

Auckland Council

Standing Orders
of the
Waitākere Ranges Local Board

Updated 23 April 2020
Resolution number WTK/2020/16

Summary of most common standing orders referred to during a meeting

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

Meeting procedures (1)

Chairperson's role (1.2)

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

Members conduct (1.3)

- Members must not:
 - be disrespectful
 - use offensive or malicious language
 - impute improper motives to other members or staff
- Chair may order a member to withdraw from the meeting if:
 - member refuses to obey the chair's instruction to stop speaking, or
 - member refuses to obey the chair's instruction to withdraw and apologise for offensive or malicious expression, or
 - member's conduct is disorderly
- If disorder continues, chair 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

Conflicts of interest (1.3.7– 1.3.8)

- 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 (1.4)

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

Rules of debate (1.5)

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

Motions and amendments (1.6)

- 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 chair 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
- Chair may require motions in writing
- Chair 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 chair has commenced putting the motion
- No member may unduly criticise the validity of a resolution

Procedural motions to close or adjourn debate (1.7)

- 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 adjourned
 - (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 chair after two speakers for and two speakers against, or chair 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 an adjourned item, previous speakers cannot speak again (other than mover)
- Adjourned items are to be taken first at the subsequent meeting

Points of Order (1.8)

- 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 chairperson, or
 - (b) use of disrespectful offensive or malicious language, or
 - (c) discussion of a question not before the meeting, or
 - (d) misrepresentation of any statement made by a member or by Auckland Council staff, or
 - (e) the breach of any standing order, or
 - (f) a request that words objected to be recorded in the minutes.
- Contradiction is not a point of order
- Chair may hear further argument before deciding
- Ruling of chair is not open to discussion and is final
- During division needs chair's permission

Voting (1.9)

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

Meeting quorums and attendance (3)

Quorum (3.1)

- Quorum for local board or joint committee meetings are 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 local board member (in the case of a committee other than a subcommittee)
- 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 adjourned to next meeting unless chair calls earlier meeting

Governing body (5)

Governing body input

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

Māori input (6)

- Representatives of Māori organisations may provide input at the discretion of the chair
- May speak for up to 10 minutes
- Chair may prohibit offensive, repetitious or vexatious speech. Or speech that breaches these Standing Orders

Public (7)

Exclusion of public (7.4)

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

Public order (7.5)

- 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 chairs

Deputations (7.7)

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

Public Forum (7.8)

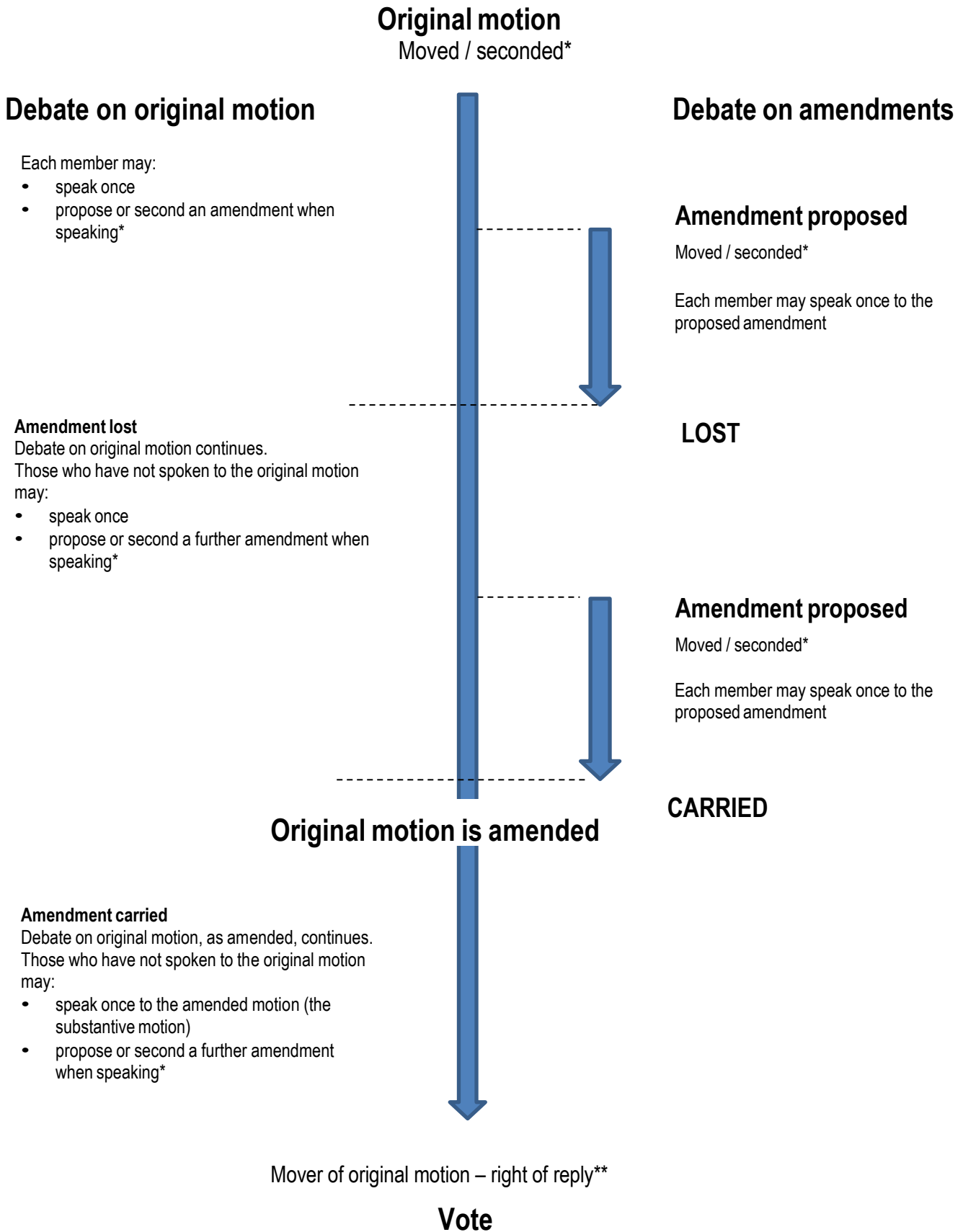
- Time extension, from 30 minutes, can be obtained by vote to suspend standing orders
- Questions in order to obtain information or clarification may be asked with permission of chair
- Cannot be debated unless on the agenda or the process for extraordinary business is used
- Chair may prohibit a speaker from speaking if offensive, repetitious, vexatious or in breach of standing orders
- Where relevant to a committee a matter should be referred to that committee

General (9)

Alteration or suspension of standing orders (9.2.4 and 9.2.5)

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

Motions and amendments – example of an amendment that is lost and an amendment that is carried



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.

