

## **Banks Peninsula Community Board AGENDA**

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### **Notice of Meeting:**

An ordinary meeting of the Banks Peninsula Community Board will be held on:

**Date:** Monday 22 May 2017  
**Time:** 1pm  
**Venue:** Lyttelton Community Boardroom,  
25 Canterbury Street, Lyttelton

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### **Membership**

Chairperson	Christine Wilson
Deputy Chairperson	Pam Richardson
Members	Felix Dawson
	Janis Haley
	John McLister
	Jed O'Donoghue
	Tori Peden
	Andrew Turner

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**17 May 2017**

Joan Blatchford  
Manager Community Governance, Banks Peninsula/Lyttelton  
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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.  
If you require further information relating to any reports, please contact the person named on the report.

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Part A	Matters Requiring a Council Decision
Part B	Reports for Information
Part C	Decisions Under Delegation

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Karakia Whakamutunga

## Mihi/Karakia Timatanga

### 1. Apologies

### 2. Declarations of Interest

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

### 3. Confirmation of Previous Minutes

That the minutes of the Banks Peninsula Community Board meeting held on [Monday, 8 May 2017](#) be confirmed (refer page 5).

### 4. Deputations by Appointment

#### 4.1 Lyttelton Seafarers Centre

John McLister will speak on behalf of Lyttelton Seafarers Centre to update the Board on the Lyttelton Seafarers Centre and discuss the issue of not being able to provide cover under the Maritime Labour Convention that New Zealand recently signed up to, because of the Centre is run by volunteers.

The Centre is seeking support from the Board to assist in approaching the Council and Lyttelton Port Company to address the issue.

### 5. Presentation of Petitions

There were no petitions received at the time the agenda was prepared.

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## Banks Peninsula Community Board OPEN MINUTES

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**Date:** Monday 8 May 2017  
**Time:** 1:05pm  
**Venue:** Lyttelton Community Boardroom,  
25 Canterbury Street, Lyttelton

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**Present**

Chairperson	Christine Wilson
Deputy Chairperson	Pam Richardson
Members	Felix Dawson
	Janis Haley
	John McLister
	Jed O'Donoghue
	Tori Peden
	Andrew Turner

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5 May 2017

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- Part A**      **Matters Requiring a Council Decision**  
**Part B**      **Reports for Information**  
**Part C**      **Decisions Under Delegation**
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**Mihi/Karakia Timatanga:** John McLister

The agenda was dealt with in the following order.

**1. Apologies**

**Part C**

There was an apology for lateness received for Andrew Turner who arrived at the meeting at 1:59pm during Item 13

**Community Board Resolved BKCB/2017/00080**

That the apology for lateness from Andrew Turner be accepted.

Pam Richardson/Janis Haley

Carried

**2. Declarations of Interest**

**Part B**

There were no declarations of interest recorded.

**3. Confirmation of Previous Minutes**

**Part C**

**Community Board Resolved BKCB/2017/00081**

**Community Board Decision**

That the minutes of the Banks Peninsula Community Board meeting held on Monday, 10 April 2017 be confirmed.

Pam Richardson/Jed O'Donoghue

Carried

**4. Deputations by Appointment**

**Part B**

There were no deputations by appointment.

**5. Presentation of Petitions**

**Part B**

There was no presentation of petitions.

## 6. Correspondence

### Board Comment

The Board were advised that the Recreation and Sports Unit (Council Asset Owner of the Lyttelton Pool) are agreeable to have a mural painted on the Lyttelton Swimming Pool Oxford Street wall however, the unit does not have any funding available to fund a mural.

### Community Board Resolved BKCB/2017/00082

#### Part B

That the Banks Peninsula Community Board:

1. Receive the information in the Correspondence Report dated 8 May 2017 from the Diamond Harbour Community Association and refer the correspondence to staff with a request that they liaise with the Community Association regarding the parking restrictions request outside of the Diamond Harbour Library.
2. Receive the information in the Correspondence Report dated 8 May 2017 from the Duvauchelle A&P Show Incorporated and refer the correspondence to staff for further investigation to have the vehicle access permanently asphalted.
3. Receive the information in the correspondence report dated 8 May 2017 from Greer Swinard regarding funding for a mural on the Lyttelton Pool Oxford Street Wall.

Janis Haley/Felix Dawson

Carried

## 7. Akaroa Design and Appearance Advisory Committee 2 February 2017 Minutes

### Community Board Resolved BKCB/2017/00083 (Original Staff Recommendation Accepted without Change)

#### Part B

That the Banks Peninsula Community Board:

1. Receive the minutes from the meeting of the Akaroa Design and Appearance Advisory Committee held on 2 February 2017.

Pam Richardson/Jed O'Donoghue

Carried

## 8. Reserve Management Committees

**Community Board Resolved BKCB/2017/00084 (Original Staff Recommendation Accepted without Change)**

### Part B

That the Banks Peninsula Community Board:

1. Receive the minutes of the following Reserve Management Committee meetings:
  - Duvauchelle Reserve Management Committee – 20 March 2017
  - Robinsons Bay Reserve Management Committee – 27 March 2017
  - Cass Bay Reserve Management Committee – 6 April 2017

Felix Dawson/Janis Haley

Carried

## 9. 29A Ticehurst Road - Proposed No Stopping Restrictions

**Community Board Resolved BKCB/2017/00085 (Original Staff Recommendation Accepted without Change)**

### Part C

That the Banks Peninsula Community Board:

1. Revoke all parking and no stopping restrictions on the north east side of Ticehurst Road commencing at a point 120 metres south east of its intersection with the prolongation of the eastern kerb line of Ticehurst Terrace and extending in a south easterly direction for a distance of eight metres
2. Approve the stopping of vehicles be prohibited at any time on the north east side of Ticehurst Road commencing at a point 120 metres south east of its intersection with the prolongation of the eastern kerb line of Ticehurst Terrace and extending in a south easterly direction for a distance of eight metres

Jed O'Donoghue/Christine Wilson

Carried

## 10. Banks Peninsula Discretionary Response Report - 8 May 2017

**Community Board Resolved BKCB/2017/00086 (Original Staff Recommendation Accepted without Change)**

### Part C

That the Banks Peninsula Community Board:

1. Approve a grant of \$1,500 to Akaroa Croquet Club towards two new sets of Croquet Hoops and a Dibber.
2. Approve a grant of \$7,000 to the Governors Bay Community Association Inc. for the Community Centre towards Coordinator wages, curtains, acoustic panelling, storage containers and enabling the Internet.



3. Approve a grant of \$3,000 to the Stoddart Cottage Trust towards brochure layout, colour printing and purchase of images.
4. Approve a grant of \$581 to the Lyttelton Boat Safety Association for the Boat Safety Improvements project towards administration costs.
5. Approve a grant of \$1,400 to the Royal New Zealand Plunket Society Canterbury Area Incorporated towards tutor fees and venue hire.

Pam Richardson/John McLister

Carried

## **11. Applications to the Banks Peninsula 2016/17 Youth Development Fund - Rangi Ruru Girls' School Board of Governors Incorporated**

**Community Board Resolved BKCB/2017/00087 (Original Staff Recommendation Accepted without Change)**

### **Part C**

That the Banks Peninsula Community Board:

1. Approve a grant of \$600 from its 2016/17 Youth Development Fund to the Rangi Ruru Girls' School Board of Governors Incorporated towards the costs of Suzanna Rose Davis and Ruby Isabella Blake-Manson (\$300 each) to participate in the Future Problem Solving International Finals in Wisconsin from 3 to 14 June 2017.

Pam Richardson/Tori Peden

Carried

## **12. Application to the Banks Peninsula 2016/17 Youth Development Fund - Hermione Murden**

**Community Board Resolved BKCB/2017/00088 (Original Staff Recommendation Accepted without Change)**

### **Part C**

That the Banks Peninsula Community Board:

1. Approve a grant of \$300 from its 2016/17 Youth Development Fund to Hermione Ruby Murden to participate in the Future Problem Solving International Finals in Wisconsin from 3 to 14 June 2017.

Pam Richardson/Tori Peden

Carried

Andrew Turner arrived at 1.59pm.

## **13. Banks Peninsula Community Board Area Report**

**Community Board Decided BKCB/2017/00089**

### **Part C**

That the Banks Peninsula Community Board:

1. Receive the Area Update.

2. Provide a letter of support to the Little River Wairewa Community Trust for a funding application to the Rata Foundation.
3. Agreed the Board complete the Council's Future of Heritage Survey at the Board's 22 May 2017 meeting.
4. Note that the 2016/17 Edible Garden Award funding was underspent by \$2,905 from the Strengthening Communities Fund that \$2,905 is return to the Board's Discretionary Response Fund for reallocation.
5. Request staff to provide the completed report on the Banks Peninsula Community Facilities toilets and advise the Board of the next steps that are to include the future at French Farm.

Pam Richardson/Tori Peden

Carried

The Board adjourned the meeting at 3:00pm and reconvened at 3:21pm.

## **15. Elected Member Information Exchange**

### **Part B**

The Board received and noted the following information from members:

1. The Board requested that the Board receives updates on
  - a. Akaroa and Daly's Wharf repairs.
  - b. The reinstallation of the clock on the Akaroa Service Centre (former Post Office).
  - c. Ōtautahi Community Housing Trust tenants of Bruce Terrace Social Housing when the installation of the units will be completed.
  - d. The proposed Coastal Futures Group; the Board noted that many of the elected members are in their first term and will require more background information.
2. The Board were advised that the seawalls behind the Akaroa Fire Station are degrading and were in need of urgent repair. The Board requested staff advice on the Akaroa seawalls repairs.
3. The Board heard that the Banks Peninsula Water Zone Committee are suggesting a joint working party for Lake Wairewa/Forsyth.
4. The Board noted that a mature Akaroa resident had tripped over paving in Beach Road, Akaroa.
5. The proposal for the Lyttelton Museum to occupy the former Council Service Centre site next to the Lyttelton Library will be out for consultation shortly.
6. The Board acknowledged the re-opening of Stoddart Cottage and the Diamond Harbour Memorial Hall after earthquake repairs.
7. The Board discussed forming a community working party to prepare Lyttelton and Akaroa for receiving the larger cruise boats and Akaroa for the boutique cruise boats.

## 16. Questions Under Standing Orders

### Part B

There were no questions under Standing Orders at this meeting.

Meeting concluded at 4:25pm

CONFIRMED THIS 22<sup>nd</sup> DAY OF MAY 2017

CHRISTINE WILSON  
CHAIRPERSON



## 6. Correspondence

**Reference:** 17/488342

**Contact:** Liz Carter

Liz.carter@ccc.govt.nz

03-941-5682

### 1. Purpose of Report

Correspondence has been received from:

Name	Subject
Banks Peninsula War Memorial Society	Letter of appreciation

### 2. Staff Recommendations

That the Banks Peninsula Community Board:

1. [Receive the information in the Correspondence Report dated 22 May 2017](#)

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Banks Peninsula War Memorial Society 10 May 2017 Correspondence	14

BANKS PENINSULA WAR MEMORIAL SOCIETY INC.



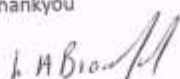
Andrew Turner/Deputy Mayor  
Christine Wilson/Chair BP Community Board  
Greg Woodhouse/ Delta  
Tony Cree/ Delta

To all interested parties

The Banks Peninsula War Memorial Society committee would like to acknowledge the exceptional work that has been done in the grounds of the war memorial in Akaroa by the delta team especially Grant Matheson.

The have maintained the gardens and grounds to a very high standard over the last few months which we are very grateful for. The work they did to have to have everything looking good for Anzac Day was amazing, and it was appreciated by the society and the general public.

