

MARLBOROUGH DISTRICT COUNCIL
15 SEYMOUR STREET
PO BOX 443, BLENHEIM 7240
NEW ZEALAND

TELEPHONE (0064) 3 520 7400
FACSIMILE (0064) 3 520 7496
EMAIL mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



**MARLBOROUGH
DISTRICT COUNCIL**



20 October 2022

Record No: 22212292
File Ref: D050-001-02
Ask For: Mike Porter

Notice of Council Meeting – Thursday, 27 October 2022

Notice of the First Meeting following the 2022 Triennial General Elections to be held in the Council Chambers, 15 Seymour Street, Blenheim on Thursday, 27 October 2022 to commence at 3.00 pm.

BUSINESS

As per Order Paper attached.

MARK WHEELER
CHIEF EXECUTIVE

**Order Paper for the
FIRST MEETING following the 2022 Triennial General Elections
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 27 OCTOBER 2022 commencing at 3.00 pm**

Open Meeting

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Open Meeting

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Marlborough District Council

**Order Paper for the
FIRST MEETING following the 2022 Triennial General Elections
to be held in the Council Chambers, 15 Seymour Street, Blenheim
on THURSDAY, 27 OCTOBER 2022 commencing at 3.00 pm**

1. Karakia

Tēnā koutou, tēnā koutou, tēnā koutou katoa
E te Atua tō mātou Kai-hanga,
ka tiāho te maramatanga me te ora, i āu kupu kōrero,
ka tīmata āu mahi, ka mau te tika me te aroha;
meatia kia ū tonu ki a mātou
tōu aroha i roto i tēnei huihuinga.
Whakakī a matou whakaaro ā mātou mahi katoa,
e tōu Wairua Tapu.
Āmine.
(God our Creator,
when you speak there is light and life,
when you act there is justice and love;
grant that your love may be present in our meeting.
So that what we say and what we do may be filled with your Holy Spirit.
Amen.)

2. Chair

In terms of [Schedule 7 Clause 21\(4\) of the Local Government Act 2002](#), the first meeting shall be chaired by the Chief Executive until the Mayor has completed the Declaration required by Schedule 7 Clause 14 of the said Act.

3. Statutory Declaration by the Mayor

D050-003-03

The formal Declaration required in terms of [Schedule 7 Clause 14 of the Local Government Act 2002](#) must be completed by the Mayor in the presence of the Chief Executive and the Council.

4. Statutory Declaration by Councillors

D050-003-03

Formal Declarations are required to be completed by each Councillor in terms of [Schedule 7 Clause 14 of the Local Government Act 2002](#).

5. Apologies

Mr Brian Dawson

6. Declaration of Interests

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

7. Appointment of Deputy Mayor

D050-003-04

Purpose

1. The purpose of the report is to advise the appointment of the Deputy Mayor for the ensuing term of Council.

RECOMMENDATION

That the appointment of the Deputy Mayor be noted.

Background

2. [Section 41A\(3\)\(a\) of the Local Government Act 2002](#) states that the Mayor has the power to appoint the Deputy Mayor.

Comments

3. The Mayor will announce the appointment of the Deputy Mayor at the Council meeting.

8. General Explanation

(also refer to attachment)

D050-003-04

Purpose

1. The purpose of the report is to introduce to Council a general explanation of various Acts that are important to elected members.
-

RECOMMENDATION

That the information be received.

Background

2. In accordance with [Schedule 7 Clause 21\(5\)\(c\) of the Local Government Act 2002](#), **attached** is information providing a general explanation of:
 - 2.1. the [Local Government Official Information and Meetings Act 1987](#);
 - 2.2. the [Local Authorities \(Members' Interests\) Act 1968](#);
 - 2.3. Sections [99](#), [105](#) and [105A](#) of the [Crimes Act 1961](#);
 - 2.4. the [Secret Commissions Act 1910](#);
 - 2.5. the [Financial Markets Conduct Act 2013](#).
3. In addition to those required under the Local Government Act 2002 it is relevant to give an explanation on the following as well:
 - 3.1. the [Public Records Act 2005](#).

Comments

4. In addition a publication issued by the Office of the Controller and Auditor-General on the Local Authorities (Members' Interests) Act 1968 has been previously distributed. Copies are available on request or at <https://oag.parliament.nz/2010/lamia>.
5. Should any member have a concern about the application of 'Members' Interests' they should discuss the matter with Council's General Counsel, Robert Foitzik.

2.1 LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

This Act provides for public access to information and attendance of public at meetings of the Council and its Committees:

MEETINGS:

Members of the public have the right to attend all meetings of a local authority and some Councils set aside time at their meetings for the public to state their views on any issue to be dealt with at the meeting. Copies of the agenda and associated reports must be made available for inspection at least two working days before the meeting and at the meeting. An exception is made for extraordinary meetings. Information that is expected to be withheld from the public in accordance with the provisions of the Act can be excluded from the reports available for inspection.

As shown on the published order paper, or during a meeting it may be resolved to exclude the public from part or all of the proceedings and the reasons for doing so must be given. In summary, valid reasons (under Section 48) for excluding the public include:

- (a) there is good reason for withholding information under Section 6 and 7 of the Act, e.g.
 - **disclosing the information would contravene legal requirements, including breaching legal privilege, or prejudice the maintenance of the law, or endanger the health or safety of any person**
 - the need to protect the privacy of natural persons
 - to prevent material loss to members of the public or improper commercial exploitation of information held whether related to the authority's activities or those of another party
 - to protect the public interest
 - to enable a local authority to conduct its affairs effectively without improper pressure or harassment;
- (b) disclosure is contrary to provisions in another enactment;
- (c) the meeting is considering a recommendation from the Ombudsman;
- (d) private deliberation is necessary as the decision is subject to a right of appeal to a court.

The meeting must be open to the public while such a resolution is passed and the order paper or resolution must indicate the general subject matter to be considered.

Where it is desirable that some person or persons be permitted to remain after the public has been excluded, this must be incorporated in the resolution stating their names and the reasons for their remaining.

The formal resolution required in any specific case is usually set out in the agenda for that particular meeting.

ACCESS TO INFORMATION

Official Information must be made available unless there is good reason for withholding it. The valid reasons for the Chief Executive Officer to withhold information are similar to Clause (a) above, with the addition of the following:

- the information requested is not available or is trivial
- substantial collation or research would be required to provide the information.

When a local authority refuses a request to provide official information or proposes to charge a fee for providing it then the reasons for doing so must be stated. In addition the applicant's right to complain to an Ombudsman and request an investigation and review of the refusal must be stated. On completion of any investigation the Ombudsman may make recommendations to the local authority which has a public duty to observe them unless it resolves within 20 days from their receipt not to do so. Any such resolution must be recorded in writing.

2.2 LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Section 3 of this Act disqualifies a person from being a member or being elected or appointed a member of a local authority or of any committee of a local authority, if -

- (a) that person is concerned or interested in a contract or contracts with the local authority they are a member of; and
- (b) total payment made under the contract or contracts in any financial year exceeds \$25,000.

Where a member's interest in a contract or contracts arises through membership of an incorporated company, the Act applies in the following circumstances -

- The member or the member's spouse singly or between them, own directly or through a nominee, 10 percent or more of the issued capital of the company or any company controlling that company; or
- The member or the member's spouse is a member of the company or a controlling company and either of them is the managing director or general manager (by whatever names they are called) of that company or of that controlling company; or
- The member or the member's spouse is the managing director or the general manager (by whatever names called) of the company and either of them is a member of a company controlling that company.

The above does not apply where -

- The member and spouse are living apart; or
- The member did not know and had no reasonable opportunity of knowing that his or her spouse owned any part of the issued capital of the company or of any company controlling that company, or was a member of or held any of the offices as set out above.

A member can also be disqualified through an interest his or her spouse may have in some other type of business, such as a partnership.

A controlling company is defined as a company owning 50 percent or more of the issued capital of that other company or is able to control the exercise by 50 percent or more of the total voting powers exercisable by all members of that other company.

It should be noted that the Act speaks of payment by the local authority and the opinion of the Audit Office is that payment in cash is meant. A transaction, for say, the exchange of land with the Council where no monetary consideration passes would not disqualify a member.

Audit Office approval in special cases may be obtained allowing payment without disqualification under a contract which would otherwise be a disqualifying contract.

A number of named and specific kinds of contracts are exempted from disqualification and these are detailed in the Act.

Where a member becomes disqualified under Section 3, an extraordinary vacancy is created and the person is precluded from being elected or appointed to the local authority until the next general election.

It is an offence to act as a member while disqualified and this is punishable by a fine not exceeding \$200.

No member will be disqualified if a contract has had the prior approval, or receives the retrospective approval of the Audit Office on the application of a local authority.

Every member is urged to take the first opportunity after the election to advise the Chief Executive as to the firms with whom dealing must be restricted by reason of a potential conflict of interest. Where the member is interested in several firms it is the total dealing with all the firms which is taken into account.

VOTING AND DISCUSSION ON ISSUES

The Local Authorities (Members' Interests) Act 1968 prohibits a member of a local authority or of a committee thereof, from voting or taking part in the discussion of any matter in which the member has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.

Where an incorporated company has, directly or indirectly, a pecuniary interest in a matter before a local authority or committee thereof, a member of that local authority or committee may be deemed to have a pecuniary interest in the matter.

A member is also deemed to have a pecuniary interest in a matter, if his or her spouse is directly or indirectly the owner or one of the owners (otherwise than as a member of an incorporated company) of an estate, or has an interest in any real or personal property, or of any business, or as a party to any contract or proposed contract which is affected by the matter before the committee.

Certain exceptions apply where discussion may take place without infringing the Act and these relate mainly to procedural matters and the preparation of District Plans and the like.

2.3 THE CRIMES ACT 1961

Section 105 of the Crimes Act 1961 makes it a crime for any official to corruptly accept or obtain or attempt to do so, any bribe for himself or herself or any other person to do or fail to do any act in his or her official capacity.

Under s99 of the Crimes Act 1961 "official" includes any person in the service of the Crown or any member or employee of any local authority or public body.

Under the same section of the Crimes Act "bribe" means any money, valuable consideration, office or employment, or any benefit, whether direct or indirect.

It is also a crime under Section 105A of the Crimes Act for an official to corruptly use information acquired in his or her official capacity, to obtain directly or indirectly an advantage or pecuniary gain for themselves or any other person.

The penalty for these crimes is imprisonment for a term not exceeding seven years.

2.4 THE SECRET COMMISSIONS ACT 1910

This Act makes it an offence for any agent of a principal to accept or attempt to obtain for themselves or any other person, any gift or inducement or reward for doing or not doing any act in relation to the principal's business.

A number of actions by agents are made offences, including having a pecuniary interest in a contract made on behalf of a principal, presenting false receipts to a principal, and other acts such as advising any person to enter into a contract with a third person and receiving a gift or inducement without the person advised knowing.

For the purposes of this Act, every officer or member of a local authority board, council or committee or any other body of persons having public functions under a statute, shall be deemed to be an agent of that local authority.

Persons convicted of an offence against this Act are liable to imprisonment for a maximum of seven years or a fine not exceeding \$1,000, and any corporation to a fine not exceeding \$2,000.

2.5 THE FINANCIAL MARKETS CONDUCT ACT 2013

The Financial Markets Conduct Act 2013 imposes on Members the same responsibilities as company directors whenever Council offers securities (debt or equity) to the public. Members may be personally liable if investment documents such as a disclosure statement contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Act also prohibits any Member who has information about a listed company that is not generally available to the market, from trading in that company's shares or from disclosing that information.

The penalties for certain offences under this Act (false or misleading statements in disclosure documents – 10 years; or insider trading – 5 years) are such that if a Member were convicted, that conviction would result in ouster from office.

3.1 THE PUBLIC RECORDS ACT 2005

The Public Records Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

9. 2022 Triennial Elections – Notification of Results

D050-004-022-07

Purpose

1. The purpose of the report is to formally report to Council the declaration of the Electoral Officer for the 2022 Triennial Elections for the Marlborough District.

RECOMMENDATION

That the information be received.

Background

2. The Electoral Officer reports that the following candidates for the office of Mayor and Councillors of the Marlborough District have been declared elected in terms of the [Local Electoral Act 2001](#):

Mayor

Nadine TAYLOR

Blenheim Ward

Jamie ARBUCKLE
David CROAD
Deborah DALLIESSI
Brian DAWSON
Matt FLIGHT
Jonathan ROSENE
Thelma SOWMAN

Marlborough Māori Ward

Allanah BURGESS

Marlborough Sounds Ward

Barbara FAULLS
Raylene INNES
Ben MINEHAN

Wairau-Awatere Ward

Scott ADAMS
Sally ARBUCKLE
Gerald HOPE

Comments

3. A report from the Electoral Officer on the 2022 Triennial Election process will be prepared for a future Council meeting.

10. Standing Orders

(also refer to attachment)

D050-003-04

Purpose

1. The purpose of the report is for Council to formally adopt the new Marlborough District Council Standing Orders (see **attached**).

RECOMMENDATION

That Council agree that the 2022 Marlborough District Council Standing Orders, based on the Local Government New Zealand template, be adopted as the Standing Orders for this Council.

Background

2. Prior to the 2016 triennium, a Local Government New Zealand (LGNZ) working party finalised a new template for Standing Orders. The working party consisted of then currently active professional governance people with practical application in mind, as well as considering how Council meetings happen in practice. The template fitted very well with how this Council has viewed its Standing Orders.
3. The LGNZ working party has since refined and updated the template in 2019 and again in 2022.
4. The Standing Orders of a Council prescribe the rules for how meetings of the Council and its Committees will be conducted. The Standing Orders must not contravene the Local Government Act 2002 (LGA), the Local Government Official Information and Meetings Act 1987, or any other Act.

Comments

5. All recent changes to the Local Government Act 2002 are reflected in the new Standing Orders template.
6. It should be noted that an adoption of a new set of Standing Orders by Council will require a vote of not less than 75% of the members present.



Marlborough District Council

Standing Orders

Date of adoption

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees, subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive, and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees, subordinate decision-making bodies, and local and community boards. They fulfil, with regard to the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing orders for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee, subordinate body and local and community board review their standing orders within at least the first six months following an election to ensure that they fully meet their needs for effective and inclusive meetings (see LGA 2002, sch 7, cl 27).

For clarity's sake whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendix is an attachment to the Standing Orders and not part of the Standing Orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders and are also not part of the Standing Orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these Standing Orders comply with the decision-making provisions of Part 6 of the LGA 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (LGA 2002, s 39).

1.1 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.2 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968

1.3 Application

For the removal of any doubt these Standing Orders do not apply to workshops or meetings of working parties and advisory groups, unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These Standing Orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings, and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

Audio link means facilities that enable audio communication between participants at a meeting where one or more of the participants is not physically present at the place of the meeting.

Audiovisual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under s 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these Standing Orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under cl 30A of sch 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s 49 of the LGA 2002.

Conflict of interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee, or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

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

Council means, in the context of these Standing Orders, the governing body of a local authority.

Debate means discussion by members that occurs once a motion has been moved/seconded.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Division means a formal vote at a Council, committee or subcommittee meeting whereby the names of those members present, including the mayor/chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audiovisual link.

Emergency meeting has the same meaning as defined in cl 22A of sch 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl 22 of sch 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Item means a substantive matter for discussion at a meeting.

Leave of the meeting means agreement without a single member present dissenting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with cl 30A of sch 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these Standing Orders a regional council or territorial authority, as defined in s 5 of the LGA 2002, which is named in these Standing Orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Member of the Police means a Constable of the New Zealand Police within the definition of s 4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

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

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these Standing Orders.

Officer means any person employed by the council either full or part time, on a permanent or casual or contract basis.

Pecuniary Interest includes any interest described in s 3 and 6 of the Local Authorities (Members Interests) Act 1968.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with ss 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the chairperson.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in Standing Orders 24.1 – 24.7.

Public excluded information refers to information, which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's website. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s 52 and s 53 of LGOIMA.

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

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as chairperson of that regional council under cl 25 of sch 7 of the LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion or amendment.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders will not apply, unless required by the local authority. Workshops may include non-elected members and may be described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

LGA 2002, sch 7, cl 27(1) & (2).

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

LGA 2002, sch 7, cl 27(3).

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders. Local boards and community boards which have adopted these Standing Orders must also comply with them.

LGA 2002, sch 7, cl 16(1).

3.4 Application of standing orders

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

LGA 2002, sch 7, cl 27(4).

A motion to suspend Standing Orders may be taken before or during a debate. The motion to suspend Standing Orders must also identify the specific Standing Orders to be suspended. Please

Note: in the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the Resource Management Act 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results. Public access to those addresses is subject to the Privacy Act.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These Standing Orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution, then any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting, or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori, when the normal business of the meeting is conducted in English, they must give prior notice to the chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7: Webcasting protocols.

4.5 First meeting (inaugural)

The first meeting of a local authority, following a local authority triennial general election, must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

LGA 2002, sch, cl 21(1) - (4).