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1. Meeting procedures

1.1 General

1.1.1 **Precedence of business**

The minutes of the previous meeting must be confirmed first. Then the chairperson, or the local board or committee on a motion passed without debate, may give precedence to any business in the agenda.

1.1.2 **Languages**

A member may address the chairperson in English, Māori or New Zealand Sign Language.

However, when the local board or a committee's business is usually conducted in English, the member must give the chairperson at least two clear working days' notice that they intend to make an address in New Zealand Sign Language or in Māori. Providing at least two clear working days' notice to the chairperson also applies where normal business is conducted in Māori, and the member wishes to use New Zealand Sign Language or English.

Where practical, Auckland Council will arrange for a translator to be present at these meetings. The chairperson may also require a speech to be translated and printed in English, Māori or another language.

1.1.3 **Duration of meetings and time limits**

A meeting must not continue for more than six hours from when it starts (including any meal breaks), or after 10.30pm, unless the meeting resolves to continue.

If there is no such resolution, any business on the agenda that has not been dealt with must be adjourned to the next meeting or to an extraordinary or emergency meeting.

1.1.4 **Requests for reports**

Requests for new reports must be made by a resolution of the local board or the appropriate committee.

The chief executive may delay commissioning any reports that would involve significant cost or are beyond the scope of the local board or committee. Instead, the chief executive will report back to the next meeting of the local board or committee with an estimate of the cost involved, and seek a direction on whether the report should still be prepared.

1.2 Chairperson's role

1.2.1 **Local board chairperson to preside**

The chairperson of the local board must preside at each meeting of the local board, unless they vacate the chair for all or part of a particular meeting.

If the chairperson is absent from a meeting, the deputy chairperson must act as chairperson. If a deputy chairperson has not been appointed, or if the deputy chairperson is also absent, the members of the local board who are present must elect a member to be chairperson at that meeting. That person may exercise the responsibilities, duties, and powers of the chairperson.

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

1.2.2 **Committees**

The appointed chairperson of a committee must act as chairperson at all committee meetings, unless they vacate the chair for all or part of a particular meeting.

If the chairperson is absent from a meeting, the deputy chairperson (if any) will act as chairperson. If the deputy chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as chairperson at that meeting. That person may exercise the responsibilities, duties and powers of the chairperson.

[cl 26(2), (5) & (6), sch 7, LGA 2002]

1.2.3 **Mode of address for chairperson**

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

1.2.4 **Chairperson to decide**

The chairperson is to decide all questions where these standing orders make no provision or insufficient provision, and all points of order (see Standing Order 1.8.5 for chairperson's rulings on points of order).

Any member who refuses to obey a chairperson's ruling or order must be held to be in contempt.

1.2.5 **Chairperson rising**

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

1.2.6 **Members' right to speak**

The chairperson grants members the right to speak.

Members must address the chairperson when speaking. They may remain seated when speaking, and may not leave their place while speaking, unless they have the leave of the chairperson.

1.2.7 **Chairperson prioritises speakers**

When two or more members want to speak, the chairperson will name the member who may speak first, with the proviso that the other members who wanted to speak must have precedence when they intend to:

- a) raise a point of order, including a request to obtain a time extension for the previous speaker (see Standing Order 1.8)
- b) move a motion to close or adjourn the debate (see Standing Order 1.7)
- c) make a point of explanation or request an indulgence of the chairperson (see standing orders 1.5.3 and 1.5.4).

1.2.8 **Questions to staff during debate**

During a debate at a local board or committee meeting, members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson, and are at their discretion.

1.3 **Members' conduct**

1.3.1 **Disrespect**

No member of the local board or a committee may speak disrespectfully, or use offensive or malicious language at any meeting - including in reference to the local board or committee, any other member, or Auckland Council staff.

In addition, no member may imply that any other member or staff member has improper motives, or make offensive remarks about their private affairs.

1.3.2 **Retractions and apologies**

The chairperson 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 chairperson may direct that they should leave the meeting immediately for a specified time.

1.3.3 **Calling to order**

When the chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the chairperson may direct that they should leave the meeting immediately for a specified time.

1.3.4 **Disorderly conduct**

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

If the disorder continues, the chairperson 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.

The chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

[Note: Also refer to Standing Order 1.3.6 Removal from meeting]

1.3.5 **Contempt to be recorded in minutes**

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

1.3.6 **Removal from meeting**

A member of the police, or staff of Auckland Council, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member:

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

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

[Note: Also refer to Standing Order 1.3.4 Disorderly conduct]

1.3.7 **Financial interests**

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.

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 room, at a minimum, members must leave the table for the duration of the discussion.

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]

1.3.8 **Non-financial interests**

Where a member declares a non-financial interest in any matter, the member may decide whether that matter constitutes a conflict.

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 room.

The minutes must record the declaration and member's subsequent abstention from discussion and voting.

1.4 **Qualified privilege**

1.4.1 **Qualified privilege relating to agenda and minutes**

Where all or part of a meeting of the local 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]

1.4.2 **Qualified privilege relating to oral statements**

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

[s53, LGOIMA 1987]

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

The privilege conferred by Standing Order 1.4.2 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]

1.5 **Rules of debate**

1.5.1 **Time limits on speakers**

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.

Time limits can be extended by a majority vote of the members present.

1.5.2 **Member speaking more than once**

A member may not speak more than once to a motion or amendment. This Standing Order does not apply to meetings of committees or subcommittees.

1.5.3 **Personal explanation**

Notwithstanding Standing Order 1.5.2 members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.

1.5.4 **Explanation of previous speech**

Notwithstanding Standing Order 1.5.2, with the permission of the chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matters may not be debated.

1.5.5 **Limitation on speakers**

If three speakers have spoken consecutively in support of or in opposition to a motion or amendment, the chairperson may call for a speaker to the contrary.

If no such speaker is forthcoming, and after the mover has had the right of reply, the motion must be put.

Members speaking must, if requested by the chairperson, announce whether they are speaking in support of or against the motion or amendment being debated.

1.5.6 **Reserving speech**

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

1.5.7 **Reading speeches**

Members must not read speeches, except with the permission of the chairperson. They may, however, refresh their memory by referring to their notes.

1.5.8 **Speaking only to relevant matters**

Members may speak to any matter before the meeting, or on a motion or amendment they propose, or on a point of order arising out of debate, but not otherwise.

Members must confine their remarks strictly to the motion or amendment they are speaking to. They must not introduce irrelevant matters or repeat themselves needlessly.

The chairperson's ruling on matters arising under this Standing Order is final and not open to challenge.

1.5.9 **Restating motion**

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

1.5.10 **Reflections on resolutions**

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

1.5.11 **Objecting to words**

When a member objects to any words used by another member in speech, and requests the minutes record their objection, they must object when the words are used and not after any other member has spoken.

The chairperson must order the minutes to record the objection.