It is lovely to hear the great comments from locals and visitors on how lovely everything looks. Could you please pass on our appreciation to all those people involved but especially Grant.  
Thankyou



Laurice Bradford  
Secretary  
Banks Peninsula War Memorial Society  
35 Muter Street Akaroa 7520  
a.la.bradford@xtra.co.nz

## 7. Proposed Speed Limit Changes and Parking Restrictions - Little River

Reference: 17/494598

Contact: Andrew Hensley    Andrew.hensley@ccc.govt.nz    941-8933

### 1. Secretarial Note:

- 1.1 The Board previously considered this report at its 10 April 2017 meeting. It was decided to let the report lie on the table until further information is provided around the consultation from online submitters and the rural delivery service.
  - 1.1.1 Staff have advised that discussion has been held with the New Zealand Post contractor and the option being trialled at present is the parking of the New Zealand Post vehicle on the grass, off-street on the Little River Service Centre site. This will be monitored for any need to amend the surface being parked on.
  - 1.1.2 The online submitters were sent the additional information to enable a response regarding the proposed P10 restriction. There was no additional responses received.

### 2. Purpose and Origin of Report

#### Purpose of Report

- 2.1 The purpose of this report is for the Banks Peninsula Community Board to recommend to the Council that it approve the speed limit changes in the Banks Peninsula ward, and for the Banks Peninsula Community Board to approve the parking changes outside the Little River Service Centre, as proposed in this report.

#### Origin of Report

- 2.2 This report is staff generated following a review of speed limits and parking in Little River, in conjunction with the New Zealand Transport Agency (NZTA).

### 3. Significance

- 3.1 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.
  - 3.1.1 The level of significance was determined by this project being a very localised area, although there is a high level of interest within the community.
  - 3.1.2 The community engagement and consultation outlined in this report reflect the assessment.

### 4. Staff Recommendations

That the Banks Peninsula Community Board recommend that the Council:

1. Approve that pursuant to Section 5 of the Christchurch City Council Speed Limits Bylaw 2010, speed limits be revoked and set as listed in clauses 1.a- 1.k and include the resulting changes in the Christchurch City Register of Speed Limits and Speed Limit Maps:
  - a. Revoke the 70 kilometres per hour speed limit on Council Hill Road commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in a westerly direction for a distance of 53 metres.

- b. Approve that the speed limit on Council Hill Road be set at 60 kilometres per hour commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in a westerly direction for a distance of 53 metres.
  - c. Revoke the 70 kilometres per hour speed limit on Morrisons Road commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending to the end of the road.
  - d. Approve that the speed limit on Morrisons Road be set at 60 kilometres per hour commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending to the end of the road.
  - e. Revoke the 70 kilometres per hour speed limit on Barclays Road commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending to the end of the road.
  - f. Approve that the speed limit on Barclays Road be set at 60 km/h commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending to the end of the road.
  - g. Revoke the 70 kilometres per hour speed limit on Wairewa Pa Road commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in an easterly direction for distance of 60 metres.
  - h. Approve that the speed limit on Wairewa Pa Road be set at 60 kilometres hour commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in an easterly direction for a distance of 60 metres.
  - i. Revoke the 50 kilometres per hour speed limit on Western Valley Road commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in a north easterly direction for a distance of 905 metres.
  - j. Revoke the 100 kilometres per hour speed limit on Western Valley Road commencing at a point 905 metres from its intersection with Christchurch- Akaroa Road (SH-75) and extending in a north easterly direction to a point 30 metres southwest of its intersection with Church Road.
  - k. Approve that the speed limit on Western Valley Road be set at 50 kilometres per hour commencing at its intersection with Christchurch- Akaroa Road (SH-75) and extending in a north easterly direction to a point 30 metres southwest of its intersection with Church Road.
2. Approve that the speed limit changes listed above in clauses 1.a- 1.h come into force following the implementation of the 60 kilometres per hour speed limit on Christchurch- Akaroa Road (SH-75) by the New Zealand Transport Agency in 2017.
3. Approve that the speed limit changes listed above in clauses 1.i- 1.k come into force on 1 June 2017.

That the Banks Peninsula Community Board:

- 4. Approve that any existing parking restrictions on the south eastern side of Christchurch- Akaroa Road (SH-75) commencing at a point 472 metres north east of its intersection with Wairewa Pa Road, and extending in a north easterly direction for a distance of 27.5 metres be revoked.
- 5. Approve that the parking of vehicles be restricted to a maximum period of 10 minutes on the south eastern side of Christchurch- Akaroa Road (SH-75) commencing at a point 472 metres north east of its intersection with Wairewa Pa Road, and extending in a north easterly direction for a distance of 27.5 metres.



## 5. Key Points

- 5.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):
  - 5.1.1 Activity: Road Operations
    - Level of Service: 10.0.6 Improve Road Safety: Reduce the number of reported crashes on the network
  - 5.1.2 Activity: Parking
    - Level of Service: 10.3.8 Optimise operational performance
- 5.2 The following feasible options have been considered:
  - Option 1 – Set speed limits and parking restrictions in accordance with the consultation plans (see attachments) - preferred option
  - Option 2 – Do nothing
- 5.3 Option Summary - Advantages and Disadvantages (Preferred Option)
  - 5.3.1 The advantages of this option include:
    - Speed limits are set at a level that is appropriate for the nature of the road.
    - Speed limits on adjoining side roads are set that are supportive of, and consistent with, that of the speed limit on Christchurch- Akaroa Road (SH-75).
    - Parking restrictions encourage a turnover of parking in a high demand area which is currently unrestricted.
  - 5.3.2 The disadvantages of this option include:
    - Marginally longer travel times for some motorists on Western Valley Road.
    - Motorists wishing to park for longer than 10 minutes outside the Little River Service Centre will need to find parking elsewhere in the vicinity.

## 6. Context/Background

### Project Overview

- 6.1 The speed limit on Christchurch- Akaroa Road (SH-75) through the Little River township has been discussed for many years. In November 2015 the New Zealand Transport Agency (NZTA) received a petition from the Little River community requesting that the speed limit be reduced to 50 km/h from the current 70 km/h. A review by NZTA of the current speed limit and an assessment of the safe and appropriate speed for the State Highway through the township could only support a speed limit of 60 km/h. This recognises the commercial and residential activity and the function of the road.
- 6.2 The speed limits on adjoining Council controlled side roads are also proposed to reduce to be supportive of, and consistent with, the proposed changes on SH-75.
- 6.3 In addition, it is proposed to extend the existing 50 km/h speed limit on Western Valley Road to the Church Road intersection. This is in recognition of the residential development on Western Valley Road, and the nature and usage of the traffic environment.
- 6.4 NZTA and the Christchurch City Council have worked together on this proposal to ensure safe, consistent and understandable speed limits in the Little River township.

### **Council Hill Road Speed Limit**

- 6.5 It is proposed to reduce the current short section of 70 km/h speed limit to 60 km/h at the existing speed limit change point, so that it is supportive and consistent with the proposed 60 km/h speed on Christchurch- Akaroa Road (SH-75).

### **Morrisons Road Speed Limit**

- 6.6 It is proposed to reduce the current 70km/h speed limit to 60km/h, to be consistent with the proposed 60km/h speed limit on Christchurch- Akaroa Road (SH75). Historically Morrisons Road has carried the speed limit of SH-75, and the rationale for this change is the desire for a common sense approach to avoid unnecessary speed limit change points and signage, and in recognition of the traffic environment.

### **Barclays Road Speed Limit**

- 6.7 It is proposed to reduce the current 70km/h speed limit to 60km/h, to be consistent with the proposed 60km/h speed limit on Christchurch- Akaroa Road (SH75). Historically Barclays Road has carried the speed limit of SH-75, and the rationale for this change is the desire for a common sense approach to avoid unnecessary speed limit change points and signage, and in recognition of the traffic environment.

### **Wairewa Pa Road**

- 6.8 It is proposed to reduce the current short section of 70 km/h speed limit to 60 km/h at the existing speed limit change point, so that it is supportive and consistent with the proposed 60 km/h speed on Christchurch- Akaroa Road (SH-75).

### **Western Valley Road**

- 6.9 It is proposed to extend the existing 50 km/h speed limit to the Church Road intersection. This is in recognition of the residential development on Western Valley Road, and the nature and usage of the traffic environment.

### **Christchurch- Akaroa Road (SH-75) Parking Restriction**

- 6.10 It is proposed to install a P10 parking restriction outside the Little River Service Centre. This would place a time limit restriction on approximately four parking spaces. This is to provide easier short stay parking access to the Little River Service Centre and surrounding commercial activities, and to encourage a turnover of vehicles. Longer stay parking is available in the nearby vicinity. Parking limit lines at vehicle entranceways in this area are also proposed.

## 7. Option 1 – Set Speed Limits & Parking Restrictions in Accordance with Consultation Proposal (preferred)

### Option Description

- 7.1 The preferred option involves setting speed limits and parking restrictions in accordance with the consultation proposal, as described above and indicated in the attachments.

### Significance

- 7.2 The level of significance of this option is low consistent with section 2 of this report
- 7.3 Engagement requirements for this level of significance are consistent with this assessment.

### Impact on Mana Whenua

- 7.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

### Community Views and Preferences

- 7.5 Community engagement for this project was undertaken from 2 December 2016 to 16 December 2016.
- 7.6 The consultation leaflets were hand delivered to all properties in Little River via the local postal service. The leaflet was also sent to 82 key stakeholders and 92 absentee landowners.
- 7.7 During the course of the engagement, Council received 77 submissions with the following results:

	Yes	No	No Comment
Christchurch Akaroa Road - SH 75	60	13	4
Council Hill Road	60	8	9
Morrisons Road	61	7	9
Barclays Road	59	9	9
Wairewa Pa Road	59	9	9
Western Valley Road	66	5	6
Parking Restriction <i>Note - this question was not available on the online form</i>	38	6	33 6 postal 27 email

- 7.8 The following issues and concerns were raised by the community for which the team have provided a response (feedback table distributed to Community Board members separately):

### Christchurch City Council responses:

- 7.8.1 **Side road speed limits** – with the exception of the existing 50km/h speed limit on Western Valley Road, the speed limits on the adjoining Council controlled side roads are proposed to be reduced to match the speed limit on SH75.

- Barclays Road and Morrisons Road – the proposed change is for the entire length of these roads given that historically these roads have carried the speed limit of SH75. The desire is for a common sense approach to avoid unnecessary speed limit change points and signage, and in recognition of the environment.
- Council Hill Road and Wairewa Pa Road – the proposed speed limit changes are required to update the existing change points.
- Western Valley Road – the proposal to extend the 50km/h speed limit on Western Valley Road towards the Church Road intersection, is in recognition of the residential development along Western Valley Road, and the nature of usage and traffic environment.

7.8.2 **Monitoring of the side road speed limits** – the Police are responsible for enforcing speed limits on the side roads. Council can install tube traffic counters to monitor speed and volume should concerns arise.

7.8.3 **Parking removal** – there is no parking removal as part of this proposal.

7.8.4 **Set times for the parking restrictions** – the proposed parking restrictions outside the Little River Service Centre are to operate with the standard parking restriction default times of 8am - 6pm, Monday to Sunday.

7.8.5 **Monitoring of parking restrictions** – the Parking Compliance team at Christchurch City Council is responsible for enforcing the proposed parking restrictions outside the Little River Service Centre and for vehicles parking over vehicle crossings.

7.8.6 **Filling in the drain alongside SH75** – this is outside the scope of this project but it is a possible improvement that could assist in providing on-street parking, in particular for large or towing vehicles. Further investigations are proposed.

7.8.7 **Bus driver conduct** – this is outside the scope of this project. The code of conduct for bus and tour vehicle transport operators attending to cruise ship passengers is limited in its scope to Akaroa. Bus and tour vehicle operators are bound by existing traffic rules and regulations when travelling through or stopping in Little River. This issue will be raised at the end of the season cruise ship debrief meeting.

#### **New Zealand Transport Agency (NZTA) responses:**

7.8.8 **Speed limit of 60km/h versus 50km/h** – the proposed speed limit of 60km/h recognises the partially built up nature of the Little River township. Lower speed limits are used in fully built up urban areas, for example Christchurch.

7.8.9 **Part time speed limits** – part time speed limits would be difficult to enforce and would likely confuse motorists and is not a standard response to township speed limits.

