

QLDC Council  
12 December 2019

Report for Agenda Item | Rīpoata moto e Rāraki take 8

Department: Corporate Services

Title | Taitara New Council Standing Orders

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to present a new set of Standing Orders to Council for consideration.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

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

Prepared by:



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28/11/2019

Reviewed and Authorised by:



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28/11/2019

## CONTEXT | HOROPAKI

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- 1 Under the Local Government Act 2002 Schedule 7 clause 27(1), a local authority must adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene the Act, the Local Government Official Information and Meetings Act 1987, or any other Act.
- 2 Existing Standing Orders were adopted 15 December 2016 (revisions made 9 March 2017 and 31 January 2019).
- 3 After the election of a new Council in October 2019, a new set of Standing Orders is presented for consideration.
- 4 The new Standing Orders are based on guidance from Local Government New Zealand and are consistent with those used throughout Aotearoa New Zealand.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 5 Key changes from the current version of Standing Orders are outlined below:
  - a. Additional clarifications within the 'Definitions';
  - b. Alignment of the reference to 'Working day' in keeping with changes to the Local Government Meetings and Official Information Act 1987;
  - c. Clarification that the Mayor is a member of every committee unless otherwise specific legislation provides otherwise;
  - d. Introduction of 'Emergency meetings' and associated processes (which align with those of extraordinary meetings);
  - e. Introduction of the provision to require speakers at public forum to pre-register;
  - f. Amendment to the maximum number of speakers in the default allocated time for public forum and the discretionary powers of the Chairperson to limit the number of speakers on a topic;
  - g. Clarification that the Chairperson must decline to hear matters in public forum or by deputation relating to the conduct of an elected member being considered in relation to the Code of Conduct;
  - h. Explicit reference to maintain respectful behaviour in keeping with the Code of Conduct by members, staff or the public;
  - i. Amendments to the process of recommending amendments to motions, and motions to close of adjourn debate;
  - j. Explicit acknowledgement that minutes may be kept in electronic copy with electronic signatures, and the methods for maintaining accurate records;

- k. Updates to sample resolutions to exclude the public (Appendix 2);
  - l. Updates to options for motions and amendments (Appendix 3);
  - m. Introduction of requirement to maintain a record of Council and Committee workshops (Appendix 11);
  - n. Removal of Appendix 14 (Appendix 12 in current Standing Orders) 'Additional Meeting Procedures for the Elected Member Conduct Committee', as these are covered within the Code of Conduct and the Terms of Reference for the Elected Member Conduct Committee.
- 6 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

7 Option 1 Adopt the new set of Standing Orders

*Advantages:*

- 8 Council will be aligned with best practice as defined by Local Government New Zealand.
- 9 Council will ensure compliance with the requirement for Standing Orders to fully comply with the Local Government Act 2002, Local Government Meetings and Official Information Act 1987, and other laws.
- 10 Greater clarification on processes for public forum and deputations.
- 11 Explicit endorsement of electronic record keeping to ensure greater public access.
- 12 No duplication or potential conflict with the Code of Conduct and Elected Member Conduct Committee Terms of Reference.

*Disadvantages:*

- 13 Minor amendments to Governance operational procedures.

14 Option 2 Status Quo

*Advantages:*

- 15 Council remains compliant with the requirement in the Local Government Act to have Standing Orders as the current set does not expire.
- 16 No amendments to Governance operational procedures.

*Disadvantages:*

- 17 Council will not be aligned with best practice as defined by Local Government New Zealand

- 18 Council will not ensure compliance with the requirement for Standing Orders to fully comply with the Local Government Act 2002, Local Government Meetings and Official Information Act 1987, and other laws.
- 19 Duplication or potential conflict with the Code of Conduct and Elected Member Conduct Committee Terms of Reference.
- 20 This report recommends **Option 1** for addressing the matter because it is believed we should be aligning with sector best practice as defined by Local Government New Zealand.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 21 This matter is of low significance, as determined by reference to the [Council's Significance and Engagement Policy](#) because adoption of Standing Orders is necessary to comply with the Act.
- 22 Consultation is not required on this matter.

### > MĀORI CONSULTATION | IWI RŪNANGA

- 23 No specific consultation with Iwi is required.

## RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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- 24 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 – Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 25 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by maintaining statutory compliance.

## FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

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- 26 None

## COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

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- 27 The following Council policies, strategies and bylaws were considered:
  - Not applicable - as the requirement to adopt Standing Orders is one of the Local Government Act 2002

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

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

## LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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29 The recommended option:

- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

## ATTACHMENTS | NGĀ TĀPIRIHANGA

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***Circulated separately:***

- A Proposed Standing Orders
- B Proposed Standing Orders (tracked changes)