1.5.12 **Right of reply**

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not.

In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It 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 they may still take part in the debate on any subsequent proposed amendments.

However, the original mover may reserve their right of reply and speak once to an original motion and once to each amendment without losing that right of reply.

In exercising a right of reply, no other member may speak:

- a) after the mover has started their reply
- b) after the mover has indicated that they want to forego this right
- c) where the mover has spoken to an amendment to the original motion, and the chairperson has indicated that they intend to put the motion.

1.6 **Motions and amendments**

1.6.1 **General procedure for speaking and moving motions**

In relation to a debate at a local board meeting, each member may:

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

This section does not apply to committees or subcommittees.

[Refer to diagram at front of these standing orders, and standing orders 1.6.7 Amendments to motions, 1.6.11 Lost amendments, 1.6.12 Where amendments carried]

1.6.2 **Requirement for a seconder**

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

1.6.3 **Motions and amendments not seconded**

Motions and amendments which are proposed but not seconded are not in order and are not entered in the minutes.

1.6.4 **Motions in writing**

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

1.6.5 **Motions expressed in parts**

The chairperson or any member can require a motion that has been expressed in parts, to be decided part by part.

1.6.6 **Substituted motion by amendment**

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.

All members may speak to the substituted motion.

1.6.7 **Amendments to motions**

Only members who have not moved or seconded or spoken to the original (or substituted) motion may move or second an amendment to it. All members may speak to the amendment.

The exception is where the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In these circumstances, the original mover or seconder may also propose or second the suggested amendment.

1.6.8 **Amendments relevant**

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

1.6.9 **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.

1.6.10 **Further amendments**

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

1.6.11 **Lost amendments**

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 [*Also note requirements in Standing Order 1.6.7 Amendments to motions*].

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.

1.6.12 **Where amendment 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. *[Also note requirements in Standing Order 1.6.7 Amendments to motions].*

1.6.13 **Procedure until resolution**

The procedures in Standing Orders 1.6.6 to 1.6.12 must be repeated until a resolution is adopted or defeated.

1.6.14 **Withdrawal of motions and amendments**

Once motions or amendments have been seconded and put to the meeting by the chairperson, they cannot be withdrawn without the consent of the majority of the members present and voting.

A motion to which an amendment has been moved and seconded cannot be withdrawn until the amendment is withdrawn or lost.

1.6.15 **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 chairperson has started putting the motion.

1.7 **Procedural motions**

1.7.1 **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:

- 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 adjourned 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 local board or relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

1.7.2 **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 chairperson must put it to the vote immediately, without discussion or debate.

1.7.3 Voting on procedural motions to close or adjourn debate

Procedural motions to close or adjourn debate must be decided by a majority of all members who are present and voting.

If the motion is lost, no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

1.7.4 Debate on adjourned items

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

1.7.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business is not replaced. Instead, 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..

1.7.6 Referral or referred back to committee

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

1.7.7 Chairperson may accept closure motions

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

1.7.8 Closure motion to be put if no further speaker

Notwithstanding Standing Order 1.7.7 a closure motion shall be put if there is no further speaker in the debate.

1.7.9 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.

1.7.10 Right of reply following closure

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.

1.7.11 Suspension of standing orders

A member may move a motion to suspend standing orders as a procedural motion. The member must name the standing orders to be suspended and provide a reason for suspension. If seconded, the chairperson must put it without debate. At least 75 per cent of the members present and voting must vote in favour of the suspension. The resolution must state the reason for the suspension. (Also see Standing Order 9.2.4)

1.7.12 Other types of procedural motions

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

1.8 **Points of order**

1.8.1 **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 sit down (if standing).

1.8.2 **Subjects for points of order**

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 chairperson
- b) language – use of disrespectful, offensive or malicious language
- c) irrelevance – the topic being discussed is not the matter currently before the meeting
- d) misrepresentation – misrepresentation of any statement made by a member or Auckland Council staff
- e) breach of standing order – the breach of any standing order
- f) record words – a request that the minutes record the words objected to.

1.8.3 **Contradictions**

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

1.8.4 **Point of order during division**

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

1.8.5 **Decision of chairperson final**

The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding.

The ruling of the chairperson upon any point of order is not open to any discussion and is final.

1.9 **Voting**

1.9.1 **Decisions by majority vote**

Unless the Local Government Act 2002 or these standing orders provide otherwise, any act or questions coming before the local board or its committees 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]

1.9.2 **Chairperson has casting vote**

The chairperson 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]

1.9.3 **Members may abstain**

Any member may abstain from voting.

1.9.4 **Method of voting**

The method of voting must be one of the following:

- a) the chairperson, in putting the motion, will call for an expression of opinion on the voices or take a show of hands. The chairperson then announces the result, which is conclusive, unless a member immediately questions the announcement, in which case the chairperson will call a division
- b) the chairperson 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, will be used and the chairperson must declare the result displayed.

1.9.5 **Divisions**

When a division is called, the chief executive or their nominee 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 chairperson to declare the result. The minutes must record the result of the division.

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

1.9.6 **Restating the motion**

The chairperson 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.

1.9.7 **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.

1.10 **Revocation or alteration of resolutions**

1.10.1 **Revocation or alteration of resolutions**

A notice of motion for the revocation or alteration of all or part of a previous resolution of the local board or a committee is to be given to the chief executive by the member intending to move such a motion.

- a) Such notice must 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.
- b) Such notice is to be given to the chief executive at least seven clear working days before the meeting at which it is proposed to consider such a motion, and must be signed by not less than one third of the members of the local board or the committee who made the previous resolution, including vacancies.
- c) The chief executive or their nominee must then give members at least two clear working days' notice in writing of the intended motion, and of the meeting at which it is proposed to move such motions.

1.10.2 **Restrictions on actions under the affected resolution**

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.

Exceptions are where, in the opinion of the chairperson:

- 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 local board or the committee or sub-committee that made the previous resolution.

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.

1.10.3 **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.

1.10.4 **Revocation or alteration by recommendation in report**

The local board or one of its committees may, on a recommendation in a report by the chairperson or chief executive, or the report of any committee or subcommittee, revoke or alter all or part of a resolution passed by a previous meeting.

The chief executive must give at least two clear working days' notice of any meeting that will consider such a proposal, accompanied by details of the proposal.

1.11 **Voting systems for appointments**

1.11.1 **Provisions for election or appointment of chairperson and deputy chairperson of the local board and committees and representatives of the local board**

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

System A

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

System B

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

[cl 25, sch 7, LGA 2002]

2. Holding meetings

2.1 Legal requirement to hold meetings and inaugural meeting

2.1.1 Legal requirement to hold meetings

The local board must hold meetings that are necessary for the good government of Auckland.