7.8.10 **Double yellow lines on the centreline in the township** – double yellow lines on the centreline are used to ban overtaking when there is not adequate visibility due to vertical curves in a road. They are not appropriate on the flat straight road through the township of Little River.

7.8.11 **Pedestrian refuge** – a pedestrian refuge was considered as part of implementing the speed change. Observations of pedestrian behaviour showed that motorists would park their car on one side of the road and walk straight across to the other side, and there was no obvious place where pedestrians liked to cross. There were few pedestrians that crossed from the café to the Service Centre.

7.8.12 **Extension of the 60km/h speed limit through to Cooptown and the Marae** – on leaving Little River and heading to Cooptown, there is mainly farmland beside the road and a

60km/h speed limit would not be appropriate in this environment. If it was changed to 60km/h there would be poor compliance which would lead to safety issues.

**7.8.13 Speed indicator devices** – the community could fund a speed indicator device to display the speed of approaching vehicles. NZTA would provide guidance on the best location.

7.9 At the completion of the consultation process, regional NZTA staff will prepare a report and supporting documentation for the NZTA National Office staff to review. If there are no issues to be resolved, the speed limit can be agreed and published in the Gazette. The speed limit will then come into force 28 days after the notice is published in the Gazette. From the time of the submission of the report, to the implementation of the speed limit would be approximately two months.

7.10 A letter has been sent to all submitters advising the outcome of the consultation, including details of the Board meeting and how they can request speaking rights. Also included in this letter was a link to the feedback summary and decision making process (including timelines).

### **Alignment with Council Plans and Policies**

7.11 This option is consistent with Council's Plans and Policies.

### **Financial Implications**

7.12 Cost of Implementation – Approximately \$1,700 to revise existing speed limit signage and positions, and to install parking signage and markings.

7.13 Maintenance / Ongoing Costs – Covered under the area maintenance contract and effects will be minimal to the overall asset.

7.14 Funding source – Traffic Operations Budget.

### **Legal Implications**

7.15 Speed limits must be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003 and subsequent amendments.

7.16 Clause 5 of the Christchurch City Council Speed Limits Bylaw 2010 provides the Council with the authority to set speed limits by resolution.

7.17 The Council has not delegated its authority to set speed limits.

7.18 Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install parking restrictions by resolution.

7.19 The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations. The list of delegations for Community Boards includes the resolution of parking restrictions.

7.20 The installation of any signs and/or markings associated with traffic control devices must comply with the Land Transport Rule: Traffic Control Devices 2004.

### **Risks and Mitigations**

7.21 None identified.

### **Implementation**

7.22 Implementation dependencies - NZTA approval, Council approval, Community Board approval.

7.23 Implementation timeframe – approximately 4 weeks from when the area maintenance contractor receives the request.

### **Option Summary - Advantages and Disadvantages**

7.23.1 The advantages of this option include: The advantages of this option include:

- Speed limits are set at a level that is appropriate for the nature of the road.

- Speed limits on adjoining side roads are set that are supportive of, and consistent with, that of the speed limit on Christchurch- Akaroa Road (SH-75).
- Parking restrictions encourage a turnover of parking in a high demand area which is currently unrestricted.

7.23.2 The disadvantages of this option include:

- Marginally longer travel times for some motorists on Western Valley Road.
- Motorists wishing to park for longer than 10 minutes outside the Little River Service Centre will need to find parking elsewhere in the vicinity.

## 8. Option 2 – Do Nothing

### Option Description

8.1 Retain existing speed limits and do not implement parking restrictions.

### Significance

8.2 The level of significance of this option is low, consistent with section 2 of this report.

### Impact on Mana Whenua

8.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

### Community Views and Preferences

8.4 This option is inconsistent with community feedback on the proposed changes.

### Alignment with Council Plans and Policies

8.5 This option is inconsistent with Council's Plans and Policies

8.5.1 Inconsistency – not in accordance with Council's Plans and Policies.

8.5.2 Reason for inconsistency – does not improve road safety, does not optimise operational performance.

8.5.3 Amendment necessary- not applicable.

### Financial Implications

8.6 Cost of Implementation - \$0

8.7 Maintenance / Ongoing Costs – not applicable.

8.8 Funding source – not applicable.

### Legal Implications

8.9 Does not support the implementation of a 60 kilometre per hour speed limit on Christchurch-Akaroa Road (SH-75) by NZTA (with the exception of the proposed extension to the 50 kilometres per hour speed limit on Western Valley Road and the parking restrictions which are not dependent). This would result in enforcement issues.

### Risks and Mitigations

8.10 See 7.9 above.

### Implementation

8.11 Implementation dependencies - Not applicable.

8.12 Implementation timeframe - Not applicable.

### Option Summary - Advantages and Disadvantages

8.13 The advantages of this option include:

- No additional cost to Council.
- Retains existing travel time on Western Valley Road.

8.14 The disadvantages of this option include:

- Does not support the implementation of a 60 kilometre per hour speed limit on Christchurch-Akaroa Road (SH-75) by NZTA, which would result in enforcement issues.
- Does not encourage lower operating speeds on Western Valley Road.
- Does not encourage a turnover of parking in a high demand area which is currently not restricted.

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Little River - Proposed Parking Restrictions	24
B <a href="#">↓</a>	Little River Speed Limit Changes	25

### Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

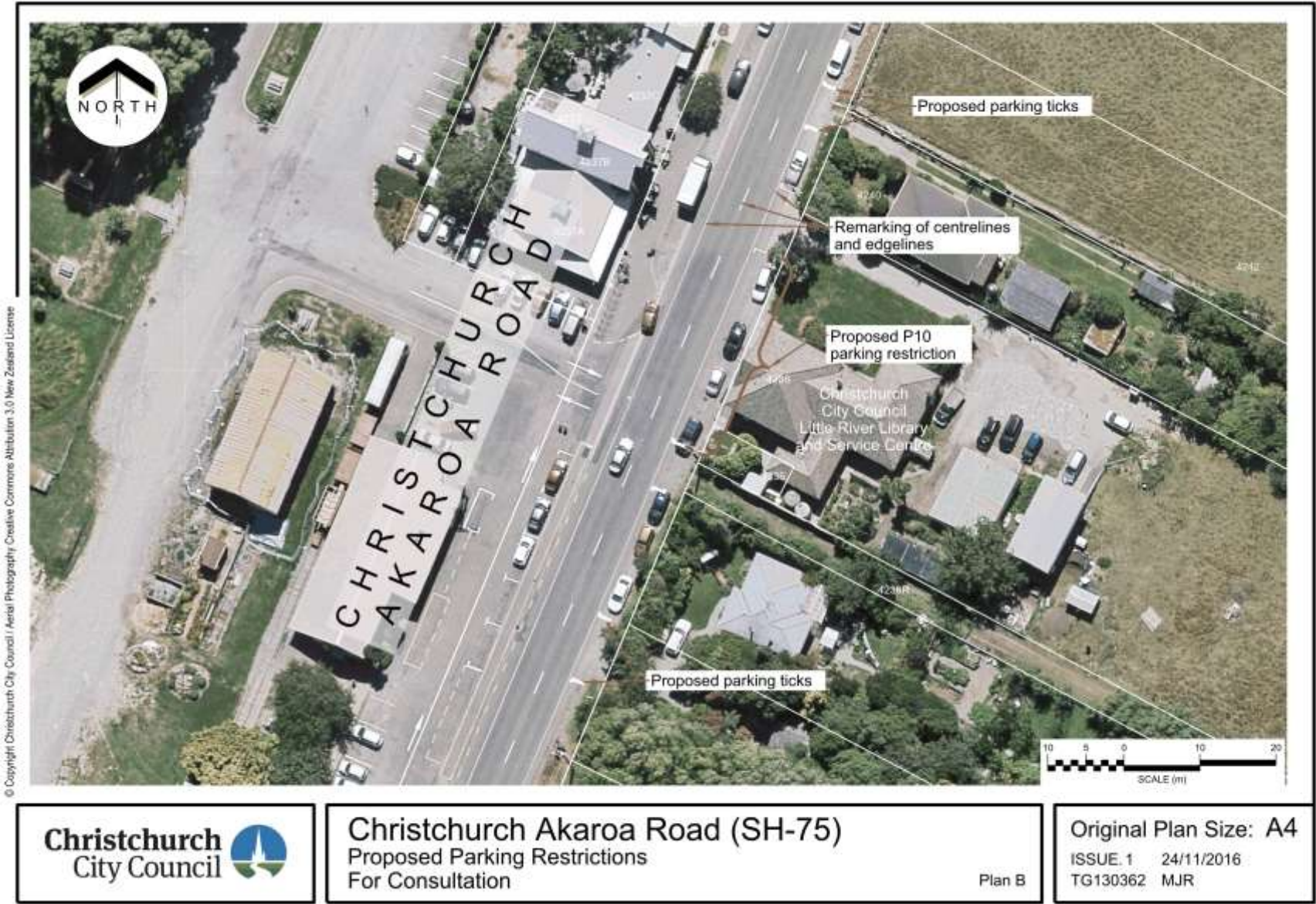
- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

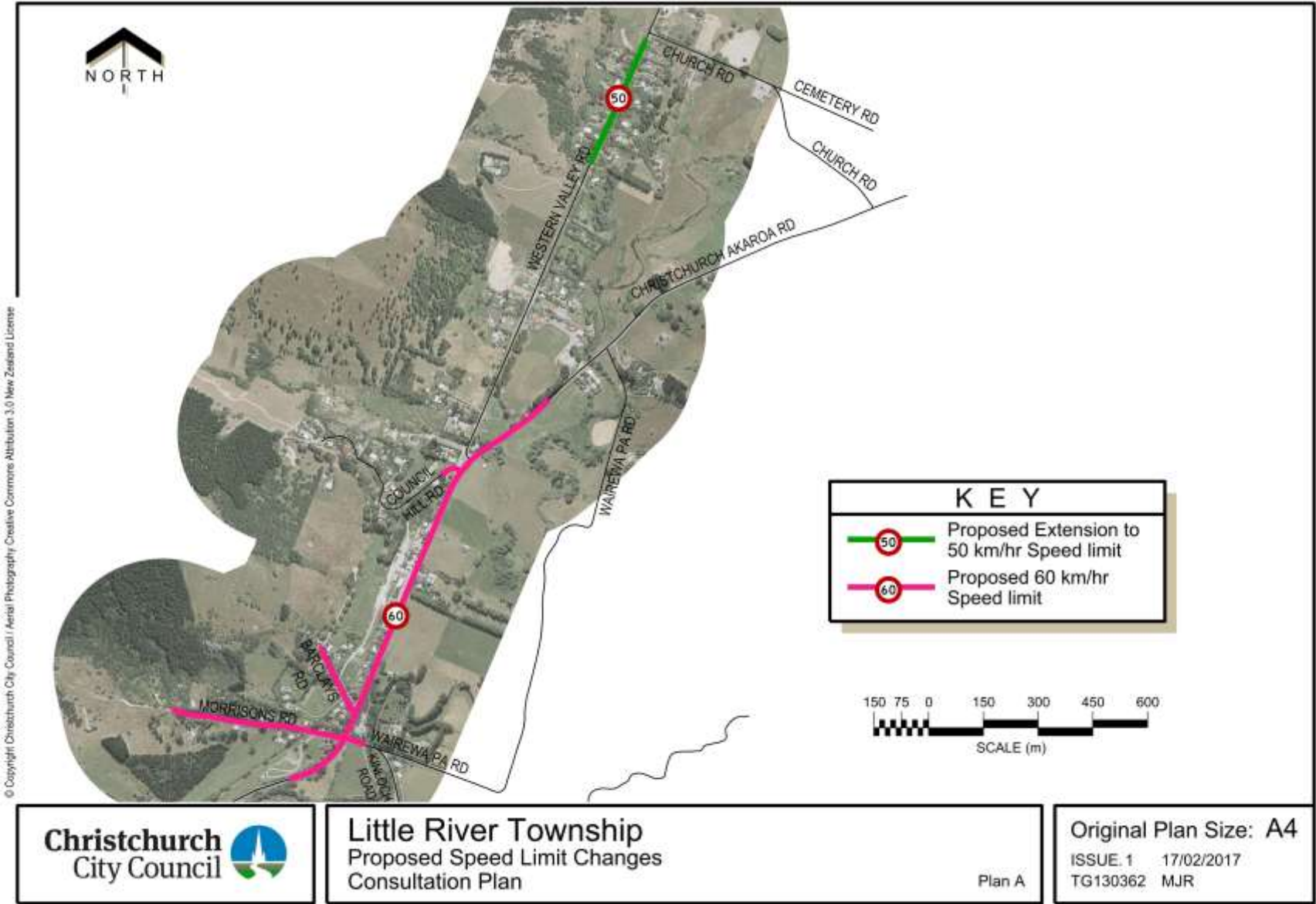
### Signatories

<b>Authors</b>	Ann Campbell - Senior Engagement Advisor Andrew Hensley - Traffic Engineer Ryan Rolston - Team Leader Traffic Operations
<b>Approved By</b>	Diane Keenan - Head of Public Information and Participation Brendan Anstiss - General Manager Strategy and Transformation Aaron Haymes - Manager Operations (Transport) David Adamson - General Manager City Services











## 8. Standing Orders

Reference: 17/498491

Contact: Ian Thomson

ian.thomson@ccc.govt.nz

941 6469

### 1. Purpose of Report

- 1.1 To recommend to the Board that it replaces its current set of Standing Orders with the new set attached to the report.