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the chairperson has made an oral declaration and attested the declaration (see LGA 2002, sch 7, cl 21(4)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under LGA 2002, sch 7, cl 14.;
- (b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under LGA 2002, sch 7, cl 14;
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and ss 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 authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy chairperson in accordance with the LGA 2002, sch 7, cl 17.

LGA 2002, sch 7, cl 21(5).

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note, that the election of a deputy mayor is not required if the Mayor has already made the appointment under s 41A(3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial

authority from removing a deputy Mayor from office in accordance with cl 18 of sch 7 of the LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint themselves.

LGA 2002, s 41A(3).

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee chairpersons in accordance with LGA 2002, s 41A, the council (or a committee, if so directed by the council) must elect those positions in accordance with Standing Order 5.4.

LGA 2002, sch 7, cl 31.

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right, a list of the committees and their terms of reference must be tabled at the next following meeting of the council. Should the Mayor decline to establish committees under s 41A, then any decision to establish committees must follow the processes set out in these Standing Orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl 30 of sch 7, LGA 2002, a committee established by the Mayor, or appointing more committees in addition to any established by the Mayor.

Please note, a Mayor is a member of every committee unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A (3) and (4).

5.4 Elections of regional chairpersons, deputy Mayors and deputy chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

- The chairperson and deputy chairperson of a regional council;
- The deputy Mayor;
- The chairperson and deputy chairperson of a committee; and

- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their powers under LGA 2002, s 41A to appoint a deputy Mayor, or committee chairs. See the LGNZ Guide to Standing Orders for more information.

LGA 2002, sch 7, cl 25.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under the Standing Order 5.1, or elected by the council, can only be removed in accordance with cl 18, sch 7, of the LGA 2002. See Appendix 9.

LGA 2002, sch 7, cl 18.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

LGA 2002, sch 7, cl 25.

6. Delegations

6.1 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

LGA 2002, sch 7, cl 32(6).

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the LGNZ Guide to Standing Orders for further information.

6.2 Limits on delegations

Unless clearly stated in the LGA 2002 or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate;
- (b) The power to make a bylaw;
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

LGA 2002, sch 7, cl 32 (1).

6.3 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

LGA 2002, sch 7, cl (2) & (3).

6.4 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

LGA 2002, sch 7, cl 32(2),(3), and (4).

6.5 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these Standing Orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation

authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

LGA 2002, sch 7, cl 30 (6).

6.6 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

LGA 2002, sch 7, cl 30(3) & (4).

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

LGA 2002, sch 7, cl 30 (5) & (7).

Please note: Section 12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. The same is true for District Licensing Committees (see the LGNZ Guide to Standing Orders).

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

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

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

LGA 2002, sch 7, cl 31(4).

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl 30 (7), sch 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

LGA 2002, sch 7, cl 31(5).

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

LGA 2002, s 41A(5).

7.7 Decision not invalid despite irregularity in membership

For the purpose of these Standing Orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. There is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

LGA 2002, sch 7, cl 29.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the chairperson and deputy chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

LGA 2002, sch 7, cl 30A(1) & (2).

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

LGA 2002, sch 7, cl 30A(5).

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

LGA 2002, sch 7, cl 30A(6)(a).

Pre-meeting

8. Giving notice

Please note: the processes described in this section (Standing Orders 8.1 – 8.12) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See the LGNZ Guide to Standing Orders for more information).

LGOIMA, s 46.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the 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.

LGA 2002, sch 7, cl 19(5).

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council, or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

LGA 2002, sch 7, cl 22(1).

8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under the Standing Order 8.3, as well as the general nature of business to be considered, to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

LGA 2002, sch 7, cl 22(3).

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

LGA 2002, sch 7, cl 22A(1).

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

LGA 2002, sch 7, cl 22A(2).

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these Standing Orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's website and in any other manner that is reasonable in the circumstances.

LGOIMA, s 46(3).

8.8 Meetings not invalid

The failure to notify a public meeting under these Standing Orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

LGOIMA, s 46(6).

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

LGOIMA, s 51A.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

LGA 2002, sch 7, cl 19(6).

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

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

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

LGA 2002, sch 7, cl 20(1) & (2).

8.12 Meeting cancellations

The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility, on behalf of the chairperson, to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive must consult, unless impracticable, such as in the case of the inaugural meeting, the chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

Where a Chief executive refuses a member's request to prepare a report, an explanation for that refusal should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained. A recommendation that differs significantly from the officer's recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.6 Chairperson may prepare report

The chairperson of a meeting has the right to prepare a report to be included in the agenda on any matter which falls within the responsibilities of that meeting, as described in its terms of reference.

For clarity, any recommendation must comply with the decision-making requirements of Part 6 of the LGA 2002.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available, except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

LGOIMA, ss 5 & 46A.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

LGOIMA, s 46A(1).

9.9 Withdrawal of agenda items

If justified by circumstances, an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

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

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by a formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and

- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

LGOIMA, s 46A(7).

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the chairperson.

Please note, that nothing in this standing order removes the requirement to meet the provisions of Part 6 of the LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision, or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

LGOIMA, s 46A(7A).

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public-excluded must be indicated on each agenda, including the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

LGOIMA, s 46A(9).

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will, or improper advantage has been taken of the publication.

LGOIMA, s 52.

Meeting Procedures

10. Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

LGA 2002, sch 7, cl 23(3)(a).

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution, provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

LGA 2002, sch 7, cl 23(3)(b).

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

LGA 2002, sch 7, cl 30A(6)(c).

11.4 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.

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

11.5 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 advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost, the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting, and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

LGOIMA, s 47 & 49(a).

12.2 Grounds for removing the public

The chairperson may require any member of the public to be removed from the meeting if they believe that person's behaviour is likely to prejudice the orderly conduct of the meeting.

LGOIMA, s 50(1).

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings should be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the chairperson may direct the recording to stop for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

LGA 2002, sch 7, cl 19(2).

If a member of the local authority is not an appointed member of the meeting which they are attending, they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s48 of LGOIMA. Consequently, if the meeting resolves to exclude the public then any members of the local authority who are present may remain, unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions, members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Mayor (or acting chair), must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council, local board or community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

LGA 2002, sch 7, cl 5(d).

13.7 Right to attend by audio or audiovisual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

LGA 2002, sch 7, cl 25A(4).

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audiovisual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (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 audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

LGA 2002, sch 7, cl 25A(3).

If the chairperson is attending by audio or audio visual link, then chairing duties will be undertaken by the deputy chair, or a member who is physically present.

13.11 Conditions for attending by audio or audiovisual link

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audiovisual link

Where possible, a member will give the chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audiovisual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audiovisual link. However, the council has no obligation to make the technology for an audio or audio-visual 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 authority or its committees.

13.13 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 termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting;
- (d) The quality of the link is no longer suitable;
- (e) Information classified as confidential may be compromised (see also SO 13.18).

13.14 Giving or showing a document

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

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the chairperson thinks fit.

LGA 2002, sch 7, cl 25(A)(6).

13.15 Link failure

Where an audio or audiovisual 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.

13.16 Confidentiality

A member who is attending a meeting by audio, or audio-visual link, must ensure that the meeting's proceedings remain confidential during any time that the public is excluded. At such a time, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings. If the chairperson is not satisfied by the explanation, they may terminate the link.

14. Chairperson's role in meetings

14.1 Council meetings

The Mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy Mayor is also absent the local authority members who are present must elect a member to be the chairperson at that meeting. This person may exercise the meeting responsibilities, duties, and powers of the Mayor for that meeting.

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

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If

the chairperson is absent from a meeting or vacates the chair, 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. This person may exercise the meeting responsibilities, duties and powers of the chairperson.

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

14.3 Addressing the chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The chairperson will decide all procedural questions, including points of order, where insufficient provision is made by these Standing Orders (except in cases where a point of order questions the chairperson's ruling). Any refusal to obey a Chairperson's ruling or direction constitutes contempt (see SO 20.5).

14.5 Chairperson standing

Whenever the chairperson stands during a debate, members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these Standing Orders. Members should address the chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters of their choice, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea, or matter raised in a public forum, must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. Where the number of speakers presenting in the public forum exceeds 6 in total, the chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the LGNZ Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group, or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the chairperson, or an official with delegated authority, five working days before the meeting; however, this requirement may be waived by the chairperson. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the meeting at which they will be presented; however, this requirement may be waived by the chairperson.

Petitions must not be disrespectful, use offensive language or include malicious, inaccurate, or misleading statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive, or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member

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

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in s 48 of LGOIMA (see Appendix 1: Grounds to exclude the public).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be 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 of LGOIMA (see Appendix 2: Sample resolution to exclude the public). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

LGOIMA, s 48.

18.2 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 will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

LGOIMA, s 48(6).

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

LGOIMA, s 46A(8).

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation, or Standing Orders, the acts of, and questions before, a local authority (including a local or community board) must be decided at a meeting through a vote exercised by the majority of the members that are present and voting.

LGA 2002, sch 7, cl 24(1).

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

LGA 2002, sch 7, cl 24(3).

19.3 Chairperson has a casting vote

The Mayor, Chairperson, or any other person presiding at a meeting, has a deliberative vote and, in the case of an equality of votes, has a casting vote.

LGA 2002, sch 7, cl 24(2).

19.4 Method of voting

The method of voting must be as follows:

- (a) The chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson will call a division;

- (b) The chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion, and abstentions, and provide the names to the chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member, immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, such as a members' reason for their vote or abstention, is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 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 immediately leave the meeting for a specified time.

20.2 Behaviour consistent with Code of Conduct

At a meeting no member may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member, or speaker, who has been disrespectful of another member or contravened the council's Code of Conduct, the chairperson may call upon that member, or speaker, to withdraw the offending 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 and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance, the chairperson may require that member 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.

20.5 Contempt

Where a member is subject to repeated cautions by the chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

A member who has been found to be in contempt and continues to be cautioned by the Chairperson for disorderly conduct, may be subject to Standing Order 20.6.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the chairperson's request, remove or exclude a member from a meeting.

This Standing Order will apply where the chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of 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 unless an exception set out in s 6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s 6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded, in which case they should leave the room.

Neither the chairperson, nor the meeting, may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

LAMIA, ss 6 & 7.

20.8 Non-financial conflicts of interests

Non-financial interests involve questions about whether the judgement of a member of a local authority (or local or community board) could be affected by a separate interest, or duty, which that member may have in relation to a particular matter. If a member considers that they have a

non-financial conflict of interest in a matter they must not take part in the discussions about that matter, or any subsequent vote.

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.

Neither the chairperson, nor the meeting, may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will, or took improper advantage of the occasion of publication.

LGO/IMA, s 53.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies because of any other enactment or rule of law applying to any meeting of the local authority.

LGO/IMA, s 53.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting. Personal use may only occur at the discretion of the chair. A chairperson may require that an electronic device is switched off if:

- I. its use is likely to distract a meeting from achieving its business, or,
- II. a member is found to be receiving information or advice from sources not present at the meeting that may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the Standing Orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson, and how the question is to be dealt with is at the chairperson's discretion.

21.4 Questions of clarification

At any point in a debate a member may ask the chairperson for clarification about the nature and content of the motion which is the subject of the debate and/or the particular stage the debate has reached.

21.5 Members may speak only once

A member, depending on the choice of options for speaking and moving set out in SO 22.2-22.4, may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Secunder may reserve speech

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

21.8 Speaking only to relevant matters

Members may only speak to;

- I. any matter before the meeting
- II. a motion or amendment which they propose, and
- III. to raise a point of order arising out of debate,

Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on any matters arising under this Standing Order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution, except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The chairperson must order the minutes to record the objection.

Note: This provision does not preclude a member from making a complaint at any time during, or after, a meeting about the use of inappropriate or offensive language.

21.12 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, substantive or substituted motion or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right of reply until the closure motion.

21.13 No other member may speak

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

- I. After the mover has started their reply;
- II. After the mover has indicated that they want to forego this right; and
- III. Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the chairperson considers it reasonable to do so.

However, the chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [*by simple majority*] to adopt either of the other two options for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original, or substituted, motion may move or second an amendment to it.
- The mover or seconder of an amendment, whether it is carried (in which case it becomes the substantive motion) or lost, cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions, and amendments moved during a debate, must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not valid and should not be entered in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

23.2 Motions in writing

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

23.3 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.

23.4 Substituted motion

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.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- a) Not directly relevant

- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting
- f) Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of Part 6 of the LGA 2002.

23.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.7 Carried 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, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to it, and may move or second a further amendment.

23.8 Lost amendments

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may, depending on the choice of options for speaking and moving set out in Standing Orders 22.2 – 22.4, speak to the substantive motion, and may move or second a further amendment to it.

23.9 Where a motion is lost

In a situation where a substantive motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.10 Withdrawal of motions and amendments

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.11 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; and
- (b) The chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of Part 6, of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

LGA 2002, sch 7, cl 30(6).

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply if, 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 authority or the 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.

24.5 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.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the chairperson, chief executive, or any committee or subcommittee, local or community board, may 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 a revocation or alteration recommendation.

LGA 2002, sch 7, cl 30(6).

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any 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 and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

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

25.3 Voting on procedural motions

Procedural motions to close or adjourn a 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.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 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.

26. Points of order

26.1 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).

26.2 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 – to bring disorder to the attention of the chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

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

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the chairperson.

26.5 Chairperson's decision on points of order

The chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

Should a point of order concern the performance of the chair, then the chair will refer the point of order to the deputy chair or, if there is no deputy, another member to hear arguments and make a ruling.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of the LGA 2002, ss 77-82. If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

27.3 Mover of notice of motion

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

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the chairperson must lapse.

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

LGA 2002, sch 7, cl 28.

28.2 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 or leaves of absences;
- (e) Member absent without apology or leave of absence;
- (f) Member absent on council business;
- (g) The arrival and departure times of members;
- (h) Any failure of a quorum;
- (i) A list of any external speakers and the topics they addressed;
- (j) A list of the items considered;
- (k) Items tabled at the meeting;
- (l) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders;
- (m) The names of all movers, and seconders;
- (n) Any objections made to words used;
- (o) All divisions taken and, if taken, a record of each members' vote;
- (p) The names of any members requesting that their vote or abstention be recorded;
- (q) Any declarations of financial or non-financial conflicts of interest;
- (r) The contempt, censure and removal of any members;
- (s) Any resolutions to exclude members of the public;
- (t) The time at which the meeting concludes or adjourns; and
- (u) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA 1991, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

Public Records Act 2002, s 17.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

Contract and Commercial Law Act 2017, s 229(1).

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

LGOIMA, s 51.

29.4 Inspection of public excluded matters

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

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1988 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

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

LGOIMA, s 7.

Under A2 (above) the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and 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 that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 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 Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

LGOIMA, s 48.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; (deleted if not applicable)
- The following parts of the proceedings of this meeting, namely; (delete if not applicable)

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).

