

Standing Orders

Ngaa tino ture-aa-hui

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Introduction

All councils must adopt standing orders for the conduct of their meetings and the meetings of any subordinate bodies, (clause 27 Schedule 7 of the Local Government Act 2002).

The purpose of the Standing Orders is to enable Hamilton City Council to exercise its decision-making responsibilities in a transparent, inclusive and lawful manner for the benefit of Hamiltonians.

Standing orders are a means to enable both the orderly conduct of Council meetings and Council committee and subcommittee meetings, and an effective environment for good governance decision-making. They contain rules for the conduct of the proceedings of the Council and all subordinate decision-making bodies, and the conduct of members.

All members of the Council or any Council committee or subcommittee whether elected or appointed 'must' abide by *these* standing orders. See LGA2002

These standing orders 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.

Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy cover the five principals:

	<p>Our Target:</p> <ul style="list-style-type: none">• Democracy• Integrity• Transparency• Accountability• Expertise	<p>Democracy – By the People, for the People Integrity – Honest and open dialogue Transparency – Openness and availability in decisions Accountability – Consequence for bad decisions Expertise – Inviting experts, with no conflict of interest to assist Elected Member decision making</p>
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They are intended to give effect to the principles of good governance, which include that a Council 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 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.

- All members are to behave in such a manner that enhances citizen’s confidence, credibility and value of the Hamilton City Council.

These are reinforced by the requirement that all local authorities act so that “governance structures and processes are effective, open and transparent”

1.1 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been supplemented with advice on how it might be implemented, the advice is distinguished from the relevant legislative reference.

1.2 Application

For the removal of any doubt:

- these standing orders do not apply to workshops, briefings or meetings of working parties and advisory groups.
- during a meeting any statutory references in the standing orders apply throughout the period of the meeting, whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, the word ‘must’, unless otherwise stated, identifies a mandatory legislative requirement.
- 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. The Chairperson may at any time seek the advice of the Governance Advisor, Chief Executive, or Principal Advisor to make a ruling.

General matters

Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present.

3.3 Temporary suspension of standing orders

Any member of the Council, committee, subcommittee or subordinate body may move a motion to suspend standing orders at a meeting of which they are a member. The 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. The Chairperson must respond to any questions for clarification of the process or the motion prior to putting a matter to the vote.

A motion may also identify specific standing orders to be suspended. In the event of suspension of standing orders in whole or in part, any provisions within standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.4 Quasi-judicial proceedings

For quasi-judicial proceedings the Council may adopt meeting procedures and practices in addition to or in substitution of these standing orders. For example, District Licensing Committee hearings. Resource Management Act hearings.

Meetings

4.1 Legal requirement to hold meetings

The Council must hold meetings for the good government of its city, district or region.

Meetings must be called and conducted in accordance with:

- (a) *Schedule 7 of the LGA 2002;*
- (b) *Part 7 of LGOIMA; and*
- (c) *These standing orders.*

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

4.2 Meeting duration

A meeting cannot continue more than four hours from when it starts (including any adjournments), or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

The Chairperson should ensure that no meeting sits for more than two hours continuously without a break of at least ten minutes, and that meal breaks of at least 45 minutes are provided at appropriate times.

4.3 Language

A member or a presenter may address a meeting in English, or te reo Māori or New Zealand Sign Language.

The Chairperson is to be advised at least 3 days prior to the meeting if a member or presenter 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, or in English when the normal business of the meeting is conducted te reo Māori, and where translation is required.

4.4 First meeting (Inaugural)

The first meeting of the Council following a Council triennial general election must be called by the Mayor as soon as practicable after the results of the election are known. The Mayor must give elected members not less than 7 days' notice of the meeting. However, in the event of an emergency the Mayor may give notice of the meeting as soon as practicable.

4.5 Requirements for the first meeting

The Mayor (or their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members, and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson and
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - i. Local Government Official Information and Meeting Act (LGIOMA); and
 - ii. Other laws affecting members, including the appropriate provisions of the *Local Authorities (Members Interests) Act 1968*; and sections 99, 105, and 105A of the *Crimes Act 1961*; and the *Secret Commissions Act 1910*; and the *Financial Markets Conduct Act 2013*;
- (d) The fixing of the date and time of the first meeting of the Council, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002)

Adoption of Standing Orders: It is common for councils to adopt standing orders at the first meeting; however, current standing orders will remain in force after each triennial election until such time as they are amended and adopted by the Council.

4.6 Physical address of members

Every member of a Council, must give to the Board Secretary a physical residential or business address within the district or region of the Council and, if desired, an electronic or other address, to which notices and material relating to meetings and Council business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

Appointments and Elections

5.1 Mayoral appointment of Deputy Mayor, Committee Chairs and Members

A Mayor may appoint the Deputy Mayor, the Chairperson and the Members of each Committee of the Council. The names of any appointments made by the Mayor must be tabled at the first meeting of the Council after the appointments are made. The Mayor may also appoint him- or herself.

5.2 Council discharge of a Mayoral appointment

Nothing, however, limits or prevents a Council from discharging a Deputy Mayor, a Chairperson or a Member of a Committee appointed by the Mayor. Any decision by the Council to discharge a Deputy Mayor shall follow the procedure in *standing order 5.5*.

If the Mayor declines to appoint a Deputy Mayor or Committee Chairpersons in accordance with s.41A LGA 2002, the Council (or a Committee, if so directed by the Council) must elect those positions in accordance with *standing order 5.4. cl. 31, Schedule 7 LGA 2002*

5.3 Establishment of Committees by the Mayor

The Mayor may establish Committees of the Council. Where a Mayor exercises this right a list of the Committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish Committees under *s. 41A* then any decision to establish Committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a Council from discharging or reconstituting, in accordance with *cl. 30 of Schedule 7, LGA 2002*, a Committee established by the Mayor or appointing, more Committees in addition to any established by the Mayor.

5.4 Elections of Deputy Mayors and Deputy Chairperson/s

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (*see cl. 25 Schedule 7, LGA*) when electing people to the following positions:

- the Deputy Mayor;
- the Chairperson and Deputy Chairperson of a Committee; and
- a representative of a Council.

Please note, this provision does not apply in situations where a Mayor has used their appointment powers under *s.41A* to appoint a Deputy Mayor or committee chairs. *cl. 25 Schedule 7, LGA 2002*.

5.5 Removal of a Deputy Mayor

A Deputy Mayor, whether appointed by the Mayor under Standing Order 5.1 or elected by the Council, can only be removed in accordance with *cl. 18, Schedule 7, of the LGA 2002. cl. 18, Schedule 7, LGA 2002*.