### 2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receives the information in the report.
2. Adopts the set of Standing Orders attached to the report, replacing the Board's current Standing Orders.
3. Resolves whether or not the Chairperson of the Board is to have a casting vote.
4. Authorises the Chief Executive to approve any non-material changes that may be required before the new Standing Orders are published.

### 3. Key Points

- 3.1 All local authorities must adopt a set of Standing Orders for the conduct of its meetings and those of its committees (cl. 27(1), schedule 7 LGA 2002).
- 3.2 This requirement also applies to Community Boards (s. 54(2)).
- 3.3 The Council's current Standing Orders are based on a New Zealand standards model, last revised in 2003.
- 3.4 In 2015 Local Government NZ set up a working party to review the model and to develop its own template. This was made available to local authorities in September 2016.
- 3.5 Council staff reviewed the template and made a number of changes they believed would best suit the Council's needs. Their draft, and an explanatory note, were distributed to all elected members (the governing body and Community Boards) in November 2016.
- 3.6 Since then a number of comments have been received and, where appropriate, reflected in the draft. The Council adopted new Standing Orders on 6 April 2016.
- 3.7 The Council also requested that each Community Board replaces its current set of Standing Orders with the Standing Orders adopted by the Council. These are attached to this report and will replace the Standing Orders previously adopted by the Lyttelton-Mt Herbert and Akaroa-Waiwera Community Boards.
- 3.8 Each Board has the opportunity to decide whether or not a Chairperson is to have a casting vote (cl. 24, schedule 7 LGA 2002). Unless Standing Orders provide otherwise matters are decided by majority vote and, in the case of a tie, there is no casting vote for the Chairperson.
- 3.9 The Standing Orders adopted by the Council on 6 April provide that a Council and Committee Chairperson does not have a casting vote but that this is a matter for each Community Board to decide on.

- 3.10 It is recommended that the Board adopts the Standing Orders attached to this report, and resolves whether or not the Chairperson is to have a casting vote.
- 3.11 The adoption of a new set of Standing Orders requires a vote of not less than 75% of members present.

## Attachments

No.	Title	Page
A <a href="#">↓</a>	Standing Orders 6 April 2017	29

## Signatories

<b>Author</b>	Ian Thomson - Senior Legal Advisor, Governance
<b>Approved By</b>	Rob Goldsbury - Head of Legal Services Lester Wolfreys - Head of Community Support, Governance and Partnerships Mary Richardson - General Manager Customer and Community



Item 8

Attachment A

# Christchurch City Council

## Standing Orders

6 April 2017

## Preface

Standing Orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees 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 and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note these Standing Orders do not apply to advisory groups unless incorporated in their specific terms of reference.

The Council is required by the Local Government Act 2002 to adopt a set of standing orders for the conduct of its meetings and those of its committees (cl.27 schedule 7). This applies also to community boards.

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.

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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.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within Standing Orders. The Appendices are attachments to but not part of Standing Orders. Therefore amending an Appendix does not require the agreement of 75% of those present.

### 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; and
- ☐ ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement 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 has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

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 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 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.

**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 the participants is not physically present at the place of the meeting.

**Audio visual 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 the Council appointed under section 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorised by the Council.

**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** means, in relation to the Council:

- (a) A committee comprising all the members of the Council;
- (b) A standing committee or special committee appointed by the Council;
- (c) A joint committee appointed under clause 30 of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.
- (e) Any sub-committee or hearings panel appointed by the Council.

**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 disrespectful to any members, officers or the public.

**Council** means, in the context of these Standing Orders, the governing body of the Christchurch City Council.

**Deputation** means a request from any person or group to make a presentation to the Council 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** means a meeting called in accordance with cl. 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.

**Hearings Panels** are committees of the Council, appointed to hear and make recommendations on matters referred to them.

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

**Lawfully excluded** means a member of the Council, a committee or a community board who has been removed from a meeting due to behavior that the chairperson of that meeting has ruled to be contempt.

**Local authority** means for the purposes of these Standing Orders the Council, as defined in s. 5 of the LGA 2002, and includes any committee or community board.

**Mayor** means the Mayor of the Council elected under the Local Electoral Act 2001.

**Meeting** means any first, inaugural, ordinary, or extraordinary meeting of the Council, or one of its committees or community boards, convened under the provisions of the LGOIMA.

**Member** means any person elected or appointed to the Council, a committee, or a community board.

**Minutes** means the record of the proceedings of any meeting of the Council, a committee or 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 publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

**Petition** means a written request to the Council, containing at least 20 signatures, that the Council either undertake or not undertake any action, or receive information.

**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 20.1 – 20.7.



**Public excluded information** means 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;
- ☐ any other information which has not been released by the local authority as publicly available information.

**Public excluded session** means those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

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

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

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

**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.

**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.

**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, Canterbury Anniversary Day, 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 the Council, a committee 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.

## General matters

### 3. Standing orders

#### 3.1 Obligation to adopt standing orders

The Council is required to adopt a set of Standing Orders for the conduct of its meetings and those of its committees. This requirement also applies to community boards. Standing orders must not contravene the LGA 2002, the LGOIMA, or any other Act.

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

If not amended Standing Orders will remain in force after each triennial election.

#### 3.2 Process for adoption and alteration of standing orders

Adoption by the Council of these Standing Orders and any subsequent amendment requires a vote of not less than 75 % of the members present. This requirement also applies when community boards are voting to adopt these Standing Orders and subsequent amendments.

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

#### 3.3 Members must obey standing orders

All members of the Council, its committees and community boards, must comply with 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 Council, its committees and community boards, including the public excluded sessions. They do not apply to advisory groups, workshops, working parties, briefings, hearings panels that are acting in a quasi-judicial capacity, or any other subordinate decision making body of the Council.

### 3.5 Temporary suspension of standing orders

Any member of the Council, a committee, or community board may move a motion to suspend Standing Orders at a meeting of which he or she is 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.

*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 Council may amend meeting procedures. For example, a committee hearing an application under the RMA 1991 has additional powers under the Commissions of Inquiry Act 1908.

### 3.7 Physical address of members

Every member of the Council, a committee, and community board must give to the chief executive an electronic address, to which notices and material relating to meetings and business of the Council, committee and community board may be sent.

Members must also provide the Chief Executive with a physical residence or business address to use if the Chief Executive considers it necessary.

## 4. Meetings

### 4.1 Legal requirement to hold meetings

Meetings are held for the good government of the Council's district, and must be called and conducted in accordance with:

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

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

#### 4.2 Meeting duration

A meeting must not continue for more than eight hours from when it starts (including any adjournments), unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with is to be placed at the beginning of the next ordinary meeting, unless that chairperson determines that an earlier meeting is to be held and this is notified by the chief executive.

No meeting can sit for more than three hours continuously without a break of at least 10 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 5.

#### 4.5 First meeting (inaugural)

The first meetings of the Council and its community boards following a 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.

*cl. 21(1) - (4), Schedule 7, LGA 2002.*

See Appendix 7.

*cl. 25 Schedule 7, LGA 2002.*



## Pre-meeting

### 5. Giving notice

The processes described in this section (standing orders 5.1 – 5.12) apply, with the necessary modifications, to community boards.

#### 5.1 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.*

#### 5.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the 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.

*cl. 19 (5), Schedule 7, LGA 2002.*

#### 5.3 Extraordinary meeting may be called

An extraordinary 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. no less than one third of the total membership of the Council (including vacancies).

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

#### 5.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting and of the general nature of business to be considered must be given by the chief executive 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 may be provided within such lesser period as is specified in the resolution, being not less than 24 hours.

*cl. 22 (3), Schedule 7, LGA 2002.*

### 5.5 Public notice - extraordinary meetings

Where an extraordinary meeting of the Council was called and notice of that meeting was inconsistent with these standing orders the local authority 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.*

### 5.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 5.4, a meeting may be called by the Mayor or chairperson, or if the Mayor or chairperson are not available, the chief executive.

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

### 5.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 5.6, must be given by the person calling the meeting or by another person on that person's behalf.

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

*cl. 22 (4), Schedule 7 LGA 2002.*

### 5.8 Meetings not invalid

The failure to notify a public meeting in accordance with these standing orders does not of itself make that meeting invalid. However, where the Council becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- (a) that the meeting occurred without proper notification;
- (b) the general nature of the business transacted; and
- (c) the reasons why the meeting was not properly notified.

*s. 46 (6), LGOIMA.*

### 5.9 Resolutions passed at an extraordinary meeting

The Council must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting 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.*

### 5.10 Meeting schedules

Where the Council adopts a meeting schedule it may cover any future period that the Council considers appropriate and may be amended. Notification of the schedule, or any amendment by the chief executive, constitute a notification to members of every meeting on the schedule or amendment.

*cl. 19 (6) Schedule 7, LGA 2002.*

### 5.11 Non-receipt of notice to members

A meeting is not invalid if notice of that meeting was not received, or not received in due time, by a member of the Council, a committee or community 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 may waive the need to be given notice of a meeting.

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

### 5.12 Meeting cancellations

The chief executive, in consultation with the chairperson, may cancel a scheduled meeting if the chief executive believes on reasonable grounds that members are, or are likely to be, denied a reasonable opportunity to attend the meeting because of:

- (a) Natural disaster;
- (b) Adverse weather conditions;
- (c) The breakdown of communication or energy services;
- (d) Any other similar event.

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

## **6 Meeting agenda**

### **6.1 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.

When preparing business items for an agenda the chief executive should consult the chairperson.

### **6.2 Process for raising matters for a decision**

Requests for reports may be made by a resolution of the Council, a committee, community board, or other sub-ordinate decision-making body of the Council. Matters requiring a decision may be placed on an agenda of a meeting by a:

- ☐ report of the chief executive or staff
- ☐ report of a chairperson
- ☐ report of a committee
- ☐ report of a community board
- ☐ 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
- ☐ report of the chairperson.

Although out of time for a notice of motion, a member of the Council, a committee, or community board may bring an urgent matter to the attention of the meeting through the chairperson.

### **6.3 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.

The order of business for an extraordinary meeting should be limited to items that are relevant to the purpose for which the meeting has been called. The chairperson may allow community board and public input that is also relevant to that purpose.

### **6.4 Chairperson's recommendation**

A chairperson, either prior to the start of the meeting 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.



## 6.5 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.

## 6.6 Public availability of the agenda

All information provided to members at a Council, committee, 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.

s. 5 & 46A, LGOIMA.