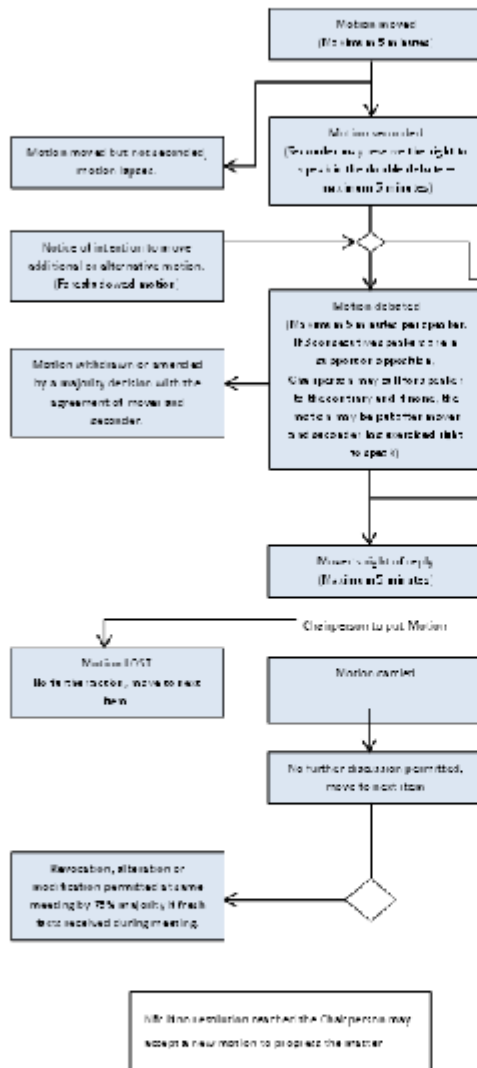
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; <ol style="list-style-type: none"> disclose a trade secret; or unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> a resource consent, or a water conservation order, or a requirement for a designation or an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ol style="list-style-type: none"> prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

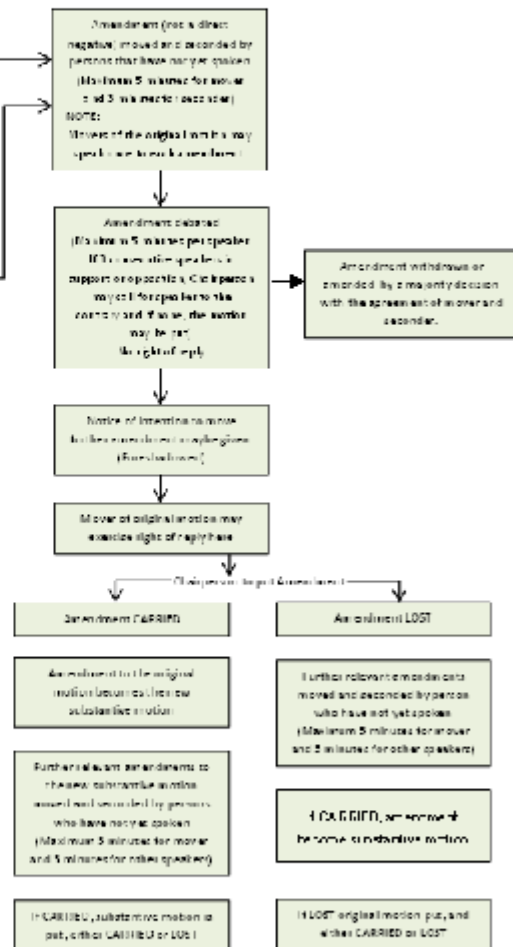
2. That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

Appendix 3: Motions and amendments (Option A)

Motions without amendments

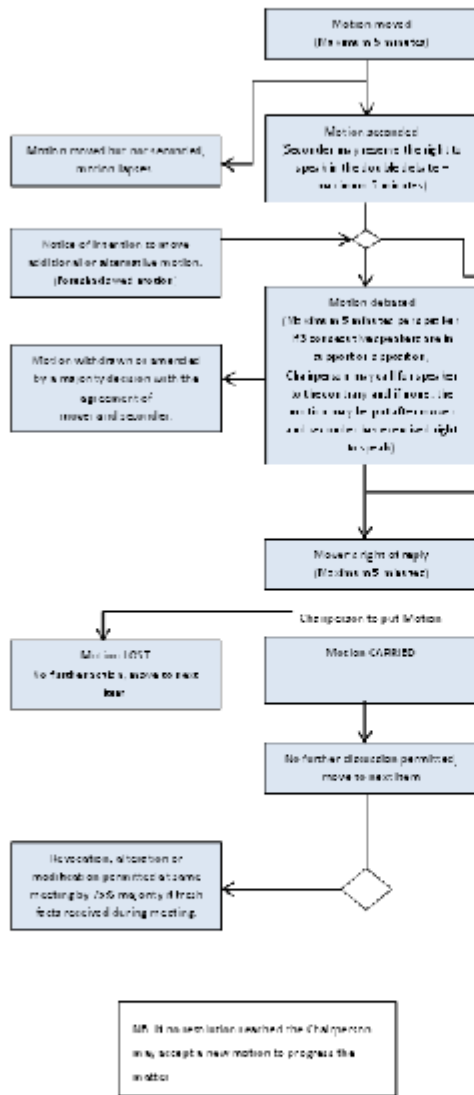


Motions with amendments

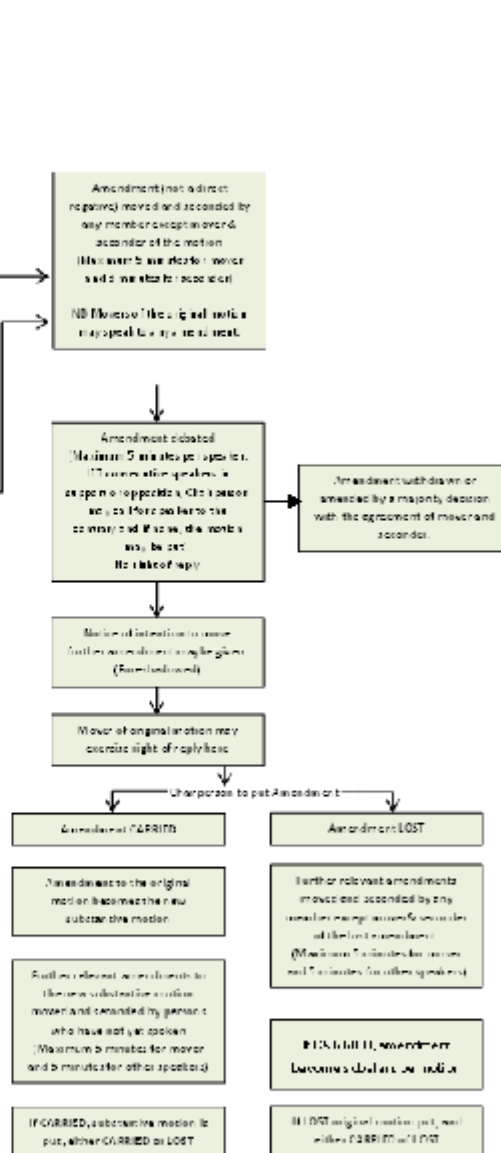


Appendix 4: Motions and amendments (Option B)

Motions without amendments

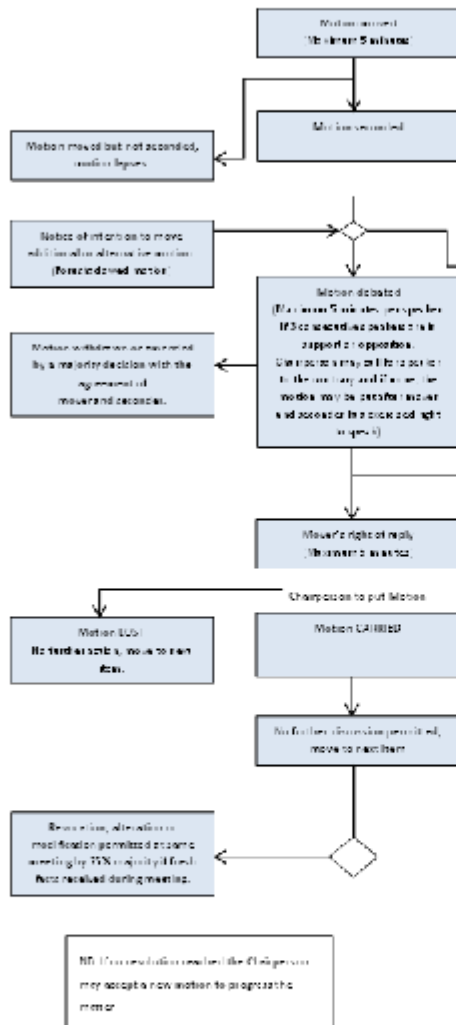


Motions with amendments

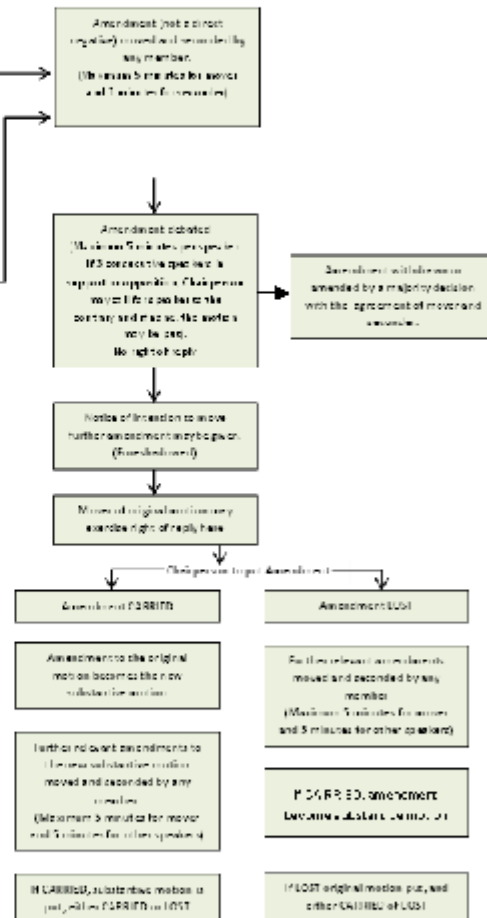


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision. The chairperson's ruling is final and not open to debate.

Chairperson to decide points of order (SO. 26.5)

The chairperson is to decide any point of order and may do so immediately after it has been raised 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. No point of order may be raised during a division except by permission of the chairperson.

Items not on the agenda (SO.9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO.9.6)

The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO.9.5)

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO.19.3)

The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Motion in writing (SO.23.2)

The chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts (SO.23.3)

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

Notice of motion (SO.27.2)

The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions (SO.

If, in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion (SO.27.7)

If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson may call a meeting

The chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next scheduled meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO.21.8)

The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO.21.11)

The chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising (SO.14.5)

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

Members may leave places (SO.14.6)

The chairperson may permit members to leave their place while speaking.

Priority of speakers (SO.14.7)

The chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes (SO.28.1)

The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers (SO.16.3)

The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO.20.3)

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

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

Chairperson's rulings (SO.14.4)

Any member who refuses to accept a ruling of the chairperson, may be required by the chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO.20.4)

The chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO.20.6)

If a member or member of the public who is required, in accordance with a chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance (SO.13.10)

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (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 audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these Standing Orders are met.

If the chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

Appendix 9: Process for removing a chairperson or deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy Mayor from office.
2. If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.
3. A meeting to remove a chairperson, deputy chairperson, or deputy Mayor may be called by:
 - (a) A resolution of the territorial authority or regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the chairperson, deputy chairperson, or deputy Mayor is removed from office, a new chairperson, deputy chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a chairperson, deputy chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

LGA 2002, sch 7, cl 18.

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision at a meeting, may be placed on the meeting's agenda by a:

- Report of the chief executive;
- Report of the chairperson;
- Report of a committee;
- Report of a community or local board; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of the chief executive; or
- Report of the 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.

11. Code of Conduct

(also refer to attachment)

D050-003-04

Purpose

1. The purpose of the report is for Council to acknowledge the Code of Conduct for Marlborough District Council (see **attached**).

RECOMMENDATION

That Council agree that the 2022 Marlborough District Council Code of Conduct, based on the Local Government New Zealand template, be adopted as the Code of Conduct for this Council.

Background

2. The original Code of Conduct was developed and adopted by Council in 2004.
3. Subsequent Councils have reconfirmed their commitment to the Code of Conduct.
4. The 2019 Code of Conduct was adopted by Council on 31 October 2019. This Code of Conduct was based on a template developed by a Local Government New Zealand (LGNZ) working party.
5. The template was not materially different (apart from new statutory references and some modernisation of language) from Council's previous 2004 Code, apart from being in a more readable format.

Comments

6. A Local Government New Zealand working group have reviewed the 2022 Code of Conduct template and have only made minor amendments for clarification purposes.



**MARLBOROUGH
DISTRICT COUNCIL**



Marlborough District Council

Code of Conduct

Date of adoption

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1. Introduction

This Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in this Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

This Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

- a) **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
- b) **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
- c) **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behavior.
- d) **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
- e) **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
- f) **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
- g) **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
- h) **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s.14 of the LGA 2002 and the governance principles of s.39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

4.1. Members

The role of the governing body includes:

- representing the interests of the people of the city, district or region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2. Chief executive

The role of the chief executive includes:

- implementing the decisions of the council;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the council; and
- employing staff on behalf of the council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the chief executive is the only person *directly* employed by the council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the chief executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

5.1. Relationships between members

Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;

- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Any failure by members to act in the manner described in s.5.1 represents a breach of this Code.

Please note that nothing in this section of the Code is intended to limit robust debate within the council as long as it is conducted in a respectful and insightful manner.

5.2. Relationships with staff

An important element of good governance involves the relationship between the council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive;
- raise any concerns about the performance or behaviour of the chief executive with the mayor/chair of the Council (however described);
- make themselves aware of the obligations that the council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- observe any protocols put in place by the chief executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the council's obligations to be a good employer and consequently expose the council to civil litigation or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

5.3. Relationship with the public

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;

- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Any failure by members to act in the manner described above represents a breach of this Code.

6. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the council, or as an elected member in their own right. When responding to requests for comment members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor, or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions:

6.1. Media contact on behalf of the council

- the mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor/chair is absent requests for comment will be referred to the deputy mayor/chair or relevant committee chairperson or portfolio holder;
- the mayor/chair may refer any matter to the relevant committee chairperson or to the chief executive for their comment; and
- no other member may comment *on behalf of the council* without having first obtained the approval of the mayor/chair.

6.2. Media comment on a member's own behalf

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the council;
- media comments which are contrary to a council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

Any failure by members to meet the standards set out above represents a breach of this Code.

7. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1. Confidential information

In the course of their duties members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2. Information received in capacity as an elected member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by members to act in the manner described above represents a breach of this Code.

Please note: failure to observe these provisions may impede the performance of the council by inhibiting information flows and undermining public confidence. It may also expose the council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1988 (LAMIA).

Members will not participate in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the chief executive *immediately*. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A:). In the event of a conviction, elected members can be ousted from office.

9. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried out by the member or the member's spouse for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee;
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the council developed in accordance with that determination;
- not influence, or attempt to influence, any council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the chief executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the chief executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of this Code.

10.1. Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the council for the purpose of facilitating agreement on the council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7, s. 15(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1. Principles

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2. Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.¹

Only members and the chief executive may make a complaint under this Code.

¹ On behalf of the Council the chief executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The chief executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

12.3. Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix B:

12.4. Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed; reflect adversely on another member of the council.

13. Penalties and actions

Where a complaint is determined to be material and referred to the council the nature of any penalty or action will depend on the seriousness of the breach.

13.1. Material breaches

In the case of material breaches of this Code the council, or a committee with delegated authority, may require one of the following:

- a) a letter of censure to the member;
- b) a request (made either privately or publicly) for an apology;
- c) a vote of no confidence in the member;
- d) removal of certain council-funded privileges (such as attendance at conferences);
- e) restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
- f) limitation on any dealings with council staff so that they are confined to the chief executive only;
- g) suspension from committees or other bodies; or
- h) an invitation for the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2. Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s. s. 44 LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14. Review

Once adopted, a Code of Conduct continues in force until amended by the council. The Code can be amended at any time but cannot be revoked unless the council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix A:

Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- a person, or spouse or partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have a pecuniary interest in the decision. Any member who is uncertain as to whether they have a

pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the council's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the council (or committee of the council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should

accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the council, other members, any employee of the council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of council; and
- use information gained in the course of their duties for their, or another persons, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to this Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s.44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or

- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situations members will also be responsible for paying the costs of proceedings (s.47 LGA 2002).

Appendix B:

Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to an investigator selected from a panel agreed at the start of the triennium. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

- a) the complaint is frivolous or without substance and should be dismissed;
- b) the complaint is outside the scope of the Code and should be redirected to another agency or process;
- c) the complaint is non-material; and
- d) the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

- a) where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
- b) in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any

recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the chief executive will prepare a report for the council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, or a committee (the Code of Conduct Committee) established for that purpose.

In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.

The council or committee will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.

Record No: 22208277

12. Committee Structure

D050-003-04

Purpose

1. The purpose of the report is to advise the committee structure for the ensuing term of Council.

RECOMMENDATION

That the committee structure and associated chairpersons be noted.

Background

2. [Section 41A of the Local Government Act 2002](#) (the Act) states that the Mayor has the power to establish committees of Council. It further states that the Mayor has the power to appoint the chairperson of each committee and that this may be made before the other members of the committee are determined, and may appoint themselves.

Comments

3. The Mayor will announce the committee structure and associated chairpersons at the Council meeting. [post meeting – refer page 160 below]

13. Committee Membership

D050-003-04

Purpose

1. The purpose of the report is to appoint members to committees for the ensuing term of Council.
-

RECOMMENDATION

That the proposed committee membership be adopted.

Background

2. In terms of [Schedule 7 Clause 30 of the Local Government Act 2002](#) Council may at any time and from time to time appoint or discharge any member of a Committee with the right existing for a Committee at any time to appoint or discharge any member of a Sub-Committee appointed by that Committee.

Comments

3. At least one member of every Committee, other than a Sub-Committee, must be an elected member of the Local Authority.
4. The minimum number of members of a Committee shall be three and the minimum number of members of a Sub-Committee shall be two.
5. The Mayor will provide the proposed committee structure and membership at the meeting.
[post meeting – refer page 164 below]

14. Meeting Schedule

D050-001-01

Purpose

1. The purpose of the report is to set Committee and Council meeting dates for the remainder of the 2022 year.
-

RECOMMENDATION

That the schedule be adopted.

Background

2. A schedule of meeting dates for the period until Christmas has been prepared. The dates may need alteration depending on the approved Committee structure.
3. Council/Committee meetings have recently been held at 9.00 am on Thursdays (on a six-weekly basis).
4. It is suggested that at their first meetings Committees decide on suitable days/times for the ensuing year.

