MEETING
AGENDA
Ngā Take

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Western Bay of Plenty
District Council

WAIHI BEACH

COMMUNITY BOARD

Poari Hapori

WB1
Monday, 28 November 2016
Waihi Beach Community Centre
6:30pm

Te Kaunihera a rohe mai i nga Kuri-a-Wharei ki Otamarakau ki te Uru

Notice of Meeting No WB1
Te Karere

Waihi Beach Community Board
Poari Hapori

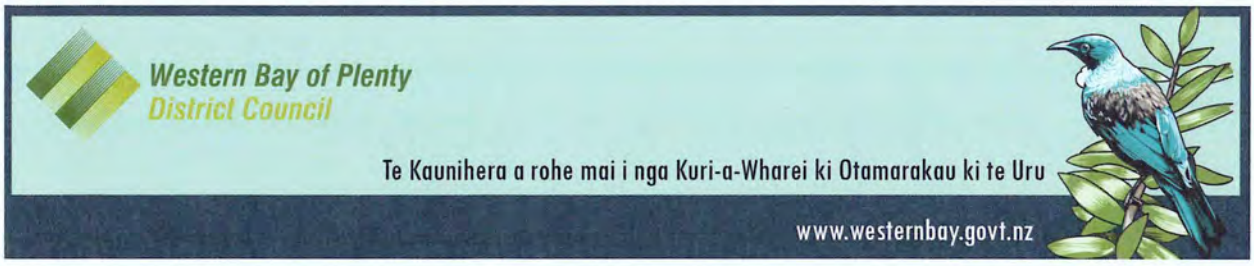
Monday, 28 November 2016
Waihi Beach Community Centre
6:30pm

Members:

A Sole (Chairperson)
M Roberts (Deputy Chairperson)
B Hepenstall
R Parsons
Councillor D Marshall
Councillor M Williams

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Waihi Beach Community Board
Mangai o Te Kaunihera

Role and Purpose of Community Boards

- To represent, and act as an advocate for, the interests of their communities
- To consider and report on all matters referred by Council and its Committees, or any matter of interest or concern to the community board
- To maintain an overview of services provided by Council within the community
- To prepare an annual submission to the Council for expenditure within the community
- To communicate with community organisations and special interest groups within the community
- To undertake responsibilities as delegated by Council or its Committees

Delegated Functions

Subject to compliance with Council strategies, policies, plans and legislation:

- To maintain an overview of road works, water supply, sewage, stormwater, parks, recreational facilities, community activities and traffic management within the community and make recommendations to Council and its Committees in accordance with their delegated functions
- To report and make recommendations to Council and its Committees in accordance with their delegated functions on issues facing respective communities to promote public participation and communication within respective communities
- To undertake tasks, powers and functions as may be delegated by Council or its Committees in accordance with their delegated functions from time to time.
- To control, expend and monitor funds as allocated by Council
- To allocate Community Board reserve funds to specific capital non-recurring projects for council assets on council land.
  or
  In accordance with allocations which have been approved through the annual plan process
- To have input into Council and its Committees on issues and plans affecting the respective communities
- To provide an effective mechanism for community feedback to Council
- To receive reports from Council appointees on Council matters relevant to the Community Boards

Agenda for Meeting No. WB1

Pages

Present
In Attendance
Apologies

WB1.1 **Waihi Beach Community Board Proposed Delegations 2016-2019 Triennium** 1-4

Attached is a report from the Democracy Management Advisor dated 4 November 2016.

WB1.2 **Standing Orders 2016-2019 Triennium** 5-83

Attached is a report from the Democracy Management Advisor dated 16 November 2016.

Public Forum (if Required)

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to three minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

Recommendation

THAT the meeting adjourn for the purpose of holding a public forum.

WB1.3 **Minutes of meeting no. WB-IN of the Waihi Beach Community Board held on 10 November 2016** 84-86

Recommendation

THAT the minutes of meeting no. WB-IN of the Inaugural Waihi Beach Community Board held on 10 November 2016 as circulated

with the agenda be confirmed as a true and accurate record.