Delegations

6.1 Limits on delegations

The Mayor cannot delegate any decisions to a Committee, sub-committee or any other body undertaking work on behalf of Council, including:

- (a) the power to make a rate;
- (b) the power to make a bylaw;

- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a Chief Executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) the power to approve financial delegations assigned to the Chief Executive;
- (h) the power to adopt a remuneration and employment policy. *cl. 32 (1) Schedule 7, LGA 2002.*

6.5 Committees and sub committees subject of the Council

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the Council and must carry out all general and special directions of the Council given to them.

Committees

7.1 Appointment of committees and subcommittees

The Mayor may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the Advisory Group that it considers appropriate unless it is prohibited from doing so by the Council.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a Council may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless the Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Council may replace members if committee not discharged

If a Council resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under *cl. 30 (7) Schedule 7, LGA 2002 (see standing order 7.2)*, the Council may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

7.4 Appointment or discharge of committee members and subcommittee members

The Mayor may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee Chair may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the full council.

7.5 Members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a Council. The Council or committee may appoint a person who is not a member of the Council to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an Elected Member of the Council. A staff member of the Council, in the course of their employment, can be a member of a subcommittee or advisory group but not a committee.

7.6 Membership of Mayor

The Mayor is an ex-officio member of every committee or sub-committee of the Council.

7.7 Decision valid despite irregularity in membership

Under these standing orders a decision of a Council, committee, is not invalidated if:

1. there is a vacancy in the membership of the Council committee, at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

7.8 Appointment of joint committees

A Council may appoint a joint committee with another Council or other public body if it has reached agreement with each Council or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of the Council and a committee of each other participating Council or public body.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the Council or public body that made the appointment.

Pre-meeting

Giving notice ordinary/extraordinary meetings

8.1 Ordinary meetings - public notice

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.

8.2 Ordinary meeting - notice to members

The Board Secretary must give notice in writing to each member of the Council of the time and place of any meeting. Notice must be given at least 14 days and documents distributed as least 7 working days before the meeting.

8.3 Extraordinary meeting - call for meeting

Under these Standing Orders, an extraordinary meeting refers to any meeting outside of the adopted Schedule of Meetings. Additionally, any meeting within the Schedule of Meetings where the date of that meeting is brought forward such that the requirement for notice set out in 8.2 cannot be met is also to be treated as an Extraordinary meeting.

An extraordinary council meeting may be called by:

- (a) resolution of the Council, or
- (b) a request in writing delivered to the Board Secretary which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the Council (including vacancies).

8.4 Extraordinary meeting - notice to members

Notice in writing of the time and place of an extraordinary meeting called under Standing Order 8.3 and of the general nature of business to be considered must be given by the Board Secretary to each member of the Council under the same conditions as 8.1.

8.5 Extraordinary meetings inconsistent with notice requirements

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 8.4, a meeting may be called by the Mayor, Deputy Mayor or Chairperson.

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

8.6 Mayor may make other arrangements

The Mayor is to make any other arrangements for the notification of meetings, including extraordinary meetings, as the Council may, from time to time, determine.

8.8 Extraordinary meetings - resolutions passed

A Council must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the Council.

8.9 Meeting schedules

Where the Council adopts a meeting schedule it may cover any period that the Council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

8.10 Non-receipt of notice to members

A meeting of the Council is not invalid if notice of that meeting was not received, or not received in due time, by a member of the Council or board unless it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care.

8.11 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the Mayor, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The Board Secretary must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

Meeting agenda

9.1 Preparation of the agenda

It is the Board Secretary'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, including the names of the relevant members.

When preparing business items for an agenda the Board Secretary should consult the Chairperson.

Reports that do not require decisions (information only reports) will be attached as appendices to Council / Committee agendas and will not be discussed/debated unless:

- a) the report concerns an upcoming decision of the Council/Committee; or
- b) with approval of the Chairperson prior to the meeting; or
- c) by resolution of Council/Committee at the time the agenda is confirmed.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the Council, committee, subcommittee, or subordinate decision-making body and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations. A process for requesting reports is described below.

Matters requiring a decision may be placed on an agenda of a meeting by a:

- (a) report of Chief Executive
- (b) report of a Chairperson
- (c) report of a Committee
- (d) 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:

- (a) report of Chief Executive
- (b) report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting Chairperson.

9.4 Order of business and confirmation of the agenda

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 by majority vote at the time of confirming the agenda.

Any late items must also be confirmed as part of the agenda at this time.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting.

9.6 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 committee. This may include a report informing the council/committee of:

1. a **minor** governance matter or decision sought which is directly related to the terms of reference, a previous resolution, or current area of work, and is not more appropriately addressed through a staff report.
2. a **critical** governance matter directly related to the terms of reference, a previous resolution, or current area of work, and that cannot or is yet to be addressed through a staff report. Such a matter should typically not require a decision of the Committee.

9.7 Public availability of the agenda

All information provided to members at a Council meeting must be publicly available.

9.8 Public inspection of agenda

All Agendas and associated reports shall be freely available for public inspection on the Council website at least 10 working days before a meeting.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn prior to distribution by the Chairperson .

Once the agenda has been distributed an agenda item may only be withdrawn by resolution of the Council or Committee of Council when the agenda is confirmed at the meeting.

9.10 Distribution of the agenda

The Board Secretary will make the agenda available to every member of a meeting at least 7 clear working days before the day of the meeting, except in the case of an extraordinary meeting

The Board Secretary may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

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

9.12 Items of business not on the agenda (late items) 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.

Please note that nothing in this standing order removes the requirement to meet statutory requirements, including the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of the Minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness and follow-up action

9.14 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda 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.

9.15 Public excluded business on the agenda

All items discussed by Council or one of the committees are open to the public.

9.16 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.

9.17 Receiving a report

By receiving a report, the Council or committee is agreeing it is appropriate the report should form part of the official record of a Council or committee meeting. As with all decisions, Members must feel that the matter is consistent with the terms of reference for the Council or committee.

Meeting Procedures

Opening and closing meetings

The Council or committee, may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of

members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate. (see *Definitions for English translations*)

Quorum

10.1 Requirement for a quorum

A meeting is constituted where a quorum of members is present, regardless of whether or not they are all voting or entitled to vote. To conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

10.2 Council

The quorum for a meeting of the Council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

10.3 Committees and subcommittees

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

In the case of committees at least one member of the quorum must be a member of the Council.

10.4 Joint Committees

The quorum at a meeting of a joint committee must be consistent with *standing order 10.1*. Council's participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each Council or any party.

10.5 Quorum where member declares conflict

Where a member has declared a conflict of interest, such that they are not participating in the debate or vote of the matter but are required to be in the room for quorum, the meeting may decide by resolution that the member can remain in the meeting room to maintain quorum.