Meetings must be called and conducted in accordance with:

- a) Schedule 7 of the Local Government Act 2002
- b) Part VII of the Local Government Official Information and Meetings Act 1987
- c) these standing orders.

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

2.1.2 Inaugural meeting called by chief executive

The inaugural meeting of the local board following a triennial general election of members must be called by the chief executive or nominee as soon as practicable after the results of the election are known.

The chief executive must give the persons elected to the local board not less than seven days' notice of the meeting. However if an emergency exists, the chief executive may give notice of the meeting as soon as practicable.

The chief executive (or, in the absence of the chief executive, a nominee) must chair the meeting until the incoming members have made and attested the declaration required under clause 14 of Schedule 7 of the Local Government Act 2002 and a chairperson has been elected.

[cl 21(1)-(4), sch 7, LGA 2002]

2.1.3 Business to be conducted at inaugural meeting

The business that must be conducted at the inaugural meeting of the local board must include:

- a) the making and attesting of the declarations required of the members under clause 14 of Schedule 7 of the Local Government Act 2002
- b) the election of the chairperson of the local board
- c) a general explanation, given or arranged by the chief executive, of:
 - i. the Local Government Official Information and Meetings Act 1987
 - ii. other laws affecting members including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961, and the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013
- d) the fixing of the date and time of the first meeting of the local board, or the adoption of a schedule of meetings
- e) the election of the deputy chairperson of the local board.

[cl 21(5), sch 7, LGA 2002]

2.2 **Giving Notice**

2.2.1 **Notice for members**

The chief executive must give notice in writing to each member of the local board or its committees of the time and place of any meeting.

Notice must be given at least 14 days before the meeting, unless Auckland Council 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]

2.2.2 **Members' addresses**

Local board members must give the chief executive a residential, business or other address within the Auckland Council area (and, if they wish, a fax number or email address), where notices and other materials relating to meetings and local board business can be sent.

2.2.3 **Meeting schedules**

Where the local board adopts a meeting schedule:

- a) the schedule may cover any period that Auckland Council 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]

2.2.4 **Meetings not invalid because notice not received**

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.

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

[cl 20, sch 7, LGA 2002]

2.2.5 **Cancellation of scheduled meetings**

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.

A scheduled meeting shall be cancelled by the chairperson of the local board or committee in consultation with the chief executive or their nominee.

2.3 **Extraordinary and emergency meetings**

2.3.1 **Extraordinary or emergency meetings may be called**

An extraordinary meeting may be called by:

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

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]

2.3.2 **Notification of extraordinary or emergency 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]

2.3.3 **Calling an emergency meeting**

The mayor or chairperson, or if they are unavailable, the chief executive, may call an emergency meeting for an earlier time than is provided in Standing Order 2.3.2 if this is necessary to deal with the business.

The person calling such a meeting must give each member and the chief executive 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]

2.4 **Agendas and meeting materials**

2.4.1 **Agenda to be sent to members**

The chief executive must prepare an agenda for each meeting setting out the items the meeting will consider.

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.

The chief executive may send the agenda, and other materials relating to the meeting or other Auckland Council business, to members by electronic means.

See Appendix D for further information about how business is placed on an agenda.

2.4.2 **Order of business**

A meeting will deal with business in the order given on the agenda, unless the meeting or the chairperson decides to give precedence to any business.

Committees and subcommittees do not have a default order of business. The usual order of business for ordinary meetings of the local board is as set out below:

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) Extraordinary business
- 11) Notices of motion
- 12) Reports
- 13) Governing body input
- 14) Chairpersons report
- 15) Members reports
- 16) Consideration of extraordinary business items

Public excluded section

- 17) Reports

Where there are no items of business for a particular category given in the order, it does not need to appear on the agenda.

The order of business for an inaugural or extraordinary or emergency meeting should be limited to items that are relevant to the purpose of the meeting. The chairperson may allow governing body, Māori and public input that is relevant to the purpose of the meeting.

2.4.3 Status of agenda

No one may take any matter on a meeting agenda to be Auckland Council policy until it has been adopted by the relevant decision-maker/decision-making body at Auckland Council.

2.4.4 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that they reasonably expect 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 the public are excluded.

[s46A and 48, LGOIMA 1987]

2.4.5 Urgent items not on the agenda may be dealt with (extraordinary business)

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

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

Extraordinary business may be brought before the meeting by a report from either the chief executive or the chairperson. Where the matter is so urgent that a written report is not practical, the report may be verbal.

[s46A(7), LGOIMA 1987]

2.4.6 Discussion on minor matters not on the agenda

A meeting may discuss an item that is not on the agenda, if it is a minor matter relating to the general business of Auckland Council and the chairperson (or presiding member) explains at the beginning of the public part of the meeting that the item will be discussed.

The meeting may not make a resolution, decision or recommendation about the item, except to refer

it to a subsequent meeting for further discussion.

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

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

2.4.7 Chairperson's report

The chairperson may, by way of report, bring any matter to the attention of a meeting of the local board or its committees that is within their role or function to consider.

2.5 Notices of motion

2.5.1 Notices of motion to be in writing

Notices of motion must:

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

[See also Standing Order 1.10.1]

2.5.2 Notice to be seconded

The notice of motion delivered to the chief executive must be signed by another member of the meeting as a seconder, unless Standing Order 1.10.1 applies.

2.5.3 Referral of notices of motion to committees

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

2.5.4 Refusal of notice

The chairperson may direct the chief executive to refuse the notice if it is:

- a) disrespectful, or contains offensive language or malicious statements
- b) not related to the role or functions of the local board or the relevant committee
- c) 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) concerned with matters that are already on the agenda.

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

[See also Standing Order 2.5.8 for rejections of repeat notices.]

2.5.5 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.

2.5.6 Alteration of notice of motion

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

2.5.7 **When notices of motion lapse**

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

2.5.8 **Repeat notices**

The chairperson may direct the chief executive to refuse any notice that they consider:

- a) has substantially the same purpose and effect as one that the local board or a committee has rejected within the previous six months, unless one-third of all members (including vacancies) have signed the new notice
- b) is to the same effect as a notice of motion that the local board or a committee has considered twice and rejected within the previous six months
- c) is to the same effect as a notice of motion already adopted and that still stands.

3. Meeting quorums and attendance

3.1 Quorums

3.1.1 **Definition of quorum for local board or joint committee meetings**

The quorum at a meeting of the local board or joint committee consists of:

- a) half of the members if the number of members (including vacancies) is even; or
- b) a majority of members if the number of members (including vacancies) is odd.

[cl 23(3)(a) & 30A(6), sch 7, LGA 2002]

3.1.2 **Definition of quorum for local board committee meetings**

The quorum at a meeting of a committee or subcommittee:

- a) is not fewer than two members of that committee or subcommittee (as determined by the local board that appoints the committee or the committee that appoints the subcommittee); and
- b) in the case of a committee other than a subcommittee, must include at least one member of the local board.

