.

General Principles where the Board has resolved to permit specified persons to remain

- The specified persons, must in the opinion of the members, have knowledge that will assist the members; and any resolution must state in relation to the matter to be discussed while the public is excluded how the knowledge held by the persons specified is relevant and how it will assist. (s48(5) and (6) LGOIMA)
- Those who are not members must leave unless it is necessary for them to remain and to hear the debate and outcome, in order to perform their role.
- Those who need to be present for a specific confidential item may only remain for that item and shall leave the room for any other confidential items.
- The ruling of the chairman in any case of doubt as to who may remain is final.

Information

- Access to confidential information is managed on a “need to know” basis, where access to the information is required in order for the persons to perform their role which in turn will assist the members.
- In terms of clause 11.6.3 of these Standing Orders specified persons may not disclose to any person, other than a member or relevant staff member, information that has been presented to any meeting where the public has been excluded, unless the meeting has resolved to make the information publicly available, or there are no grounds for withholding the information or the information is no longer confidential.

Members

- All members remain, unless a member has a pecuniary conflict of interest (clause 5.3.1) which concerns the item being considered.
- Members, who are not members of a Board-appointed committee, have the right to attend any meeting of a committee and may remain when the public has been excluded.