WB1.4	**Appointment of Board Members on Outside Bodies** Attached is a report from the Democracy Management Advisor dated 3 November 2016.	87-88
WB1.5	**Chairperson's Report** Attached is a report from the Chairperson dated 14 November 2016.	89-95
WB1.6	**Councillor's Report on the first business meeting of Council** Councillors Marshall and Williams will provide a verbal report on the first business meeting of Council held on 24 November 2016.	96
WB1.7	**Local Government New Zealand - Call for Nominations for the Election of the New Zealand Community Boards Executive Committee (NZCBED)** Attached is a report from the Democracy Advisor dated 14 November 2016.	97-102
WB1.8	**Community Board Grant Applications - November 2016** Attached is a report from the Democracy Advisor dated 3 November 2016.	103-104
WB1.9	**Infrastructure Services Report Waihi Beach - November 2016** Attached is a report from the Deputy Chief Executive dated 11 November 2016.	105-114
WB1.10	**Waihi Beach Community Roading Priority List** Attached is a report from the Deputy Chief Executive dated 9 November 2016.	115-128
WB1.11	**Financial Report Waihi Beach - September 2016** Attached is a report from the Financial Accountant dated 10 November 2016.	129-131

WB1.12 **Draft Annual Budget 2017/18** 132-133

Attached is a report from the Democracy Advisor dated 8 November 2016.

WB1.13 **Council, Standing Committee and Community Board Meetings** 134

Attached is a schedule of meetings for the months of November and December 2016.

Recommendation

THAT the schedule of meetings for November and December 2016 be received.

Date	4 November 2016	**Open Session**
Subject	Waihi Beach Community Board Proposed Delegations 2016-2019 Triennium	

Western Bay of Plenty District Council

Waihi Beach Community Board

Waihi Beach Community Board Proposed Delegations 2016-2019 Triennium

Purpose

To present the community board delegations for the 2016-2019 triennium which will provide clear authorities for community boards in carrying out their roles.

Recommendation

1. ***THAT the Democracy Advisor's report dated 4 November 2016 and titled "Waihi Beach Community Board Delegations 2016-2019 Triennium" be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT for the 2016-2019 triennium, Council's delegations to the Waihi Beach Community Board be as follows:***

   Role and Purpose of Community Boards

   - ***To represent, and act as an advocate for, the interests of their communities***
   - ***To consider and report on all matters referred by Council and its Committees, or any matter of interest or concern to the community board***
   - ***To maintain an overview of services provided by Council within the community***
   - ***To prepare an annual submission to the Council for expenditure within the community***
   - ***To communicate with community organisations and special interest groups within the community***
   - ***To undertake responsibilities as delegated by Council or its Committees.***

Delegated Functions

Subject to compliance with Council strategies, policies, plans and legislation:

- ***To maintain an overview of road works, water supply, sewage, stormwater, parks, recreational facilities, community activities and traffic management within the community and make recommendations to Council and its Committees in accordance with their delegated functions***
- ***To report and make recommendations to Council and its Committees in accordance with their delegated functions on issues facing respective communities to promote public participation and communication within respective communities***
- ***To undertake tasks, powers and functions as may be delegated by Council or its Committees in accordance with their delegated functions from time to time***
- ***To control, expend and monitor funds as allocated by Council***
- ***To allocate Community Board reserve funds to specific capital non-recurring projects for council assets on council land.***

Or

In accordance with allocations which have been approved through the annual plan process

- ***To have input into Council and its Committees on issues and plans affecting the respective communities***
- ***To provide an effective mechanism for community feedback to Council***
- ***To receive reports from Council appointees on Council matters relevant to the Community Boards.***

Aileen Alty
Democracy Advisor

1. Background

The Western Bay of Plenty District Council has five community boards established through statute and is required to put in place such delegations as it deems appropriate to the community boards for them to fulfil their roles for their communities. The role of the community boards is legislative and the delegations being considered by Council on 15 December 2016 reflect both those roles and Council practice from the previous triennium.

