

**Full Council**

15 February 2024

**Report for Agenda Item | Rīpoata moto e Rāraki take [4]**

**Department: Corporate Services**

**Title | Taitara: Proposed Amendments to Standing Orders**

**Purpose of the Report | Te Take mō te Pūroko**

---

The purpose of this report is to propose amendments to Standing Orders for Council to consider.

**Recommendation | Kā Tūtohuka**

---

That Full Council:

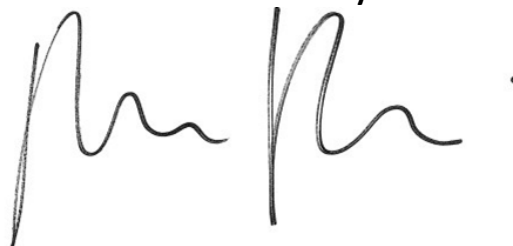
1. **Note** the contents of this report; and
2. **Amend** Standing Orders as detailed in paragraph 6 of this report.

**Prepared by:**



**Name:** Naell Crosby-Roe  
**Title:** Governance & Stakeholder Services  
Manager  
22 December 2023

**Reviewed and Authorised by:**



**Name:** Meaghan Miller  
**Title:** General Manager Corporate Services  
22 December 2023

## Context | Horopaki

1. Councils must adopt a set of Standing Orders under section 7 clause 27(1) of the Local Government Act 2002 (LGA) for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene the LGA, the Local Government Official Information and Meetings Act 1987, or any other Act.
2. Standing Orders has been developed by Local Government New Zealand and provides a framework and set of rules that govern the conduct and proceedings of all council, committee, and community board (and, where applicable, local board) meetings. They are intended to enable a council (and its sub-ordinate decision-making bodies) to undertake its decision-making responsibilities in a transparent, inclusive and lawful manner. All elected and appointed members must abide by Standing Orders under the Local Government Act 2002 Schedule 7 clause 16.
3. The existing Standing Orders were adopted by Council resolution on 17 November 2022 and are based on the Local Government New Zealand template with minor alterations made at the time of adoption. At that time, Council also resolved to:

### **Agree to review the Standing Orders in six months' time**

4. Under Schedule 7 clause 27(3) of the Local Government Act 2002, an amendment to Standing Orders requires a vote of not less than 75% of the members present.

## Analysis and Advice | Tatāritaka me kā Tohutohu

5. In preparing for a review, officers undertook the following tasks:
  - > an examination of the Local Government New Zealand guidance on Standing Orders for consistency between Council's adopted Standing Orders and that guidance;
  - > a review of Standing Orders from ten comparable metro and high growth councils;
  - > consideration of legislative amendments since adoption; and
  - > prepared advice and facilitated discussion with elected members.
6. The amendments proposed through this report are as follows:

Standing Order reference	Proposed amendment	Reason
8.1	Amend as follows:  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	The proposed amendment from "must" to "may instead" is to correct an inconsistency with section 46 of the Local Government Official Information and Meetings Act 1987.

Standing Order reference	Proposed amendment	Reason
	<p>which those meetings are to be held. In the case of meetings held on or after the 21<sup>st</sup> day of the month public notification <del>must</del> <b>may instead</b> be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.</p>	
12.8	<p>Amend as follows:</p> <p>Members who attend meetings by electronic link will <del>not</del> be counted as present for the purposes of a quorum.</p>	<p>The Local Government Electoral Legislation Act 2023 replaces the interim cyclone response legislation to make the provision permanent on the lapsing of that provision in September 2024. This amendment would be effective from 1 October 2024.</p>
26.2	<p>Add the following to the end of the existing clause:</p> <p><b>If the Chairperson believes there are grounds for refusing to accept a notice of motion, the chief executive may discuss with the mover an alternative approach to achieving the outcome sought by the mover. For example, if the matter is considered to be sufficiently urgent it may be possible to include it as an agenda item under Standing Order 9.12 or 9.13. Another option may be to advise the mover to seek an amendment to a resolution proposed in respect of an item already on an agenda.</b></p> <p><b>If, on the advice of the chief executive, the notice of motion seeks an outcome that would not meet the decision-making requirements of the Local Government Act 2002 the chief executive may suggest that the notice</b></p>	<p>Provides clarity for elected members to confirm alternative pathways for a proposed notice of motion if it is believed there are grounds for refusing it.</p>