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

3.1.3 **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]

3.1.4 **Meeting lapses where no quorum**

A meeting must lapse and the chairperson vacate the chair if a quorum is not present within 30 minutes of the start of the meeting.

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

Where a meeting lapses because there is no quorum, this will be recorded in the minutes, along with the names of the members who attended.

3.1.5 **Business from lapsed meetings**

Where a meeting lapses, the remaining business will be adjourned until the next ordinary meeting, unless the chairperson sets an earlier meeting and this is notified by the chief executive.

3.1.6 **Lapses after meeting starts**

The business of the meeting will be suspended where, after a meeting starts, a member or members leave and there is no longer a quorum. If the quorum is not made up within 10 minutes, the rest of the meeting must lapse and the chairperson vacates the chair.

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

3.2 **Attendance**

3.2.1 **Right to attend meetings**

Any member of the local board or its committees has the right to attend any local board or committee meeting, unless they are lawfully excluded.

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

3.2.2 **Granting leave of absence**

The local board may grant leave of absence to a member from its meetings or those of its committees, upon application by the member.

The granting of a leave absence may be delegated to the chairperson of the local board to protect the privacy of the member applying.

Meeting minutes will record that a member has leave of absence for that meeting, but not the length of the leave.

3.2.3 **Apologies at meetings**

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

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

3.2.4 **Recording apologies**

The chairperson 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.

3.2.5 **Absence without leave**

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

[cl 5, sch 7, LGA 2002]

3.3 **Electronic attendance**

3.3.1 **Attendance by electronic link**

Provided the conditions in these standing orders are met, members of the local board or its committees 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]

3.3.2 **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]

3.3.3 Conditions for attending by electronic link

The local board or its committees 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 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. The only exception is 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]

3.3.4 Request to attend by electronic link

Where possible, a member will give the chairperson of the local board or its committees and the chief executive at least two clear working days' written notice, where they want to attend a meeting by electronic link. Where, because of illness or emergency, this is not possible, the member may give less notice.

Where such a request is made, the chief executive must take reasonable steps to enable the member to attend by electronic link. However, Auckland Council has no obligation to make the technology for an electronic link available.

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 local board or its committees.

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

3.3.5 Chairperson's duties

Where a member is attending a meeting by electronic link, the chairperson must ensure 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]

3.3.6 Chairperson may terminate link

The chairperson 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.

3.3.7 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 chairperson thinks fit.

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

3.3.8 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]

3.3.9 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 chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

3.3.10 Attendance of non-members by electronic link

A person other than a member of the local board may participate in a meeting of the local board by means of audio link or audio-visual link if the person is otherwise approved to participate in accordance with Standing Orders Sections 6 and 7.

4. Committees and subcommittees

4.1 General

4.1.1 **Appointment of committees and subcommittees**

The local board may appoint committees that it considers appropriate.

A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the local board.

[cl 30 (1) & (2), sch 7, LGA 2002]

4.1.2 **Committees subject to direction of the local board**

A committee is subject in all things to the control of the local board, and must carry out all general and special directions of the local board that relate to the committee/other body or its affairs.

A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee that relate to the subcommittee or its affairs.

Nothing in this standing order entitles the local board or committee to rescind or amend a decision made under a delegation, which authorises the making of a decision by a committee, or a subcommittee.

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

4.1.3 **Discharge or reconstitution of committees or subcommittees**

Unless expressly provided otherwise in an Act:

- a) the local board may discharge or reconstitute a committee or subcommittee
- b) a committee may discharge or reconstitute a subcommittee.

At the end of each term, a committee or subcommittee is (unless the local board resolves otherwise) deemed to be discharged on the coming into office of the members of the local board elected or appointed at or following the triennial general election.

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

4.1.4 **Proceedings not invalidated by vacancies or irregularities**

An act or proceeding of the local board or committee, or of a person acting as a member of the local board or committee, is not invalidated by:

- a) a vacancy in the membership of the local board or committee at the time of that act or proceeding; or
- b) the subsequent discovery of:
 - i. some defect in the election or appointment of the person acting as a member of the local board or committee; or
 - ii. that that person was or is incapable of being a member.

[cl 29, sch 7, LGA 2002]

4.2 Membership of committees and subcommittees

4.2.1 **Appointment or discharge of committee members and subcommittee members**

The local board may appoint or discharge any member of a committee or a subcommittee. Unless directed otherwise by the local board, a committee may appoint or discharge any member of a subcommittee appointed by the committee.

[cl 31(1) & (2), sch 7, LGA 2002]

4.2.2 Appointed members on committees and subcommittees

The members of a committee or subcommittee may, but need not be, elected members of the local board. The local board or committee may appoint to a committee or subcommittee a person who is not a member of the local board if, in the opinion of the local board or the committee, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee.

At least one member of a committee must be an elected member of the local board. Auckland Council staff acting in the course of their employment may not act as a member of any committee unless that committee is a subcommittee.

The Independent Māori Statutory Board must appoint a maximum of two people to sit as members of committees that deal with the management and stewardship of natural and physical resources.

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

[s85, Local Government (Auckland Council) Act 2009]

4.2.3 Minimum numbers on committees and subcommittees

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

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

4.2.4 Chairperson ex-officio committee member

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

4.2.5 Members attendance at all committee meetings

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

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

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

When a committee is performing any judicial or quasi-judicial function, a member of the local board who is not a member of the committee shall not be entitled to take any part in the proceedings by virtue of their office.

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

- 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]

4.3 **Joint committees**

4.3.1 **Appointment of joint committee**

The local board may appoint a joint committee with another local board, the governing body, another local authority, or other public body.

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

4.3.2 **Status of joint committees**

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

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

4.3.3 **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 their stead must be exercised by the local board or public body that made the appointment
- b) the meeting quorum is as stated in Standing Order 3.1.1
- c) the committee may appoint and remove its own chairperson or deputy chairperson.

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

4.4 **Powers of delegation**

4.4.1 **Delegations to committees, members and staff**

For the purposes of efficiency and effectiveness in the conduct of the local board 's business, the local board may delegate to a committee, subcommittee or member of the local board or Auckland Council staff any of its responsibilities, duties, and powers except:

- a) the duty to identify and communicate the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of Auckland Council
- b) the power to propose a bylaw or an amendment to a bylaw
- c) the power to confirm a bylaw or modify a proposed bylaw
- d) the power to propose the revocation of a bylaw
- e) the duty to adopt the local board plan for its area
- f) the duty to agree the local board agreement for its area with the governing body
- g) the power to apply to the Local Government Commission for a binding determination in respect of a dispute between itself and the governing body
- h) a responsibility, power or duty that the Local Government Act 2002 or any Act expressly provides may not be delegated.

