



# *Hastings District Council*

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## **STANDING ORDERS**

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# **HASTINGS DISTRICT RURAL COMMUNITY BOARD MEETING**

Meeting Date: **Thursday, 31 October 2013**

Time: **3.45pm**

Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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# Hastings District Council

Item 8



Attachment 1

## Standing Orders

Adopted by the Hastings District Council on

21 April 2011

April 2011

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Hastings District Council  
Private Bag 9002  
Hastings 4156

Item 8

Attachment 1

These Hastings District Council Standing Orders are largely based on the New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS 9202:2003) with a number of amendments that comply with the Local Government Acts 1974 and 2002 and the Local Government Official Information and Meetings Act 1987 and reflect the current practice of the Hastings District Council.

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## Part 1 General

### 1.1 Introduction

The Local Government Act 2002 (Clause 27, Schedule 7) requires local authorities to adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of the local authority must not contravene any provisions of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

This document sets out the standing orders for the conduct of proceedings at meetings of the Hastings District Council, its committees and subcommittees, and the Hastings District Rural Community Board, and any other community board that may be established in the Hastings District. There are three parts to the document:

Part 1 is the general introduction and definition of terms,

Part 2 covers constitutional and legislative matters,

Part 3 relates to meeting procedures.

In this document the word “shall” identifies a mandatory requirement for compliance. The word “should” refers to practices which are advised or recommended.

Direct quotations from legislation are shown in italics type with quotation marks. Some standing orders in Part 2 are repeated in Part 3 for ease of use.

The following New Zealand legislation has been referenced in the preparation of these standing orders: Local Government Acts 1974 and 2002 (LGA), Local Government Official Information and Meetings Act 1987 (LGOIMA), Local Authorities (Members’ Interests) Act 1968, Local Electoral Act 2001, Resource Management Act 1991 (RMA), Commissions of Inquiry Act 1908, Crimes Act 1961, Marine Farming Act 1971, Secret Commissions Act 1910 and Securities Act 1978.

### 1.2 Definitions

In these standing orders, unless inconsistent with the context:

**Abstain from voting** means a member has chosen not to vote either for or against a motion.

**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.

**Agenda** means the list of items for consideration at a meeting (order paper) together with reports and other attachments relating to those items.

**Amendment** means a motion that is seeking to amend or alter a motion.

**Casting vote** means a vote that may be exercised by the chairperson in the event of a tied vote.

**Chairperson** means the mayor of the Hastings District Council or chairperson of the Hastings District Rural Community Board, including any person acting as the

mayor of the Hastings District Council or Chairperson of the Hastings District Rural Community Board and any person presiding at any meeting of a committee or subcommittee of the Council or community board.

**Chief Executive** means the Chief Executive of the Hastings District Council appointed under section 42 of the Local Government Act 2002, irrespective of his/her designation, and includes for the purposes of these standing orders any other officer authorised by the Council.

**Clear working days** means the number of working days prescribed in these standing orders for the giving of notice and distribution of agendas. Clear working days excludes the date of service of the notice or distribution of agenda and the date of the meeting that is the subject of that notice or agenda.

**Committee**, in relation to the Hastings District Council, includes:

- (a) A committee comprising all the members of the Council
- (b) A standing committee or special committee appointed by the Council or community board;
- (c) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002; and
- (d) Any subcommittee of a committee described in (a), (b) or (c) above.

**Deliberative vote** means a member's vote on a motion or amendment. Where provided for in Standing Orders, a chairperson may have a deliberative vote and a casting vote.

**Deputation** means a request from any person or group to make a presentation to the Council, community board or any committee.

**Division** is a formal recording of members' votes and the way in which they have exercised their votes.

**Ex officio** means the right because of an office held, such as the Mayor being allowed to sit on a committee.

**Extraordinary business item** means an item that is not on the agenda for a meeting and that has not been sent to members at least two clear working days before the day appointed for the meeting.

**Extraordinary meeting** is as defined in clause 22 of Schedule 7 of the Local Government Act 2002.

**Foreshadowed motion** means where a member indicates his/her intention to move another motion after the motion under discussion has been disposed of.

