

Standing Orders: Update and options

Meeting: Council Briefing
Date of meeting: 05 February 2020
Reporting officer: Lisa Hong, Governance Advisor

Purpose/Ngā whāinga

To receive updates on the new model Standing Orders and give direction on the optional provisions.

Context/Horopaki

Standing Orders is a set of rules that apply to council and committee meetings, to enable Council to make decisions in a transparent, inclusive and lawful way. The Local Government Act 2002 (LGA) requires councils to adopt Standing Orders; and it is recommended that Standing Orders be reviewed at the start of the new triennium. The last-adopted Standing Orders apply until a new one is adopted. For Kaipara District Council, the version adopted in 2016 still applies.

Following the 2016 elections, Kaipara District Council adopted the model Standing Orders with some amendments. The model Standing Orders was developed by Local Government New Zealand (LGNZ) and published in 2016. This new model Standing Orders was written in plain English and compliant with legislation and modern best practice.

LGNZ published an updated version in 2019. This update incorporates minor wording changes for clarification and, significantly, the newly-enacted Local Government Regulatory Systems Amendment Act 2019 (LGRSAA). The LGRSAA amended a number of relevant statutes, including the LGA and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The tracked changed version of the 2019 model Standing Orders is attached to this report as **Attachment A**. LGNZ's guide is attached as **Attachment B**. Standing Orders (SO) numbers below refer to the numbering in Attachment A.

Discussion/Ngā kōrerorero

New provisions

Emergency meetings (SO 8.5—8.7)

Section 26 of LGRSAA provides for a new type of meeting called emergency meetings. The key differences between extraordinary and emergency meetings are outlined in Table 1, below:

Table 1 – Extraordinary versus emergency meetings

	Extraordinary	Emergency
Called by	<ul style="list-style-type: none"> – A resolution of Council – Requisition from the Mayor – Requisition from not less than one-third of Council 	<ul style="list-style-type: none"> – Mayor – If the Mayor is unavailable, the Chief Executive
Process	Notice in writing of time and place and general business given by the Chief Executive	By whatever means is reasonable by the person calling the meeting or on behalf
Timeframe	At least three days before the meeting unless by resolution and not less than 24 hours before the meeting	Not less than 24 hours before the meeting

Emergency meetings may be called for matters that 'require a meeting to be held at a time earlier than is allowed by the notice requirements of [extraordinary meetings] and it is not practicable to call the meeting by resolution' (s11A(1), Schedule 7, LGA).

Chairperson may recommend amendment (SO 23.6)

The inclusion of a clause to enable the Chairperson to move an amendment motion when moving the adoption of a recommendation from a committee (SO 23.6).

Keeping a record (SO 29)

The Chief Archivist issued Authority to retain public records in electronic form only under Section 229(2) of the Contracts and Commercial Law Act 2017.

Internet site and public notice (SO definitions)

Section 5 of LGRSAA brings the definitions of the 'Working Day' in LGA in line with LGOIMA. The exclusion days in Christmas and New Year is 20 December to 10 January in both Acts (previously 25th and 15th in LGA).

Sections 14 and 29 of the LGRSAA adds the internet site as a mechanism for public notice in LGA and LGOIMA. Public notice now includes the Council's website as well as the local newspapers.

Optional provisions

In the model Standing Orders, there are some optional provisions. Council must determine which option to include for this triennium from the options as described below.

Leave of absence (SO 13.3)

Council may delegate the Mayor to grant leave of absence.

Audio visual link (SO 13.7—13.16)

Council can choose to provide the option for members to join meetings by audio or audiovisual means.

The Mayor's casting vote (SO 19.3)

The Mayor's casting vote is optional, and can be limited to matters of statutory compliance and deadlines.

Options for moving and speaking (SO 22)

There are three options for moving and speaking in the model Standing Orders. The chosen option applies unless the meeting resolves to adopt another option by simple majority.

Other considerations

Briefings and workshops

Briefings and workshops are used for information and discussion, and no decision-making beyond direction-setting can occur.

In the last triennium, Council decided to open its briefings and workshops to the public except for matters which could be publicly excluded under section 7 of LGOIMA (which we call public excluded workshops), and that meeting details be publicly notified using 'its best endeavours' (KDC minutes, 11 July 2017).

These are additional measures that Kaipara District Council chose to adopt to allow for greater transparency, and is over and above legislative requirements and what is recommended in the model Standing Orders. This has generally worked well; however, one change to current practice is recommended.

Some matters that do not fall under section 7 of LGOIMA may benefit from being discussed in a closed session. Closed sessions allow elected members to probe a wider range of options and allow staff to provide more detailed answers. It is therefore recommended that the Chief Executive, in consultation with the Chair, be delegated to determine if a matter under consideration would benefit from being in a closed session and allow such matters be included in the public excluded workshop agenda.

For clarity, it is recommended that the Standing Orders be amended to reflect current practice with the amendment above.

Distribution of the agenda (SO 9.10) and public inspection of the agenda (SO 9.8)

In the 2016 Standing Orders, Council set the distribution of the agenda to members to 'at least 5 clear working days' (2016 SO 9.10) which is 3 days more than the model Standing Orders and the statutory requirement (s46A(1), LGOIMA). The intention at this time was to be able to physically courier the agenda packages to members before the weekend (i.e. electronic distribution on Wednesday, post Thursday, delivery Friday). By extension, the public availability was set 'at least 5 working days before the meeting' (2016 SO 9.8).

The 5-working day timeframe also applies to petitions, requests for deputation and notices of motion. These items should be included in the agenda, and the current agenda timeframe can be problematic.

With the Council meetings set at Wednesdays this triennium and to allow for more up-to-date information, it is recommended that the distribution of the agenda to members be set to 'at least 3 clear working days' (electronic distribution Thursday, post Thursday, delivery Friday).

Next steps/E whaiake nei

Staff will receive feedback at this briefing and prepare a draft version of Standing Orders for adoption at the next Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Model Standing Orders with tracked changes (LGNZ, 2019)
B	The 2019 Guide to Standing Orders (LGNZ, 2019)