10.6 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 15 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, 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.

10.7 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 sets an earlier meeting, and this is notified by the Board Secretary.

Public access and recording

11.1 Meetings open to the public

Every meeting of the Council, its Committees and subcommittees, must be open to the public.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Council may record meetings

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

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting, who must advise all members and public present at the start of the meeting of such recording(s).

The Chairperson must ensure that the recording does not distract the meeting from fulfilling its business. Where circumstances require the Chairperson may stop the recording for a period of time.

Attendance

12.1 Members right to attend meetings

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

If the member of the Council 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 any members of the Council who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a Council.

12.2 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.

12.3 Recording of Meetings

Meetings are to be recorded as described in SO 27.

Members attending by audio visual link

13.1 Right to attend by audio visual link

Provided the conditions in these standing orders are met members of the Council or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded or do not meet the requirements of SO 14.1 (Chairperson's duties).

The following consideration are provided to assist approving an audio visual link:

- (a) At least 2 working days notice,
- (b) Technology is available,
- (c) where the member is at a place that makes their physical presence at the meeting impracticable or impossible,
- (d) where a member is unwell; and
- (e) where a member is unable to attend due to an emergency.

13.2 Member attending by audio visual link: quorum

Members who attend meetings by audio visual link will be counted as present for the purposes of a quorum.

13.3 Member attending by audio visual link: voting

Where a meeting has a quorum, determined by the number present, the members attending by audio visual link can vote on any matters raised at the meeting, provided the requirements of SO 12.1 are met.

13.4 Chairperson's responsibility for audio visual attendance.

Where the technology is available and a member is attending a meeting by 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 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 visual link then chairing duties will be undertaken by the Deputy Chair or a member who is physically present. *cl. 25A (3) schedule 7, LGA 2002.*

13.5 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (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; and
- (d) the quality of the link is no longer suitable.

Where an audio visual link is terminated, the 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

13.6 Giving or showing a document

A person attending a meeting by 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.

13.7 Confidentiality

A member who is attending a meeting by 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.

Chairperson's role in meetings

14.1 Application of standing orders

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.

The Chairperson may request the advice of the Governance Advisor on any matter or interpretation relating to these Standing Orders.

14.2 Council meetings

The Mayor or Chairperson of the Council must preside at meetings of the Council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the Deputy Mayor/Chair must act as Chairperson. If the Deputy Mayor/Chair is also absent the Council 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/Chairperson for that meeting.

This provision also applies to committees, subcommittees and subordinate decision-making bodies.

14.3 Addressing the Chairperson

Members will address the Chairperson as 'Chair' except where the Chairperson has requested otherwise.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and rule on to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 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.

14.6 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.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may 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 procedural motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation.

Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which 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 Council, committee or subcommittee. Any issue, idea or matter raised in public forum must fall within the terms of reference for the meeting the speaker is addressing and must relate to an item on the agenda for that meeting.

Public Forum does not apply to any sub-judice matters including but not limited to:

- (a) matters subject to an upcoming hearings process;
- (b) matters on which public consultation is occurring;
- (c) matters on which public consultation has closed and a decision is yet to be made.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine by majority vote, will be available for the public forum at each scheduled Council meeting. Requests are scheduled in the order they are received; ideally requests should be made to the Board Secretary ahead of the meeting; however, requests may be made up until the meeting starts. This requirement may be waived by the Chairperson.

Speakers will be allowed up to fifteen minutes to speak and respond to questions. Questions must be confined to obtaining information or clarification on matters raised by a speaker/s. Questions over the time limit are at the discretion of the Chairperson.

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 or limit people speaking in support of or in opposition to the same matter.

15.2 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 on the same issue;
- the matter is subject to legal proceedings.

15.3 Questions at public forums

At the conclusion of a presentation, with the permission of the Chairperson, elected members may ask questions of speakers.

15.4 No resolutions or debate following matters raised in public forum

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.

Petitions

16.1 Presenting petitions

The Council will consider a petition on any matter relating to either the services it provides or may be provided by it, or any policy or intended policy of the Council at such times as the citizens of Hamilton request, subject to the provisions outlined below.

Petitions may be presented to the Council or any of its committees (ensuring it relates to matters within the terms of reference of committee).

16.2 Valid petitions

A valid petition will be considered by the Council or appropriate Committee, together with staff advice, within sixty days of receipt or two meeting cycles.

Petitions:

- must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege).
- 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 relevant Chairperson at least two working days before the meeting to enable the petition to be translated and reprinted, if necessary.
- may be presented in hard copy or electronic form.
- must consist of fewer than 250 words (not including signatories).
- must contain at least 150 signatures of residents of Hamilton City, inclusive of the primary petitioner, all being on the Electoral Roll for Hamilton City and eligible to vote.
- must also contain the full name, physical address and signature for all signatories to the petition. In the case of an electronic petition, the signatory must provide their email address in place of their signature.

16.3 Petition presented by petitioner

A petitioner who presents a petition to Council or any of its committees and subcommittees, may speak for fifteen minutes (excluding questions) about the petition, unless the meeting resolves otherwise. Questions of petitioners are at the discretion of the Chairperson and must comply with SO 20.3. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

16.4 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.

Exclusion of public

The Public may be excluded from Meetings in accordance with Appendix 1

Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a Council (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

18.2 Open voting

An act or question coming before the Council must be done or decided by open voting.

18.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote. A Chairperson is not required to exercise their casting vote.

In the case of an equal vote, the motion is considered lost and the status quo prevails.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion or amendment must call for members to submit their vote by choosing FOR or AGAINST on the electronic voting system or by a show of hands, the result of either of which, as announced by the Chairperson or Board Secretary, must be conclusive.
- (b) In the event that a member indicates an error in voting before the result of the vote has been announced or displayed, the Chairperson may call for the vote to be retaken.
- (c) the result of each vote including how members voted will be notified to the meeting and recorded in the minutes.

18.5 Members may not abstain from the Vote

No member may abstain from voting UNLESS they have declared a conflict of interest as part of their induction to Council.

Any declaration of interest, consequential abstention and withdrawal from the meeting, including voting under this clause must be recorded in the meeting minutes.

The record of the meeting will show those member absent from the meeting.