Standing Order reference	Proposed amendment	Reason
	<p>of motion is restricted to a request for a report from staff.</p> <p>For the sake of clarity, it is for the Chairperson to determine whether or not a proposed notice of motion is accepted, and for the chief executive to determine if an alternative approach is possible.</p>	
27.1	<p>Amend as follows: “The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be <del>kept in hard copy</del>, signed and <del>included in the council’s minute book</del> may be kept in hard copy (Minute Books) and/or in electronic form and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.</p>	<p>Schedule 7 clause 28 of the Local Government Act 2002 does not define that minutes must be in hard copy whilst section 229 of Contract and Commercial Law Act 2017 enables either hard copy or electronic. This proposed amendment aligns Standing Orders with the Contract and Commercial Law Act 2017.</p>
Appendix 11: workshops	<p>Amend to include the following:</p> <p><b>Making a record</b></p> <p>A written record of the workshop should be kept and include:</p> <ul style="list-style-type: none"> <li>&gt; time, date, location and duration of workshop,</li> <li>&gt; people present,</li> <li>&gt; general subject matter covered, and</li> <li>&gt; detail of discussion or direction that contributes to an audit trail</li> </ul>	<p>Proposed amendments reflect guidance from Local Government New Zealand and current Council practice with this information being proactively published to the Council’s website. This also reflects additional expectation from the Ombudsman in his October 2021 report: Open for Business<sup>1</sup>.</p>

<sup>1</sup> <https://www.ombudsman.parliament.nz/resources/open-business-report-chief-ombudsmans-investigation-local-council-meetings-and-workshops>

Standing Order reference	Proposed amendment	Reason
	<b>toward a formal decision of Council.</b>	
Appendix 11: workshops	<p>Add new section as follows:</p> <p><b>Public attendance at workshops</b></p> <p>Workshops are open to the public to attend should they wish. However, when dealing with matters of a sensitive nature or issues that require negotiations, workshops will be held with the public excluded with reasons as per sections 6 or 7 of the Local Government Official Information and Meetings Act 1987 (excluding section 7(2)(f)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority in the course of their duty).</p> <p>Members of the public may not participate in workshop proceedings and 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 disrupt the orderly conduct of the workshop.</p> <p>Members of the public may not make electronic or digital recordings or take photographs during workshops which are open to the public.</p>	<p>Proposed addition to reflect new Council practice of workshops being open to the public in alignment with expectations outlined by the Ombudsman in his October 2024 report: Open for Business.</p> <p>Proposals relating to recording, photography and participation are in response to direction from Councillors.</p> <p>This amendment would be effective from 1 March 2024.</p>

*Note: Text in red – proposed additional text; Text in highlight and strikethrough – proposed text for removal*

7. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
8. Option 1 Do not amend Standing Orders (status quo)

*Advantages:*

- Elected members and staff will already be familiar with the Standing Orders as adopted in November 2022.

*Disadvantages:*

- Standing Orders will be inconsistent with amended or existing legislation.
- Elected members joining a meeting online will not count as present for the purposes of quorum following the cessation of interim cyclone recovery measures in September 2024.
- A clear alternative pathway for refused Notices of Motion will not be confirmed.

9. Option 2 Amend Standing Orders as outlined in paragraph six of this report

*Advantages:*

- Standing Orders will be consistent with amended or existing legislation.
- Proposed amendments are not significant so it is not anticipated that changes will be difficult to embed for officers and elected members.
- Elected members and officers will have a clear outline of alternative steps for a refused Notice of Motion.
- Elected members joining a meeting online will count as present for the purposes of quorum following the cessation of interim cyclone recovery measures in September 2024.

*Disadvantages:*

- None, further changes may be sought at a later date if required and approved by at least 75% vote of Council.

10. Option 3 Amend Standing Orders as outlined in paragraph six of this report and direct staff to present further proposed amendments for consideration

*Advantages:*

- Enables elected members to provide direction on further amendments that may be sought.

*Disadvantages:*

- Inconsistent with direction provided by Council through informal consultation.

11. This report recommends **Option 2** for addressing the matter because it is consistent with the majority direction of Council and aligns Standing Orders with current or new legislation, Local Government New Zealand guidance, and sector best practice.

## Consultation Process | Hātepe Matapaki

---

### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

12. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because the amendments are primarily procedural or administrative.
13. The persons who are affected by or interested in this matter are elected members, officers and members of the public interested in or attending meetings of Council.
14. The Council will not, and does not need to, consult on the proposed amendments.

### Māori Consultation | Iwi Rūnaka

15. The Council will not undertake any specific consultation with Iwi Māori on the proposed amendments.

## Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

---

16. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10015 Ineffective Governance within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating.
17. The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by amending practice and protocols to align with best practice, sector guidance, and relevant legislation.

## Financial Implications | Kā Riteka ā-Pūtea

---

18. There are no financial implications in the proposed amendments to Standing Orders.

## Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

---

19. The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy 2021

20. This matter is not relevant for the Long Term Plan or Annual Plan.

## Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

---

21. The proposed amendments will ensure compliance with relevant legislation.



Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kīaka

22. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

Attachments | Kā Tāpirihaka

A	Proposed Amended Standing Orders
---	----------------------------------