Comments

5. This schedule is based on the previous term's timetables.

Meeting Dates	Closing Dates for Agendas	Committee/Council Meetings
Thursday 17 November	2 November	Committee Meeting (TBA)
Thursday 24 November	9 November	Committee Meeting (TBA)
Thursday 1 December	16 November	Committee Meeting (TBA)
Thursday 15 December	30 November	Council (time tba)

15. Committee Personnel – Co-opted Members

D050-003-04

Purpose

1. The purpose of the report is to appoint co-opted members to Committees.

RECOMMENDATIONS

1. That Megan McKendry be appointed by Council pursuant to Schedule 7 Clause 31(3) of the Local Government Act 2002 to serve on the Marlborough Regional Forestry Joint Committee.
 2. That the Environment (or equivalent) Committee consider the need for a rural representative on its Committee.
 3. That iwi be approached for nominations for iwi representatives on the standing Committees and the Grants Sub-Committee.
-

Background

2. A number of representative positions were made available by the previous Council to serve on Committees (not all positions were filled and some have become vacant due to retirement):

Vacancy	Iwi representative on the Environment Committee.
Vacancy	Iwi representative on the Planning, Finance & Community Committee.
Vacancy	Iwi representative on the Assets and Services Committee.
Vacancy	Iwi representative on the Grants Sub-Committee.
Vacancy	Iwi representative on the Grants Sub-Committee.
Vacancy	Rural representative on the Environment Committee.
Megan McKendry	Forestry representative on the Marlborough Regional Forestry Joint Committee

Comments

3. Iwi will need to be contacted for nominations for representatives on Council's standing committees (subject to the decision in item 12 above).
4. The Environment (or equivalent) Committee should consider the need for a rural representative on its Committee.
5. Megan McKendry was appointed to the Marlborough Regional Forestry Joint Committee in March 2022 (Minute No. PF&C-0322-e-54 refers) and it is recommended that Megan McKendry be retained as the Forestry representative on this Committee.
6. Council may wish to consider further representation on Committees or Sub-Committees. Any consideration would be referred to the appropriate Committee for further investigation.

16. Sister City Sub-Committee

E100-003-05

Purpose

1. The purpose of the report is to authorise staff to advertise for at least five community members for the Sister City Sub-Committee.

RECOMMENDATION

That staff commence advertising for registrations of interest from the community for at least five community representatives on the Sister City Sub-Committee.

Background

2. Council approved the establishment of a separate Sister City Sub-Committee in January 1994 to manage Council's Sister City activities, and involve greater community participation and sponsorship in the programme.

Comments

3. The Sub-Committee reports directly to a standing Committee and consists of two elected Councillors, five community members and the Mayor.
4. The Sister City Sub-Committee will be hosting the New Zealand Global Cities Conference in November 2023 and may require more community (and/or Council) membership to ensure the success of the Conference.
5. The Sub-Committee decides its own time and frequency of meetings.
6. Subject to this Sub-Committee being established under item 12, advertisements will be placed requesting registrations of interest from the community for at least five community representatives.

17. Grants Sub-Committee

E100-003-05

Purpose

1. The purpose of the report is to authorise staff to advertise for community members for the Grants Sub-Committee.

RECOMMENDATION

That staff commence advertising for registrations of interest from the community for community representatives on the Grants Sub-Committee.

Comments

2. Subject to this Committee being established under item 12, advertisements will be placed requesting registrations of interest from the community for the community representatives.

18. District Licensing Committee

E100-003-05

Purpose

1. The purpose of the report is to authorise staff to advertise for list members on the District Licensing Committee.

RECOMMENDATION

That staff commence advertising for registrations of interest for list members on the District Licensing Committee.

Background

2. The [Sale and Supply of Alcohol Act 2012](#) required Council to appoint a District Licensing Committee.
3. Under that same Act Council also needs to establish, maintain and publish its own list of persons approved to be members of Council's District Licensing Committee.

Comments

4. Subject to this Committee being established under item 12, advertisements will be placed requesting registrations of interest for list members on the District Licensing Committee. Some elected members will also be appointed to this Committee

19. Appointment to Associated Organisations

D050-003-04

Purpose

1. The purpose of the report is to make appointments to various organisations where Council has direct representation and those appointments are linked to the triennium timetable.

RECOMMENDATION

That the below schedule of appointments representing organisations be approved.

Comment

2. There are a number of organisations where Council has direct representation that requires consideration for the new triennium. The Mayor recommends that the following appointments be made (subject to confirmation with any nominees):

Organisation	Current Appointees	Mayor's Recommendation
Business Trust Marlborough	Mr Mark Lucas (PF&C-1120-e-28)	<i>Refer to Committee when term expires</i>
Civic Honours	The Mayor, Cllrs Jenny Andrews & Cynthia Brooks, Chief Executive, President Marlborough District Law Society, President Blenheim Ministers' Association and a representative from Rural Women (Cncl-1019-136)	<i>Mayor to provide a recommendation at the meeting</i>
Civil Defence Trust (Darcy Christopher Foundation)	Mr Iain Holdaway and Ms Gayle Chambers (A&S-1119-174)	<i>Status Quo</i>
Civil Defence Trust (Darcy Christopher Foundation) – Advisory Trustee	Mr Richard Coningham (P.16/17.27)	<i>Status Quo</i>
Destination Marlborough Trust	Ms Lesley Udy (PF&C-0321-e-42) Mr Scott McKenzie (PF&C-0918-e-14)	<i>Refer to Committee when terms expire</i>
Marlborough Community Centre Trust	Mr Malcolm Williams (A.17/18.e.11) Mr Jim Samson (PF&C-0319-e-45)	<i>Refer to Committee when term expires</i>
Marlborough Environment Awards	Clr David Oddie (R.16/17.149)	<i>Refer to Committee</i>
Marlborough Housing for the Elderly Trust	Cllrs Jenny Andrews and Mark Peters (Cncl-1019-136)	<i>Refer to Committee</i>
Marlborough Research Centre Board	Clr Mark Peters (Cncl-1019-136)	<i>Refer to Committee</i>
Marlborough Stadium Trust	Mr Luke van Velthooven (resigned) and Mr Matt Kerr (Cncl-1019-136)	<i>Ms Samantha Forrest and Mr Matt Kerr</i>
NZ Aviation Museum Trust	Mr William (Bill) Reid (Through to December 2025) (PF&C-0322-e-53) Mr Dean Heiford (additional Trustee) (C.16/17.134)	<i>Status Quo</i>
QEII Award	The Mayor (Cncl-1019-136)	<i>Status Quo</i>

20. Council's Proxy at MDC Holdings Limited AGM

D050-003-04

Purpose

1. The purpose of the report is to appoint the Mayor as proxy to vote on behalf of the Council as shareholder at the Annual General Meeting of MDC Holdings Limited.

Background

2. It is a requirement of the [Companies Act 1993](#) for companies to hold a general meeting of shareholders each year. The constitution of MDC Holdings Limited requires the company to call a general meeting of shareholders within six months of balance date ie; prior to 31 December. The Annual General Meeting has traditionally been held in December of each year.
3. The agenda for the Annual General Meeting generally covers the following issues:
 - Appointment of auditors;
 - Adoption of annual accounts;
 - Appointment of directors if required (note directors are approved by Council in advance of the Annual General Meeting);
 - Recommendation for directors' remuneration.

Comments

4. It is necessary for Council as shareholder to appoint a proxy to attend and vote at the AGM.
5. This proxy is normally provided to the Mayor.

RECOMMENDED

That the Mayor be appointed as proxy to vote on behalf of the Council as shareholder at the Annual General Meeting of MDC Holdings Limited.

21. Minutes

- 21.1 Confirmation of the Minutes of the Council Meeting held on 22 September 2022
(Minute Nos. Cncl-0922-103 to Cncl-0922-118)



**Minutes of a Meeting of the
Marlborough District Council
held in the Council Chambers and via Teams, 15 Seymour Street, Blenheim
on THURSDAY 22 SEPTEMBER 2022 commencing at 3.00 pm**

Present

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, J A Arbuckle, C J Brooks, J D N Croad, B G Dawson, B A Faulls, M J Fitzpatrick, G A Hope, F D Maher, D D Oddie, M A Peters, T P Sowman and N P Taylor.

In Attendance

Mr M S Wheeler (Chief Executive), Mr R P Coningham (Manager Assets & Services), Mr R Foitzik (General Counsel), Mr A P Quirk (District Secretary) and Mr M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

Cncl-0922-103 Declaration of Interests

-

Members were reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

A number of declarations were noted in the agenda:

- The various interests as declared under Minute Nos. Cncl-0822-40 and the interest declared under Minute No. Cncl-0822-e-7;
- The interests as declared under Minute No. A&S-0822-48 and the interest declared under Minute No. A&S-0822-57; and
- The interests as declared under Minute No. PF&C-0922-77.

Cncl-0922-104 Decision to Conduct Business with the Public Excluded

-

The Mayor/Cllr Taylor:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)
- Property Acquisition
- Contract Consideration

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Property Acquisition	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) provided for under Section 7(2)(i)	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.
Contract Consideration	In order to protect the privacy of natural persons, as provided for under Section 7(2)(a).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting resumed in open session.

Cncl-0922-105 Confirmation of Minutes -

Clr Brooks reported that six submissions were heard at the recent hearing of submissions for the Victoria Domain Reserves Management Plan – Proposed Change for Use of Memorial Park (Minute No. Cncl-0822-45 refers).

The Mayor/Clr Taylor:

That the Minutes of the Council Meeting held on 11 August 2022 (Minute Nos. Cncl-0822-40 to Cncl-0822-47) be taken as read and confirmed.

Carried**Committee Reports****Cncl-0922-106 Assets & Services Committee** -

Clrs Taylor/Fitzpatrick:

That the Committee report contained within Minute Nos. A&S-0822-48 to A&S-0822-61 be received and the recommendations adopted.

Carried**Cncl-0922-107 Environment Committee** -

Clr Hope, in moving the minutes, emphasised the importance of the reports to this Committee.

Clrs Hope/Oddie:

That the Committee report contained within Minute Nos. Env-0922-62 to Env-0922-76 be received and the recommendations adopted.

Carried

Cncl-0922-108 Planning, Finance & Community Committee -

Cllrs Peters/Croad:

That the Committee report contained within Minute Nos. PF&C-0922-77 to PF&C-0922-93 be received and the recommendations adopted.

Carried

Cncl-0922-109 Housing for Seniors Sub-Committee -

Clr Brooks, in moving the minutes, noted that the words "of Bryant Place" needed to be added to the preamble of Minute No. HfS-092-95 (6th paragraph, after the words "from the two owners"). Staff will make this change to the minutes.

Cllrs Brooks/Peters:

That the Sub-committee report contained within Minute Nos. HfS-0922-94 to HfS-0922-102 be received and the recommendations adopted.

Carried

Cncl-0922-110 Resource Hearings Sub-Committee - Appointment as Commissioners D050-001-R12

Members noted that the purpose of the report was to appoint current Resource Hearings Sub-Committee members as commissioners to hear and determine notified resource consent applications until such time as the new committee structure has been finalised.

Staff reported that there are ongoing hearings that need to be held. Rather than inconvenience applicants by time extensions in which to hear the applications it was appropriate to appoint the current resource consent hearings committee members as commissioners. For the same reason it was seen as appropriate that Councillor Oddie be appointed as Commissioner to determine non-notified resource consent applications.

The Mayor/Clr Brooks:

- 1. That Mr D D Oddie, Mr J A Arbuckle, Mr J D N Croad, Mrs B A Faulls and Mrs T P Sowman be appointed as Commissioners to hear and determine notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.**
- 2. That Mr D D Oddie be appointed as Commissioner to determine non-notified resource consent applications until such time as the committee structure for the ensuing term of Council has been finalised.**

Carried

Cncl-0922-111 District Licensing Committee - Appointment as Commissioners D050-001-D01

Members noted that the purpose of the report was to appoint current District Licensing Committee members as commissioners to consider and determine applications pursuant to the Sale and Supply of Alcohol Act 2012 until such time as the new committee structure has been finalised.

Staff reported that there are ongoing applications that need to be considered and hearings that may need to be held. Rather than inconvenience applicants by time extensions in which to hear the applications it was appropriate to appoint the current District Licensing Committee members as commissioners.

Cllrs Croad/Faulls:

That Mr J C Leggett, Mrs N P Taylor, Mr G S Barsanti, Mr H Beard, Ms L Hawthorne and Ms M McHugh be appointed as Commissioners to consider and determine applications pursuant to the Sale and Supply of Alcohol Act 2012 until such time as the committee structure for the ensuing term of Council has been finalised.

Carried

**Cncl-0922-112 Responsible Camping Control Bylaw 2022
Review Hearings Panel - Appointment as
Commissioners** **L150-019-R03**

Members noted that the purpose of the report was to appoint the Responsible Camping Control Bylaw 2022 Review Hearings Panel members (appointed pursuant to Minute No. Cncl-0322-287) as commissioners to review and hear submissions and make recommendations to Council on the Marlborough District Council Responsible Camping Control Bylaw 2022.

Staff reported that the Hearing Panel comprising Mayor Leggett, Deputy Mayor Taylor and Martin Williams (an independent commissioner) was formed to hear submissions and make recommendations to Council. The Hearing Panel released an Interim Decision in April 2022 on submissions and directed that further assessment be undertaken on six sites and five road areas as potential restricted areas for freedom camping. As a consequence of this, the Hearing Panel has asked for a further round of submissions, which is due to be notified on 23 September. There is not time before the triennial elections to allow for submissions to be received and for the Hearing Panel to consider those submissions and issue a final recommendation to Council.

Cllrs Arbuckle/Brooks:

That Mr M J E Williams (Chair), Mr J C Leggett and Mrs N P Taylor be appointed as Commissioners to review and hear submissions and make recommendations to Council on the Marlborough District Council Responsible Camping Control Bylaw 2022.

Carried

NB: Cllr Faulls declared an interest in the above and did not vote nor take part in discussions.

**Cncl-0922-113 Review of Memorial Park - Victoria Domain
Reserves Management Plan - Appointment as
Commissioners** **R510-009-V01-04**

Members noted that the purpose of the report was to appoint the Review of Memorial Park - Victoria Domain Reserves Management Plan Hearings Panel members (appointed pursuant to Minute No. A&S-0622-376) as commissioners to hear submissions and make decisions on the review of Memorial Park as part of the Victoria Domain Reserves Management Plan.

Staff reported that there is an ongoing review that needs to be completed. Rather than inconvenience all parties with a new panel, it is considered prudent to continue with the current panel until such time as they have completed the review.

Cllrs Croad/Dawson:

That Mrs C J Brooks, Mrs N P Taylor and Mr M J Fitzpatrick be appointed as Commissioners to hear submissions and make decisions on the review of Memorial Park as part of the Victoria Domain Reserves Management Plan.

Carried

**Cncl-0922-114 Amendments to the Enforcement and
Prosecution Committee** **C500-011-E04**

Members noted that the purpose of the report was to approve the name change from 'Enforcement and Prosecution Committee' to 'Enforcement and Prosecution Panel', to approve the new structure of the Enforcement and Prosecution Panel and to delegate to the Chief Executive the power to appoint an additional independent, external third party as chair of the Enforcement and Prosecution Panel to make a final decision when this is considered appropriate for a particular enforcement or prosecution matter.

Staff reported that currently the Enforcement and Prosecution Committee (the Committee) is comprised of Mr Richard Fowler KC (or his alternative Mr Julian Ironside when Mr Fowler is unavailable), the Chief Executive (or his/her delegate), and the Assets and Services Manager (or his/her delegate). Councillors are not appointed to the Committee to align with the Solicitor General's prosecution guidelines dated 1 July 2013. The

guidelines highlighted the undesirability for there to be an appearance of political decision-making in relation to public prosecutions.

Members agreed that although there are no Councillors on the Committee, the name of the Committee implies that it is a Council committee. To avoid confusion and to remove any perceptions of political involvement the name of the Committee is to be changed to 'Enforcement and Prosecutions Panel'. Members noted that Council staff have the capacity and expertise to deal with enforcement and prosecution matters. The establishment of the new in-house legal position of the General Counsel and the (ongoing) development of a Council in-house legal team means that legal advice regarding enforcement and prosecution matters can now also be obtained in-house at no extra costs.

Members further agreed that to remove any perception of bias that the current practice that enforcement officers dealing with the enforcement or prosecution matter are not part of the final decision-making process be continued, and that depending on the circumstances of the enforcement or prosecution matter (for instance involvement of high-profile individuals or increased media interest), the Chief Executive may appoint an additional independent external third party as Chair of the Panel to make the final decision.

The Mayor/Clr Taylor:

1. That Council approves the change of the name of the Enforcement and Prosecution Committee to 'Enforcement and Prosecution Panel'.
2. That Council approves the structure of the Enforcement and Prosecution Panel to consist of:
 - a) The Consents & Compliance Group Manager or the Compliance Manager (or his/her delegate); and
 - b) The Chief Executive or a manager from another department (at least third tier) (or his/her delegate); and
 - c) The General Counsel (or his/her delegate).
3. That Council delegates to the Chief Executive the power to appoint an additional independent, external third party as chair of the Panel to make a final decision when this is considered appropriate for a particular enforcement or prosecution matter.