Meeting conduct

Members are expected to comply with the Council's Code of Conduct for Elected Members at all times. The Code (which can be found in Appendix 4) requires members to:

- (i) act with integrity and honesty (3.1)
- (ii) demonstrate accountability by complying with legislative requirements applying to their roles, acting in an open and transparent manner and ensuring the prudent use of Council resources (3.2)
- (iii) treat everyone with respect and respect other individuals' points of view and opinions, beliefs, and rights (3.3)
- (iv) show good faith, faithfully and impartially exercising their powers, authority and duties in the best interest of the community of Hamilton (3.4)

19.1 Code of Conduct

The Code of Conduct for Elected Members provides for perceived breaches of the code during meetings to be dealt with by the Chairperson of that meeting at the time the breach arises under SO 25.2. If an Elected Member believes an alleged breach of the code has not been dealt with adequately by the Chairperson at the meeting, that Elected Member may initiate the procedures set out in 6.2 in schedule 3 of the code.

19.2 Form of Address for Members

All members are to be addressed by their title and surname unless the member agrees to a different form of address.

19.3 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.

19.4 Disrespect

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

19.5 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 make a complaint under the Code of Conduct.

19.6 Recording objection to words

When a member objects to any words used by another member in a speech as part of a point of order which is upheld by the Chair and wants the minutes to record their objection, they 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.

19.7 Disorderly conduct

Where 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:

- (a) The Chairperson may remove any member who refuses to leave the meeting when directed to do so by the Chairperson; and/or
- (b) 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; and/or
- (c) The Meeting may, by majority vote, resolve that a member is in contempt where that member has been subject to repeated cautions by the Chairperson for disorderly conduct.
Any such resolution must be recorded in the meeting's minutes.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.8 Removal from meeting

A member of the police or authorised security personnel 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.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the Council 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.

19.10 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 of the Council.

Question Time

20.1 Members may ask questions of presenters

The Chairperson will ensure that the opportunity is provided for members to ask questions of the Chief Executive (or nominee) or presenter on any item on the agenda for that meeting necessary to enable informed debate and decision-making provided that:

- (a) Questions demonstrate respect and are put courteously;
- (b) A member does not use a question to state their point of view or enter into debate;
- (c) Questions raised by members are directly relevant to the item and are not repetitive;
- (d) Questions raised by members are succinct, clear and unambiguous;
- (e) The respondent are not asked to comment on matters to which they have already responded or do not feel qualified to address.

20.2 Chairperson's discretion

The Chairperson may terminate a Member's question or questions, or question time altogether if in the Chairperson's view:

- (a) the rules of question time as set out in SO 20.1 are not being observed; and/or
- (b) the length of time being taken on questions is not proportionate to the importance of the item or the progress of the meeting.

The Chairperson's decision on such matters is final.

20.3 Questions during Debate

No questions are allowed once debate has commenced, unless a member who has a question that relates to the accuracy of significant material facts informing decision-making or legal compliance.

General rules of debate

21.1 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.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings.

- (a) movers of motions when speaking to the motion – not more than 3 minutes;
- (b) movers of motions when exercising their right of reply – not more than 3 minutes;
- (c) other members – not more than 3 minutes

However, a meeting may decide to extend the time limits for members speaking in debate for any item by majority vote at confirmation of the agenda. In this case the following time limits will apply:

- (a) movers of motions when speaking to the motion – not more than 5 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

21.3 Questions of Significance to presenter during debate

A member who believes they have a necessary question regarding the accuracy of significant material facts informing decision-making or legislative compliance must:

- (a) wait until the member currently speaking has concluded their debate;
- (b) indicate to the Chairperson that they have a question of significance;
- (c) when asked by the Chairperson, put their question simply and clearly without commentary or opinion;
- (d) abide by the decision of the Chairperson as whether the question is sufficiently material to be put to staff;
- (e) accept the response provided by the Chairperson or staff, and not enter into further questions or debate.

The Chairperson's ruling on the materiality of a question is final and not open to challenge.

21.4 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.

21.5 Secunder may reserve speech

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

21.6 Speaking only to relevant matters

Members must confine their remarks strictly to the motion or amendment that is being debated. Otherwise Members may only speak during debate to raise a point of order or a question of significance.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.7 Stating, Restating and Display of Motions and Amendments

A motion or amendment will generally be displayed on the electronic screen (where technology allows this) for the information of members prior to or at the commencement of debate. Members may ask the Chairperson for the motion or amendment to be read out in the meeting or, where the motion or amendment cannot be easily read on the screen, in writing. Members may also request the Chairperson restate a motion or amendment at any time but may not interrupt a speaker to do so.

21.8 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution of the Council or Committee of Council except by a notice of motion to amend or revoke the resolution.

21.9 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover of the motion must confine themselves to answering previous speakers and may not introduce any new matters.

A mover's right of reply can only be used once. The mover may reserve their right of reply and exercise it at the end of any debate:

- (a) on the original or substituted motion (where there is no amendment, or the motion and amendment are being debated separately); OR
- (b) on an amendment (where the motion and the amendment are being debated separately);
OR
- (c) on the amendment as the substantive motion (where the amendment is won and becomes the motion); OR
- (d) on the motion and amendment where these are being debated together.

The mover of a motion is entitled to speak once to their motion and once to each amendment. If a closure motion (see SO 24.9) is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.10 No other member may speak

No other member may speak:

- (a) after the mover has started their right of reply; OR
- (b) after the mover has indicated that they will forego their right of reply; AND
- (c) the Chairperson has indicated that he or she intends to put the motion.

Appendix 1: Meeting Procedure

Motions and amendments

22.1 General procedures for speaking to 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) 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.
- (d) the meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.2 Proposing and seconding motions

All motions and amendments must have a mover and a seconder. The Chairperson may then state the motion and propose it for discussion.

Amendments and motions moved but not seconded are not in order and will not be discussed or entered in the minutes.

This requirement for a mover and a seconder also applies to notices of motion.

22.3 Motions in writing

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

22.4 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.

22.5 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. The substituted motion will be debated as the motion

22.6 Amendments to be relevant

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost.

22.7 Amendments cannot be direct negatives

An amendment which, if carried, would have the effect of defeating a previous resolution is a direct negative and is therefore not allowed.

An amendment which, if carried, would have the effect of negating the current motion or substituted motion AND PRESERVES the Status Quo is a direct negative and is therefore not allowed.

However, where an amendment which if carried, would have the effect of negating the current motion or substituted motion AND WOULD RESULT in a change to the Status Quo, it is not a direct negative and will be allowed.

22.8 Foreshadowed and Further Amendments

A member may indicate to the meeting that they intend to move a further amendment once the existing amendment in front of the meeting has been dealt with i.e. they foreshadow a further amendment. A member may do this at any time until the Chairperson calls for the existing amendment to be put to the vote provided they have not already spoken in the debate. They may but are not required to disclose the nature of a foreshadowed amendment.

Alternately, once the existing amendment has been dealt with and before the Chairperson calls for the vote on the motion (original, substituted or substantive), a member may move a further amendment. A further amendment requires both a mover and a seconder who have not already spoken in the debate.