## 6.7 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 Council, committee, and community board relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the Council (including service centres), at public libraries under the Council'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.

## 6.8 Withdrawal of agenda items

If justified by circumstances an item on the agenda for a meeting may be withdrawn by the chief executive, the chairperson or by majority vote of the members present and voting at the meeting.

Where the chief executive withdraws an item, he or she should inform the chairperson and all members prior to, or at the beginning of the meeting.

## 6.9 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least 2 clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 5.4).

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

#### **6.10 Status of agenda**

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

#### **6.11 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 put before the meeting through a report from either the chief executive or the chairperson. Where the matter is so urgent that a written report is not practical, the report may be verbal.

#### **6.12 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.*

#### **6.13 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 with the public excluded.

*s. 46A (9), LGOIMA.*

#### **6.14 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.

*s. 52, LGOIMA.*

## Meeting Procedures

### 7 Quorum

#### 7.1 The Council and Community Boards

The quorum for a meeting of the Council or a community board is:

- (a) half of the members, if the number of members (including vacancies) is even; or
- (b) a majority of the members, if the number of members (including vacancies) is odd.

*cl. 23 (3)(a) Schedule 7, LGA 2002.*

The Mayor is a member of a committee by virtue of his or her role (ex officio). The Mayor will have the same rights and privileges as other members of the committee, including the right to vote. However the Mayor will not be counted in determining the number required for a quorum, nor in determining whether or not a quorum is present.

#### 7.2 Committees and subcommittees.

The Council sets the quorum for its committees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided it is not less than two members.

Where a committee or subcommittee has not had a quorum set for it, then its quorum will be two members. For committees, at least one member must be a member of the Council or, if established by a community board, the relevant board.

*cl. 23 (3)(b) Schedule 7, LGA 2002.*

#### 7.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 7.1. The Council and other 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.

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

#### 7.4 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.

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

### **7.5 Meeting lapses where no quorum**

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 10 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, including unusual weather or traffic congestion, 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.

### **7.6 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 determines that an earlier meeting will be held and this is notified by the chief executive.

## **8 Public access and recording**

### **8.1 Meetings open to the public**

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

*s.47 & 49(a), LGOIMA.*

### **8.2 Grounds for removing the public**

The chairperson may require a member of the public to leave a meeting, where the chairperson believes on reasonable grounds that the person's behaviour is likely to prejudice, or continue to prejudice, the orderly conduct of the meeting.

Where a person has been required by the chairperson to leave a meeting, and either refuses or fails to do so or, having left, attempts to re-enter, the chairperson may request a police officer or Council staff member to remove them.

### **8.3 Council may record meetings**

Meeting venues should contain clear signage indicating and informing members, Council staff and the public that proceedings may be recorded and may be subject to direction by the chairperson of the meeting.



#### 8.4 Public may record meetings

The following provisions shall apply when a meeting is open to the public:

- ☐ Members of the public, including bona fide members of the news media, are entitled to attend any meeting or any part of a meeting and to report on the proceedings and may make electronic or digital recordings.
- ☐ Any intention to record meetings must be notified to the chairperson at the commencement of the meeting. The recording must not be carried out in an obstructive manner, nor be distracting to members.
- ☐ The chairperson in his or her discretion, may stop the recording for any period of time.

### 9 Attendance

#### 9.1 Members right to attend meetings

A member of the Council, has, unless lawfully excluded, the right to attend any meeting of the Council, a committee, or community board.

Unless lawfully excluded a member of a committee has the right to attend any meeting of that committee or a sub-committee established by it, and a member of a community board has the right to attend any meeting of that community board and any committee established by the board.

*cl. 19(2), Schedule 7, LGA 2002.*

If a member is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chairperson, 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 s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public those members may remain unless they are lawfully excluded.

This section does not confer any rights to non-elected members appointed to committees.

#### 9.2 Attendance when a committee is performing judicial or quasi-judicial functions

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

### 9.3 Leave of absence

The Council, a committee, or community board may grant a member leave of absence following an application from that member.

In addition the Council, committee or community board may delegate the power to grant a leave of absence to the chairperson in order to protect a member's privacy. The chairperson will advise all members of the Council, committee, or community board 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.

### 9.4 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 chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

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

### 9.5 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.

### 9.6 Absent without leave

Where a member is absent for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

*cl. 5 (d) Schedule 7, LGA 2002.*

### 9.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met, members have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

### 9.8 Member's status: quorum

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

### 9.9 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.

### 9.10 Chairperson's duties

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;
- (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.

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.

*cf. 25A (3) schedule 7, LGA 2002.*

### 9.11 Conditions for attending by audio or audio visual link

The chairperson may give approval for a member to attend meetings by audio or audio visual 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; or
- (c) where a member is unable to attend due to an emergency.

Nothing in these Standing Orders requires the Council to make technology available for an audio link or audio-visual link.

### 9.12 Request to attend by audio or audio visual 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 audio visual link. Should this not be possible, due to illness or emergency, 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 audio-visual 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 meeting.

### 9.13 Chairperson may terminate link

The chairperson may direct that an electronic link should be terminated where any of the following apply:

- (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.

### 9.14 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.

*cl. 25(A) (6) schedule 7, LGA 2002.*

### 9.15 Link failure

Where an audio or audio visual 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.

### 9.16 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 times that the public are excluded. At such times, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

## 10 Chairperson's role in meetings

### 10.1 Chairing meetings

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

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



## **10.2 Addressing the Chairperson**

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

## **10.3 Chairperson's rulings**

The chairperson will decide all procedural questions where insufficient provision is made by these Standing Orders and with regard to all points of order. Any refusal to obey a chairperson's ruling or direction constitutes contempt and may result in the member concerned being required to leave the meeting.

## **10.4 Chairperson standing**

Whenever the chairperson stands during a debate members are required to sit down and be silent so that they can hear the chairperson without interruption.

## **10.5 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.

## **10.6 Chairperson may prioritise speakers**

When two or more members want to speak the chairperson will name the member who is to 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.

## 11 Public Forums

'Meeting' for the purpose of this paragraph refers to meetings of the Council and community boards.

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of the meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

### 11.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting determines, may be available for the public forum at each scheduled meeting open to the public. A person may speak on any issue, idea or matter relevant.

Speakers may speak for up to 5 minutes, although at the discretion of the meeting more time may be allocated. 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 six in total, the chairperson has discretion to restrict the speaking time permitted for all presenters.

### 11.2 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 (as part of a deputation, at a public forum or in any other situation) on the same issue to this, or another body of the Council (including a committee or community board);
- ☐ the matter is subject to legal proceedings;
- ☐ the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

### 11.3 Questions at public forums

At the conclusion of the presentation, and if the time limit hasn't expired, 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.

### 11.4 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. The meeting may call for a report from staff or refer the matter to a committee or community board.

## 12 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 a report on the agenda and within that meeting's terms of reference. Deputations are approved by the chairperson.

### 12.1 Time limits

Speakers can speak for up to 10 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

### 12.2 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 deputation at the meeting;
- ☐ the speaker is not speaking to a report on the agenda;
- ☐ 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 to this, or another body of the Council (including a committee or community board);
- ☐ the matter is subject to legal proceedings;
- ☐ the matter is subject to a hearing, including the hearing of submissions where the Council or a committee is sitting in a quasi-judicial capacity.

### 12.3 Questions of a deputation

At the conclusion of the deputation, and if the time limit hasn't expired, members may, with the permission of the chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

### 12.4 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.

## **13 Petitions**

### **13.1 Form of petitions**

Petitions may be presented to the Council, a committee or a community board. 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 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 16.9 on qualified privilege). They may be written in English or Te Reo Māori. Petitioners planning to make a petition in Te Reo Māori or sign language should advise the chief executive at least 2 working days before the meeting to enable the petition be translated and reprinted, if necessary.

### **13.2 Petition presented by petitioner**

A petitioner who presents a petition, may speak for up to 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.

### **13.3 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.



## 14 Exclusion of public

### 14.1 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 section 48 of LGOIMA (see Appendix 1).

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). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the plain English reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.
- (d) when information relating to the matter can be released publicly.

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

*s. 48 LGOIMA.*

### 14.2 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 have knowledge that will assist the meeting. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and will assist.

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.

*s.48 (6) LGOIMA.*

### 14.3 Public excluded items

The chief executive may exclude from the information that is made available to the public any reports (or items from reports) that he or she reasonably expects the meeting to consider with the public excluded. The public section of the agenda must indicate the item and the reason the public are excluded.

*s.46A (8) LGOIMA.*

### 14.4 Non-disclosure of information

No member or Council staff member may disclose to any person, other than another member, Council staff member, 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;
- (b) the information is no longer confidential.

#### **14.5 Release of information from public excluded session**

The Council, a committee, or community board may resolve to release to the public all or some of the information which has been considered during the public excluded part of a meeting.

In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where the chief executive has determined the grounds in LGOIMA to withhold the information no longer exist. The chief executive will advise members of his or her decision and the nature of the information released.

### **15 Voting**

#### **15.1 Decisions by majority vote**

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

*cl. 24 (1), Schedule 7, LGA 2002.*

#### **15.2 Open voting**

An act or question coming before a meeting must be done or decided by open voting.

*cl. 24 (3) Schedule 7, LGA 2002.*

#### **15.3 Chairperson does not have a casting vote**

The Mayor, or any other person presiding at a Council or committee meeting has a deliberative vote and, where the votes are equal, does not have a casting vote.

For meetings of community boards and their committees, each community board shall decide whether the chairperson shall have a casting vote.

*cl. 24 (2) Schedule 7, LGA 2002.*

#### **15.4 Method of voting**

The method of voting must be as follows:

- (a) the chairperson in putting the motion will call for an expression of opinion on the voices or take a show of hands. The chairperson then announces the result, which is conclusive unless a member immediately questions the announcement, in which case 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 displayed notified to the chairperson who must declare the result.

#### **15.5 Calling for a division**

When a division is called, the chief executive or his or her nominee must record the names of the members voting for and against the motion and of those abstaining 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.

#### **15.6 Request to have votes recorded**

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

#### **15.7 Members may abstain**

Any member may abstain from voting, which means the member has decided to refrain from casting a vote. Abstentions do not count in tallying votes for and against a motion.

### **16 Conduct**

#### **16.1 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 leave the meeting immediately for a specified time.

#### **16.2 Disrespect**

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the Council's Code of Conduct at any meeting.

### **16.3 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 the chairperson may make a complaint under the Code of Conduct.

### **16.4 Disorderly conduct**

Where the chairperson rules that 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.

### **16.5 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.

### **16.6 Removal from meeting**

A member of the police, authorised security personnel, or Council staff 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.

### **16.7 Financial conflicts of interests**

Every member present at a meeting must declare any direct or indirect financial interest that he or she holds in any matter being discussed at the meeting, other than an interest held in common with the public.

No member may vote on, or take part in, a discussion about any matter in which he or she has a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies, or the Auditor-General has granted the member 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 must 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.

*s. 6 & 7 LAMIA.*

#### **16.8 Non-financial conflicts of interests**

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member could be affected by some other separate interest or duty that the member has in relation to a particular matter. If a member declares a non-financial conflict of interest in a matter he or she 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.

#### **16.9 Qualified privilege for meeting proceedings**

Any oral statement made at a meeting in accordance with the rules adopted by the Council 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.

*s. 53, LGOIMA.*

#### **16.10 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 as a result of any other enactment or rule of law applying to any meeting.

*s. 53, LGOIMA.*

#### **16.11 Electronic devices at meetings**

The Council is moving towards a paperless environment at its meetings. Electronic devices are being provided to all elected members that will enable them to access agenda items and attachments at meetings of the Council, its committees and community board meetings.

At meetings, devices are intended to be used only to advance the business of the meeting by enabling electronic access to the agenda and related documents. Elected members may wish to access other sites to receive or send information relevant to the meeting (but not information withheld for the purposes of the public excluded part of the agenda).

However during meetings, the devices must not be used for a member's personal business, or for purposes unrelated to the business of the meeting.