However, this Standing Order does not restrict the power of the local board to delegate, to a committee or member of the local board or Auckland Council staff, the power to do anything precedent to the performance or exercise by the local board of a duty or power specified in a)-h) above (after consulting the committee or member or staff).

This clause applies to any responsibilities, duties, or powers delegated to the local board by the governing body subject to any conditions, limitations, or prohibitions imposed by the governing body when making the original delegation.

A committee or member of the local board or Auckland Council staff may delegate a responsibility, duty, or power delegated to it or them under this Standing Order to a subcommittee or person - subject to any conditions, limitations, or prohibitions imposed by the original delegation from the local board.

Note: This Standing Order does not apply to onward delegations by the local board of Auckland Transport matters (covered by Standing Order 4.4.2).

[cl 36D, sch 7, LGA 2002]

4.4.2 Onward delegation of Auckland Transport matters

The local board may delegate any responsibilities, duties, functions, or powers, which have been delegated to it by Auckland Transport, to a subcommittee or person. This is subject to any conditions, limitations or prohibitions imposed by Auckland Transport when making the original delegation.

Note: for the purposes of this Standing Order, subcommittee includes committee.

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

4.4.3 Use of delegated powers

A committee, subcommittee or person to which or to whom any responsibility, duty or power is delegated may perform or exercise the responsibility, duty or power in the same way and with the same effect as it could have been performed or exercised by:

- a) the local board, in the case of a delegation under Standing Order 4.4.1
- b) the governing body, in the case of a delegation under Standing Order 4.4.2
- c) Auckland Transport, in the case of a delegation under Standing Order 4.4.3.

No confirmation is required, from the local board, committee, subcommittee or individual that made the delegation, before performing or exercising the delegated responsibility, duty or power.

5. Governing body input

Note: the provisions in this section are separate from, and in addition to, provisions regarding deputations. See Standing Order 7.7.7. Where the governing body also has the right to speak under Standing Order 7.7.7, the provisions in this section must not be used to speak about the same matter.

5.1.1 Governing body speaking rights

A member of the governing body may provide input to the local board and its committees via speaking rights at items on the agenda, at the discretion of the chairperson.

5.1.2 Governing body members update

Provision will be made on the agenda for governing body members to update the board on regional matters of interest to the local board, or on any matter the governing body member wishes to raise with the local board.

5.1.3 Chairperson's discretion

The chairperson 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 their opinion there will be insufficient time to hear the governing body member because of the amount of business to be conducted at the meeting
- c) waive requirements in these standing orders where they consider there are exceptional circumstances. In particular, the chairperson may accept an application to speak that is made less than seven clear working days before the meeting, where they consider the matter is urgent and of major public interest
- d) direct a speaker to a different committee if they consider this more appropriate, given the proposed subject matter
- e) prohibit a governing body member from speaking if they are offensive, repetitious or vexatious, or otherwise breach these standing orders.

5.1.4 Subjects

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 that local board or committee .

5.1.5 Notice

The governing body member must give the chief executive at least seven clear working days' notice, before the date of the meeting, of their wish to provide input.

5.1.6 Language for speeches

The governing body member may address a meeting in English, Māori or New Zealand Sign Language. However, they should advise the chairperson of their intention to speak in a language other than English at least two clear working days before the meeting.

Where practical, Auckland Council will arrange for a translator to be present at the meeting. The chairperson may also order the speech and any accompanying documents to be translated and printed in English or Māori or another language.

5.1.7 **Time allocated for input**

A governing body member may speak for up to five minutes when speaking to items on the agenda and 10 minutes when speaking to a Governing Body members update report.

6. Māori input

6.1.1 Māori speaking rights

Representatives of Māori organisations or their nominees may provide input to the local board and its committees on items on the agenda at the time the item is being considered.

With the permission of the chairperson, members may ask questions of Māori representatives. Such questions are to be confined to obtaining information or clarification on matters raised by the speaker.

6.1.2 Chairperson's discretion

The chairperson 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 their opinion there will be insufficient time to hear the representative because of the amount of business to be conducted at the meeting
- c) waive requirements in these standing orders where they consider there are exceptional circumstances. In particular, the chairperson may accept an application to speak that is made less than seven clear working days before the meeting, where they consider the matter is urgent and of major public interest
- d) direct a speaker to a different committee if they consider this more appropriate, given the proposed subject matter
- e) prohibit a representative from speaking if they are offensive, repetitious or vexatious, or otherwise breach these standing orders.

6.1.3 Subjects

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 that local board or committee .

6.1.4 Notice

Representatives of Māori organisations or their nominees must give the chief executive at least seven clear working days' notice, before the date of the meeting, of their wish to speak at the meeting.

6.1.5 Language for speeches

The representative may address a meeting in English, Māori or New Zealand Sign Language. However, they should advise the chairperson of their intention to speak in a language other than English at least two clear working days before the meeting.

Where practical, Auckland Council will arrange for a translator to be present. The chairperson may also require a speech or document presented to be translated and printed in English, Māori or another language.

6.1.6 Time allocated for input

Representatives of Māori organisations or their nominees may speak for up to ten minutes.

Note: the provisions in this section are separate from, and in addition to, provisions regarding deputations, public forum and petitions.

7. Public attendance

7.1 Public access to meetings

7.1.1 **Meetings normally to be open to the public**

Except as otherwise provided by Part VII of the Local Government Official Information and Meetings Act 1987, every meeting of the local board or its committees shall be open to the public.

For the purposes of Part VII of the Local Government Official Information and Meetings Act 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.

[s 47 & 49(a) LGOIMA 1987]

7.2 Public notice

7.2.1 **Public notification about meetings**

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]

7.2.2 **Public notification additional requirements**

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local board or the relevant committee may from time to time determine.

7.2.3 **Notification of extraordinary or emergency meetings**

Where the council calls an extraordinary or emergency meeting but cannot give public notice to the extent required in Standing Order 7.2.1, the council must publicly notify the meeting, and the general nature of business to be considered at it, as soon as reasonably practicable before the meeting. If it is not practicable to publish a notice in newspapers before the meeting, the council must publicly notify the meeting as soon as practicable on the council's website and in any other manner that is reasonable in the circumstances.

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

7.2.4 **Public notice of resolutions of extraordinary or emergency meetings**

Auckland Council must publicly notify, as soon as practicable, any resolution passed at an extraordinary meeting, unless:

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

Resolution in this context means any resolution on the matters for which the extraordinary meeting was held.

[s 51A, LGOIMA 1987]

7.2.5 Meetings not publicly notified

Where the local board or committee becomes aware that a meeting has not been publicly notified in accordance with Standing Orders 7.2.1 and 7.2.3, Auckland Council 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.

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

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

7.3 Public access to information

7.3.1 Information to be available to public

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

[s 5 & 49 LGOIMA 1987]

7.3.2 Availability of agendas and reports

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

The agendas:

- a) shall be available for inspection at the public offices of Auckland Council (including service delivery centres) and the public libraries under Auckland Council's control in the local board 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.