Carried

**Cncl-0922-115 Delegation Pursuant to Section 268 of the
Resource Management Act 1991 and Delegation
GPP0002.1**

Members noted that the purpose of the report was to appoint the current Chair of the Planning, Finance and Community Committee as the delegated consulting authority under Section 268 of the Resource Management Act 1991 and Delegation GPP002.1 until such time as the new committee structure has been finalised, and to appoint Mr D D Oddie as a Marlborough Environment Plan (MEP) Hearings Commissioner.

Staff reported that there are instances where an agreement to resolve an appeal to the PMEP can be reached with appellants and (when relevant) Section 274 parties, without the need for the appeal to be heard by the Environment Court. Pere Hawes, as Manager of Environmental Policy, is required to approve any such agreement under Delegation GPP0002.1 or otherwise defer the matter to the Planning, Finance and Community Committee for a decision. The delegation requires that Mr Hawes consult with the Chair of the Planning, Finance and Community Committee. Execution of this approval also confirms that Mr Hawes has consulted with the Chair and the agreement is consistent with the outcome(s) of that consultation.

Clr Peters advised the meeting that Clr Oddie had been appointed as a Councillor onto the Marlborough Environment Plan (MEP) Hearings, but with his impending retirement as a Councillor, for him to continue on this panel a formal resolution was required to appoint him as a commissioner.

Clrs Taylor/Fauls:

1. That Mr M A Peters be appointed as the consulting authority under Section 268 of the Resource Management Act 1991 and Delegation GPP0002.1 until such time as the committee structure for the ensuing term of Council has been finalised.
2. That Mr D D Oddie be appointed as a Marlborough Environment Plan (MEP) Hearings Commissioner.

Carried

Cncl-0922-116 Renwick Community Memorial Hall c600-007-010-01

Members noted that the purpose of the report was to appoint Council representatives on to the Renwick Community Memorial Hall Committee.

Staff reported that the end date of the current hall committee is 26 September 2022 and they have requested that Council nominate the two representatives it can appoint by that date. The Committee at present comprises 12 people but it has been determined that this should be reduced to 8, given completion of the upgrade works. Council is therefore required to appoint two representatives as opposed to three. The present Council representatives are Anthony van de Water, Jeff Hammond and Margaret Gage (deceased). The two remaining Council representatives are happy to continue in that role. The RSA representatives have been appointed. The school representative appointments are subject to an election, as well as an election to be held for the community representatives.

Cllrs Maher/Brooks:

That Council appoint Anthony van de Water and Jeff Hammond to continue as the Council representatives on the Renwick Community Memorial Hall committee.

Carried

Cncl-0922-117 August 2022 Storm Event – Road Recovery **E210-007-29-05**

Members noted that the purpose of the report was to provide an overview of the road damage suffered following extreme rainfall over several days in August 2022, to seek Council approval to progress the initial repair of priority roads, and to outline a major planning programme to inform longer term access decision making and to address any consequent community impacts and mitigations.

Staff reported that during the week commencing 15 August 2022 an extreme rainfall event hit Marlborough. North Marlborough and the Marlborough Sounds were particularly hard hit with the Tunakino rain gauge recording over one metre of rain over a three day period. The Rai River experienced a record flood. There was widespread damage to property, housing and to roads. In the July 2021 storm 1620 road faults occurred. This event is expected to have suffered more than double that. There are also a lot more complex faults which will require more extensive and expensive restoration work, should they be undertaken. Initially “quick capture” GIS photography enabled early coarse repair cost estimation which assisted decisions about early priorities focussed on restoring access. The Marlborough Roads recovery team has been working hard to refine the initial costings and provide accurate estimates to inform Council and Waka Kotahi decision making.

Staff further reported that Council staff are hopeful that Waka Kotahi will confirm that the 95% Special Financial Assistance share of the \$46 million still unspent from the 2021 Storm Damage Special Assistance can now be applied to the 2022 damage and to barging and water taxi subsidies. There are expected to be conditions on the use of the money including that initial works are only to provide a basic access standard.

The short term priorities and long term strategy were detailed in the agenda item.

Cllrs Taylor/Maher:

- 1. That the remaining Special Assistance Funding from the 2021 storm event (approximately \$46 million) be applied to the provision of short term road access repairs and to ongoing barge and water taxi costs.**
- 2. That the short term priorities for road repairs (listed in 8 below) be approved.**
- 3. That requests for proposals for development of a Long Term Strategy be sought**
- 4. That “Better Off” funding be applied for to commence the planning work**
- 5. That Waka Kotahi and other government agencies be asked to assist with any further Long Term Strategy funding required.**

Carried

Cncl-0922-118 Valedictory for Retiring Members -

The Mayor presented retiring members Cllrs Jenny Andrews (24 years including 12 years as Deputy Mayor), Cynthia Brooks (9 years), Michael Fitzpatrick (6 years), Francis Maher (18 years), David Oddie (12 years) and Mark Peters (6 years) with appreciation certificates. Councillors were given the opportunity to make tributes to those retiring. Each retiring member gave their departing valedictory.

The Mayor also acknowledged Mr Richard Hunter (iwi representative on the Assets & Services Committee for 24 years) and Mr Ross Beech (rural representative on the Environment Committee for 12 years) with appreciation certificates. Both gave a departing valedictory.

The Deputy Mayor presented retiring Mayor John Leggett (6 years as Mayor and 6 years as Councillor) with an appreciation certificate. Councillors were given the opportunity to make tributes to the Mayor. The Mayor gave his departing valedictory.

The meeting closed at 5.55 pm.

Confirmed this 27th day of October 2022

N P TAYLOR
MAYOR

M S WHEELER
CHIEF EXECUTIVE

Record No. 22209438

21. Minutes

- 21.2 Confirmation of the Minutes of the Extraordinary Council Meeting held on 5 October 2022
(Minute Nos. Cncl-1022-122 to Cncl-1022-124)



**Minutes of the
EXTRAORDINARY MEETING of the MARLBOROUGH DISTRICT COUNCIL
held in the Council Chambers, 15 Seymour Street, Blenheim
on WEDNESDAY 5 OCTOBER 2022 commencing at 3.00 pm**

Present

The Mayor J C Leggett (in the Chair), Cllrs J L Andrews, J A Arbuckle, J D N Croad, B G Dawson, B A Faulls, M J Fitzpatrick, F D Maher, D D Oddie M A Peters, T P Sowman and N P Taylor.

In Attendance

Mr M S Wheeler (Chief Executive), Mr M F Fletcher (Chief Financial Officer) and M J Porter (Democratic Services Manager).

Karakia

The meeting opened with a karakia.

The Mayor welcomed all to the meeting.

Apologies

The Mayor/Cllr Arbuckle:

That the apologies for absence from Cllrs C J Brooks and G A Hope be received and sustained.

Carried

Cncl-1022-122 Declaration of Interests

-

Members were reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

Cncl-1022-123 Better Off Funding

L150-019-T01-01

Members noted that the purpose of the report was to seek Council approval to apply to the Crown (through the Department of Internal Affairs (DIA) and Crown Infrastructure Partners Limited (CIP)) for Tranche 1 Three Waters Better Off Funding projects.

Staff reported that the Government announced the provision of Three Waters Better Off Funding support in July 2021. The funding is described by DIA as "an investment by the Crown into the future for local government and community wellbeing; and in recognition of the significance to the local government sector (and the communities they serve) of the transfer of responsibility for water service delivery. The use of this funding supports Councils to transition to their new role post-reform through meeting some or all of the criteria, as laid out in the Heads of Agreement. Council's allocation from the total national package is \$23.04 Million with \$5.76 Million available from Tranche 1 and the balance from Tranche 2.

Staff further reported that the August Storm event has diverted senior staff from finalising the report to Council and final iwi engagement process. DIA approached Council and agreed to an extension of time from 30 September to 30 November 2022 to enable final applications to be properly lodged and final iwi engagement to be concluded.

Members discussed the proposal and were generally in favour. Cllr Arbuckle argued that the decision should be left to the new Council, however, the majority were not of that opinion.

The Mayor/Cllr Fitzpatrick:

- 1. That Council approves the Schedule of Tranche 1 Better Off Funding project applications to the value of \$5,760,000 as scheduled below, subject to completing engagement with iwi:**

Tranche One Proposals approved by Council in the 2022/23 Annual Plan

Giving effect to the National Policy Statement on Freshwater management (NPSFM)	\$375,000
Giving effect to Te Mana o te Wai	\$650,000
Rezoning Variations to the Proposed Marlborough Environment Plan (PMEP)	\$300,000
River Flood Protection and Climate Change Enhancement	\$350,000
Emergency Management Response	\$475,000
Total	<u>\$2,150,000</u>

Additional Proposals

Proposal	Tranche One Funding		Combined Score
Marlborough Sounds Long Term Recovery plan	\$210,000		16
Solar Panels Library Building	\$250,000		13.5
Upgrade Lights (LED) - Lansdowne Park	\$100,000	*	12.5
Wairau River Aquifer Recharge Enhancement Study	\$220,000		12.5
Capacity Building (Cadetship Proposal)	\$300,000		12
Nelson Square (Waitohi) redevelopment	\$200,000	*	12
Cultural Competency	\$170,000		12
Identify Iwi requirements for geospatial data and build digital tools	\$200,000	*	11.5
Air Quality Monitoring Picton	\$330,000		11.5
Wairau River Regional park	\$100,000		11.5
Heritage Centre Investigation	\$120,000		11.5
Tracks and Pathways (Improving accessibility)	\$150,000	*	11
Technology and Innovation Hub	\$460,000		11
Water Allocation and Accounting database	\$800,000		11
<u>Upgrade Lights (LED) - Other Sports Parks (5)</u>	<u>\$45,000</u>	<u>*</u>	<u>10.5</u>
<u>Acceleration of Reserve Management Plan Review</u>	<u>\$715,000</u>		<u>10.5</u>
Total Additional Proposals	<u>\$4,370,000</u>		
Total of Tranche 1I Proposals	<u>\$6,520,000</u>		
Available (refer slide 5)	\$5,760,000		
Shortfall	\$760,000		

* Investigation and Design to be followed by Tranche 2 implementation

2. That Council delegates final approval to lodge applications or make amendments following completion of iwi engagement to the Mayor and Chief Executive.

Carried

NB: Cllr Arbuckle requested that his vote against the above motion be recorded

Cncl-1022-124 Decision to Conduct Business with the Public Excluded

The Mayor/Clr Fitzpatrick:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Approval of Legal Agreements
- Relationship Agreement

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Approval of Legal Agreements Relationship Agreement	To enable the Council, as holder of the information, to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) as provided for under Section 7(2)(i).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Carried

The meeting closed at 4.00 pm.

Confirmed this 27th day of October 2022

N P TAYLOR
MAYOR

M S WHEELER
CHIEF EXECUTIVE

Record No. 22209445

22. Committee Reports

22.1 Long Term Plan Working Group

Long Term Plan Working Group held on 5 October 2022
(Minute No. LTP-1022-119 to LTP-1022-121)


**Minutes of the LONG TERM PLAN WORKING GROUP
held in the Council Chambers, 15 Seymour Street, Blenheim
on WEDNESDAY, 5 OCTOBER 2022 commencing at 1.10 pm**
Present

Cllrs M A Peters (Chairperson), J A Arbuckle, J D N Croad, F D Maher, The Mayor J C Leggett (from 1.28 pm) and Cllr N P Taylor (from 1.43 pm)

Also Present

Cllrs G A Hope, D D Oddie (from 1.34 pm)

In Attendance

Martin Fletcher (Chief Financial Officer), Mark Wheeler (CEO), Chris Lake (Financial Services Manager), Alison Vile (Senior Management Accountant), Rainbow Zhao (Systems Accountant) and Nicole Chauval (Committee Secretary)

Note: The start of the meeting was delayed as two meeting start times had been circulated.

Apologies

Cllrs Arbuckle/Croad:

That the apology for lateness from The Mayor and absence from Cllr C J Brooks be received and sustained.

Carried

ATTENDANCE: The Mayor joined the meeting at 1.28 pm during the following item.

ATTENDANCE: Cllr Oddie joined the meeting at 1.34 pm during the following item.

LTP-1022-119 2023-24 Annual Plan Interest Rate on Council Borrowings Assumption

-

Ms Lake advised the purpose of the report was to review Council's current interest rate assumption and identify the anticipated impacts of any change on rates and Council's financial position.

Additional information on the impact of option 2 and 4 on the Benchmark properties was circulated to members prior to the meeting. (Filed in CM Rec No. 22199854)

It was noted that the interest rate assumption is a key component to Council's budget and rate setting process and is reviewed annually. The Council's current interest rate is 4.0% with a weighted average of 3.82%.

By way of background members were advised that the interest charged to activities is credited to the General Revenues Account. This account, in addition to meeting external interest costs, pays for a number of non-activity specific costs, nonactivity related insurance and rates remissions. The account also funds a subsidy to General Rates and Charges and the replenishment of Council's Emergency Events Reserve.

Members were advised that the 5 year swap rate at 30 June 2022 was 3.95% and 27 September 2022 was 4.49%. The five-year rates are the most relevant to use as comparisons as they reflect Council's current philosophy of borrowing long term to provide greater certainty of interest costs when financing long life assets and largely match current maturities. Five possible interest rate options were detailed in the agenda for members' information.

It was reported that an increase in Council's interest rate assumption would not only meet the increased cost of external debt, but also increase the funding available to either provide a "General Rates and Charges Subsidy" to Ratepayers; or increase the amount available to replenish the Emergency Events Reserve.

Members were advised that for Options 2 and 4 the internal interest rate is increased so the properties with rates with higher capital repayments will have a higher rates percentage. This would impact the Grovetown Sewer loan rate and the sewer and water capital works rate as they are high in capital which attracts the internal interest.

Members considered the options that were presented. They noted that the optimum for the current and future financial situation would be for the Council to have the ability to be as flexible as possible to respond to the current and future financial market and considered Option 5 as the best option to provide that flexibility.

At the conclusion of the discussion it was agreed that the motion lie on the table to allow time for Cllr Taylor to join the meeting and provide any further comment.

ATTENDANCE: Cllr Taylor joined the meeting at 1.43 pm during the following item.

ATTENDANCE: Cllr Hope withdrew from the meeting at 2.09 pm during the following item.

LTP-1022-120 Section 17A Review

F220-002-020-16

Martin Fletcher noted that the purpose of the report was to present the preliminary analysis undertaken on whether or not a more extensive review should be undertaken on how Council's Activities are delivered.

As Cllr Taylor had joined the meeting after the initial introduction of the item Mr Fletcher provided an update on what had been reported and noted that he had recommended that Council exercise its exemption powers under 3(b) Section 17A for all activities.

Members noted that it is a statutory requirement under s17A of the Local Government Act 2022 that councils review the cost effectiveness of its Activities. The review can be undertaken at an Activity Group, Activity, Activity Component or contract level. The advice from Local Government is to generally start at an Activity level and then reconsider once a preliminary review has been completed.

Mr Wheeler advised that nothing precludes a general review of levels of service and Council could gain a further opportunity to review these, firstly as part of a Levels of Service review for the Long Term Plan and ultimately as part of the budget approval and rates setting processes. Managers also consider levels of service for their areas when undertaking procurement, and cost efficiencies are considered on an ongoing basis.

Cllr Peters and Mr Fletcher answered a number of questions posed and reassured members that exempting a review of the activities would not impact any changes in contract levels of service for roading as a consequence of the August weather event as this would be a contractual discussion.

At the conclusion of the discussion members amended the motion to capture the reasoning for the recommendation and identify that the Council would not be precluded from undertaking a general review of delivery of levels of service at a future time.

Cllr Croad/The Mayor:

That LTP Working Group recommend to Council that;

- 1. Activity reviews in accordance with S17A of the Local Government Act 2002, not be undertaken because the Working Group is satisfied that either:**
 - (a) The Activity is governed by legislation, contract, or other binding agreement such that it cannot reasonably be altered within the following 2 years; or**
 - (b) That the potential benefits of undertaking a review in relation to that infrastructure, service, or regulatory function do not justify the costs of undertaking the review; and**
- 2. It notes that nothing in point one above precludes Council from undertaking reviews of levels of service or delivery and procurement methodologies.**

Carried

At the conclusion of agenda Item 2 the meeting went back to agenda Item 1 to conclude the discussion and vote on the issue.

Clr Peters provided a brief summary of the discussion that had taken place on Item 1.

Mr Fletcher responded to a query from Clr Taylor on the rates subsidy and following that Clr Taylor advised that she was comfortable with the motion as it is a 12 month cycle.

Clrs Croad/Arbuckle:

That the LTP Working Group recommend to Council that it:

- 1. Agree to increase the internal interest rate assumption to 5% for the 2023-24 Annual Plan**
- 2. Agree to increase the rates subsidy by a figure agreed by the CFO, in consultation with the Mayor and the Chair of the Planning, Finance and Community Committee without decreasing the funds to the Emergency events reserve.**
- 3. Note the impact of the recommended option on the benchmark properties.**

Carried

LTP-1022-121 Review of Depreciation Policies F230-L24-06

Clr Peters provided a brief summary on the reasoning behind the report and proposed adding the following as point three to the recommendation - *undertake a review of all asset life expectations and therefore accounting depreciation rates as part of the 2024-34 LTP.*

Council's Senior Management Account, Alison Vile went on to present the paper to members noting that it is a progress report about how Council can fund replacement of Reserve assets and Events Centre given Development Contributions are no longer available for this purpose.