22.9 Lost amendments

Where an amendment is lost, and the motion and amendment are being debated separately, 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/or move or second a further amendment.

Where an amendment is lost, and the motion and amendment have been debated together, debate is concluded unless members who have not already spoken move and second a further amendment.

22.10 Carried amendments

Where an amendment is carried, and the motion and amendment debated separately, the meeting will resume the debate on the substantive motion (the amendment which has now become the 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.

Where an amendment is carried, and the motion and amendment (now the substantive motion) have been debated together, debate is concluded unless members who have not already spoken in the debate move and second a further amendment to it.

22.11 Where a motion is lost

In a situation where a motion that recommends a course of action is lost and the outcome of the vote results in a status quo situation that could or would mean that Council was not meeting its legal compliance requirements clause, the Chairperson may allow a procedural/motion.

22.12 Withdrawal and alteration of motions and amendments

A motion or amendment which has been seconded may be withdrawn, altered, or the motion substituted with the amendment with the consent of the mover and the seconder prior to it being put by the Chairperson to the meeting for the vote UNLESS a member requests it be retained as is. In this case a motion or amendment cannot be withdrawn or altered, or the motion substituted with the amendment without the consent of the majority of the members who are present and voting.

22.13 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

Revocation or alteration of resolutions

23.1 Member may move a revocation or alternation of a decision

A member may give notice to the Board Secretary of their intention to move a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or Council committee. This is called a Notice of Revocation or Alteration. 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.

23.2 A Notice of Revocation or Alteration must be considered by the body responsible for the decision

Only the body that made the resolution for which a notice of motion has been received may revoke or amend their resolution, irrespective of whether the resolution was made under delegated authority, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

23.3 Giving Notice of Revocation or Alteration

A member must give notice of their intention to move to revoke or alter all or parts of a resolution to the Board Secretary at least 9 working days before the meeting at which it is proposed to consider the motion. The notice of revocation or alteration must name a seconder and be signed by not less than one third of the members of the Council, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. Once the motion is received the Board Secretary must give members notice in writing of the intended motion at least 7 clear working days' notice of the date of the meeting at which it will be considered. (See also section 26 Notices of Motions).

23.4 Lost Notice of Revocation or Amendment

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.

23.5 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 Council 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.

23.6 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 meeting, it receives fresh facts or information concerning the resolution. In this situation 75 percent of the members present and voting must agree to the revocation or alteration.

23.7 Revocation or alteration by report recommendation

The Council, on a recommendation in a report by the Chairperson, Mayor, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The Mayor must give at least five clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

Procedural motions

24.1 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.

However, the Chairperson must respond to any questions regarding the members obligations under legislation and Standing Orders, prior to putting a matter to the vote.

24.2 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 item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee.

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

24.3 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.

24.4 Procedure if no resolution reached

Where the outcome of a vote results in a status quo situation that could or would mean that Council was not meeting its legal compliance requirements the Chairperson may accept a procedural motion to progress the matter under discussion.

24.5 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business remaining to be disposed of. Any such business must be considered at the next meeting. Business referred, or referred back, to a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

24.6 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.

24.7 Remaining business at adjourned meetings

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

24.8 Business referred to the council or committee

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

24.9 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.

24.10 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.

Points of order

25.1 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).

25.2 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 – incorrect or misleading account 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) breach of the Code of Conduct of Elected Members– see Appendix 4
- (g) to request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

Having raised the subject of their point of order, a member may not explain further until invited by the Chairperson to do so.

25.3 Contradictions

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

25.4 Point of order once the Chairperson has called the vote

A member may not raise a point of order once the motion or amendment has been put for the vote by the Chairperson, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may either decide a point of order immediately after it has been raised or 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.

Notices of motion

26.1 Notice of intended motion to be in writing

Any member seeking to put a motion at an upcoming meeting may provide notice of their intended motion subject to the requirements of these Standing Orders. 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 (see SO 26.6), the name of the seconder, and must be delivered to the Board Secretary at least 7 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 the Board Secretary must give members notice in writing of the intended motion at least five clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The Chairperson may 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 related to the role or functions of the Council or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements ; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002;
or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

26.3 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.

26.4 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.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the Council must be referred to that committee by the Board Secretary.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the Council or a committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies. The Chairperson will determine whether a repeat notice of motion is similar to one previously rejected.

Where a notice of motion has been adopted by the Council no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

Minutes

27.1 Minutes to be evidence of proceedings

The Council, its committees and subcommittees must keep minutes of their proceedings. These minutes must be kept in a secure electronic storage, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

27.2 Matters recorded in minutes

The Board Secretary 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) summary of discussion for each decision;
- (j) the resolutions, actions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (k) the names of all movers, and seconders;
- (l) any objections made to words used;
- (m) a record of each members' vote;
- (n) the names of any members requesting that votes or abstentions be recorded;
- (o) any declarations of financial or non-financial conflicts of interest;
- (p) the contempt, censure and removal of any members;
- (q) any resolutions to exclude members of the public;
- (r) the time at which the meeting concludes or adjourns;
- (s) 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.

27.3 Minutes of last meeting before election

The Mayor and the relevant Chairpersons must sign the minutes of the last meeting of the Council and its local and community boards before the next election of members.

Minute books

28.1 Inspection

A hard copy of the Council's minute books must be kept by the Chief Executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

28.2 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.

