

Chairperson and Community Board Members
WAIKANAE COMMUNITY BOARD

3 DECEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

CONFIRMATION OF STANDING ORDERS FOR THE 2013-2016 TRIENNIUM

PURPOSE OF REPORT

- 1 This report asks the Waikanae Community Board to consider and confirm the New Zealand Standard NZS 9202:2003 A1 "Model Standing Orders for Meetings of Local Authorities and Community Boards" plus additional relevant clauses, for the conduct of its meetings throughout the Triennium.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy

BACKGROUND

- 3 Clause 27, Schedule 7 of the Local Government Act 2002 states that a local authority (including a community board) must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene the Local Government Act (LGA) 2002, the Local Government Official Information and Meeting Act (LGOIMA) 1987 or any other Act.
- 4 There is no statutory requirement for standing orders to be reviewed following an election but given changes in membership it is prudent to do so. It is also a good opportunity to consider afresh the issue of a casting vote for the Chair and to reflect any further legislative changes.
- 5 In November 2001 Council adopted NZS 9202:2001 Model Standing Orders for Meetings of Local Authorities and Community Boards plus some additional clauses relating to the provision of a public forum. (The Waikanae Community Board adopted the New Zealand Standard, along with the additional clauses, in 2004.)
- 6 The additional clauses have been retained and others added in ensuing triennia by the presiding councils and include the provision of a casting vote for the Mayor/Chair. The most recent additional clauses (March 2011) adopted by Council relate to water supply matters (see Appendix 1 for all clauses).
- 7 Legal advice confirms that these Standing Orders (including the additional clauses) are still current for the 2013-2016 triennium. The Board may amend them or adopt a new set of standing orders; however, these actions would require a vote of not less than 75% of the members present (ie four out of the five members).
- 8 Copies of the Standard have been circulated to Board members under separate cover.

CONSIDERATIONS

Issues

- 9 The Standards New Zealand Model Standing Orders are designed to ensure that statutory public accountability requirements are met as well as prescribing procedures for the proper and orderly conduct of meetings.
- 10 Additional clause (e) provides the Chair or any other person presiding at the meeting with a casting vote. This means that where there is an equality of votes the Chair may use his vote to decide the matter. If the Chair chooses not to use this power and the equality of votes remains, the matter in question reverts to the status quo. In previous triennia the use of the casting vote was approved and still stands. If the Board wishes to change this it must do so by a vote of not less than 75% of its members present.
- 11 At its meeting on 7 November Council considered and confirmed these Standing Orders including retaining the casting vote for the Mayor/Chair and confirming the amendments from the Local Government Act (LGA) 2002. The Standard will be reformatted to make it more coherent and user-friendly.
- 12 In 2012 the LGA 2002 was amended to include, amongst other things, new powers for the Mayor. These changes will be incorporated into the document (Appendix 2), and the entire document reformatted to make it more user-friendly.

Financial Considerations

- 13 There are no financial considerations.

Legal Considerations

- 14 There are no additional legal considerations.

Delegation

- 15 The Community Board has the delegation under the Local Government Act 2002 to consider this matter.

Consultation

- 16 There are no consultation considerations.

Policy Implications

- 17 There are no policy implications.

Tāngata Whenua Considerations

- 18 There are no tāngata whenua considerations.

Publicity Considerations

- 19 There are no publicity considerations. A copy of Council's Standing Orders will be posted on the Council website.

RECOMMENDATIONS

- 20 That, for the conduct of its meetings in the 2013-2016 Triennium, the Waikanae Community Board notes the application of NZS 9202:2003 A1 'Model Standing Orders for Meetings of Local Authorities and Community Boards' including the additional clauses listed in Appendix 1 and the amended clauses as at Appendix 2 of report Corp-13-1065.

Report prepared by:

Approved for submission by:

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ATTACHMENTS:

Appendix 1 – Additional clauses approved by Council

Appendix 2 – Amendments reflecting legislative changes

Appendix 1 – list of additional clauses to Model Standing Orders

Clauses adopted on 11 November 2010

- (a) A period of up to thirty minutes will be provided after the start of each meeting for Public Speaking Time to allow for oral submissions generally relating to agenda items, although other matters may be raised with the leave of the Chairperson. The period of time for each speaker shall be three minutes but it may be extended to five minutes at the discretion of the Chairperson recognising that Public Speaking Time is not a period for general debate.
- (b) Any written material associated with oral submissions shall be given to the Democratic Services Advisor prior to the start of the meetings, which may be distributed to elected members for their information at the Chairperson's discretion. Any written material accompanying an oral submission will not be appended to the minutes but briefly noted in the minutes.
- (c) The Chairperson will indicate, during the item in the agenda on Chairperson's/Members' Business, how oral submissions raised during Public Speaking Time will be dealt with, unless the meeting resolves otherwise.
- (d) In making oral submissions, members of the public shall not be disrespectful, not use offensive or malicious language nor make statements with malice.
- (e) The Mayor or Chairperson or any other person presiding at the meeting has a deliberative vote and in the case of an equality of votes, does have a casting vote

Clauses adopted on 17 March 2011

Any decision relating to:

- (a) the divestment of ownership of water assets under Sections 130, 131 and 137 of the Local Government Act 2002 or in any other situation;
- (b) transfer of water assets and services to a local government organisation under S 130 of the Local Government Act 2002 or in any other situation;
- (c) contracting out for the management or operation of the water supply system as a whole, either to a private interest or a local government organisation under S136 of the Local Government Act 2002 or in any other situation. (Note: this provision does not apply to contracts for maintenance, renewal and upgrade works, or for professional services, design and contract management);
- (d) establishment of a joint arrangement or a joint local government arrangement under Section 137 of the Local Government Act 2002 or in any other situation;
- (e) transfer of control of funding policy, pricing and charging responsibilities in relation to water to any other local government organisation or private interest;

(f) any departure from a not-for-profit charging regime for Council's water supply system;

will require a 75% majority of members present and voting. All decisions under (a) – (f) will require a referendum to have taken place to provide input into a decision before that decision is made.