

Review of Standing Orders

Meeting: Kaipara District Council
Date of meeting: 26 February 2020
Reporting officer: Lisa Hong, Governance Advisor

Purpose/Ngā whāinga

To adopt new Standing Orders for the conduct of council and committee meetings.

Executive summary/Whakarāpopototanga

Standing Orders are 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.

At the 05 February 2020 briefing, elected members were briefed on Local Government New Zealand's 2019 model Standing Orders. Elected members provided direction on optional provisions and other considerations for staff to draft a new Kaipara District Council Standing Orders for consideration for adoption.

Recommendation/Ngā tūtohunga

Optional provisions:

That Kaipara District Council:

- a) Agrees to retain the power to grant a member leave of absence following an application from that member (Standing Orders 13.3).
- b) Agrees to include the right for members to attend meetings via audio visual link, subject to approval from the Chairperson and other conditions within the Standing Orders (Standing Orders 13.7—13.16).
- c) Agrees that the Mayor will have a casting vote in cases of equality of votes, for matters of statutory compliance and deadlines only (Standing Orders 19.3).
- d) Agrees to default to Option A for moving and speaking (Standing Orders 22).

Other amendments:

That Kaipara District Council:

- e) Agrees to three clear working days for agenda distribution to members (Standing Orders 9.10) and three working days for public availability of agendas (Standing Orders 9.8).
- f) Agrees to the following time limits on speakers (Standing Orders 21.2):
 - Movers of motions when speaking to the motion – not more than 5 minutes
 - Movers of motions when exercising their right of reply – not more than 5 minutes
 - Other members – not more than 5 minutes.
- g) Agrees to delete Standing Orders 23.6 regarding Chairperson's power to include an amendment when moving to adopt a recommendation from a committee, to avoid confusion.
- h) Agrees to amend Standing Orders definitions (Standing Orders 2) and Appendix 11 to hold open Briefings and closed Workshops.

Final adoption:

That Kaipara District Council:

- i) Adopts the final Kaipara District Council Standing Orders incorporating the decisions above.
- j) Delegates to the Chief Executive to update Council policies to reflect the new Standing Orders.
- k) Delegates the Mayor and Chief Executive the authority to make minor grammatical changes only that do not alter the intent of the Standing Orders.

Context/Horopaki

At the 05 February 2020 briefing, Council provided direction on optional provisions and other considerations. Accordingly, a draft Kaipara District Council Standing Orders (**Attachment A**) has been prepared, incorporating these directions to the model Standing Orders. Numbering below refer to those within the draft Standing Orders (SO) attachment.

Local Government New Zealand (LGNZ) guide to the 2019 model Standing Orders is also attached for further information (**Attachment B**).

Discussion/Ngā kōrerorero

Optional provisions

LGNZ recommends that each new council determine the option that is most appropriate for them for the following provisions.

Leave of absence (SO 13.3)

Council may grant leave of absence or delegate to the Mayor to grant leave of absence.

Audio visual link (SO 13.7—13.16)

Council can choose to provide for members to join meetings by audio or audio visual 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.

New provisions

These are provisions that are new to the 2019 model Standing Orders. Most new provisions incorporate the newly-enacted Local Government Regulatory Systems Amendment Act 2019 (LGRSAA).

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 2, 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
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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).

This clause has been deleted in Attachment A to avoid confusion.

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 the Local Government Official Information and Meetings Act 1986 (LGOIMA). The exclusion days in Christmas and New Year is now 20 December to 10 January in both Acts (previously 25th to 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.

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. Such sessions can allow the provision of more detailed information and freer discussion. 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.

Attachment A was amended to reflect current practice with the recommended amendment.

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) and public availability at 'at least 3 working days'.

Attachment A was amended as per the recommendation above.

Time limits on speakers

The 2016 KDC Standing Orders extended speaking rights for movers to 'not more than 10 minutes'. The 2016 and 2019 model Standing Orders recommends 5 minutes for all speakers. This discrepancy was found after the 05 February briefing, and Council direction is now sought on the time limits for speakers.

Policy update

The current Petitions Policy states that petitions must be 'no more than 50 words', and will need to be updated to 'fewer than 150 words' to be in line with Standing Orders 17.1.

For any such discrepancies between the Standing Orders and Council policies, it is recommended that the Chief Executive be given the delegation to update policies to be in line with the new Standing Orders.

Financial considerations

Meetings will be conducted within the allocated budgets in the Long Term Plan and Annual Plan.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

When Standing Orders (SO) is to be amended or a new version is to be adopted, majority vote of 75% or more of members present is required. For removal of doubt, Table 2 outlines the number of votes required for this decision.

Table 2 – 75% majority calculations

Number of members	75%	75% rounded
1	Not applicable	Not applicable
2	Not applicable	Not applicable
3	Not applicable	Not applicable
4	Not applicable	Not applicable
5	3.75	4
6	4.5	5
7	5.25	6
8	6	6
9	6.75	7

The final Standing Orders will be published online.

Attachments/Ngā tapiritanga

	Title
A	Draft Kaipara District Council Standing Orders
B	Local Government New Zealand's 2019 Guide to Standing Orders