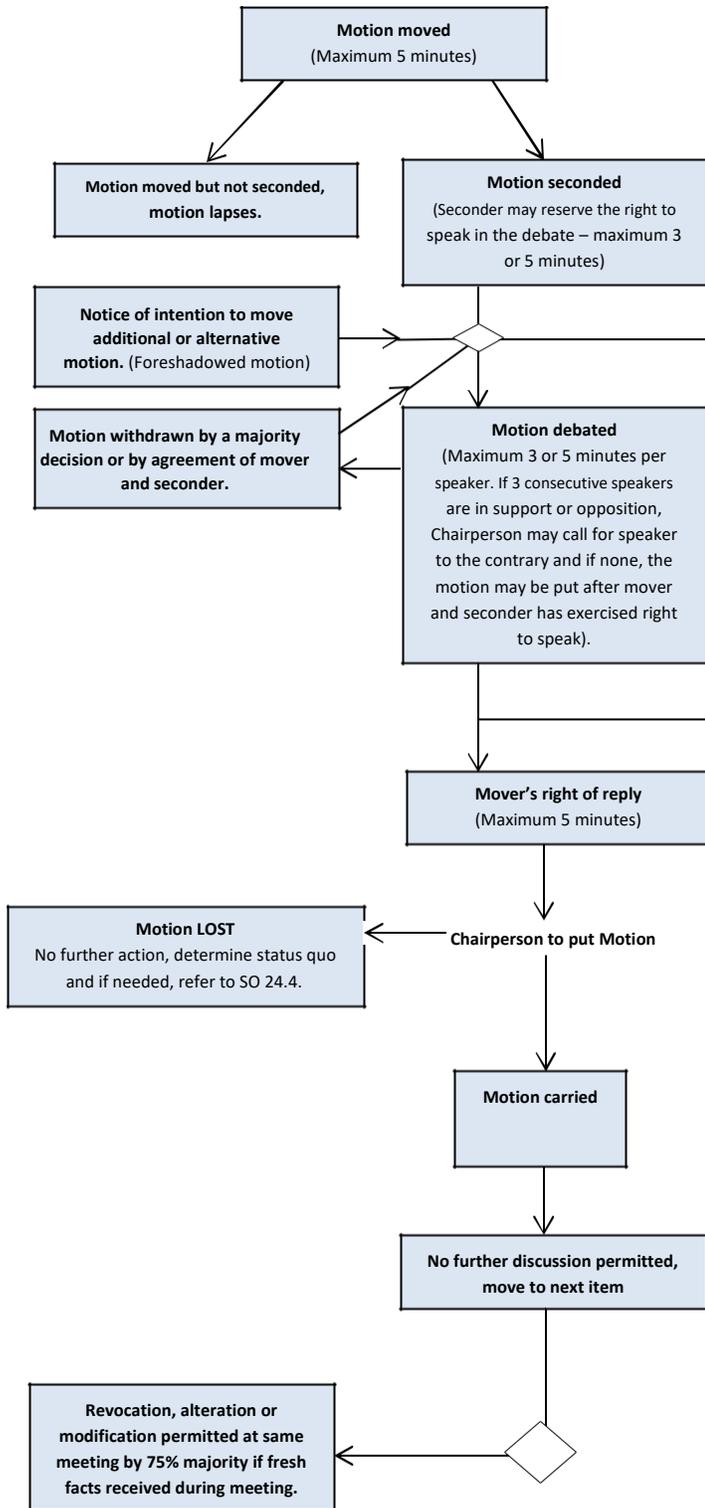
Appendix 2: Grounds to exclude the public

A Council 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:

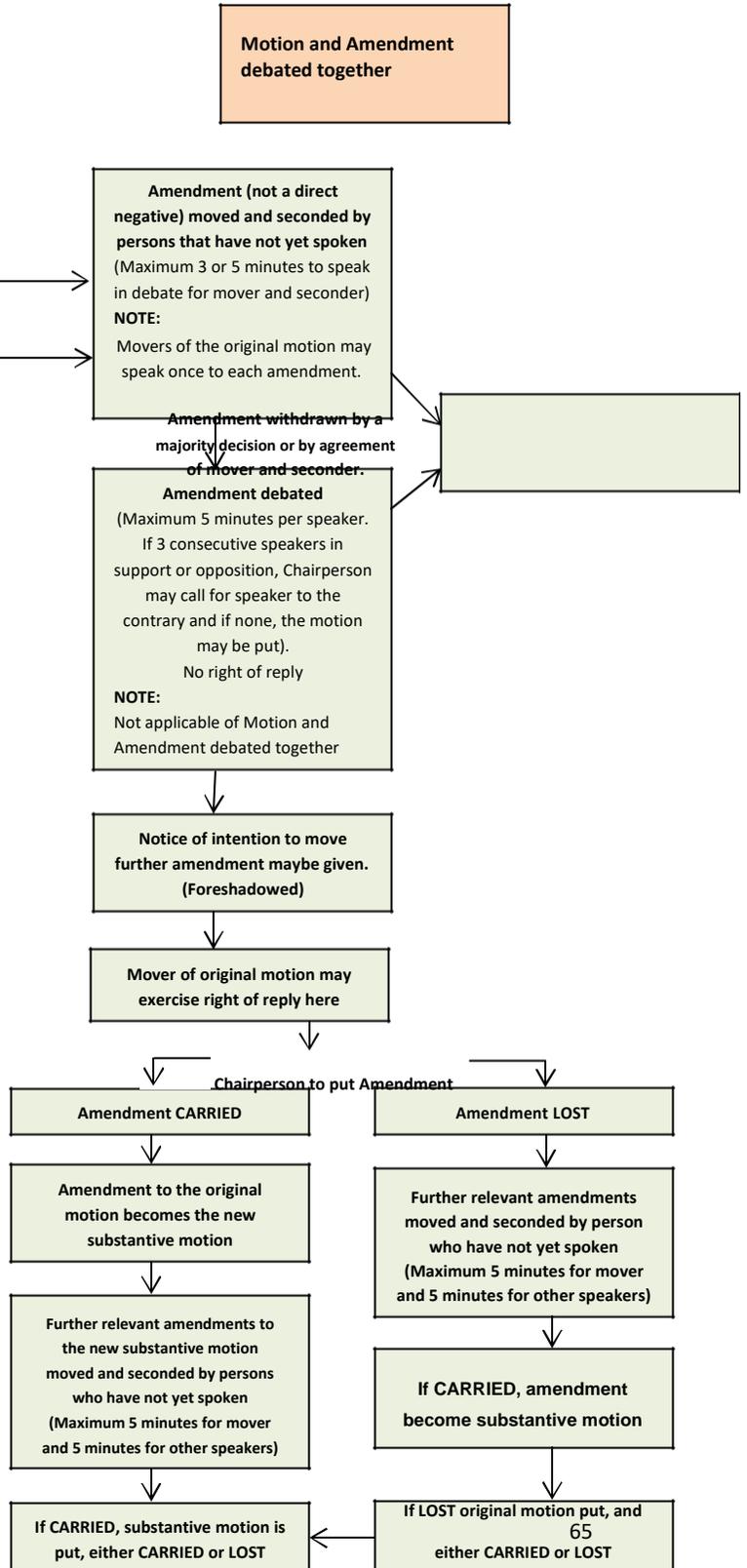
- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - b) to endanger the safety of any person.
 - c) Be contrary to the provisions of a specified enactment; or
 - d) Constitute contempt of Court or of the House of Representatives.
 - e) Any proceedings before a Council where
 - a. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - b. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- 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) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (c) Maintain legal professional privilege; or

Appendix 3: Motions and Amendments

Motions without amendments



Motions with amendment



Appendix 4: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

- (a) The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- (b) Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when presenting a report and responding to questions, and members of the public when addressing the meeting during the public forum time.
- (c) Generally, interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction may be filmed.
- (d) PowerPoint presentations, recording of votes by division and other matters displayed by on the screens may be shown.
- (e) Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- (f) If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson or a wide-angle shot of the meeting.
- (g) Appropriate signage will be displayed outside the meeting room alerting people that the proceedings are being web cast.
- (h) A recording of the meetings following the webcasting will be made available on Council's website for public record.