**HDC Committees and Rural Community Board Delegations Register** means the current document howsoever named adopted by the Hastings District Council that specifies the terms of reference and delegations to Council Committees, subcommittees, community board/s and any other decision-making body of the Hastings District Council.

**Joint committee** is as defined in clause 30 of Schedule 7 of the Local Government Act 2002.

**Local authority** means the local authority and/or the community boards covered by these standing orders, being a local authority or a community board as defined in section 5 of the Local Government Act 2002.

**Mayor** means the mayor of the Hastings District Council elected under the Local Electoral Act 2001.

**Meeting** means any first, ordinary or extraordinary meeting of the Council and any meeting of any committee, standing committee, joint committee, special committee or subcommittee of the local authority. At any meeting of the Council, community board, or of any Council committee or subcommittee, at which no resolutions or decisions are made, the provisions of these standing orders regarding public access and notification need not apply.

**Member** means any person elected or appointed to the Council, community board or to any committee or subcommittee of the local authority, and includes the Mayor of the Council, the Chairperson of a community board or of any committee or subcommittee of the Council or community board.

**Minutes** means the record of the proceedings of any meeting of the local authority and its committees and subcommittees.

**Motion** means a formal proposal to a meeting, and in most cases requires a mover and seconder.

**Mover** means the member who initiates a motion.

**Notice of motion** means a motion of which written notice has been given by a member/s in terms of the relevant standing order/s. During a meeting, the term “notice of motion” may also be used to describe a “foreshadowed motion”.

**Ordinary meeting** means any meeting publicly notified by the Council in accordance with sections 46(1) and (2) of the Local Government Official Information and Meetings Act 1987.

**Point of order** - a Point of Order is taken when a member officially draws the attention of the chairman of the meeting to an alleged irregularity in the proceedings. Types of points of order are described in Standing Orders Section 3.13 and further explanation is contained in Appendix C.

**Procedural motion** means a motion that is used to control the way in which a motion or the meeting is handled. Types of procedural motions are described in Standing Orders 3.12.1 – 3.12.9 and further explanation is contained in Appendix C.

**Public excluded information** means any information which can be excluded from the public for reasons meeting the provisions of the Local Government Official Information and Meetings Act 1987. See Appendix A and Appendix B.

**Put to the vote** means the act of the chairperson of a meeting in asking the meeting to vote on a motion or amendment.

**Public excluded session** refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in the Local Government Official Information and Meetings Act 1987.

**Publicly notified** means notified to members of the public by notice contained in some newspaper circulating in the Hastings District, or where there is no such newspaper, by notice published on signboard affixed to public places in the district to which the notice relates.

**Quorum** means the minimum number of members needing to be present to constitute a valid meeting.

**Resolution** means a motion that has been voted on and adopted by the meeting.

**Right of reply** may be exercised by the mover of a motion to sum up the debate and reply to those who have spoken against the motion. No new material may be raised during the right of reply other than to respond to points made by other speakers.

**Secunder** means the member who seconds a motion moved by its mover. A seconder may choose to speak immediately after the mover of a motion, or may reserve his or her right to speak later in the debate.

**Substantive motion** means the main motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion that incorporates any amendments adopted by the meeting.

**Substantive resolution** means the substantive motion that has been adopted by the meeting, or may be a restatement of a resolution that has been voted on in parts.

**Working day** means any day of the week except:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day and Hawke's Bay Anniversary Day, and
- (b) A day in the period commencing with the 25<sup>th</sup> day of December in any year and ending with the 15<sup>th</sup> day of January in the following year.

## Part 2 Constitutional and Legislative Matters

### 2.1 Standing Orders

#### 2.1.1 Requirement for adoption of standing orders

*“A local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. The standing orders of a local authority must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.”*

*[cl. 27(1) & (2), Schedule 7 LGA]*

#### 2.1.2 Alteration of standing orders

*“After the adoption of the first standing orders of the local authority, an amendment of the standing orders or the adoption of a new set of standing orders requires, in every case, a vote of not less than 75% of the members present.”*

*[cl. 27(3), Schedule 7, LGA]*

#### 2.1.3 Temporary suspension of standing orders

*“A local authority or committee may temporarily suspend standing orders during a meeting by a vote of not less than 75% of the members present and voting, and the reason for the suspension must be stated in the resolution of suspension.”*

*[cl. 27(4), Schedule 7, LGA]*

**Note:** Temporary suspension of standing orders does not relieve the meeting of the obligation to comply with any applicable statutory provision.

