

QLDC Council
15 December 2016

Report for Agenda Item: 2

Department: Corporate Services

Standing Orders

Purpose

To introduce new Standing Orders for Council and Standing Committee meetings for adoption.

Recommendation

That Council:

1. **Note** the contents of this report; and
2. **Adopt** the new Queenstown Lakes District Council Standing Orders.

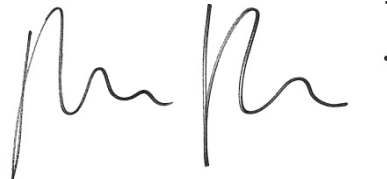
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29/11/2016

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30/11/2016

Background

- 1 Standing Orders enable the orderly conduct of local authority meetings and incorporate the legislative provisions relating to meetings, decision-making and transparency.
- 2 The current Standing Orders in use by QLDC were adopted on 27 October 2007 and are based on the NZS 9202:2003 *Model Standing Orders for Meetings of Local Authorities and Community Boards*. Minor amendments were adopted in 2009 and 2012 around the Property Subcommittee and Resource Consent Commissioner Appointment Subcommittee. No further amendments have been made since 2012.

Comment

- 3 Local Government New Zealand in conjunction with governance officers has produced an up to date Standing Orders template for Territorial Local Authorities that incorporates changes in legislation since 2003.
- 4 The major change from the Standing Orders currently in use is the ordering of the document in three parts being: general matters, pre-meeting procedures and meeting procedures. The orders flow in a more logical format than previously and are written less formally, making them easier to read.
- 5 Other major changes include the introduction of the Mayor's powers to appoint under section 41A of the Local Government Act 2002 (*Section 5 and Appendix 7* in the proposed Standing Orders) which is also summarised in an appendix. New sections include protocols for recording and webcasting meetings (*Sections 4.4, 11.3 and Appendix 4*), and new sections 12.7 to 12.16 cover off points such as quorum and voting when members attend meetings by audio-visual link.
- 6 In its existing Standing Orders, QLDC has adopted the following variation from the standard to take account of local wishes:

9.10 Distribution of the Agenda

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

This change has also been made in the Standing Orders proposed for adoption.

- 7 The new Standing Orders have proposed some changes to the Public Forum provisions but it is recommended that the current arrangements be largely retained:

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 meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.~~

Speakers can speak for up to ~~5~~ 3 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. 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.

- 8 QLDC has in the past been flexible in its use of Standing Orders. They have been used during meetings more as a guideline rather than been followed prescriptively, and the changes to the model standing orders will not necessarily change current behaviour. The Standing Orders provide a framework through which to ensure decision-making takes place should that be needed at any time.

Options

9 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.

10 Option 1 Adopt the Standing Orders as proposed

Advantages:

11 Using best practice standing orders will make it easier for QLDC Council and Standing Committees to understand current legislative requirements and achieve orderly and transparent decision making.

Disadvantages:

12 None identified.

13 Option 2 Adopt an amended version of the Standing Orders proposed

Advantages:

14 Similar advantages as above.

Disadvantages:

15 None identified.

16 Option 3 Not adopt the Standing Orders as proposed and remain with the current Standing Orders

Advantages:

17 None identified.

Disadvantages:

18 Standing Committees and Council meetings may not meet current legislative requirements.

19 This report recommends Option 1 for addressing the matter because the proposed standing orders represent current best practice.

Significance and Engagement

20 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While it is important that Council uses best practice under current legislation, the major effect of the proposed Standing Orders is to provide better clarity rather than introduce processes that are vastly different from what is currently used.

Risk

- 21 This matter relates to the strategic risk SR3 Management Practice – working within legislation, as documented in the Council’s risk register. The risk is classed as low. This matter relates to this risk because Standing Orders incorporate current legislation.
- 22 The recommended option considered above mitigates the risk as the proposed standing orders meet current legislation.

Financial Implications

- 23 There are no operational or capital expenditure requirements or other budget or cost implications resulting from the decision.

Council Policies, Strategies and Bylaws

- 24 The following Council policies, strategies and bylaws were considered:
- Councils must adopt Standing Orders and fulfil requirements under the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.
- 25 The recommended option is consistent with the principles set out in the named policy/policies.
- 26 This matter is operational and is therefore not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

- 27 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling democratic decision making;
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 28 There are no external persons who are affected by this matter.

Legal Considerations and Statutory Responsibilities

- 29 The proposed Standing Orders fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Attachments

A Proposed new Standing Orders