It was reported that alongside this funding change the Parks and Open Spaces team is now better resourced to identify individual operational assets and useful information about them, including their condition and expected safe life. This in turn enables more accurate identification of future maintenance and replacement needs.

Members noted that none of this alters the recommendation to change Council's policy to one of funding depreciation of these assets but recommends that a final decision be deferred until the information about these assets as held in Council's financial system has been reviewed to better align with operational asset information.

It was reported that should a change in policy result from this work, the LTPWG had previously agreed to implementation over a four-year period from 1 July 2024.

Members noted their support of the amendment and agreed to remove the original recommendation 3 as it has been addressed in the discussion.

Clrs Peters/Taylor:

That the LTP Working Group recommend that Council agree to:

- 1. Continue to investigate the funding of depreciation on all Reserves and the Event Centre as part of the 2024-34 Long Term Plan;**
- 2. request an updated analysis of the cost of this possible policy change once the underlying data has been reviewed;**
- 3. undertake a review of all asset life expectations and therefore accounting depreciation rates as part of the 2024-34 LTP.**

Carried

There being no further business the meeting was declared closed at 2.51 pm.

22. Committee Reports

22.2 Grants Sub-Committee

Grants Sub-Committee held on 11 October 2022
(Minute No. Grnt-1022-125 to Grnt-1022-128)



**Minutes of a Meeting of the
GRANTS SUB-COMMITTEE
held in the Council Chambers, 15 Seymour Street, Blenheim
on 11 OCTOBER 2022 commencing at 1.00 pm**

Present

Clr Jenny Andrews (Chairperson), Clr Thelma Sowman, Clr Cynthia Brooks, Mrs Karen Hartshorne, Mrs Kate Parker, Ms Sally Wadworth, Ms Deborah Dalliessi, Mr Graeme Haymes

In Attendance

Jodie Griffiths (Community Partnerships Advisor), Natalie Lawler (Community Partnerships Support) and Nicole Chauval (Committee Secretary)

Apologies

No apologies

Grnt-1022-125 Roles and Responsibilities – Declaring an Interest D050-001-G02

Committee members were reminded of their responsibilities when allocating the available funding under set criteria, and were advised of what was expected of them when having an interest in a particular application. It was noted that the intention of declaring an interest is to ensure that those with an interest have no involvement in the decision making process.

Members were advised that once a member has declared an interest they must leave the room for that particular application. This is done to ensure that matters are processed without any influence and the rule needed to be applied strictly for the process to be seen as fair to all concerned.

It was noted that declaring an interest applies to those who are members or honorary members of an organisation and also where it could be perceived that a person has an interest in an organisation.

It was reported that the chairperson would make the final decision if there was dissension.

Karen Hartshorne/Kate Parker:
That the information be received.

Carried

Grnt-1022-126 Clarification of Process for Decision Making D050-001-G02

Committee members' attention was drawn to the process for decision making that had been successfully used by previous Grants Sub-Committees. Members had been asked to familiarise themselves with the process prior to the meeting so this could be consistently applied when considering grant applications.

Members were reminded that at any time when an application is being discussed and a Committee member has declared an interest in, they must leave the room.

Sally Wadworth/Graeme Haymes:
That the information be received.

Carried

Grnt-1022-127 Creative Community NZ Arts Funding Scheme Criteria and Available Funds C150-001-001-01

The Grants Sub-Committee allocates Creative Communities funding twice a year with closing dates at the end of February and September each year.

Members were advised that the Creative NZ Allocation for 2022/23 was \$43,404.00 with an addition \$16,684.27 being carryover from 2021/2022. This meant there was total funding of \$60,088.27 available for allocation.

Twenty two applications were received, 22 of which were eligible to be considered for funding. Requests totalled \$55,716.00.

Members discussed the applications and made the following recommendations:

Organisation	Project Description	Actual
Marlb Multiculture Centre	Multicultural Festival	\$7,000.00
Picton Maritime Festival Trust	Music and Storytelling Workshops	\$1,200.00
Marlborough Floral Art Group	A Christmas Floral Art Exhibition	\$500.00
Presbyterian Support Upper South Island	PSUSI Marlborough Centre mural	\$2,500.00
Gillian Odell	Art Wairau Valley 2023 (Condition: Tagged to Hall Hire)	\$1,260.00
Picton Quilters	Picton Quilters Club	\$900.00
Marlborough Repertory Society	Marlborough Repertory 75 Years book (Clr Brooks and Kate Parker declared a conflict of interest and withdrew from the meeting for this item)	\$1,000.00
Connect Marlborough	Rainbow Gratitude Journaling Workshop	\$1,500.00
Marlborough Girls College	Marlborough Girls College - Music Therapy <i>(Note: Application unable to be considered due to outstanding accountability report for a previous project)</i>	Declined
Waitohi Picton Open Studios	Waitohi Picton artists open their studios for the public to visit, meet the artist and enjoy their artwork (Condition: Tagged to venue hire and printing)	\$519.00
Ngāti Rārua o Te Wairau Society	Wānanga to discuss Kowhaiwhai, Whakairo and Tukutuku panels for the Phase 2 extension of Pareraru	\$1,800.00
Marlborough Civic Orchestra	String Tutorials	\$800.00
James McKenzie-Wiley	Love Marlborough Christmas in the park (Condition: Tagged to local equipment and sign writing)	\$2,500.00
Witherlea School Music Therapy Group	Put the Beat Back in your Step! <i>(Note: Lacked creative skills component. Suggest to the applicant they consider applying to the Community Grants fund)</i>	Declined
Wai – Women's art initiative	Women's Art Initiative WAI Marlborough (Condition: Tagged for project management advice and recyclable products for upcycling)	\$1,500.00
Gillian Dennis	Kids Mural Making at Pelorus Bridge	\$1,500.00

Organisation	Project Description	Actual
Andrea Navarro	Migrant kids' artwork workshop	\$500.00
Creative Kids Trust	This application is for funding for venue hire for the community choir and projector <i>(Note: Low priority for this funding round in favour of new projects)</i>	Declined
Anne Barrer	Art Workshops	\$1,500.00
Magic Carpet Music Trust	Violin & Guitar - music from the world <i>(Noted: Did not meet the criteria based on the funding priority)</i>	Declined
Maggie Gill	Lunchtime Community Concerts <i>(Noted: Did not meet the criteria based on the funding priority. Suggested applicant apply to the Post Covid MSD Fund)</i>	Declined
Everybody is a Treasure Trust	Visual Poetry Jam/Online Master Classes <i>(Noted: Did not meet the criteria based on the funding priority)</i>	Declined

Deborah Dalliessi/Karen Hartshorne:

That Council approve the above listed grants to community organisations totalling \$26,479.00.

Carried

Grnt-1022-128 Grants Recipient Audit Visits

It was reported that the following audit visits have been completed. Any outstanding reports to be forwarded to Jodie Griffiths for presenting at the November meeting:

Seddon Taekwondo
 Marlborough Four Paws
 Papatuanuku Independency Trust
 Omaka Observatory
 Churchward Park Scouts
 Marlborough Youthwork Trust (Connect)
 Pine Valley Outdoor Centre Trust
 Marlborough Little Book Festival
 Marlborough Girls College (music therapy)
 Jim Tannock (exhibition)

It was suggested that consideration be given to attaching audit reports to any future applications.

Graeme Haymes and Deborah Dalliessi to undertake an audit visit to Omaka Observatory.

There being no further business the meeting closed at 3.04 pm.

Record No: 22204986

23. Decision to Conduct Business with the Public Excluded

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- Confirmation of Public Excluded Minutes
- Committee Reports (Public Excluded Sections)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Minutes and Committee Reports	As set out in the Minutes and Reports	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under Section 7 of the Local Government Official Information and Meetings Act 1987.

Additional Item for the Council Meeting on 27 October 2022

24. Introduction of Additional Items

(The Mayor)

RECOMMENDATION

That the following additional item be considered (under Standing Order 9.12) for reason of the urgent nature of the business and insufficient time being available to include the item on the original Agenda and Meeting Notice:

In Open Meeting:

- August 2022 Storm Event – Road Recovery update
-

25. August 2022 Storm Event – Road Recovery update

(Mayor Taylor) (Report prepared by R Coningham)

R450-033-02-01

Purpose of Report

1. To provide an update and overview of the proposed allocation of funding available short term to address roading damage in Marlborough from the August 2022 and July 2021 storms and the planning work required to consider longer term levels of service.

RECOMMENDATIONS

1. That Council approve the proposed allocation of the remaining Special Assistance Funding from the 2021 storm event (approximately \$25M at October 2022) noting the challenges and funding shortfalls that still remain after these funds are exhausted for the roading network.
 2. That the negotiation of a consultancy agreement with Stantec NZ for a long term strategy development by direct appointment under delegated expenditure limits be noted.
-

Background/Context

2. On 22 September 2022 Council was presented with an overview of the damage sustained to Marlborough's roading network post the 15 August 2022 extreme rain event (refer Appendix 1).
3. At the time Council wrote to Waka Kotahi requesting that the unspent Special Assistance Funding from the 2021 storm event (circa \$45M) be redirected to respond to the August 2022 event. Quick decisions were required to retain contractors within Marlborough and to provide basic road access.
4. Approval of redirection of this funding was granted. However, it was conditional on Council and Waka Kotahi agreeing on appropriate Levels of Service for the Sounds Roding network that took into account Climate Change before any major reinstatement works proceeded.
5. Council is negotiating with consultants Stantec to undertake a study to assist to determine appropriate Levels of Service over the Sounds Roding network. This study is far reaching and will look at all options from reinstatement of the roading network with enhanced resilience through to providing water-based transport access to various areas of the Sounds.
6. At that time recommendations were made to Council based on the limited information and engineering assessments that had been gathered to that date including identification of an initial short-term list of priority sections of various roads across Marlborough. Other factors were considered but could not in the short time frame for post emergency decision making be subject to extensive analysis. These factors included the availability of alternative transport methods, resilience of basic repairs, connectivity between towns and commercial impacts.
7. An additional five weeks has passed since that previous report, allowing Marlborough Roads and the roading contractors to gain further information on the damage to the roading network and also to identify a proposed high-level programme of repairs for the Marlborough Roding network that can be addressed with the remaining Special Assistance Funding.
8. At the time of writing, the volume of faults identified on the roading network was 3,948 compared to the July 2021 event which was 1,648.
9. The **attached** presentation (refer Appendix 2) shows how much funding is still available currently and provides a high-level programme to use those funds. It also identifies what Level of Service will be provided if approved.
10. Due to funding levels available, the proposed high-level programme addresses Improved Access needs on the roading network but will not address all of the long-term risks with the current state of the roads. For example, where there are a number of large slips, these will be cleared but slip faces would not be stabilised to prevent further slips in subsequent rainfall events. Underslips will be banded to prevent further water running over the slip face and delineated; they will not be repaired.

11. Once current funding is exhausted, future Levels of Service will need to be determined and any further works will require detailed design, costing and funding applications.
12. Although the current proposed programme may not address long-term repairs to the network, it will improve short-term access issues (with limitations) currently being experienced by many landowners in the Sounds. In particular it will not address truck access for the Kenepuru and Pelorus Sounds area, other than by barge sites.

Long Term Planning Study

13. The 22 September 2022 Council decisions supported obtaining requests for proposals for development of a Long Term Strategy. The process will more fully consider future road resilience and sustainability taking account of Climate Change, Community, Economic and Financial consequences of different access options.
14. A "Better Off Funding" application has been lodged and Waka Kotahi financial assistance has also been approved.
15. It is proposed that Council appoint Stantec NZ to undertake this work. Stantec are a major international consultancy with over 300 offices in 17 countries. They are multi-disciplinary and strong in roading and Climate Change work. Their NZ team includes an economist and they have been working with a Wairarapa (Mataikona) Community on a future road resilience project similar to our one. Stantec has been heavily involved in the July 2021 storm recovery works and has a very detailed knowledge of the affected network and the communities it serves. They were appointed for that work by Waka Kotahi and met their procurement requirements.
16. Council's Risk Manager and General Counsel have considered Council and the Office of the Auditor-General (OAG) procurement guidelines and recommend sole supplier negotiations with Stantec for the following reasons:
 - 16.1. NZTA – Waka Kotahi (WK) has already approved the appointment of Stantec for significant preliminary investigation work. To commence with another consultant from a zero start is not palatable from an increased cost and time delay perspective, given the serious nature of the issues faced post-event and significant funding already committed.
 - 16.2. Council will seek supplementary funding from WK or other agencies for this work – the WK existing arrangement with Stantec will support this process.
 - 16.3. Stantec are an approved supplier under the All of Government (AoG) procurement arrangements managed by MBIE.
 - 16.4. Going through a wider procurement process would delay service commencement by 6-8 weeks, which is not acceptable or palatable to Council or to the communities of ratepayers directly or indirectly affected by the July 2021 and August 2022 events i.e. there are advantages to our ratepayers, but no disadvantages, relating to the appointment of Stantec.
 - 16.5. AoG charge rates and other consultancy service experience means that both WK and Council staff involved are able to adequately assess value for money for these services.
 - 16.6. Stantec have a team in Nelson and are also in the process of opening a Marlborough base.
 - 16.7. The initial appointment by WK occurred during an event emergency phase, which has now moved to recovery. However, there is still very real time pressure to prioritise remedial works in the short to medium term, which needs to be informed by sound investigations, technical and other reporting – one key reason being to ensure that significant but limited funding needs to be committed on the basis of sound advice and to the best short and long-term effect.
17. Council's procurement policy allows for business case approval by the Chief Executive within limits. This project is well under that limit.

Author	Richard Coningham, Manager Assets and Services
Authoriser	Mark Wheeler, Chief Executive

Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables democratic local decision-making and action by, an on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
Fit with Council policies and strategies			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan	<input type="checkbox"/>	<input type="checkbox"/>	✓
Financial Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Infrastructure Strategy	<input type="checkbox"/>	<input type="checkbox"/>	✓
Social well-being	✓	<input type="checkbox"/>	<input type="checkbox"/>
Economic development	✓	<input type="checkbox"/>	<input type="checkbox"/>
Environment & RMA Plans	<input type="checkbox"/>	<input type="checkbox"/>	✓
Arts & Culture	<input type="checkbox"/>	<input type="checkbox"/>	✓
3 Waters	<input type="checkbox"/>	<input type="checkbox"/>	✓
Land transport	✓	<input type="checkbox"/>	<input type="checkbox"/>
Parks and reserves	<input type="checkbox"/>	<input type="checkbox"/>	✓
Nature of the decision to be made			
The relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga will be identified as part of the project and iwi will be involved in project governance.			
Financial considerations			
The decision will be using the approved funding from Waka Kotahi in relation to the July 2021 storm event.			
Significance			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
Engagement			
No engagement is proposed at this stage due to the urgency of basic road access repairs but will be undertaken extensively as Long Term Planning progresses			
Risks: Legal / Health & Safety etc			
The recommended options carry risks including:			
<ul style="list-style-type: none"> - Health and safety of contractors and road workers - Health and safety of landowners and road users on the network - Procedural risks from decisions made as a result of this recommendation 			
These risks will be managed using Council and Marlborough Roads (Waka Kotahi) normal process controls.			
Climate Change Implications			
In assessing the preferred option, staff have considered the effects of climate change. Climate change is a key risk moving forward for the roading network and will be considered more fully as part of the Long Term Planning process, particularly for the Sounds.			

Page 51**14. August 2022 Storm Event – Road Recovery**

(Clr Taylor) (Report prepared by M Wheeler)

E210-007-29-05

Purpose of Report

1. To provide an overview of the road damage suffered following extreme rainfall over several days in August 2022.
2. To seek Council approval to progress the initial repair of priority roads.
3. To outline a major planning programme to inform longer term access decision making and to address any consequent community impacts and mitigations.

RECOMMENDATIONS

1. That the remaining Special Assistance Funding from the 2021 storm event (approximately \$46 million) be applied to the provision of short term road access repairs and to ongoing barge and water taxi costs.
2. That the short term priorities for road repairs (listed in 8 below) be approved.
3. That requests for proposals for development of a Long Term Strategy be sought
4. That "Better Off" funding be applied for to commence the planning work
5. That Waka Kotahi and other government agencies be asked to assist with any further Long Term Strategy funding required.