#### 2.1.4 All members to abide by standing orders

*“A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act].”*

*[cl. 16(1), Schedule 7, LGA]*

### 2.2 First meeting of the Council following election

#### 2.2.1 Chief Executive to call meeting

*“The first meeting of a local authority following a triennial general election of members must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give the persons elected to the local authority not less than 7 days’ notice of the meeting. [However] if an emergency exists, the chief executive may give notice of the meeting as soon as practicable. The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14 [of Schedule 7 of the Local Government Act].”*

*[cl. 21(1) – (4), Schedule 7, LGA]*

#### 2.2.2 Business to be conducted at first meeting

*“The business that must be conducted at the meeting must include –*

- (a) the making and attesting of the declarations required of the mayor (if any) and members under clause 14 [of Schedule 7 of the Local Government Act]; and*

- (b) *the election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under clause 14 [of Schedule 7 of the Local Government Act]; and*
  - (c) *a general explanation, given or arranged by the chief executive, of –*
    - (i) *the Local Government Official Information and Meetings Act 1987; 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 Securities Act 1978; and*
  - (d) *the fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and*
  - (e) *the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act].”*
- [cl. 21(5), Schedule 7, LGA]*

### **2.2.3 Members to provide contact and delivery details**

Every member must give to the Chief Executive a residential or business address together with, if desired, an email, facsimile or other address within the Hastings District to which notices and material relating to meetings and the local authority's business may be sent or delivered.

## **2.3 Chairperson of meetings**

### **2.3.1 Mayor to preside at Council meetings**

*“The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting... If the mayor or chairperson of a local authority ... is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority ... must preside... However, if a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson is also absent, the members of the local authority ... that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the mayor or chairperson.”*

*[cl. 26(1), (5) & (6) Schedule 7, LGA]*

### **2.3.2 Chairperson to preside at Committee meetings**

*“The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting... If the ... chairperson of a committee is absent from a meeting, the deputy ... chairperson (if any) of the ... committee must preside... However, if a ... deputy chairperson has not been appointed, or if the ... deputy chairperson is also absent, the members of ... the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties and powers of the deputy chairperson.”*

*[cl. 26(2), (5) & (6), Schedule 7, LGA]*

### **2.3.3 Mode of address for Mayor or Chairperson**

The person in the chair is to be addressed in a manner appropriate to the office they hold. (See standing order 3.3.3)

## 2.4 Quorum at meetings

### 2.4.1 Requirement for a quorum

*“A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.”*

*[cl. 23(1), Schedule 7, LGA]*

### 2.4.2 Quorum to be present for whole meeting

*“Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.”*

*[cl. 23(2), Schedule 7, LGA]*

### 2.4.3 Definition of quorum for Council meetings

*“The quorum at a meeting of –*

*(a) a local authority consists of –*

*(i) half of the members if the number of members (including vacancies) is even; or*

*(ii) a majority of members if the number of members (including vacancies) is odd.”*

*[cl. 23(3), Schedule 7, LGA]*

### 2.4.4 Minimum quorum for committee and subcommittee meetings

*“The quorum at a meeting of –*

*... (b) a committee –*

*(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and*

*(ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”*

*[cl. 23(3), Schedule 7, LGA] (See standing order 2.4.5)*

### 2.4.5 Quorum for committees and subcommittees of the Hastings District Council

The quorum for committees and subcommittees of the Hastings District Council shall be as defined in the Hastings District Council Committees and Rural Community Board Delegations Register.

## 2.5 Voting at Meetings

### 2.5.1 Acts and decisions of the Council, committees and subcommittees by majority vote at meetings

*“(1) The acts of a local authority must be done, and the questions before the local authority must be decided, at a meeting by –*

*(a) vote; and*

*(b) the majority of members that are present and voting.”*

*(2) For the purposes of subsection (1), the mayor or chairperson or other person presiding at the meeting –*

*(a) has a deliberative vote; and*



- (b) *in the case of an equality of votes does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).*
  - (3) *An act or question coming before the local authority must be done or decided by open voting.*
  - (4) *Subsections (1) and (2) apply unless –*
    - (a) *this Act provides otherwise; or*
    - (b) *the standing orders of the local authority expressly provide otherwise.*
- [cl. 24, Schedule 7, LGA] (See standing order 2.5.2)*

### **2.5.2 Standing orders provide for casting vote**

The chairperson at any meeting has a deliberative vote and, in the case of an equality of votes, also has a casting vote, except where the specific delegations to a committee or subcommittee prohibit a casting vote.

