

STAFF REPORT

TO: Councillors/Community Board Members

FROM: Chief Executive

REFERENCE: C751 and C780

DATE: 5 November 2007

SUBJECT: Standing Orders

PURPOSE FOR REPORT

To enable Council to consider and adopt the NZS Model Standing Orders (with the agreed amendments) as the Standing Orders of the Council.

BACKGROUND

The Standing Orders of a Council prescribe the rules for how meetings of the Council, its Committees and the Community Boards within the District will be conducted. Council must adopt a set of Standing Orders. The Standing Orders must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act. The existing Standing Orders of the Council continue in existence and force until they are either replaced or altered in accordance with Schedule 7 of the Act.

The changes introduced by the Local Government Act 2002 and the Local Government Amendment Act 2004 (which amends Schedule 7 to the 2002 Act) mean it is timely and appropriate for the Council to consider and adopt a new set of Standing Orders.

The adoption of a new set of Standing Orders by the Council will require a vote of not less than 75% of the members present. **The requirement for the Council to adopt a set of Standing Orders under Clause 27 Schedule 7 to the 2002 Act will also apply to our Community Boards as Section 54(2) of 2002 Act applies.** This means that each of our Community Boards will have to adopt the agreed new set of Standing Orders.

OPTIONS

Council must adopt some form of Standing Orders.

The Model Standing Orders (NZS 9202:2003) have been prepared with input from Local Government New Zealand and selected councils and already take account of the new legislative environment that local government operates in. These Model Standing Orders have been well thought out and form the major part of Council's Standing Orders.

The Local Government Act 2002 Amendment Act 2004 now provides in Schedule 7 Clause 24(4) that while the Mayor or Chairperson does not have a casting vote, this may be provided for in Council's Standing Orders. Accordingly, an amendment to the "New Standing Orders" is proposed to provide for a casting vote. The provision of a casting vote is not used often, but it can be a particularly effective way to resolve an impasse.

A copy of the NZS Model Standing Orders (NZS 9202:2003) will be circulated separately to all Councillors and Community Board members.

RECOMMENDATION

THAT NZS Model Standing Orders (NZS 9202:2003) be adopted subject to the incorporation of the following deletions, additions and amendments, namely:

- a That NZS Standing Orders 2.5 Voting at Meetings incorporating Standing Order 2.5.1 and 2.5.2 be omitted and replaced by the following clauses:

2.5.1

The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by:

- a **Vote; and;**
- b **the majority of members that are present and voting.**

2.5.2

The Mayor or Chairperson or other person presiding at the meeting:

- a **Has a deliberative vote; and;**
 - b **in the case of an equality of votes has a casting vote.**
- b Delete NZS Standing Order 2.10.1(1)(g) on Page 16 as by virtue of the Local Government Act 2002 Amendment Act 2004 the Council can now delegate power to a committee, or member or officer of the Council the power to issue warrants to enforcement officers.

c NZS Standing Orders 3.14.2

As the proposed new Standing Orders provide for the Chairperson at any meeting to have a deliberative vote and, in case of equality of votes, a casting vote as well Standing Order 3.14.2 should be omitted and substituted by the following:

3.14.2

The Chairperson at any meeting has a deliberative vote and, in case of equality of votes, has a casting vote as well.

d Appendix C Powers of the Chairperson on Page 43 (of NZS Standing Orders)

'C6 Chairperson's voting' delete sentence under this heading and replace with:

"The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote as well."

e That NZS Standing Orders 3.7.5 be amended to read:

"A major item that is not on the agenda for a meeting may be dealt with at the meeting if:

- a) The local authority be resolution so decides; and**
- b) The presiding member explains at the meeting at a time when it is open to the public:**
 - a. The reason why the item is on the agenda; and**
 - b. The reason why the discussion of the item cannot be delayed until a subsequent meeting.**

P Wylie
Chief Executive