Background/Context

4. During the week commencing 15 August 2022 an extreme rainfall event hit Marlborough. North Marlborough and the Marlborough Sounds were particularly hard hit with the Tunakino rain gauge recording over one metre of rain over a three day period. The Rai River experienced a record flood. There was widespread damage to property, housing and to roads.
5. In the July 2021 storm 1620 road faults occurred. This event is expected to have suffered more than double that. There are also a lot more complex faults which will require more extensive and expensive restoration work, should they be undertaken. Initially "quick capture" GIS photography enabled early coarse repair cost estimation which assisted decisions about early priorities focussed on restoring access.
6. The Marlborough Roads recovery team has been working hard to refine the initial costings and provide accurate estimates to inform Council and Waka Kotahi decision making.
7. We are hopeful that Waka Kotahi will confirm that the 95% Special Financial Assistance share of the \$46 million still unspent from the 2021 Storm Damage Special Assistance can now be applied to the 2022 damage and to barging and water taxi subsidies. There are expected to be conditions on the use of the money including that initial works are only to provide a basic access standard.

Short Term Priorities

8. The short term priorities for restoration (which is underway) are:

Awatere Valley	(Southeast Marlborough; major pastoral farming, viticulture, and tourism route)
Waihopai Valley	(Southwest Marlborough; major pastoral farming, forestry and viticulture route)
Northbank Road	(adjacent to Wairau River, major forestry, dairy and pastoral farming route)

Council – 22 September 2022

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Port Underwood Road	(important aquaculture and forestry route; provides access to the interisland electricity and fibre optic cables)
Queen Charlotte Drive	(alternative access to Picton and Port Marlborough; access to Queen Charlotte Track, major tourism route, 578 houses – highest vehicle per day count)
French Pass Road	(to 3 km short of township; key aquaculture freight route, pastoral farming, challenging water transport options)
Opouri Road	(pastoral farming, holiday home and tourism route)
Kenepuru Road	(limited to the link road from Queen Charlotte Drive to Moetapu Bay and the commencement of the most inhabited parts of Kenepuru Road)
Kenepuru Road	(Fish Bay to Kenepuru Head; essential access to barge site)
Torea Bay barge site to Kenepuru Head	(essential access to barge sites)

9. Kenepuru Road between Moetapu and Portage will be assessed over the next few weeks.
10. The initial restoration work will be limited to the provision of safe access. The Marlborough Roads Recovery team consider these routes to be more resilient than the remaining routes.

Long Term Strategy

11. Prior to this event a rural roads resilience study had commenced which would ultimately consider the resilience and financial sustainability of lower trafficked Marlborough roads. This event has made this study of the highest importance. Any further large storm event restoration costs (which are increasingly likely as we suffer climate change impacts) will require significant rate increases and affect our financial prudential ratios. Both Waka Kotahi and Council will be severely impacted by further such events. For that reason, Council has broken our recovery into two phases – short term to provide basic access (as listed in 8 and possibly 9 above) where possible and where roads are more resilient, and longer term planning work to consider future resilience and sustainability in depth before committing to full restoration and possible increased resilience spending.
12. The strategy needs to consider a range of factors:
 - a) cost to repair roads;
 - b) resilience of those roads taking account of:
 - i) climate change,
 - ii) land stability,
 - iii) safety;
 - c) Alternatives to road (should that be necessary);
 - d) Community and economic impacts of access changes;
 - e) Housing land stability risks;
 - f) Provision of key infrastructure – power, communications, water, effluent, disposal.
13. It is intended to seek proposals from multi disciplinary consultants to work with Council staff, our communities, government agencies, iwi, industry groups, marine transport operators, infrastructure providers and other stakeholders to develop this plan.
 An application for 3 Waters "Better Off" funding is being prepared. \$210, 000 is being requested which will enable the project to progress. It is expected the project cost will exceed that but this funding would be a good start.
14. We have written to Waka Kotahi seeking their support and a funding contribution to the project. Other government agencies may also be prepared to support the strategy development.

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Summary of decision-making considerations			
Fit with purpose of local government			
The proposal enables democratic local decision-making and action by, and on behalf of communities and relates to providing a public service and it is considered good-quality and cost effective.			
Fit with Council policies and strategies			
	<i>Contributes</i>	<i>Detracts</i>	<i>Not applicable</i>
LTP / Annual Plan			X
Financial Strategy			X
Infrastructure Strategy			X
Social well-being	X		
Economic development	X		
Environment & RMA Plans			X
Arts & Culture			X
3 Waters			X
Land transport	X		
Parks and reserves			X
Nature of the decision to be made			
The relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga will be identified as part of the project and iwi will be involved in project governance.			
Financial considerations – Special Assistance			
Funding for the proposed priority repair works will be required from Waka Kotahi.			
"Better Off" funding will be applied for to commence Long Term Planning work.			
<i>How financial authority is to be obtained:</i>			
<ul style="list-style-type: none"> Confirmation of funding from Waka Kotahi has been requested. A "Better Off" funding application will be made if Council approves the recommendations. 			
Significance			
The decision is considered of low significance under Council's Significance and Engagement Policy.			
Engagement			
No engagement is proposed at this stage due to the urgency of basic road access repairs but will be undertaken extensively as Long Term Planning progresses.			
Risks: Legal / Health & Safety etc			
The recommended option carries the risks including:			
<ul style="list-style-type: none"> Health and safety of contractors and road workers; Procedural risks from decisions made as a result of the Long Term Planning. 			
These risks will be managed using Council and Marlborough Roads (Waka Kotahi) normal process controls.			
Climate Change Implications			
In assessing the preferred option, staff have considered the effects of climate change. Climate change is a key driver of the Long Term Planning process.			

Marlborough Roads Recovery

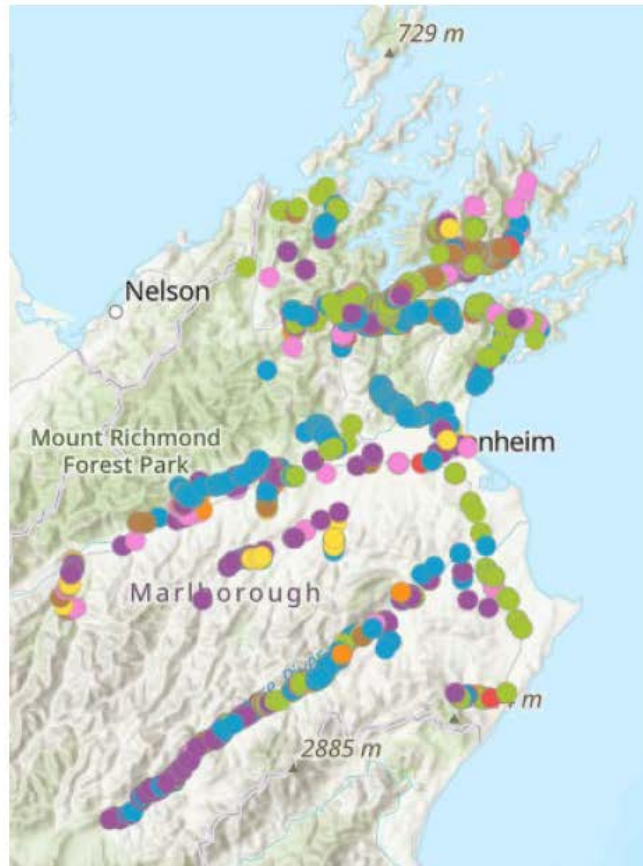
27 October 2022 - update



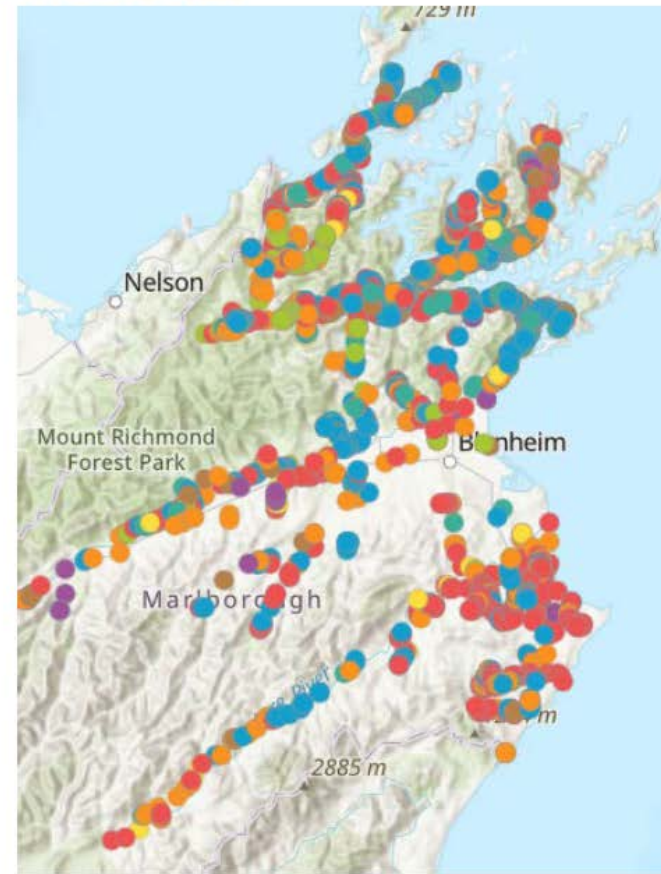
Marlborough Roads

New Zealand Government

Quick Capture Map Faults 2021 vs 2022



2021 – 1,648



2022 – 3,948

Detailed Example

Queen Charlotte Drive - QCD-716-01407



A repair of a significant underslip that potentially requires the road to be retreated into the hill by 4m.

To achieve this we have allowed 20 days of a large earthworks crew of 2 large excavators and 4 trucks plus operators at \$14,500 per day.

Estimated total - \$317,212

Detailed Example

Large excavation crew breakdown

DESCRIPTION	No.	Daily Cost
A. Labour		
Foremen	1	\$645
Operators	2	\$1,176
Labourers	2	\$1,063
B. Plant includes Operator		
Excavator, 15-20t	1	\$1,900
Excavator, 21-30t	1	\$2,024
Truck, 5.1-8m ³ (Labour Inc.)	4	\$5,565
Crew Cab Truck, 2-4t	1	\$265
Light Vehicle (UTE)	3	\$509
Accommodation and Food (if applicable)	5	\$1,301
		\$14,448

Remaining Budget

Summary

			Sub totals
July 2021 Funding approved		\$ 85,270,000	
			\$ 85,270,000
Less:			
Recovery spend to end of October 2022	\$ 50,673,935		
Barge subsidies etc to end of September 2022	\$ 1,950,000		
Estimated barges subsidies etc October 2022 to March 2023	\$ 1,420,000		
Estimated project management office, traffic management, design hub etc to June 2023	\$ 6,446,331		
			\$ 60,490,266
Less:			
Risk and Contingency (eg blocked culverts above houses etc)			\$ 3,400,000
Available budget for 2022/23 projects			\$ 21,379,734
Less:			
Committed Projects	\$ 7,937,000		\$ 13,442,734
Improved Access Works	\$ 5,861,269		\$ 7,581,465
Priority Repairs	\$ 9,225,488		-\$ 1,644,023
Additional funding awaiting approval			
February 2022 rain event damage			\$ 3,450,000

Committed Projects

<u>Committed Projects</u>	
Torea Road	200,000
Fish Bay Barge Ramp	400,000
Pudneys Barge Ramp	200,000
Waitaria Jetty	50,000
Waihopai Realignment	567,000
Limestone Slip Revetment	1,000,000
Maori Ford Bridge	4,500,000
Noels Bridge -Northbank	350,000
Castle Creek- Bridge scour repairs	75,000
Black Birch Bridge Scour Repairs	75,000
Cullens Point - Land Procurement	20,000
Sounds Long Term Planning Study	500,000
Subtotal Committed Projects	7,937,000

Improved Access

Definition

Improving access will include clearing overslips sitting on the road but doesn't include stabilising the slip face.

It includes clearing drainage channels and opening culvert entries, but not clearing and flushing culverts.

Levelling out slumps in the road by applying short sections of gravel surface will also be included.

Underslips will be bunded or delineated, they will not be repaired.

The purpose is to achieve access for a light 4wd vehicle towing a light trailer in fine weather. The road will likely be closed during wet weather until a safety inspection can be completed.

This does not prevent further slips/damage from subsequent rain events.

Priority Sites

Definition

Priority sites indicated in this initial Recovery programme, are those sites that preliminary investigations have indicated are required to preserve the integrity of the network.

For example the site at Duncan Bay where there is a risk that access to the wharf could be lost or in the case of QCD, it is required to restore the existing level of service to two lanes.

Breakdown by zone

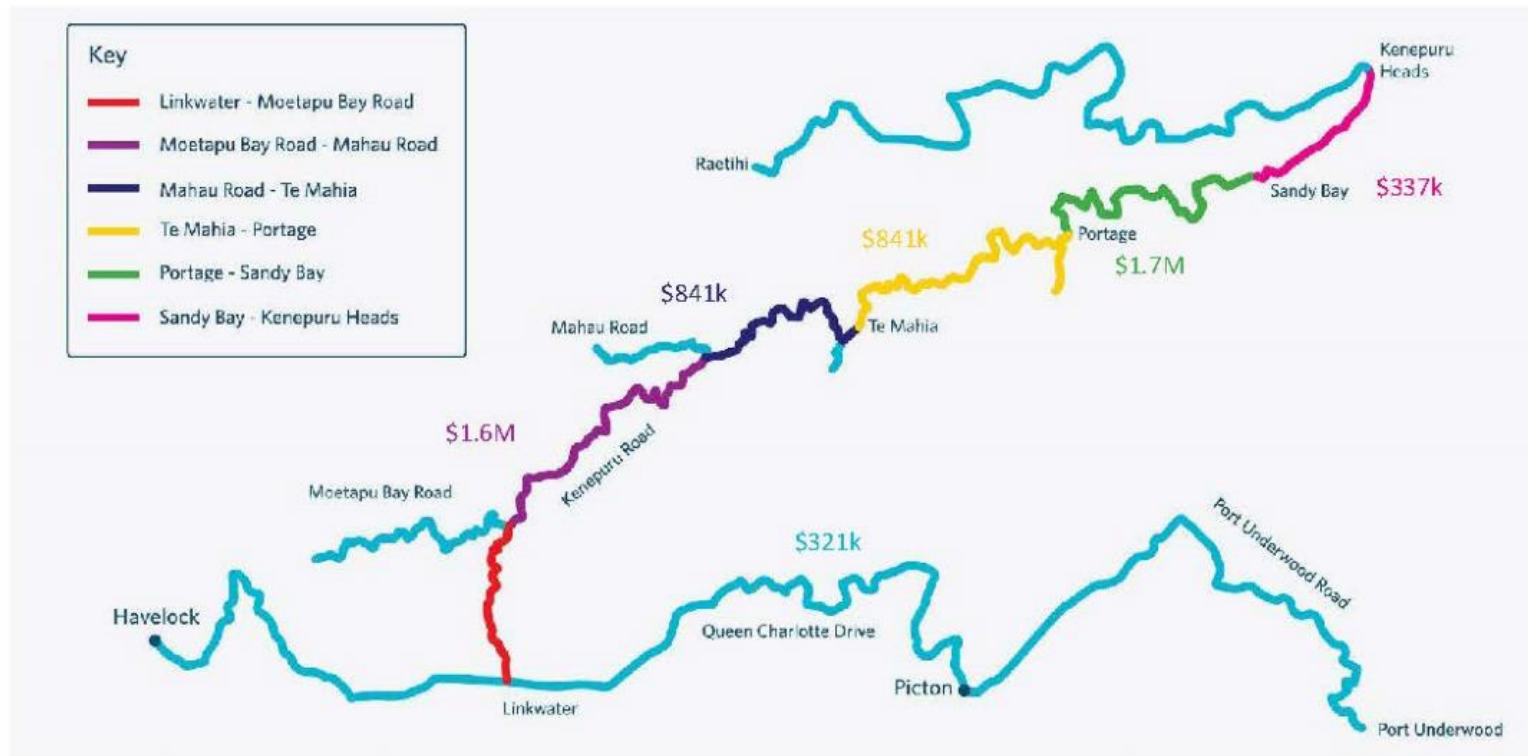
	Improved Access	Priority Repairs	Total
French Pass			
Rai Valley to Okiwi Bay		\$579,000	\$579,000
Elaine Bay to French Pass	\$106,599	\$160,256	\$266,855
Te Towaka-Port Ligar Road	\$53,299		\$53,299
Rai Valley to Tennyson Inlet	\$106,599		\$106,599
	\$266,497	\$739,256	\$1,005,753
Kenepuru Sound			
Moetapu Bay to Mahau Road	\$1,571,966		\$1,571,966
Mahau Road to Te Mahia Road	\$841,260		\$841,260
Te Mahia Road to Portage	\$841,260		\$841,260
Portage to Sandy Bay	\$1,682,521		\$1,682,521
Sandy Bay to Kenepuru Head	\$336,504		\$336,504
Kenepuru Head to Raetihi		\$767,475	\$767,475
Crail Bay		\$440,868	\$440,868
	\$5,273,511	\$1,208,343	\$6,481,854

Breakdown by zone

Picton / Port Underwood	Improved Access	Priority Repairs	Total
Waikawa		\$310,517	\$310,517
Port Underwood to Tom Canes Bay		\$121,237	\$121,237
		\$431,754	\$431,754
Queen Charlotte Drive			
Ngakuta Bay to Picton	\$321,261		\$321,261
Havelock to Linkwater		\$3,906,319	\$3,906,319
Aussie Bay to Shakespeare Bay		\$2,462,857	\$2,462,857
	\$321,261	\$6,369,176	\$6,690,437
Awatere Valley Road		\$476,959	\$476,959