## **17 General rules of debate**

### **17.1 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, is subject to the discretion of the Chairperson.

### **17.2 Time limits on speakers**

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – up to 5 minutes;
- (b) movers of motions when exercising their right of reply – up to 2 minutes;
- (c) other members – up to 3 minutes.

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

### **17.3 Questions to staff**

Before members debating a matter on the agenda, there will be sufficient time available (at the discretion of the chairperson), to ask questions of relevant staff. Questions must be asked through the chairperson and how the question should be dealt with is at the chairperson's discretion.

Where possible, members should direct questions to the chief executive and/or the relevant staff member prior to the meeting at which the matter will be discussed.

### **17.4 Questions of clarification**

At any point of 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 the particular stage the debate has reached.

### **17.5 Members may speak only once**

A member may not speak more than once to a motion at a meeting of the Council, a committee or community board except with permission of the chairperson.

### **17.6 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.

#### **17.7 Seconders may reserve speech**

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

#### **17.8 Speaking only to relevant matters**

Members may speak to any matter before the meeting, to a motion or amendment which they propose, or to raise a point of order arising out of debate, but not otherwise. 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.

#### **17.9 Restating motions**

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

#### **17.10 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.

#### **17.11 Objecting to words**

When a member objects to any words used by another member in a speech and wants the minutes to record the objection, the member 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.

#### **17.12 Right of reply**

The mover of an original motion, but not an amendment to the motion, has a right of reply. The mover must confine his or her reply strictly to answering previous speakers and must 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.

However, the original mover may reserve his or her right of reply and 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 has the right of reply before the motion or amendment is put to the vote.

### 17.13 No other member may speak

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

- (a) after the mover has started his or her reply;
- (b) after the mover has indicated he or she wants to forego this right;
- (c) 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.

### 17.14 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 community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

### 17.15 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.

## 18 Motions and Amendments

### 18.1 General procedure for speaking and moving motions

- (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).
- (b) Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- (c) The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- (d) 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.
- (e) The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.



## **18.2 Procedure if no resolution reached**

If no resolution is reached the chairperson may accept a new motion to progress the matter under discussion.

## **18.3 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.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

## **18.4 Motions in writing**

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

## **18.5 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.

## **18.6 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.

## **18.7 Amendments to be relevant and not direct negatives**

Every proposed amendment must be relevant to the motion under discussion. A proposed amendment will not be accepted if the chairperson rules it is similar to an amendment that has already been lost. Any amendment which, if carried, would have the same effect as defeating the motion, is a direct negative and is not allowed.

## **18.8 Foreshadowed amendments**

The meeting must dispose of an existing amendment before a new amendment can be dealt with. However, members may notify the chairperson that they intend to move further amendments and the nature of their content.

## **18.9 Lost 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 speak to it, and may move or second a further amendment.

### 18.10 Carried 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 speak to the substantive motion, and may move or second a further amendment to it.

### 18.11 Where a motion is lost

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

### 18.12 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the chairperson the mover cannot withdraw it without the consent 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.

### 18.13 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started his or her right of reply in relation to the motion; and
- (b) the chairperson has started putting the motion.

## 19 Revocation or alteration of resolutions

### 19.1 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 a meeting. 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 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.

### **19.2 Revocation must be made by the body responsible for the decision**

If a resolution is made under delegated authority by a committee, 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.

If the committee or community board that made the resolution has been disestablished, the committee that now has the corresponding delegated responsibility must consider the matter.

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

### **19.3 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 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 six months.

### **19.4 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 where, 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.

### **19.5 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.



### **19.6 Revocation or alteration by recommendation in report**

The Council, on a recommendation in a report by the chairperson, chief executive, or any committee 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 2 clear working days' notice of any meeting that will consider a revocation or alteration recommendation, with details of the proposal to be considered.

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

## **20 Procedural motions**

### **20.1 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.

### **20.2 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 meeting should move directly to the next item, replacing the item under discussion;
- (e) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (f) that the item being discussed should be referred (or referred back) to the relevant committee or community board.

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

### **20.3 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.

#### **20.4 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.

#### **20.5 Remaining business at adjourned meetings**

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

#### **20.6 Business referred to the Council, committee or community board**

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

#### **20.7 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.

### **21 Points of order**

#### **21.1 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).

#### **21.2 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 – bringing disorder to the attention of the chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or Council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

### 21.3 Contradictions

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

### 21.4 Point of order during division

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

### 21.5 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.

## 22 Notices of motion

### 22.1 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 **and accepted** by the chief executive, he or she must give members notice in writing of the intended notice of motion at least 2 clear working days before the date of the meeting at which it will be considered.

### 22.2 Refusal of notice of motion

The chief executive, after consulting the chairperson, may refuse to accept for inclusion on an agenda any notice of motion which, in the opinion of the chief executive:

- (a) is not related to the role or functions of the Council or the relevant committee or community board;
- (b) is inappropriate, or states fact or opinion that cannot form part of an effective resolution;
- (c) is concerned with matters that are already on the agenda, or the subject of reports or recommendations from a committee to the Council or a community board;
- (d) does not meet the requirements of the Local Government Act 2002 in respect of decisions of the type sought by the notice of motion;
- (e) may have significant funding and/or reputational risk for the Council;
- (f) is better dealt with under 6.11 or 6.12 of these Standing Orders.

If the chief executive 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 6.11 or 6.12. 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.

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 of motion is restricted to a request for a report from staff.

For the sake of clarity, it is for the chief executive to determine whether or not a proposed notice of motion is accepted, or if an alternative approach is possible.

### **22.3 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.

### **22.4 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.

### **22.5 When notices of motion lapse**

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

### **22.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee or community board may 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 the committee or community board, must have the right to move that motion and have the right of reply, as if a committee or community board member.



## 22.7 Repeat notices of motion

The chairperson may direct the chief executive to refuse any notice of motion that the chairperson considers:

- ☐ Has substantially the same purpose and effect as a notice of motion rejected within the previous six months, unless one-third of all members of the Council, committee, or board have signed the new notice;
- ☐ Is to the same effect as a notice of motion that has been considered twice and rejected within the previous six months; and/or
- ☐ Is to the same effect as a notice of motion already adopted and which still stands. .

## 23 Minutes

### 23.1 Minutes to be evidence of proceedings

The Council, its committees, and community boards must keep minutes of their proceedings. When confirmed by resolution at a subsequent meeting these minutes will be prima facie evidence of the proceedings they relate to.

*cf. 28 Schedule 7, LGA 2002.*

### 23.2 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) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) 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;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;

- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

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

### **23.3 No discussion on minutes**

The only topic that may be discussed in respect of the minutes at a subsequent meeting is their correctness.

### **23.4 Minutes of last meeting before election**

The chief executive and the relevant chairpersons must confirm the minutes of the last meeting of the Council, its committees and community boards before the next election of members.

## **24 Minute books**

### **24.1 Inspection**

The minutes of the Council, committees and community boards must be kept by the chief executive and be open for inspection in accordance with the LGOIMA and the LGA 2002. This does not preclude the use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

### **24.2 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 a request for official information in terms of the Local Government Official Information and Meetings Act 1987.



### Referenced documents

- ☐ Commissions of Inquiry Act 1908
- ☐ Sale and Supply of Alcohol Act 2012
- ☐ Crimes Act 1961
- ☐ Financial Markets Conduct Act 2013
- ☐ Local Authorities (Members' Interests) Act 1968 (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
- ☐ Resource Management Act 1991 (RMA)
- ☐ Secret Commissions Act 1910
- ☐ Dog Control Act 1996

## Appendix 1: Grounds to exclude the public

The Council, a Committee or Community Board 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; or
  - (c) 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
  - (d) 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; or
  - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
  - (h) Maintain legal professional privilege; or
  - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or

- (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, 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; or
    - 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
  - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

## Appendix 2: Sample resolution to exclude the public

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

☐ Name of report(s) .....

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	Plain English reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1	Put in name of report	Good reason to withhold exists under Section 7.	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. Section 48(1)(a)
2		Good reason to withhold exists under Section 7.	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. Section 48(1)(a)
3		Good reason to withhold exists under Section 7.	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. Section 48(1)(a)

4 <i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>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/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</p> <p>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

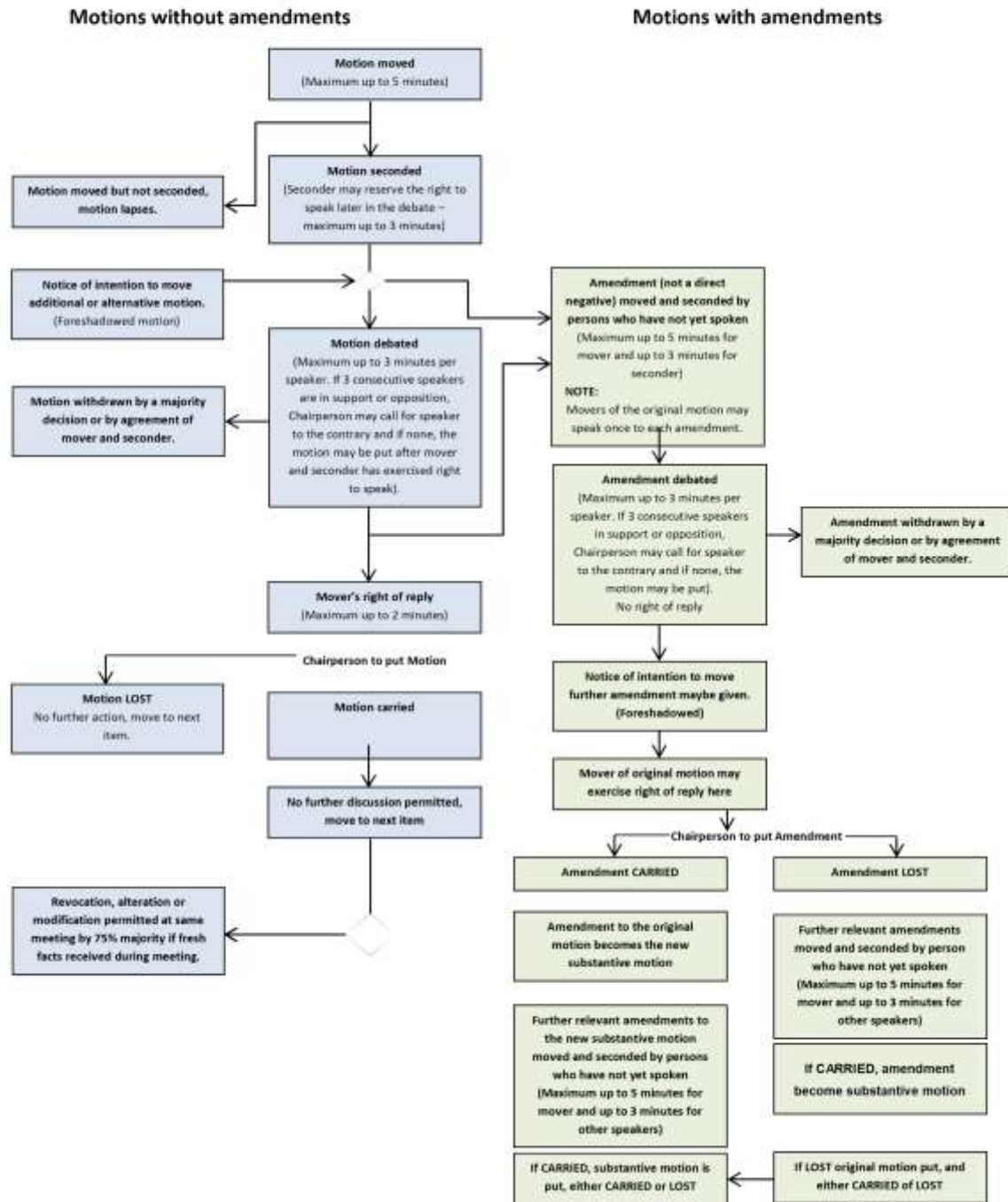


Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of 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 (Schedule 7(2)(ba))
	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 - (i) would 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) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

THAT XXXX of XXXX be permitted to remain at this meeting, after the public has been excluded for item xx of the public excluded agenda, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.