Appendix 5: Code of Conduct

Scope and Application

Hamilton City Councillors and the Mayor (“Elected Members”) have an important role representing the people of Hamilton. This Code of Conduct (“the Code”) represents a commitment from all Elected Members to maintain high standards of behaviour, which is important for their credibility as city leaders and for the reputation of Hamilton.

As well as articulating agreed professional and ethical behaviours, encouraging teamwork and facilitating effective local democracy, the Code is of value to the Council as a resource and information guide for existing Elected Members and an aid to the public—enabling the public to evaluate behaviour.

Principals of Governance

The Code gives effect to the following general principles of good governance with which Elected Members have agreed to comply:

Integrity and Honesty

Elected Members will be honest and act with integrity.

This includes:

- behaving in accordance with the trust that the public places in them.
- being fair and consistent in dealings with others and following through on commitments.
- not making statements or doing anything that will, or is likely to, mislead or deceive.
- not placing themselves in situations where their honesty and integrity may be questioned.
- being open to constructive feedback.
- complying with relevant legislation and Council policies and procedures.
- making decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.

Accountability

Elected 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 to be responsible for their decisions and actions, and be prepared to justify these.
- act in an open and transparent manner.
- ensure Council resources are used prudently.

Respect

Elected Members may not always get their own way. Elected Members will treat everyone with respect and respect other individuals’ points of view and opinions, beliefs, and rights. This includes:

- treating people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
- recognising and encouraging ideas and contributions from others.
- being courteous and approachable.
- not engaging in aggressive, offensive, abusive or bullying behaviour.
- not making personal attacks.
- respecting the impartiality and integrity of staff.
- not interrupting when others are expressing their point of view.

Good Faith

Elected Members will faithfully and impartially perform their powers, authorities and duties in the best interest of the community of Hamilton City.

A breach of this Code could indicate a lack of good faith and could be relevant to assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

Proper Use of Position

Elected Members must not abuse their position, including they must not:

- solicit, demand or request any gift or benefit because of their position.
- claim expenses which are not legitimate.
- fail to declare gifts given to them because of their position (see explanation of declaring gifts set out under Section 5.6 of this Code).
 - influence, or attempt to influence, any Council employee, or another member, in order to benefit their own, or family's, personal or business interests.
- use information and/or Council resources for any purpose which is not directly related to Council business, including use of Council resources to promote personal or business interests.
- Use, directly or indirectly, any Council resources and/or branding for the purpose of seeking re-election.

Note: refer to the OAG Guidelines – [“Good Practice for Managing Public Communications by Local Authorities”](#).

Leadership

Elected Members agree to be bound by this Code and demonstrate adherence to these principles through their leadership of the city. They should always endeavour to act individually and collectively in a way that maintains public confidence in the good governance of the Council.

These principles complement, and work in conjunction with, the governance principles relating to local authorities (sections 14 and 39 LGA).

Relationships & Behaviours

This section of the Code sets out the Council's agreed standards of behaviour between members; members and staff; and members and the public. Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, sections 5.1 to 5.3 include (but is not limited to) any written communication between Elected Members, or from an Elected Member, including through social media platforms.

Relationship with Other Members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. Members must conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected;
- are open and honest;
- focus 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 conduct which is aggressive, offensive or abusive or which may constitute unlawful or inappropriate behaviour.

Relationship with the Chief Executive and Staff

Elected Members should be aware that failure to observe the standards in this section of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.

Effective performance of the Council requires a high level of cooperation and mutual respect between Elected Members and staff. Members will:

- recognise the CE is the employer (on behalf of the Council) of Council staff and only the CE (or his/her delegate) may hire, dismiss, instruct or discipline an employee;

- make themselves aware of the obligations that the Council and the CE have as employers and observe those requirements at all times;
- treat all Council staff with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- observe any guidelines that the CE puts in place regarding contact with employees;
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee;
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee;
- raise concerns about employees only with the CE, and concerns about the CE only with the Mayor or the CEO Review Committee;
- not seek to improperly influence staff in the normal undertaking of their duties.

Relationships with the public

Effective Council decision-making depends on productive relationships between Elected Members and the community at large. Elected 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 and values community involvement in local democracy.

Contact with the Media

The media plays an important part in local democracy. 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.

The following rules apply for media contact on behalf of the Council:

- the Mayor is the first point of contact for the official view on any issue, unless delegations state otherwise. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant Committee chairperson.
- No other member may comment officially on behalf of the Council without having first obtained the approval of the Mayor or (where delegated) the relevant Committee chairperson.
- Elected Members are free to express a personal view in the media, at any time, provided the following rules are observed:
 - i. media comments must not state or imply that they represent the views of the Council;
 - ii. where an Elected Member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view;
 - iii. media comments must observe the other requirements of the Code, e.g. not disclose confidential information; compromise the impartiality or integrity of staff; or avoids aggressive, offensive or abusive comments which reflects adversely on the member or the Council; and
 - iv. media comments must not be misleading and should be accurate within the bounds of reasonableness.

Information available to Elected Members

Any failure by members to act in the manner described in this section will be treated seriously and will immediately be referred by the CE to an independent investigator for assessment under section 6.2 and Schedule 3 of this Code

Confidentiality

To enable Elected Members to properly discharge their duties, members are entitled to, and receive, a broad range of information which is publicly accessible. In the course of their duties, Elected Members will also receive information that may be classified as confidential. This includes information received at meetings which are closed to the public or information that is identified as confidential.

Elected Members may also be provided with, or have the ability to access, confidential information held by Council.

Confidential information includes information that staff have determined there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 ('LGOIMA'). This will often be information that is either commercially sensitive or is personal to a particular individual. The Council's Privacy Officer is responsible for the release of information under LGOIMA.

Elected Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the Elected Member. Elected Members should be aware that failure to observe these provisions relating to confidential information will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. They may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA set out in Schedule 1 of the Code).

Information received in capacity as an Elected Member

Members will disclose to other members and, where appropriate the CE, any information received in their capacity as an Elected Member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised. Elected Members are accountable to the public.

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.
- Official information, if sought as part of a request, must be made available immediately to the CE (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA

Gifts and Hospitality

A person in a position of trust, such as an Elected Member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Schedule 1). Gifts can include discounts, commissions, bonus or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Elected Members must notify the Governance Manager (or delegate) if any gifts are accepted for inclusion in the Gifts Register maintained by the Council. Where a gift to the value of \$150 or more is offered to a member, it will also be included in the Register of Members Interests maintained by the Council.