At the time of writing this report Council has yet to meet and decide its delegations; however, the proposed delegations have been included in this report for your information. Should there be any changes at the Council meeting these will be tabled at your board meeting for information.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is an administrative decision required by legislation.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Planned Communication
Community Boards	The delegations will be included on all Board agendas for the information of the Boards, and a report will be provided to the first business meetings of the boards advising their delegations.

4. Issues and Options Assessment

Adopt proposed delegations	
Reasons why no options are available	**Legislative or other reference**
Council is required to consider delegations to the Boards.	Section 53 and Clause 32 of Schedule 7 of the Local Government Act 2002

5. Statutory Compliance

The Local Government Act specifies the role of community boards and prohibits boards from acquiring, holding, or disposing of property or appointing, suspending, or removing staff. Council has discretion as to what other matters it wishes to delegate to the Boards. The role as described in the recommendation reflects the requirements of the Local Government Act 2002, and the subsequent delegated authorities are compliant with Clause 32 of Schedule 7 of the same Act.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Not applicable in this case	No funding requirements for delegations

Western Bay of Plenty District Council

Waihi Beach Community Board

Adoption of Standing Orders 2016-2019 Triennium

Purpose and Summary

To adopt a new set of Standing Orders as revised by Local Government New Zealand to take into account recent legislative change and also to adopt best practice for meeting management. The Board is required by the Local Government Act 2002 to adopt a set of Standing Orders.

Recommendation

1. ***THAT the Democracy Management Advisor's report dated 16 November 2016 and titled Standing Orders 2016-2019 Triennium be received.***

2. ***THAT pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002 the Waihi Beach Community Board adopts the Western Bay of Plenty District Council Community Board Standing Orders 2016 as attached to this report, with the following amendments:***

   a. Either

   Include proposed Standing Orders 12.7 through to 12 .16 to create the option for remote meeting attendance

   Or

   Make no provision for member attendance via audio and audio-visual link.

   b. Add to SO14 - Public Forums - SO14

   14.18 - Recording and Responding to Public Forum Matters

   Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report. If no resolution referring a request for further report is made no further action will be taken on those matters which are not service requests.

c. Either

SO18.3 - Chairperson does not have a casting vote

Or

SO18.3 - Chairperson has a casting vote

d. <u>SO21 - General procedures for speaking and moving motions</u>

Either

Standing Orders 21.1 to 21.4 are amended such that only Option A remains

Or

Standing Orders 21.1 to 21.4 are amended such that only Option B remains

Or

Standing Orders 21.1 to 21.4 are amended such that only Option C remains

Or

All options are retained with Option (A, B or C) to be the default option and that the alternative options may be used at the discretion of the Chair provided the meeting is advised which option is to be used for the item under discussion, prior to commencement of debate.

Fleur Sweeney
Democracy Management Advisor

1. Background

The Standing Orders in use and adopted by the Western Bay of Plenty District Council in the 2013-2016 triennium was an adapted version of the New Zealand standard which had not been revised since 2003. In 2015 Local Government New Zealand was approached to request a review of the Standard as it had a number of deficiencies and needed updating with changes that had been made to the Local Government Act in the intervening period.

In discussion across the Local Government governance professionals group concerns were raised at the cost of the Standard including issues with copyright and the length of time taken to update the Standard given the pace of legislative change. It was decided that instead of seeking an update to the Standard, Local Government New Zealand would set up a working party and develop a set of Standing Orders specifically designed for local government that would reflect best practice as well as legislation

The working party included governance professionals, elected members and governance consultants. The standing orders (**Attachment A**) presented for adoption developed and consulted widely within local government before finalisation in August 2016.

1.1 Features of the New Standing Orders

- Version created specifically for the needs of community boards.
- Structured to reflect the flow of the meeting process.
- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.
- Appendices provide templates and additional guidance
- Plain language used for ease of interpretation.
- The copyright licence allows for amendment to provide for Council and board specific processes, and for publication on the website, and internal publication of copies for elected member and staff use.
- Options are provided to simplify the process required in meetings to amending resolutions.
- A separate guide is provided to give detail on best practice.