### Appendix 3: Motions and amendments (option A)



Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is second 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 second order 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 5: 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 6: 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

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

Major items not on the agenda may be dealt with at that meeting if so resolved by the members 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 Council, Committee or Community Board 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

The Chairperson, by report, has the right to direct the attention of the meeting to any matter or subject within the role or function of the Council, Committee or Community Board.

### Chairperson's recommendation

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

The Chairperson, or any other person presiding at any Council or Committee meeting has a deliberative vote and, in the case of equality of votes does not have a casting vote, where standing orders make such



provision. Community Boards shall each decide if the Chairperson, or any other person presiding at a meeting has a casting vote, along with a deliberative vote in the case of equality of votes. .

#### **Motion in writing**

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

#### **Motion in parts**

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

#### **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 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 meeting, 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**

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**

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 meeting, 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, including vacancies.

#### **Revocation or alteration of previous resolution**

A Chairperson may recommend in a report to the meeting the revocation or alteration of all or part of any resolution previously passed, and the 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 meeting;
- (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**

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**

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**

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**

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

#### **Priority of speakers**

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

### **Minutes**

Minutes and proceedings of every meeting will be confirmed by resolution at a subsequent meeting. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting prior to the next election of members.

### **Questions of speakers**

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**

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**

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**

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**

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

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
- (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
  - 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 7: Workshops

### Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) resolution
- (b) the Mayor
- (c) a committee Chairperson or
- (d) the chief executive.

### Process for calling workshops

The chief executive will give at least 24 hours notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.





## 9. Code of Conduct

Reference: 17/500537

Contact: Ian Thomson

ian.thomson@ccc.govt.nz

941 6469

### 1. Purpose of Report

- 1.1 To recommend to the Board that it adopts the Code of Conduct attached to the report, replacing its current Code of Conduct.

### 2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receives the information in the report.
2. Adopts the Code of Conduct attached to the report, replacing the Board's current Code of Conduct.

### 3. Key Points

- 3.1 Clause 15, schedule 7 of the Local Government Act (LGA) 2002 requires the Council to adopt a Code of Conduct.
- 3.2 This must set out:
  - 3.2.1 understandings and expectations about the manner in which members may conduct themselves while acting in their capacity as members, including:
    - their behaviour towards one another, staff, and the public; and
    - the disclosure of information, including documents provided to elected members in their capacity as elected members, and which relate to how the Council gives effect to any provision of the LGA 2002.
- 3.3 The Code must also contain a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law applicable to members.
- 3.4 The Mayor and Councillors must comply with the Council's Code of Conduct, although a breach of the Code does not constitute an offence under the Act (cl. 15, schedule 7 LGA 2002).
- 3.5 The Council adopted a new Code of Conduct on 4 May 2017.
- 3.6 At the same time the Council requested that each Community Board replaces its current Code of Conduct with the Code of Conduct adopted by the Council.
- 3.7 The previous Code had been due for an overhaul, particularly with regard to the process for dealing with an alleged breach. In October 2016, LGNZ distributed to all local authorities a template for a new Code. Staff reviewed the template and made a number of changes they believed best suited the Council's needs. Their draft, and an explanatory note, were provided to all elected members (the governing body and Community Boards) in November 2016.
- 3.8 As a result of that, a number of comments were received (including from Community Boards) and, where appropriate, reflected in the document adopted by the Council.

- 3.9 The LGA requirement to adopt a Code of Conduct does not apply to Community Boards (s. 54(2). However the Community Boards in the Christchurch City Council district all adopted the Council's previous Code of Conduct.
- 3.10 This is important for consistency across the organisation. For example some Council staff, as part of their employment by the Council, have regular contact with Community Board members. Comments made about staff by those members may create the same issues as comments made by Council members, and should be treated the same.
- 3.11 Also, the positive aspects of having a Code of Conduct apply as much to a Community Board as they do to the Council, particularly with regard to the community's interest in the Boards' governance practices.
- 3.12 It is recommended therefore that the Banks Peninsula Community Board adopts the Code of Conduct attached to this report, replacing the Board's current Code of Conduct.
- 3.13 Adopting a new Code of Conduct for the Council requires a vote of at least 75% of members present (cl. 15(7), schedule 7 LGA 2002). It is recommended this should apply to the Board's vote as well.

## Attachments

No.	Title	Page
A <a href="#">↓</a>	Code of Conduct - Community Board Draft - May 2017	97

## Signatories

<b>Author</b>	Ian Thomson - Senior Legal Advisor, Governance
<b>Approved By</b>	Rob Goldsbury - Head of Legal Services Lester Wolfreys - Head of Community Support, Governance and Partnerships Mary Richardson - General Manager Customer and Community



**[Name] Community Board**

**DRAFT Code of Conduct**

Adopted ..... 2017

DRAFT

Trim 17/503992

[Community Board] Code of Conduct

2



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DRAFT

## 1. Introduction

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

- ☐ enhance the effectiveness of the Council and the provision of good local government of the Council's district ;
- ☐ ensure effective decision-making and community engagement;
- ☐ promote the credibility and accountability of the Council to its communities; and
- ☐ develop a culture of mutual trust, respect and tolerance between the members of the Council and between the members and management.

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

Where referred to in the Code:

The "governing body" consists of the mayor and members elected in accordance with the Local Electoral Act 2001 and responsible, and democratically accountable for, the decision-making of the Council.

A "community board" consists of the members of each board elected in accordance with the Local Electoral Act 2001, and members of the governing body appointed to that board.

The code applies to all members of the governing body and community boards, with any modifications necessary to reflect, where appropriate, that a reference to the Council is also a reference to a community board.

## 2. Scope

The Code has been adopted in accordance with clause 15 of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members of the Council and community boards. 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 Council to give effect to its statutory responsibilities.

For the purpose of ensuring consistency across the organisation members elected to community boards are requested to adopt this code without amendments.

Once it is adopted 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 of the Council. When an amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

### 3. Values

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

1. **Public interest:** members will serve the best interests of the people within their community, or district and discharge their duties conscientiously, to the best of their ability.
2. **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.
3. **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 behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **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.
6. **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.
7. **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.
8. **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.

#### 3.2 Values

Members also agree to reflect the following shared values in their dealings with each other in order to 'respect the contest of ideas', 'balance the dual focus', cultivate and strengthen trust amongst members ('trust the team').

1. **Respect:** for each other and the perspectives, ideas, and experience members bring, consistently maintaining professionalism (including: investing energy preparing for, punctually attending, giving full attention to, and meaningfully contributing to, meetings);
2. **Trust:** to ensure members can have confidence in the honesty and integrity of each other, and an expectation that confidentiality will be maintained when required;



3. **Empathy:** for other members, expressed through being supportive, offering encouragement, and being prepared to offer forgiveness – we all make mistakes;
4. **Commitment:** members will consistently seek to balance the ward view and the city-wide perspective, and take collective responsibility for the decisions reached by the Council;
5. **Effective Communication:** members will engage and communicate through inclusive, assumption-free, informed, and reasoned debate, and outcome-focused deliberations, in order to achieve efficient decision-making, while valuing feedback between members.

The shared values set out in clause 3.2 are separate to those in 3.1. A breach of shared values will not constitute a breach of this Code of Conduct.

## 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 of the Council includes:

- ☐ representing the interests of the people of the Council's district;
- ☐ 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.

The role of a community board includes:

- ☐ representing, and acting as an advocate for, the interests of its community;
- ☐ considering and reporting on all matters referred to it by the Council, or any matter of interest or concern to the community board;
- ☐ maintaining an overview of services provided by the Council within its community;
- ☐ preparing an annual submission to the Council for expenditure within its community;
- ☐ communicating with community organisations and special interest groups within its community;
- ☐ undertaking any other responsibilities that are delegated to the board by the Council.

### 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 Council;
- ☐ maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council ;

- ☐ 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.

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## 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;
- ☐ 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 the 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 Council.

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 the 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 the media 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.

Paragraphs 6.1 and 6.2 deal with the rights and duties of elected members when speaking to the media on behalf of the Council or on their own behalf.

### 6.1 Media contact on behalf of the Council

- ☐ the mayor is the first point of contact for an official view of the governing body on any issue, unless delegations state otherwise. Where the mayor is absent requests for comment will be referred to the deputy mayor, relevant committee chairperson, or community board chairperson;
- ☐ the mayor may refer any matter to the relevant committee chairperson, community board chairperson, or to the chief executive for their comment;
- ☐ A community board chairperson is the first point of contact for an official view in relation to local matters where decision-making, public consultation, or advocacy is the responsibility of the community board.
- ☐ no other member may comment on behalf of the Council without having first obtained the approval of the mayor or deputy mayor, relevant committee chairperson, or community board chairperson.

### 6.2 Media comment on a member's own behalf

In this paragraph 'media' includes 'social media' such as Facebook, Twitter, or other electronic means of communication.

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 governing body, committee, or community board.
- ☐ Where an elected member is making a statement that is contrary to a governing body, committee or community board decision or Council policy, the member must not state or imply that his or her statement represents a majority view.

- ☐ media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticize, or compromise the impartiality or integrity of staff; or be derogatory in respect of another elected member. 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.

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## 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 receive information that they need to treat as confidential. This is information that staff will have judged should not be publicly available for any one of more of the reasons set out in sections 6 and 7 of the Local Government Official Information and Meetings act 1987. Often the information is either commercially sensitive or is personal to a particular individual or organisation.

The information will be clearly identified as being confidential. Members must not disclose or use confidential information for any purpose other than the purpose for which the information was supplied to them.

Also, members must not disclose to any person, other than another member, Council staff, or person authorised by the chief executive, any information that has been, or will be, presented to a meeting from which members of the public are excluded, or it is proposed they be excluded.

Members may be offered, in their capacity as elected members, information from other sources on condition it remains confidential. In this situation, the provider of the information must be advised that if the information is concerned with a function or activity of the Council, the member has a duty to disclose confidential information to other members, Council staff and/or the chief executive. The offer should be declined if that duty is likely to be compromised.

An example may be an alleged misuse of funds provided to a community group for a project.

Any failure by members to act in the manner described above may constitute a breach of this Code. Members should also be aware that such failure will impede the performance of the Council by inhibiting information flows and undermining public confidence in the organisation. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation.

### 7.2 Use of Council Resources

Digital resources (for example mobile phones, digital devices, internet and email services) may be provided to elected members to support the efficient and effective performance of their duties. Reasonable personal use of these resources is allowed, provided such use does not compromise the Council's systems, nor breach the general standards expected of a responsible digital citizen. Put simply, being a responsible digital citizen means respecting yourself, protecting yourself, respecting others, protecting others, respecting intellectual property, and protecting intellectual property.

## 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 1968 (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 Council 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 and/or the chief executive may contact the Office of the Auditor General for guidance as to whether a member has 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

The mayor and councillors (together referred to in this section as councillors) shall annually make a declaration of interest, to be recorded in the Register of Pecuniary and other Specified Interests adopted by the Council in 2013. This is based on the model used by members of parliament.

The purpose of the Register is to provide transparency in the governance of the Council, and to increase public confidence in the democratic process. It is not intended to be a means by which the individual value or specific location of interests can be assessed.

Details of the Register are set out in the 'Register of Interests' page of the Council's website. The information required from councillors includes:

- ☐ companies or other entities in which they have an interest (whether financial, as an owner, or as a member of the governing body);
- ☐ employment;
- ☐ trusts in which councillors are trustees and/or beneficiaries;
- ☐ organisations or trusts that receive (or seek) funding from the Council or a community board and in which councillors may have an interest (whether financial or as a member of the governing body);
- ☐ interests in property (whether as owner, lessee, or as beneficiary);
- ☐ debtors and/or creditors, if the amount is greater than \$50,000;
- ☐ debts greater than \$500 that are owed by councillors and paid by third parties;
- ☐ payments received, and not previously declared for activities in which councillors are involved (such as directors' fees, speaking engagements, and book royalties).