As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times through the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's representative (as recorded in the Council's [Governance Structure](#))
- Working lunches and social occasions should be undertaken with a recognition of the public perception regarding undue influence on Elected Members.

Conflicts of Interest

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 ('LAMIA') could potentially invalidate a decision made, or action taken, by the Council. Failure to observe these requirements could also leave the Elected Member open to prosecution. In the event of a conviction, Elected Members can be removed from office.

The definition Disclosure of Interest specifies the written requirement for declaring a conflict of Interest.

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- **A financial conflict of interest:** is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to an elected member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in. There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- **A non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Elected Members are required to complete declarations of interest following their inauguration, and to update their declarations as and when required.

Bankruptcy

Elected Members who are declared an undischarged bankrupt shall notify the CE when elected or as soon as practicable after being so declared. The member will provide the CE with a brief explanatory statement of the circumstances surrounding the bankruptcy, including its likely outcome. This must be recorded in the Register of Interests.

Consequence of bias and/or breach of the Council Members Interests Act 1968 (LAMIA)

An Elected Member will be automatically disqualified from office if he/she is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year.

If an Elected Member has a financial interest in a matter and participates in discussion and voting on it, he/she will have committed an offence under the LAMIA. In the event of a conviction, an Elected Member can be removed from office.

An Elected Member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review).

If an Elected Member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the LGA..

Disqualification from Office

The LGA and Standing Orders provide for disqualification of Elected Members from office for example, if they:

- are convicted of a criminal offence punishable by two or more years imprisonment;
- cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993;
- breach the LAMIA; or
- are absent without leave from the Council for four consecutive ordinary meetings of the Council.

Breaches of the Code

Members must comply with the provisions of this Code (clause 15(4), Schedule 7, LGA). The exact nature of the action taken to resolve any allegations relating to misconduct of an Elected Member will depend on the nature of the alleged breach and whether there are statutory provisions dealing with the issue in question.

Principals

The following principles will guide any processes for investigating and determining whether 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;
- have their privacy respected.

Complaints Process

Only an Elected Member, external appointee to a Council Committee or the Chief Executive (either for him/herself or on behalf of an employee), who believes that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the culmination of a series of incidents.

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

All complaints made under this Code must be made in writing and addressed to the CE, setting out the alleged breach of the Code and providing corroborating evidence. On receipt of a complaint, the CE must follow the process set out in Schedule .

For the purpose of the Code, (an) Elected Member(s) who is/are the subject of a complaint under the Code is/are 'the respondent'

Panel of Independent Investigators

On behalf of the Council, the CE will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council. The CE may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators.

The Panel of Independent Investigators is not a committee of the Council.

Materiality

An alleged breach under this Code is material if, in the reasonable opinion of an independent investigator, it would, if proven, bring an Elected Member or the Council into disrepute or, if not addressed, reflect adversely on another Elected Member of the Council.

An alleged breach of section 5.5 of the Code (Information available to Elected Members) will automatically be considered material and referred to an independent investigator for assessment.

Penalties and actions

Where a complaint is determined to be a material breach of the Code and referred to the Council for determination, the nature of any penalty or action will depend on the seriousness of the breach.

Material breaches

In the case of material breaches of this Code the Council may require one or more 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 or Council appointments;
- 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 CE only;
- suspension or removal from Committees (including joint committees), task forces or other Council 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 the respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period; 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.

Breaches of Legislation

If there are statutory provisions dealing with the issue in question, the issue will not be dealt with as a breach of the Code but may be addressed in accordance with the relevant statutory provisions:

- Issues relating to members' interests may render members liable for prosecution by the Auditor General under the Local Authorities (Member's Interests) Act 1968 and, if convicted, the Member can be removed from office;
- Issues which result in the Council suffering financial loss or damage may be reported on by the Auditor General under the LGA, which may result in the member having to make good the loss or damage;
- Issues relating to the commission of a criminal offence may leave the Elected Member liable for criminal prosecution.

Council may refer an issue to the relevant body, any member of the public may make a complaint to that body, or the Auditor-General or the Police may take action of their own initiative

Breaches of the Code during meetings

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting, within Standing Orders, at the time the breach arises.

Elected Members should raise alleged breaches of the Code with the Chairperson at the time. If an Elected Member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Elected Member may initiate the procedures set out in Section 6.2 and Schedule 3 in the Code.

[Review or Changes to the Code](#)

The Council may by resolution of 75 percent or more, change the Code at any time.

The Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the full Council for its consideration and vote.

The Code should be read in conjunction with the Council's Standing Orders

Appendix 6: 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

Advisory group means a group of people convened by a Council for the purpose of providing advice or information that is not a committee or sub-committee. These Standing Orders do not apply to such groups. This definition also applies to workshops, working parties, working groups, panels, taskforce groups, forums, portfolio groups, briefings and other similar bodies.

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 of proposed change to the original or substantive motion.

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.

Briefing means in the context of these standing orders, a gathering of elected members to consider matters of importance to the Council at which no decisions are made and therefore these standing orders do not apply. Briefings may include non-elected members. See definition of "advisory group". Briefings are also described as workshops.

Chairperson means the person presiding at a meeting – the presiding member.

Chief Executive means the Chief Executive of a Council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized 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 includes, in relation to a Council:

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

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 a Council.

Disclosure of Interest means the Elected Member must disclose to Board Members in writing all interests of the Elected Member and of his/her immediate family and de facto relationships that may conflict with the interests of the Board and/or the entity, or interfere with the Council's ability to carry out the functions and duties in the best interests of the entity.

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in 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.

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a Council who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Council means in the context of these standing orders a regional council or Council, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the Council.

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

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a Council and subordinate decision-making bodies of the Council convened under the provisions of LGOIMA.

Member means any person elected or appointed to the Council. For clarity, member specifically includes ngaa Maangai Maaori (literally 'the voice of Maaori') - representatives appointed to committees of the Council by the Council in partnership with Waikato Tainui and Te Runanga o Kirikiriroa.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the Council.

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 as 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 Council publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a Council which contains at least 150 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

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 24.1 – 24.7.

Public excluded information refers to 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 Council;
- any other information which has not been released by the Council as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the Council as provided for in LGOIMA.

Public forum refers to 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 district of the Council, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

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

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a Council that have decision-making authority, but joint committees.

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.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

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, Auckland 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 a Council 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.

Working party means a group set up by a Council to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means in the context of these standing orders, a gathering of elected members to consider matters of importance to the Council at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. Workshops are also described as briefings.

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Equip has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

Appendix 7: Referenced documents

- Commissions of Inquiry Act 1908
- Sale 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
- Securities Act 1978