1.2 Council Decisions Required in Adopting the new Standing Orders

At the time of writing this report Council is still to decide on optional provisions. These will be resolved on 24th November and the Board will be advised of Council's decisions at its meeting. There are three optional provisions in the new Standing Orders. They are:

SO18.3 - Chairperson has a casting vote

Current Standing Orders contain this provision but there is the option in the Local Government Act 2002 for there not to be a casting vote.

Schedule 7 Clause 24 (2) refers as follows:

For the purposes of subsection (1), the mayor or chairperson or other person presiding at the meeting—

(a) has a deliberative vote; and

(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

This clause would be inserted in the Standing Orders should Council choose not to have provision for a casting vote.

SO12.7-12.16 - Option to hold meetings by audio and audio-visual link

The 2014 Local Government Amendment Act created the option for meetings to be held with some participants attending remotely. There were a number of conditions around such participation including the restriction on counting remote participants as part of the quorum, and a requirement that the Chairperson has ensured a number of conditions about the technology, accountability and accessibility are met. Currently Western Bay of Plenty District Council Standing Orders do not include this provision.

SO21 - Three Options for dealing with motions and amendments

From initial and later consultation across the industry the biggest issue raised by both governance professionals and elected members alike was the difficulty Councils had in applying the standing orders relating to the moving of motions and amendments. Concerns raised included that the original restrictions on how many times members could speak or move amendments were based in the days when Councils were much larger and there was seen to be a need to bring lengthy debates to a close. With modern Councils (and boards) consisting of fewer elected members the effect of the rule had been to stifle debate, and in some cases created a situation where Councils ran out of members able to move motions for decisions. The standard is also very technical and sometimes difficult for Chairs to apply in the midst of a free flowing debate.
The working party has provided three options for Councils to consider:

Option A is the standard approach, currently included in the Western Bay of Plenty District Council Standing Orders, and has on occasion created concerns as referred to above during our meeting processes.

Option B is a mid approach which allows members to speak to any amendments on the way through the amendment process, but places restrictions on how many amendments individuals can move and second.

Option C provides a free approach to the moving and seconding of amendments allowing members the ability to move and second any number of amendments and allowing all to speak to the amendments without restriction until an agreed motion is reached.

In addition to these options the working party also inserted a clause allowing the Chairperson to accept a new motion to progress discussion.

Council in considering which option it wishes to adopt may also consider retaining all three in Standing Orders and allowing the Chair to use his or her discretion in deciding which option to apply to the meeting generally or to specific items.

Other Matters for Consideration

SO14 - Public Forums

The new Standing Orders provision for public forums does not provide any indication of how issues raised might be dealt with apart from the clear direction that no resolutions may be passed based on items raised through public forum. To address this gap the following addition to Standing Orders is proposed:

14.18 - Recording and Responding to Public Forum Matters

Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report. If no resolution referring a request for further report is made no further action will be taken on those matters which are not service requests.

2. Statutory Compliance

The Draft Standing Orders comply with the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Funding/Budget Implications

Budget Funding Information	Relevant Detail
The Draft Standing Orders comply with the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.	The Draft Standing Orders comply with the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

3. Consultation and Communication

Interested/Affected Parties	Completed/Planned Consultation/Communication	Notes
Name of interested parties/groups	Councillors and Community Boards have been given the opportunity of formal training in the use of standing orders, and will be provided with personal copies of the Standing Orders once adopted.	
Tangata Whenua and General Public	A copy of the Standing Orders will be made available on the website for public information and reference.	

ATTACHMENT A

Western Bay of Plenty
District Council

STANDING ORDERS

- COMMUNITY BOARDS -

Standing orders adopted - November 2016

Standing Orders

Date on which standing orders adopted

Preface

These standing orders have been designed specifically for community boards and meet the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 and are recommended for the use of community boards by the Community Board Executive.

Community boards are required under cl. 27 Schedule 7 the Local Government Act 2002 (LGA 2002) to adopt a set of standing orders for the conduct of their meetings and those of its committees and subcommittees.

