

**Mayor and Councillors**  
COUNCIL

7 NOVEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **ADOPTION OF STANDING ORDERS FOR THE 2013-2016 TRIENNIUM**

### **PURPOSE OF REPORT**

- 1 This report asks Council 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 Council's Significance Policy.

### **BACKGROUND**

- 3 Clause 27, Schedule 7 of the Local Government Act 2002 states that a local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene 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 for Council to consider afresh the issue of a casting vote for the Mayor 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. These 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. The most recent additional clauses (March 2011) adopted by Council relate to water supply matters (see Appendix 1 for all clauses).
- 6 Legal advice confirms that these Standing Orders (including the additional clauses) are still current for the 2013-2016 triennium. Council 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.

- 7 Copies of the Standard have been circulated to all elected members under separate cover.

## **CONSIDERATIONS**

### **Issues**

- 8 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.
- 9 Additional clause (e) provides the Mayor or Chairperson or any other person presiding at the meeting with a casting vote. This means that where there is an equality of votes the Mayor or Chair may use his vote to decide the matter. If the Mayor or Chair chooses not to use this power and the equality of votes remains, the matter in question reverts to the status quo. In the previous triennia the use of the casting vote was approved and still stands. If Council wishes to change this it must do so by a vote of not less than 75% of its members present. This equates to a majority of nine out of eleven votes (clause 27(3) of Schedule 7).
- 10 In 2012 the Local Government Act 2002 was amended to include, amongst other things, new powers for the Mayor. These changes have been incorporated into the document (Appendix 2).
- 11 Additionally it is recommended that clause 2.4.4. relating to the definition of a quorum for committee meetings be amended to reflect this Council's Standing Committee structure (i.e. committees of the whole) so that the quorum for committee meetings would be a majority of members.

### **Financial Considerations**

- 12 There are no financial considerations.

### **Legal Considerations**

- 13 The amendments have been scrutinised by Council's Senior Legal Counsel.

### **Delegation**

- 14 Council has the delegation under the Local Government Act 2002 to adopt a set of standing orders.

### **Consultation and Policy considerations**

- 15 There are no consultation or policy considerations.

### **Tāngata Whenua Considerations**

- 16 There are no tangata whenua considerations.

### **Publicity Considerations**

- 17 There are no publicity considerations. Once confirmed the document will be uploaded to the Council website for reference.

## RECOMMENDATIONS

- 18 That Council notes and confirms the application of NZS 9202:2003 A1 'Model Standing Orders for Meetings of Local Authorities and Community Boards' plus additional clauses as at Appendices 1 and amendments as at Appendix 2 of report Corp-13-1013 for its meetings and those of its Committees and Subcommittees in the 2013-2016 Triennium.

**Report prepared by:**

**Approved for submission by:**

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Stephen McArthur

**Democratic Services Team Leader**

**Group Manager Strategy and Partnerships**

## ATTACHMENTS

Appendix 1 – list of additional clauses to the Standard

Appendix 2 – amended text to show inclusions of new legislative references (new mayoral powers)

## 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.