The Council has appointed an independent person as Registrar of Pecuniary Interests to assist with the completion of returns, receive returns, and arrange for the Register to be posted on the Council's website. The Registrar will also receive and deal with any complaints raised by councillors about other councillors not complying with their obligations to complete returns.

If the matter cannot be resolved by the Registrar to the satisfaction of the affected parties the member making the complaint may raise it as a complaint made against another member under para. 12.2 of this Code.

**Please note:** where a councillor's circumstances change he or she must ensure that the Register of Pecuniary and other Specified 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 \$500 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 fulfil their Declaration of Office and contribute to the good governance of the Council's district.

## 12. Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)). Any member, or the chief executive, either for him or herself or on behalf of an employee, 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]. All complaints will be considered in a manner that is consistent with the principles in paragraph 12.1.

Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

If a member of the public makes a written complaint about the behaviour of a member, the matter will be dealt with in accordance with the complaints process set out in 12.2 as if it was a complaint made by a member (the Mayor or Deputy Mayor) against another member.

### 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 under this Code must be made in a timely manner and in writing to the following recipients:

- ☐ If made by a member against another member - to the mayor or, if the mayor is the subject of the complaint (or is the complainant) to the deputy mayor;
- ☐ If made by a member against an employee - to the chief executive;
- ☐ If made by the chief executive, and/or on behalf of an employee, against a member - to the mayor or, if the mayor is the subject of the complaint, to the deputy mayor.

Any complaints by an elected member against an employee must be made in a timely manner and in writing to the chief executive, who will deal with the matter in accordance with the Council's Employee Code of Conduct.

The recipient will determine, in his or her discretion, whether or not a complaint has been made in a timely manner.

A complaint may be made as a result of a single incident or as the culmination of a series of previous incidents.

All complaints will be discussed initially by the mayor, or deputy mayor, and the chief executive. They will determine, in a way that is fair to and includes the affected parties, whether or not the complaint can be resolved at this point. At their discretion the services of an external facilitator may be engaged.

The outcome of this initial process may be that the parties reach an informal agreement to resolve the complaint, in which case no further action is required. A written record of the agreement must be kept.

If the mayor, or deputy mayor, and the chief executive decide that on the face of it there is a case to answer, and the parties have been unable to settle the matter informally, the chief executive must forward the complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

The independent investigator will be selected from a panel prepared at the start of each triennium by the chief executive, in consultation with the mayor.

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

### **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.



### 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 may require one of the following:

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

The Council 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.30 of the 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.

The 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.

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## 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](http://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 they 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 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 the member is 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 the member.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify a member 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 be 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 or 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 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 member 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 employee 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 the 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 employee 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 the 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 the 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.

#### **Health and Safety at Work Act 2015**

Elected members have a role to play in making sure the Council operates in a safe and healthy environment. The well-being of other members and Council employees must be a primary concern.

### **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 the Council 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, the Council has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the Council ; or
- c) a liability has been unlawfully incurred by the Council ; or
- d) the Council 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

If the mayor, or deputy mayor, and the chief executive decide that on the face of it there is a case to answer, and the parties have been unable to settle the matter informally, the chief executive must forward 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:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; or
4. 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 the investigators view, fails to meet the test of materiality.

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

1. 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;
2. 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 mayor (or the deputy mayor), and/or the chief executive;
- ☐ 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 advise 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, 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

The investigator's report will be considered by the full Council, excluding the complainant, respondent and any other 'interested' members.

The Council 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.

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.



## 10. Christchurch City Council Future of Heritage Survey

Reference: 17/479219

Contact: Amy Hart

Amy.Hart@ccc.govt.nz

941 5640

### 1. Purpose of Report

- 1.1 The purpose of this report is for the Board to prepare responses to the Council's Future of Heritage Survey.

### 2. Staff Recommendations

That the Banks Peninsula Community Board:

1. Receive the information in the report.
2. Prepare draft responses to the Council's Future of Heritage Survey.
3. The Board's final responses by approved and submitted by the Chairperson.

### 3. Key Points

- 3.1 The Council is looking at what heritage means to us in Christchurch and Banks Peninsula. The Board advised at its 8 May 2017 meeting that it would like to complete the Council's Future of Heritage Survey (**attached** and at link below). The deadline for submission of the survey is 22 May.  
<https://ccc.govt.nz/the-council/have-your-say/consultations/show/15>
- 3.2 A report including a summary of feedback and staff recommendations on the best mechanism to protect and celebrate heritage will be presented to the Social and Community Development Committee and Community Board Chairs meetings in mid-2017. The report will then be considered by the Council. Any specific actions and implementation will be worked through with heritage stakeholders, groups and individuals following the engagement process.

### Attachments

No.	Title	Page
A <a href="#">↓</a>	Future of Heritage Survey	128

### Signatories

Author	Amy Hart - Governance Support Officer
Approved By	Liz Beaven - Community Board Advisor

### The Future of Heritage - Survey

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**1. What heritage do you value?**

**a. Which of the following do you consider to be of heritage value?**

Tick as many options as you wish.

- ☐ Municipal building
- ☐ Local history
- ☐ House
- ☐ Shop
- ☐ Traditional stories and oral history
- ☐ Graveyard
- ☐ River
- ☐ Streetscape
- ☐ Bridge
- ☐ Statue
- ☐ Traditional pā sites
- ☐ Arts Centre
- ☐ Urupa
- ☐ Family history
- ☐ Retaining wall
- ☐ Interiors of buildings
- ☐ Archaeological site
- ☐ Mahinga Kai
- ☐ Family photographs
- ☐ Family Bible
- ☐ Marae
- ☐ View



- ☐ Wharf
- ☐ Landscape
- ☐ Trail/walk
- ☐ Trees
- ☐ Park
- ☐ Geographical feature
- ☐ Traditional music and dance
- ☐ Place of spiritual worship
- ☐ Trams
- ☐ Other

Please specify

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**1b. What types of heritage are most important for your community, family or business?**

**Please select 3 options**

- ☐ Buildings
- ☐ Moveable (Objects / transport)
- ☐ Archaeological
- ☐ Genealogy / Family history
- ☐ Traditions
- ☐ History / stories (including local and oral history)
- ☐ Monuments / memorials
- ☐ Landscape / open spaces / vegetation
- ☐ Māori / Tangata Whenua
- ☐ Heritage Areas
- ☐ Infrastructure (bridges, road layout)
- ☐ Multicultural / Ethnic minorities

☐ Modern heritage (post 1945)

☐ Industrial heritage

☐ Other

Please Specify

**1c. What types of heritage do you feel are not as widely recognised or celebrated at present?**

**Please select 3 options**

☐ Buildings

☐ Moveable (objects / transport)

☐ Archaeological

☐ Genealogy / family history

☐ Traditions

☐ History / stories (including local and oral history)

☐ Monuments / memorials

☐ Landscape / open spaces / vegetation

☐ Māori / Tangata Whenua

☐ Heritage areas

☐ Infrastructure (bridges, road layout)

☐ Multicultural / Ethnic minorities

☐ Modern heritage (post 1945)

☐ Industrial heritage

☐ Other

Please specify

**2. Why do you value heritage?**

**a. What do you think are the main benefits of heritage?**

Please select 3 options

- ☐ Sustainability
- ☐ Community
- ☐ Business
- ☐ Family use
- ☐ Emotional
- ☐ Personal
- ☐ Traditions
- ☐ Landmark
- ☐ Use
- ☐ Point of difference
- ☐ Financial
- ☐ City Identity
- ☐ Character
- ☐ Memories
- ☐ Sensory
- ☐ Tourism
- ☐ Cultural
- ☐ Belonging
- ☐ Sense of place
- ☐ Other

Please specify

2b. Please tell us about a personal experience of a way heritage has benefited you, your community or business.



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**3. How do we celebrate heritage?**

**3a. Which of these heritage organisations and events have you heard of?**

Tick as many options as you wish

- ☐ Heritage New Zealand Pouhere Taonga (HNZPT – formerly Historic Places Trust Pouhere Taonga)
- ☐ Department of Conservation (DOC)
- ☐ Christchurch City Council Heritage Team
- ☐ Christchurch Civic Trust
- ☐ Akaroa Civic Trust
- ☐ ICOMOS New Zealand (International Council of Monuments and Sites)
- ☐ Heritage Week
- ☐ Historic Places Canterbury
- ☐ Ministry of Culture and Heritage
- ☐ Other

Please specify

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**3b. What things would you like to see more of to celebrate and promote heritage in your community?**

**Please select 3 options**

- ☐ Tours
- ☐ Talks / seminars
- ☐ Trails and walks
- ☐ Plaques
- ☐ Interpretation boards
- ☐ Open days

- ☐ Workshops
- ☐ Education / training
- ☐ Markets
- ☐ Exhibitions / displays
- ☐ Performances
- ☐ Mobile apps
- ☐ Virtual reality
- ☐ New technology
- ☐ Web content
- ☐ Competitions
- ☐ Social media
- ☐ Parades
- ☐ Tours / drives
- ☐ Practical demonstrations
- ☐ Historical research
- ☐ Publications / books / brochures
- ☐ Interpretation through design – e.g. inscriptions on footpath
- ☐ Use of salvaged heritage material in new buildings
- ☐ Storytelling
- ☐ Opportunities to tell / share personal history and memories
- ☐ Activities for children and young people
- ☐ Multicultural activities
- ☐ Film and photography
- ☐ Other

Please Specify



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**4. How do we retain our heritage?**

**4a. Which of these heritage protection measures and incentives have you heard of?**

Tick as many options as you wish

- ☐ Archaeological Authority
- ☐ Council Heritage Incentive Grant
- ☐ Conservation covenant
- ☐ Resource consent
- ☐ District Plan rules
- ☐ Council Central City Landmark Heritage Grant
- ☐ Lotteries funding
- ☐ Heritage New Zealand Pouhere Taonga Grant
- ☐ Conservation Plan or Report
- ☐ Other

Please specify

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**4b. Do you feel heritage is well-protected or at risk since the Canterbury Earthquakes?**

- ☐ Protected
- ☐ About right
- ☐ At risk
- ☐ Don't know

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**4c. What do you feel are the most important tools to protect and retain heritage?**

Please select 3 options

- ☐ Regulation/legislation
- ☐ Funding

- ☐ Advice and help
- ☐ Education to increase understanding and appreciation
- ☐ Tax breaks / rates relief
- ☐ Financial incentives
- ☐ Information
- ☐ Exemptions from rules and requirements

Please specify

- ☐ Encouraging ongoing use
- ☐ Allowing changes to heritage fabric
- ☐ Heritage conservation principles / best practice
- ☐ Greater acknowledgement and recognition of benefits of heritage
- ☐ Other

Please specify

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**4d. What do you see as the biggest barriers to heritage retention?**

- ☐ Lack of public awareness and appreciation
- ☐ Lack of funding
- ☐ Difficult to find valid adaptive reuse
- ☐ The need for earthquake strengthening
- ☐ Heritage conservation principles / best practice
- ☐ Regulation / Legislation
- ☐ Lack of acknowledgement of the community value of heritage
- ☐ High cost
- ☐ Natural disasters
- ☐ Building code requirements

☐ Other

Please specify

#### 5. Looking to the Future

a. Considering the above, what heritage legacy would you like Christchurch to leave for future generations?



b. What three things need to happen to achieve this legacy?



c. Is there anything else you wish to add?



## 11. Elected Member Information Exchange

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This item provides an opportunity for Board Members to update each other on recent events and/or issues of relevance and interest to the Board.

## 12. Question Under Standing Orders

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Any member of the local authority may at any meeting of the local authority at the appointed time, put a question to the Chairperson, or through the Chairperson of the local authority to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the agenda, nor arises from any committee report or recommendation submitted to that meeting.

Wherever applicable, such questions shall be in writing and handed to the Chairperson prior to the commencement of the meeting at which they are to be asked.