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

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

For clarification whenever a question about the interpretation or application of these standing orders arises, particularly if the matter is not provided for in the standing orders, it is the responsibility of the Chairperson to make a ruling.

All members of a community board must abide by these standing orders.

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1. Introduction

These Standing Orders have been prepared to enable the orderly conduct of community board 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.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendix is an attachment to the standing orders and is not part of the standing orders as adopted by the community board.

In addition the Standing Orders Guide provides advice and good practice tips for Chairpersons and staff on the implementation 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 local government is transparent and accountable. Standing orders give effect to the principles which underpin good governance. Key principles are that a local authority and consequently a community board 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; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

In addition, the LGA 2002 requires that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing orders combine statutory provisions with guidance on their application. 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 may have been modernised or amended to

ensure consistency with more recently enacted statutes. Original versions of each statutory provision are included in the Standing Orders' Guidelines, the companion document.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the 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.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority (Elected) Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

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 or proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of them 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 presiding at a meeting – the presiding member.

Chief Executive means the chief executive of a territorial or regional authority appointed under section 42 of the LGA 2002, and includes for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business hours) prescribed in these standing orders for the giving of 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 clause 30A of Schedule 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.

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

Council means, in the context of these standing orders, the governing body of a local authority.

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

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in clause 22 of Schedule 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.

Joint Committee means a committee in which the members are appointed by more than one community board in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a community board who has been removed from a meeting due to contempt.

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, or extraordinary 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 community board.

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 community board.

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.

Open voting means voting that is conducted openly and in a transparent manner 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 or community board publicly notified in accordance with sections 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.

Presiding member means the person chairing a meeting.

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 or community board;
- any other information which has not been released by the local authority or community board 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 community board as provided for in LGOIMA.

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

Publicly notified means notified to members of the public by 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 refers to a meeting that involves 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 Schedule 7 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 sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.

Seconder means the member who seconds a motion.

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.

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 may be 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 any day of the week other than:

(a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.

(b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority or community board wish to meet between the 25th of December and the 15th day of January in 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 or community board to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, also described as a briefing, 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 do not apply. Workshops may include non-elected members. See definition of "advisory group".

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

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

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

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 community board through a vote of not less than 75 % of the members present. Any amendments also require a vote of not less than 75% of the members of the community board.

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

3.3 Members must obey standing orders

All members of the community board and its committees and subcommittees must obey these standing orders.

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

3.4 Application of standing orders

These standing orders apply to all meetings of the community board and its committees and subcommittees. This includes meetings and sessions that the public are excluded from.

3.5 Temporary Suspension of standing orders

Any member of a community board may move a motion to suspend standing orders. Any such motion must 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 vote in favour of the suspension if it is to pass.

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

A motion to suspend standing orders may also identify the specific standing orders to be suspended. 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 community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a 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 community board 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.

4. Meetings

4.1 Legal requirement to hold meetings

A community board must hold meetings for the good government of its community. Meetings must be called and conducted in accordance with:

(a) Schedule 7 of the LGA 2002;

(b) Part 7 of LGMOIA; 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 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 three 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 Maori.

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 5.

4.5 First meeting (inaugural)

The first meeting of a community board following a local authority triennial general election must be called by the chief executive following the declaration of the final results. The chief executive must give 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.

cl. 21(1) - (4), Schedule 7, LGA

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the meeting until the Chairperson has made an oral declaration and attested the declaration (as set out in cl. 21(4), Schedule 7, (LGA 2002)).

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 members under cl.14, Schedule7 (LGA 2002), and

(b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl.14 Schedule7 (LGA 2002), and

(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 sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;

(d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and

(e) the election of the dep deputy Chairperson in accordance with cl.17 Schedule7 (LGA 2002).

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

In addition, a community board will normally adopt its standing orders at the first meeting, although this is not a requirement (unless amendments are made at the meeting) as standing orders remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of Chairpersons and deputy Chairpersons

When electing a Chairperson or deputy Chairperson the community board (or a committee making the appointment) must decide by resolution to use one of two voting systems set out in Standing Order 5.2.