The associated reports shall be available for inspection at the public offices of Auckland Council in the local board area.

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.

Where a meeting is an extraordinary or emergency meeting called pursuant to a resolution of the local board or committee, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances.

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

7.3.3 List of committee members publicly available

7.3.4 The members of the local board and each committee are to be named on the relevant agenda.

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 they reasonably expect the meeting to discuss while the public is excluded. The chief executive will indicate such excluded reports on the agenda.

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

7.3.5 Agenda made available at meetings

Auckland Council will provide sufficient copies of the agenda at meetings for viewing by members of the public.

A fee may be charged for an agenda, if a member of the public wishes to take an agenda away with them.

[s 49, LGOIMA 1987]

7.3.6 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]

7.3.7 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]

7.3.8 Reporting and recording meetings

For the purposes of Part VII 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.

Bona fide members of the news media/members of the public may attend any meeting, or part of a meeting, that is open to the public and report on the proceedings.

Any person who wants to record a meeting must notify the chairperson of their intention before the meeting starts, and record the meeting unobtrusively, without distracting members.

[s 49(a), LGOIMA1987]

7.4 Public exclusion

7.4.1 Motions and resolutions to exclude the public

The local board or committee 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 (see Appendix A).

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.

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.

See Appendix B for further information about who may remain and who must leave.

[s 48 & schedule 2A, LGOIMA1987]

7.4.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they have knowledge that will assist the meeting. 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.

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]

7.4.3 Public excluded business not to be disclosed

No member or staff member may disclose to any person (other than another member or 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.

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.

The local board or committee may provide for the release to the public of information, which the meeting considered while the public were excluded.

7.4.4 Standing orders

These standing orders will still apply to meetings, or parts of meetings, from which the public has been excluded.

7.5 Public order

7.5.1 Chairperson may require members of the public to leave meeting

The chairperson may require any member of the public to leave the meeting, where the chairperson 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]

7.5.2 **Removal of members of public**

Any police officer or Auckland Council staff may, at the request of the chairperson, remove or exclude a member of the public from a meeting if they have been required to leave in accordance with Standing Order 7.5.1 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 chairperson.

[s 50, LGOIMA1987]

7.6 **Petitions**

7.6.1 **Petition in English, Māori or New Zealand Sign Language**

A written petition provided to the local board or any of its committees may be in English or Māori. Any presentation of the petition may be in English, Māori or New Zealand Sign Language.

Prior arrangement with the chairperson should be sought at least two clear working days before the meeting if the written and/or presentation of the petition is not in English. Where practical, Auckland Council will arrange for a translator to be present at the meeting. The chairperson may also order the speech and any accompanying documents to be translated and printed in English or Māori or another language.

7.6.2 **Form of petitions**

Every written petition presented to the local board or to any of its committees must comprise fewer than 50 words (not including signatories), and not be disrespectful nor use offensive language or include statements made with malice (see Standing Orders 1.4 regarding qualified privilege).

7.6.3 **Petition presented by petitioner**

A petitioner who presents a petition to the local board or a committee may speak for five minutes about the petition, unless the meeting resolves otherwise.

The chairperson must close the presentation of the petition if they believe the petitioner is being disrespectful, offensive or making malicious statements.

7.6.4 **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
- c) the number of signatures.

7.7 **Deputations**

7.7.1 **Notice**

Deputations may be received by the local board or any of its committees provided an application for admission, setting forth the subject, has been lodged with the chief executive at least seven clear working days before the date of the meeting concerned, and has been subsequently approved by the chairperson.

[Note: Standing Order 7.7.7 Deputations from the governing body or another local board]

7.7.2 **Chairperson's discretion**

The chairperson 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 their 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) direct a speaker to a different committee if they consider this more appropriate, given the proposed subject matter
- d) refuse a request for a deputation where it is offensive, repetitious or vexatious.

[Also note Standing Order 7.7.4 on Urgency or major public interest]

7.7.3 **Subjects**

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 that local board or committee.

7.7.4 **Urgency or major public interest**

Notwithstanding standing orders 7.7.1 and 7.7.2, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest the chairperson may determine that the deputation be received.

7.7.5 **Deputations and presentations in English, Māori or New Zealand Sign Language**

A deputation or presentation to the local board or any of its committees may be made in English or Māori or New Zealand Sign Language.

Prior arrangement with the chairperson should be sought at least two clear working days before the meeting if the address is not in English.

Where practical, Auckland Council will arrange for a translator to be present. The chairperson may also require a speech or document presented to be translated and printed in English, Māori or another language.

7.7.6 **Procedures for deputations**

Except with the approval of the local board or committee, not more than two members of a deputation may address the meeting.

After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss the subject, until the

deputation has completed making its submissions and answering questions (also see Standing Order 1.4.2 regarding qualified privilege).

The meeting may not make any resolution on issues raised during a deputation except to refer the matter to a future meeting, or to another committee, or to the chief executive for investigation.

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

7.7.7 Deputations from the governing body or other local board

A deputation from another local board or the governing body must be authorised by a resolution of that body and be about a matter affecting the other local board's or governing body's interests. The period of notice shall be two clear working days before the meeting date.

7.7.8 Termination of presentation if disrespectful

The chairperson may close a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice (also see Standing Order 1.4.2 regarding qualified privilege).

7.7.9 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]

7.8 Public Forum

7.8.1 Time

A period of up to 30 minutes, or such other time as the local board or any of its committees may determine, will be set aside for a public forum at the commencement of meetings of the local board which are open to the public.

Each speaker during the public forum section of a meeting may speak for three minutes.

Standing orders may be suspended 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.

This Standing Order does not apply to inaugural meetings and, where not appropriate, extraordinary meetings or a special consultative procedure.

7.8.2 Subjects of public forum

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

7.8.3 Questions of speakers during public forum

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

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.

The meeting may not make any resolution on issues raised in public forum except to refer the matter to a future meeting, or to another committee, or to the chief executive for investigation.

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

7.8.4 **Language for speeches**

A member of the public may address a meeting in English, Māori or New Zealand Sign Language. However, the person should advise the chairperson of their intention to speak in a language other than English at least two clear working days before the meeting.

Where practical, Auckland Council will arrange for a translator to be present at the meeting. The chairperson may also order the speech and any accompanying documents to be translated and printed in English or Māori or another language.

7.8.5 **Chairperson's discretion**

The chairperson may:

- a) direct a speaker to a different committee if they consider this more appropriate, given the proposed subject matter
- b) decline Deputation and Public Forum requests via audio link or audio-visual link.
- c) prohibit a speaker from speaking if they are offensive, repetitious or vexatious, or otherwise breach these standing orders.

