

11.2. New Council Standing Orders covering report

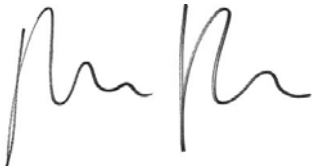
PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

1. The purpose of this report is to recommend the adoption of a new set of Standing Orders based on the latest guidance from Local Government New Zealand

RECOMMENDATION | NGA TUTOHUNGA

That the Council:

1. **Note** the contents of this report; and
2. **Adopt** the proposed new Standing Orders.

	Prepared by:	Reviewed and Authorised by:
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Position	Governance & Stakeholder Services Manager	General Manager Corporate Services
Signature		
Date	20 October 2022	28 October 2022

CONTEXT | HOROPAKI

2. Under the Local Government Act 2002 Schedule 7 clause 27(1), a local authority must adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene the Act, the Local Government Official Information and Meetings Act 1987, or any other Act.

3. 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 meetings. They are intended to enable a Council (and its subordinate decision-making bodies) to undertake its decision-making responsibilities in a transparent, inclusive and lawful manner. All members must abide by Standing Orders under the Local Government Act Schedule 7 clause 16.

4. The existing Standing Orders were adopted by the Council on 12 December 2019.

5. Although adopted Standing Orders do persist through a triennial election cycle, after the election of a new Council in October 2022 a new set of Standing Orders is presented for consideration.

6. The proposed new Standing Orders are based on the latest guidance from Local Government New Zealand and are consistent with those used throughout Aotearoa New Zealand.

ANALYSIS AND ADVICE | TATARITANGA ME NGA TOHUTOHU

7. Recommended changes to Standing Orders in alignment with the LGNZ 2022 template are as follows:

- a. Additional clarifying entries in the *Definitions | Nga whakamarama* section, including definitions for *Pecuniary Interest*, *Present at the meeting to constitute quorum*, and *Public Notice*;
- b. Clarifications regarding the distinction between extraordinary and emergency meetings and calling them, defining the shorter notice period of 24 hours for an emergency meeting rather than the three working days required for an extraordinary meeting;
- c. Increased emphasis throughout that a notice of motion, chairperson's recommendation, or amendment (if deemed to be significant) must meet the decision-making requirements of Part 6 of the LGA 2002. Specifically this refers to sections 76 - 81 of the LGA 2002 which require local authorities to seek and assess all reasonably practicable options taking into account community views, significance, iwi/Maori views, compliance, and consistency with existing Council policy and plans, where necessary undertaking the defined special consultative procedure;
- d. Confirmation that a Chairperson may terminate an audio visual link if they believe confidential information may be compromised, for example where a member may be attending a meeting via audio visual link in a public place and the Chairperson has good reason to believe an item being discussed with the public excluded can be overheard by members of the public or they can see confidential materials;
- e. Clarifying discretion for a Chairperson regarding time limits and pre-registration for deputations and petitions which are defined at five minutes for both categories by default;
- f. Clarifying reasons for not accepting a proposed amendment, including (but not limited to) being a direct negative, similar to a lost amendment, or negating a committee decision made under delegated authority;
- g. Updating references to minutes and minute books, amending this to reflect that minutes may be kept, signed, and made publicly available digitally (and referencing the legislation that enables this); and
- h. Additional flow charts outlining processes for moving and seconding a motion or amendment.

8. Matters that vary from the LGNZ 2022 template are as follows:

- a. Retaining a 3 minute time limit per speaker during public forum, whereas the LGNZ 2022 template recommends 5 minutes;
- b. Retaining a 4 working day circulation of an agenda to elected members, whereas the LGNZ 2022 templates recommends 2 days, providing elected members more time to read all materials;
- c. Recommending Option C as the default option for speaking to and moving motions and amendments, whereas the LGNZ 2022 template recommends Option A, reflecting the existing approach within Council to not limit the ability of members to move and second motions and amendments; and

- d. Amending the requirement to register for public forum to three hours ahead of a meeting's start time; whereas the LGNZ 2022 template recommends one clear working day.

9. This proposed version of Standing Orders also recommends removing the section on additional meeting procedures for the elected member's conduct committee, on the basis that the processes for address Code of Conduct matters should be addressed through the Code itself.

10 **Option 1** Adopt the new set of Standing Orders

Advantages:

- Council will be aligned with best practice as defined by Local Government New Zealand
- Council will ensure compliance with the requirement for Standing Orders to fully comply with the Local Government Act 2002, Local Government Official Information and Meetings Act 1987, and other Acts.
- Greater clarification of requirements for proposing amendments to recommendations
- Clarity regarding record keeping and availability in electronic format

Disadvantages:

- None

11 **Option 2** Status Quo

Advantages:

- Council remains compliant with the requirement in the Local Government Act 2002 to have Standing Orders as the existing set does not expire.

Disadvantages:

- Council will not be aligned with best practice as defined by Local Government New Zealand.
- Council will not ensure compliance with the requirement for Standing Orders to fully comply with the Local Government Act 2002, Local Government Official Information and Meetings Act 1983, and other Acts.

12 This report recommends **Option 1** for addressing the matter because it is believed we should be aligning with sector best practice as defined by Local Government New Zealand.

CONSULTATION PROCESS | HATEPE MATAPAKI

13. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because adoption of Standing Orders is necessary to comply with the Act.

14. Consultation is not required on this matter.

MAORI CONSULTATION | IWI RUNANGA

15. No specific consultation with Iwi is required.

RISK AND MITIGATIONS | NGA RARU TUPONO ME NGA WHAKAMAURUTANGA

16. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK0003 - Ineffective management and governance over legislative compliance within the [QLDC Risk Register](#). This risk has been assessed as having a moderate inherent 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 maintaining statutory compliance.

FINANCIAL IMPLICATIONS | NGA RITENGA A-PUTEA

18. There are no financial implications of this decision.

COUNCIL EFFECTS AND VIEWS | NGA WHAKAAWEAWE ME NGA TIROHANGA A TE KAUNIHERA

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

- Not applicable - the requirement to adopt Standing Orders is one of the Local Government Act 2002.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KA TAKOHAKA WAETURE

20. Standing Orders must be adopted or amended under schedule 7, clause 27(1) of the Local Government Act 2002. This requires, in every case, a vote of not less than 75% of the elected members present.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KAWANATAKA A-KAIKA

21 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. *[explain how the item will deliver on this purpose in brief].*

As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

ATTACHMENTS | NGA TAPIRIHANGA

Number	Title of Attachment
A	Proposed QLDC Standing Orders with track changes