Improved Access Estimate

Marlborough Sounds



Priority Sites

Marlborough Sounds



Improved Access Estimate

Rai Valley /French Pass & Awatere



Awatere Valley Road - \$477k

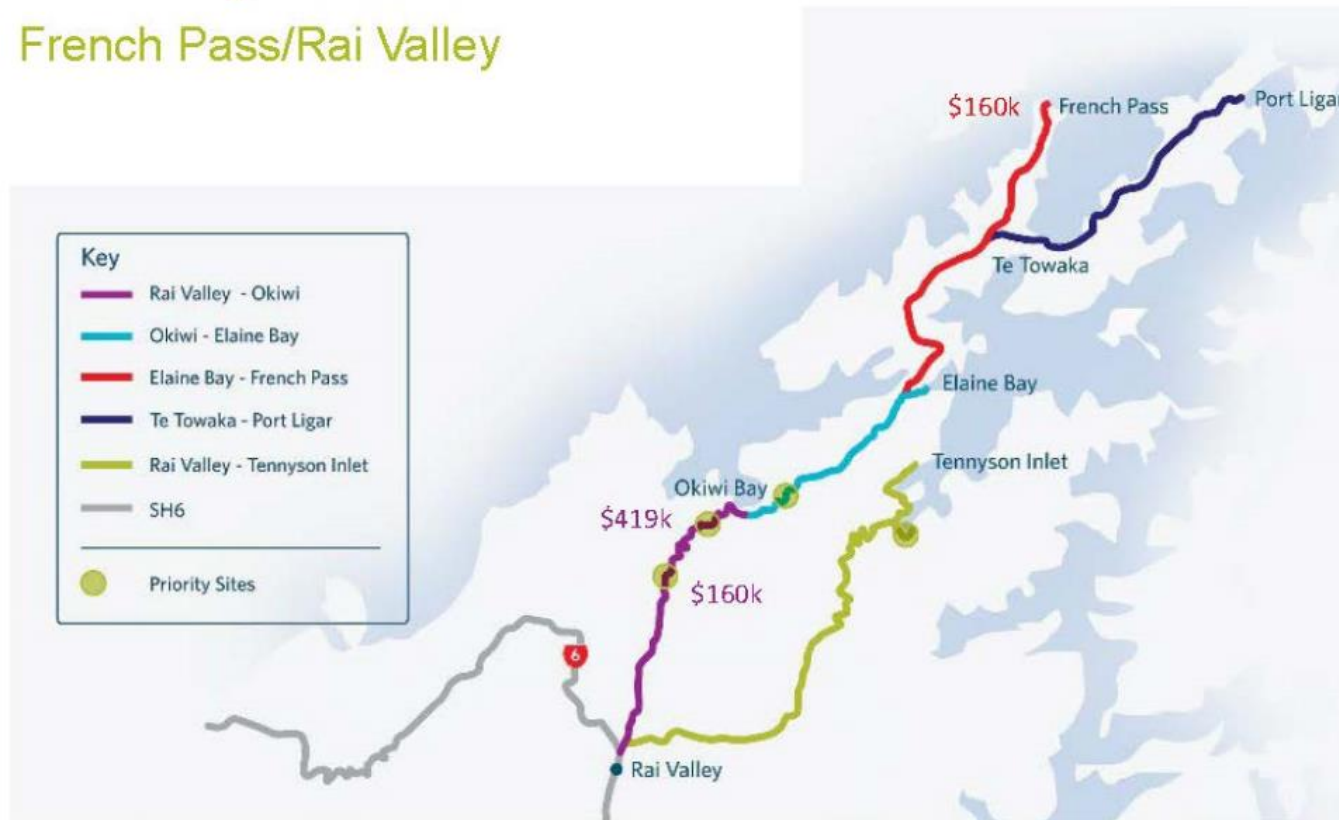


Marlborough Roads

New Zealand Government

Priority Sites

French Pass/Rai Valley



Kenepuru

Examples of Damage



Queen Charlotte Drive

Examples of Damage



French Pass

Examples of Damage



12. COMMITTEE STRUCTURE

ASSETS AND SERVICES COMMITTEE

This Committee is responsible for all infrastructure including roads; road safety (including walking and cycling strategies); parking; sewerage; water; stormwater; rivers and drainage; waste management (including recycling); reserves; halls; cemeteries; public conveniences; and civil defence and emergency management.

Chair: David Croad

Civil Defence Emergency Management Group (Statutory Committee)

The delegation to act as this Group (formed in accordance with the Civil Defence and Emergency Management Act 2002) is given to the Assets and Services Committee. The Assets and Services Committee (acting as the Group) is responsible for overseeing the development, maintenance, monitoring and evaluation, and implementation of the Group Plan required by section 17(1)(i) of the Civil Defence and Emergency Management Act 2002.

Chair: David Croad

Regional Transport Committee (Statutory Committee)

This Committee prepares for approval by Council the Regional Land Transport Plan [the Plan], or any variations to the Plan and provides Council with any advice and assistance in relation to its transport responsibilities. The Committee must adopt a policy that determines significance in respect of variations made to the Plan (under s18D of the Land Transport Management Act 2003 [the Act]) and the activities that are included in the Plan (under s16 of the Act). Membership of the Committee (refer s105 of the Act) is limited to four persons representing Council; and one person representing the New Zealand Transport Agency.

Chair: Brian Dawson

ROAD NAMING SUB-COMMITTEE

The focus of this Sub-Committee is the naming of Marlborough's roads.

Chair: Deborah Dalliessi

The following Forums/Working Groups will have representation from the above Standing Committee:

ACCESS & MOBILITY FORUM

HOUSING GROUP FORUM

Chair: Mayor Nadine Taylor

ECONOMIC, FINANCE AND COMMUNITY COMMITTEE

This Committee is responsible for the implementation of Growing Marlborough and 'Smart and Connected' Economic Development Strategies; CBD and Small Township Revitalisation programmes; Destination Marlborough; Picton Forum; Sounds Advisory Group; Long Term Plan; Annual Plan; Annual Report; audit issues; Council Subsidiaries; risk management; community and social issues; youth, elderly and access issues; culture and heritage; social policies (ie; gaming, local alcohol and psychoactive substances policies); grants and donations; sister cities; libraries; customer services; democratic process; general administration; health and safety; and property management.

Chair: Jamie Arbuckle

District Licencing Committee (Statutory Committee)

This Committee considers and determines applications, pursuant to the Sale and Supply of Alcohol Act 2012 [the Act], for: licences and manager's certificates; renewals of licences and manager's certificates; temporary authorities to carry on the sale and supply of alcohol in accordance with s136 of the Act; the variation, suspension, or cancellation of special licences; the variation of licences (other than special licences) unless the application is brought under s280 of the Act; with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and conduct inquiries and to make reports as may be required of it by the licensing authority under s175 of the Act. This Committee is also responsible for hearing and deciding on applications to Council's Gambling Venue Policy pursuant to the Gambling Act 2003.

Chair: Independent Commissioner (John Leggett)

Marlborough Regional Forestry (Joint Committee of MDC and Kaikōura DC)

Council owns 88.62% of the forestry estate and KDC owns the remaining 11.38%. The primary aim of production forest management is to create a resource that will maximise utilisation and provide the best financial return from the predominantly radiata pine forests.

Chair: Gerald Hope

Conduct Review Committee

This Committee is established per the Code of Conduct. The Committee manages compliance with the Code of Conduct and with any statutory obligations.

Chair: Independent Chair

AUDIT AND RISK SUB-COMMITTEE

The focus of this Sub-Committee is to oversee the audit of Council's Annual Report and Annual/Long Term Plan and consider and report as necessary on the findings of any audit management report.

Chair: Independent External Member

CBD & PARKING SUB-COMMITTEE

The focus of this Sub-Committee is issues related to Blenheim CBD and parking in Marlborough.

Chair: Mayor Nadine Taylor

COMMERCIAL EVENTS FUND SUB-COMMITTEE

This Sub-Committee evaluates and approves the funding applications for the Commercial Events Fund.

Chair: Jamie Arbuckle

GRANTS SUB-COMMITTEE

This Sub-Committee carries out Council's partnership with Creative New Zealand and SPARC (Sport and Recreation New Zealand) to ensure local arts funding and rural travel funding are available to the Marlborough area. The Sub-Committee has delegated authority for the allocation of funds under both schemes. In addition the Sub-Committee has delegated authority for consideration of Marlborough District Council Community Grants and Council's Arts and Heritage Grants, with recommendations being made to Council for consideration.

Chair: Thelma Sowman

MDC HOLDINGS and MARLBOROUGH AIRPORT LIMITED

SENIOR HOUSING SUB-COMMITTEE

The focus of this Sub-Committee is Council's Housing for the Elderly portfolio.

Chair: David Croad

SISTER CITY SUB-COMMITTEE

This Sub-Committee manages Council's Sister City activities and strives to involve greater community participation and sponsorship in the programme.

Chair: Jonathan Rosene

SMALL TOWNSHIPS PROGRAMME SUB-COMMITTEE

This Sub-Committee has delegated authority to develop criteria to assess project prioritisation using the Smart and Connected framework; approve all Small Township Fund projects; and monitor implementation of all Small Township Fund projects.

Chair: Barbara Faulls

YOUTH SUB-COMMITTEE

The focus of this Sub-Committee is issues related to youth in the community.

Chair: Mayor Nadine Taylor

The following Forums/Working Groups will have representation from the above Standing Committee:

LTP Working Group

Chair: Jamie Arbuckle

Older Persons Forum

Chair: Thelma Sowman

Picton Regional Forum

ENVIRONMENT AND PLANNING COMMITTEE

This Committee is responsible for environmental science and monitoring; monitoring of consents; enforcement and prosecution policies; biosecurity; animal control; building control; resource consent processing; dangerous goods; fencing of swimming pools; food and health monitoring; harbour management; and the Marlborough Environment Plan.

Chair: Gerald Hope

ANIMAL CONTROL SUB-COMMITTEE

This Sub-Committee has responsibility for animal control including administration and dealing with any right of objection to the Council in terms of the Dog Control Act 1996.

Chair: Barbara Faulls

CLIMATE CHANGE SUB-COMMITTEE

The focus of this Sub-Committee is issues related to Climate Change.

Chair: Gerald Hope

HEARING COMMITTEE

This Committee makes decisions on applications for resource consents (each consent is heard by a committee made up of a chairperson and two members).

Chair: Jamie Arbuckle

WORKING FOR NATURE GRANTS SUB-COMMITTEE

This Sub-Committee allocates Working for Nature Grants.

Chair: Ben Minehan

The following Forums/Working Groups will have representation from the above Standing Committee:

Landscape Group

Chair: Raylene Innes

Sounds Advisory Group

Chair: Barbara Faulls

Note: The Mayor is a member of each Committee of Council (s41A(5) of the Local Government Act 2002)

13. COMMITTEE MEMBERSHIP

ASSETS AND SERVICES COMMITTEE

Deputy: Jonathan Rosene

Members: Scott Adams
Sally Arbuckle
Deborah Dalliessi
Brian Dawson
Matt Flight
Mayor Nadine Taylor
Iwi representative

Civil Defence Emergency Management Group

(Statutory Committee)

Same membership as the Assets and Services Committee.

Regional Transport Committee

(Statutory Committee)

Members: Scott Adams
David Croad
Jonathan Rosene
New Zealand Transport Agency representative (Emma Speight)

ROAD NAMING SUB-COMMITTEE

Members: Sally Arbuckle
Brian Dawson
Iwi Representative

The following Forums/Working Groups will have representation from the above Standing Committee:

ACCESS & MOBILITY FORUM

Members: Deborah Dalliessi
Matt Flight

HOUSING GROUP FORUM

Member: Sally Arbuckle

Assets and Services Committee Portfolios:

Parking	Brian Dawson
A&S Finance	David Croad
3-Waters	Mayor Nadine Taylor
Bike-Walk and Public Transport	Jonathan Rosene
Refuse, Recycling and Resource Recovery	Deborah Dalliessi
Sporting and Community Facilities	Matt Flight
Reserves – Parks, Open Spaces and Cemeteries	Sally Arbuckle
Footpaths and Public Conveniences	Matt Flight
Property and Development	David Croad
Roading and Road Stopping	Brian Dawson
Rivers and Drainage	Scott Adams

ECONOMIC, FINANCE AND COMMUNITY COMMITTEE

Deputy: Brian Dawson

Members: Scott Adams
Sally Arbuckle
Allanah Burgess
David Croad
Deborah Dalliessi
Raylene Innes
Barbara Faulls
Matt Flight
Gerald Hope
Ben Minehan
Jonathan Rosene
Thelma Sowman
Mayor Nadine Taylor
Iwi representative

District Licencing Committee

(Statutory Committee)

Members: Two members appointed by the Independent Commissioner from the following:
Mayor Nadine Taylor (Deputy Chair)
Members from Council/Community (to be advised)

Marlborough Regional Forestry

(Joint Committee of MDC and Kaikōura DC)

Members: Scott Adams
Kaikoura District Council representative
Forestry representative (Megan McKendry)

Conduct Review Committee

Members: Mayor Nadine Taylor
David Croad
Gerald Hope
Thelma Sowman

AUDIT AND RISK SUB-COMMITTEE

Members: Mayor Nadine Taylor
Jamie Arbuckle
David Croad
Brian Dawson
Jonathan Rosene

CBD & PARKING SUB-COMMITTEE

Members: Jamie Arbuckle
David Croad
Brian Dawson
Jonathan Rosene

COMMERCIAL EVENTS FUND SUB-COMMITTEE

Members: Brian Dawson
Barbara Faulls
Matt Flight
Raylene Innes

GRANTS SUB-COMMITTEE

Members: Sally Arbuckle
Allanah Burgess
Sports Trust appointee
Arts Sector appointee
Community representatives (4)
Iwi representatives (2)

MDC HOLDINGS and MARLBOROUGH AIRPORT LIMITED

Members: Mayor Nadine Taylor
Jamie Arbuckle
David Croad

SENIOR HOUSING SUB-COMMITTEE

Members: Jamie Arbuckle
Deborah Dalliessi
Matt Flight
Raylene Innes

SISTER CITY SUB-COMMITTEE

Members: Sally Arbuckle
Deborah Dalliessi
Community representatives (5+)

SMALL TOWNSHIPS PROGRAMME SUB-COMMITTEE

Members: Scott Adams
Sally Arbuckle
Ben Minehan

YOUTH SUB-COMMITTEE

Members: Allanah Burgess
Jonathan Rosene

The following Forums/Working Groups will have representation from the above Standing Committee:

LTP Working Group

Members: Scott Adams
David Croad
Brian Dawson
Barbara Faulls
Gerald Hope
Raylene Innes
Mayor Nadine Taylor

Older Persons Forum

Member: Jonathan Rosene

Picton Regional Forum

Members: Barbara Faulls
Raylene Innes
Ben Minehan

Economic, Finance and Community Committee Portfolios:

Financial Reporting, Funding, Policy, Investments

and Debt Management

Economic Development

Libraries

Community

Arts, Culture and Heritage

Community Events

Mayor Nadine Taylor/Jamie Arbuckle

David Croad

Sally Arbuckle

Deborah Dalliessi

Mayor Nadine Taylor

Jonathan Rosene

ENVIRONMENT AND PLANNING COMMITTEE

Deputy: Barbara Faulls
Members: Jamie Arbuckle
Allanah Burgess
Raylene Innes
Ben Minehan
Thelma Sowman
Mayor Nadine Taylor
Rural representative
Iwi representative

ANIMAL CONTROL SUB-COMMITTEE

Members: Ben Minehan
Thelma Sowman

CLIMATE CHANGE SUB-COMMITTEE

Members: Jamie Arbuckle
Allanah Burgess
Raylene Innes

HEARING COMMITTEE

Members: Allanah Burgess
Barbara Faulls
Raylene Innes
Ben Minehan
Thelma Sowman

WORKING FOR NATURE GRANTS SUB-COMMITTEE

Members: Allanah Burgess
Gerald Hope

The following Forums/Working Groups will have representation from the above Standing Committee:

Landscape Group

Member: Barbara Faulls

Sounds Advisory Group

Members: Allanah Burgess
Raylene Innes
Ben Minehan

Environment and Planning Committee Portfolios:

Nautical and Coastal	Raylene Innes
Implementing Essential Freshwater	Allanah Burgess
Environmental Protection and Compliance	Ben Minehan
Science and Monitoring	Allanah Burgess
Biosecurity and Biodiversity	Barbara Faulls
Environmental Health	Thelma Sowman
Building Control	Raylene Innes
Animal Control	Barbara Faulls
Resource Consents	Jamie Arbuckle
MEP	Gerald Hope
Environmental Policy	Gerald Hope
Grovetown Lagoon	Ben Minehan

Note: The Mayor is a member of each Committee of Council (s41A(5) of the Local Government Act 2002)