8. Minutes of proceedings

8.1 Minutes

8.1.1 Minutes to be evidence of proceedings

The local 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]

8.1.2 Matters 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 chairperson
- d) any apologies accepted or declined and leave of absences
- e) the arrival and departure times of members
- f) any failure of a quorum
- g) a list of the speakers who gave public, governing body and Māori 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; See Standing Orders 7.4.1, 1.3.5, 1.3.8, 3.1.4, 3.2.2, 3.2.4, 1.5.11, 1.9.5, 1.9.7, 1.3.7]

8.1.3 No discussion on minutes

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

8.1.4 Minutes of last meeting before election

The chief executive and the relevant chairpersons must authenticate the minutes of the last meeting of the local board and its committees before the next election of members.

8.2 Minute books

8.2.1 Inspection of minute books

The minute books of the local board and its committees must be kept by the chief executive and be

open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002 (see Standing Order 7.3.6 and 7.3.7).

[s 51, LGOIMA 1987]

9. General

9.1 **Members must obey standing orders**

9.1.1 **Members must obey standing orders**

All members of the local board must obey these standing orders.

[cl 16(1), sch 7, LGA 2002]

9.2 **Application of standing orders**

9.2.1 **Local board and committee meetings**

These standing orders apply to all meetings of the local board and its committees, unless stated otherwise. This includes meetings and sessions that the public are excluded from.

9.2.2 **Governing body meetings**

These standing orders do not apply to governing body meetings. The governing body has its own standing orders.

9.2.3 **Additional to or substitution of standing orders for quasi-judicial proceedings**

For quasi-judicial proceedings, the local board or a committee may adopt meeting procedures and practices additional to, or in substitution of, these standing orders for the conduct of the business to be transacted.

For example, committees appointed to hear applications under the Resource Management Act 1991 have powers under the Commissions of Inquiry Act 1908.

[s 41, Resource Management Act 1991]

9.2.4 **Temporary suspension of standing orders**

The local board or its committees may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75 per cent of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension. (Also see 1.7.11 regarding members moving a motion to suspend standing orders as a procedural motion.)

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

9.2.5 **Alteration of standing orders**

The local 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]

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

Standing orders relating to decision-making and passing resolutions do not apply to any meeting of the local board, committee, subcommittee or other subordinate decision-making body of the local board at which no resolutions or decisions are made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

9.3 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, standing orders that refer to, or derive from, legislation have been paraphrased for readability.

9.4 Definitions

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

Apology means an apology given by a member for their 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.

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

Chairperson means the person who presides at a meeting.

Chief executive means the chief executive of Auckland Council appointed under section 42 of the Local Government Act 2002, irrespective of their designation, and includes, for the purposes of these standing orders, their nominee or any other staff authorised by Auckland Council.

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 local board:

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

Contempt means being disobedient to, or disrespectful of, the chairperson 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 chairperson).

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

Elected Representative refers to elected members of the local board.

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 councillors of Auckland Council.

Leave of absence means leave granted to a member to be absent from a meeting or series of meetings of the local 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 the Local Board of Auckland Council.

Mayor means the mayor of Auckland.

Meeting means:

- a) any first or ordinary or extraordinary or emergency meeting of the local board
- b) any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the local board.

The provisions of these standing orders regarding public access and notification need not apply at any meeting of the local board, or committee of the local board, at which no resolutions or decisions are made.

Member means any person elected to the local board and/or appointed to any committee of the local board.

Minutes means the record of the proceedings of any meeting of the local 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.

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

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

Procedural motion means a motion relating to meeting procedure. Standing Order 1.7 provides for members to propose specific types of procedural motions.

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

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

- a) information 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 Auckland Council as publicly available information); and
- b) any minutes or portions of minutes of public excluded sessions, other than those subsequently released by 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 local board or its committees.

Publicly notified means made known to members of the public by a notice on the 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).

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.

10. Appendix A

10.1 Grounds to exclude the public from meetings under the Local Government Official Information and Meetings Act 1987

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

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

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

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

11. Appendix B

11.1 Exclusion of the public – who needs to leave the meeting

11.1.1 Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

11.1.2 Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all local board members if the meeting is a local board meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders advise that a local board member who has a financial conflict of interest should leave the room.
- All local board members have the right to attend any meeting of a committee and local board members who are not members of a committee may remain, subject to any limitations in standing orders.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Other elected members

- Elected members from other local boards or the governing body who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular local board area or the region as a whole.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation (CCO) can remain only if required to for discussion of a matter relevant to the CCO.

12. Appendix C

12.1 Workshops

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

Only this part of the standing orders apply to workshops of the local board or its committees as these are held solely for information and discussion purposes with no ability for any resolutions or decisions to be made.

Section 45(2) of LGOIMA 1987 (which is included in Part VII of that Act) provides that, for the avoidance of doubt, any meeting of the local board or of any committee or sub-committee of the local board, at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act.

Given that workshops will not make any resolutions or decisions they are not subject to the requirements contained in Part VII of LGOIMA 1987 (e.g. public access to the meetings, availability of agenda material to the public and notification of meetings etc.).

12.1.2 **Authority to call a workshop**

Workshops of the local board or its committees may only be called by:

- a) the chairperson or by a resolution of the local board or committee, in the case of either a workshop of a local board or a committee
- b) the relevant committee chairperson in the event of a workshop of a committee
- c) the chief executive or their nominee.

12.1.3 **Notice of workshop to members**

Notice of the time and place of the workshop and of the matters in respect of which the workshop is being called shall be given, by whatever means is reasonable in the circumstances, to every member by the person responsible for calling the workshop at least 24 hours before the time appointed for the workshop.

12.1.4 **Record of workshop**

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

- a) the names of the members attending
- b) the general nature of the matters discussed during the workshop
- c) the proceedings of the workshop.

The proceedings of every workshop shall be circulated to members of the local board or committee.

12.1.5 **Chairing of workshops**

Each workshop shall have a chairperson as follows:

- a) in the event of a workshop of the local board the chairperson shall preside
- b) in the event of a workshop of a committee, the relevant committee chairperson shall preside.

If the chairperson is absent from a workshop, the deputy chairperson must act as chairperson. If a deputy chairperson has not been appointed, or if the deputy chairperson is also absent, the members of the local board who are present must elect a member to be chairperson at that workshop. That person may exercise the responsibilities, duties, and powers of the chairperson.

The presiding member will decide how the workshop will be conducted.

13. Appendix D

13.1 How is business brought before a meeting?

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

- report of chief executive (Standing Order 2.4.2)
- report of chairperson (Standing Orders 2.4.2, 2.4.7)
- report of a committee (Standing Order 2.4.2)
- notice of motion from a member (Standing Order 2.5)

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as “extraordinary business” (Standing Order 2.4.5) by:

- report of chief executive
- report of chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the chairperson.