5.2 Voting system for Chairperson and deputy Chairperson

When electing a Chairperson or deputy Chairperson the community board 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.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Community boards may delegate

A community board may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the council.

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

6.2 Use of delegated powers

A committee, subcommittee, member or officer to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the community board, exercise or perform them in the like manner and with the same effect as the community board itself could have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.3 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a community board to rescind or amend a lawfully made decision of a committee, subcommittee or person carried out under a delegation authorising the making of that decision.

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

7. Committees

7.1 Appointment of committees and subcommittees

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

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

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

(a) a community board 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 community board resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

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

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that the Civil Defence and Emergency Management Group are not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee and subcommittee members

A community board may appoint or discharge any member of a committee or subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the community board.

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

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 community board may appoint a person who is not a member of the local authority to a committee or sub committee if, in the opinion of the community board, the person has the skills, attributes or knowledge to assist the committee or subcommittee to fulfil their terms of reference.

At least one member of a committee must be an elected member of the community 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.

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

7.5 Community board may replace members if committee not discharged

If a community board resolves that a committee or subcommittee is not to be discharged under cl. 30 (7) Schedule7, LGA 2002, it may replace the members of that committee or subcommittee after the next triennial general election of members.

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

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a community board is not invalidated if:

1. there is a vacancy in the membership of the 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 a person on the community board at the time is found to have been ineligible of being a member.

cl. 29, Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

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 every month, together with the dates on which and the times and places 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 must be given not more than 10, nor less than 5, working days before the day on which the meeting is to be held.

s. 46, LGOIMA

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the community board of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the community board has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule7 LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

(a) resolution of the community board, or

(b) a requisition in writing delivered to the chief executive which is signed by:

  i. the Chairperson, or

  ii. no less than one third of the total membership of the community board (including vacancies).

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

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business, must be given by the chief executive to each member of the community board 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.

cl. 22(3), Schedule7 LGA 2002.

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a community board was called and notice of that meeting was inconsistent with these standing orders the community board must, as soon as practicable following the meeting, give public notice stating that

(a) the meeting has occurred;

(b) the general nature of business transacted; and

(c) the reasons why it was not correctly notified.

s. 46(3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Chairperson, or if the Chairperson is not available, the chief executive.

cl. 22(2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time and place of a meeting called under Standing Orders 8.6, and of the matters for which the meeting is being called, must be given by the person calling the meeting, or by another person on that person's behalf, to each member of the community board and the chief executive by whatever means is reasonable in the circumstances at least 24 hours before the time appointed for the meeting.

cl. 22(4), Schedule7 LGA 2002.

8.8 Chief executive may make other arrangements

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

s. 46(5) LGOIMA.

8.9 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 community board 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.

s. 46(6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

A community board must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the community board 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.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the community board adopts a meeting schedule it may cover any period that the community board 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.

cl. 19 (6) Schedule 7 LGA 2002.

8.12 Non-receipt of notice to members

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

1. it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
2. the member concerned did not attend the meeting.

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

cl. 20 (1) & (2) Schedule 7 LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if the Chairperson, in consultation with the chief executive, considers 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 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.

The chief executive should consult the Chairperson on any business items being prepared for the agenda.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the community board and must also fall within the scope of the board's delegations. A process for requesting reports is described in Appendix 10.

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 community board that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and/or report back to the subsequent meeting with an estimate of the cost involved and seek a direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive that a report is prepared the chief executive may refuse. In such cases an explanation must 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 9.

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.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a 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.

s. 5 & 46A, LGOIMA

9.8 Public inspection of agenda

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

(a) must be available for inspection at the public offices of the local authority (including service delivery 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.

s. 46A (1), LGOIMA

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 the community board at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

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 formal resolution of the 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.

s. 46A (7), LGOIMA

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, LGA 2002.

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.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state 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 when the public is excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting of the community board 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, unless the publication is proved to have been made with ill will or taking improper advantage of the publication.

s. 52, LGOIMA.