*[cl.24(4)(b), Schedule 7, LGA]*

*Standing Order 3.14.6. Hastings District Council Committees and Rural Community Board Delegations Register*

## **2.6 Voting systems for certain appointments**

### **2.6.1 Voting systems for election or appointment of deputy mayor, chairpersons and deputy chairpersons**

- (1) *This [standing order] applies to:*
  - (a) *the election or appointment of the chairperson and deputy chairperson of a regional council; and*
  - (b) *the election or appointment of the deputy mayor; and*
  - (c) *the election or appointment of the chairperson and deputy chairperson of a committee; and*
  - (d) *the election or appointment of a representative of a local authority.*
- (2) *If this [standing order] applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:*
  - (a) *the voting system in subclause (3) (System A);*
  - (b) *the voting system in subclause (4) (System B):*
- (3) *System A –*
  - (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
  - (b) *has the following characteristics:*
    - (i) *there is a first round of voting for all candidates; and*
    - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
    - (iii) *if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
    - (iv) *in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*
- (4) *System B –*
  - (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
  - (b) *has the following characteristics:*

- (i) there is only 1 round of voting; and
  - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.
- [cl. 25, Schedule 7 LGA]

## **2.7 Appointment and discharge of committees, subcommittees and other subordinate decision-making bodies**

### **2.7.1 Appointment of committees, subcommittees and other subordinate decision-making bodies**

*“A local authority may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.”*

[cl. 30(1) & (2), Schedule 7, LGA]

### **2.7.2 Discharge or reconstitution of subordinate decision-making bodies**

*“Unless expressly provided otherwise in an Act, -*

- (a) a local authority 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 local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.”*

[cl. 30(5) & (7), Schedule 7, LGA]

### **2.7.3 Committees and subordinate decision-making bodies subject to direction of the local authority**

*“A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body. A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs... Nothing in this [standing order] entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of a decision by a committee, a subcommittee, or another subordinate decision-making body.”*

[cl. 30(3), (4) & (6), Schedule 7, LGA]

## **2.8 Joint committees**

### **2.8.1 Appointment of joint committees**

*“A local authority may appoint ... a joint committee with another local authority or other public body.”*

[cl. 30(1), Schedule 7, LGA]

**2.8.2 Status of joint committees**

*“A joint committee ... is deemed to be both a committee of the local authority and a committee of the other local authority or public body.”*

*[cl. 30(8), Schedule 7, LGA]*

**2.8.3 Responsibilities and powers of joint committees**

*“This Part [1 of Schedule 7 of the Local Government Act] applies to a joint committee except that –*

- (a) the powers to discharge any individual member and appoint another in his or her stead must be exercised by the local authority or public body that made the appointment; and*
- (b) the quorum at a meeting consists of –*
  - (i) half of the members if the number of members (including vacancies) is even; or*
  - (ii) a majority of members if the number of members (including vacancies) is odd; and*
- (c) the committee may appoint and remove its own chairperson or deputy chairperson.*

*[cl.30(9) Schedule 7, LGA]*

**2.8.4 Application to a public body that is not a local authority**

*“For the purposes of a public body that is not a local authority, standing orders 2.8.2 and 2.8.3 apply to the extent that they are not inconsistent with the law applicable to committees of the public body.”*

*[cl. 30 (10), Schedule 7, LGA]*

**2.9 Membership of committees and subcommittees****2.9.1 Appointment or discharge of members of committees and subcommittees**

*“A local authority may appoint or discharge any member of a committee. Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.”*

*[cl. 31(1) & (2), Schedule 7, LGA]*

**2.9.2 Elected members and non-elected members on committees and subcommittees**

*“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee or subcommittee... at least 1 member of a committee must be an elected member of the local authority; and ... an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.”*

*[cl. 31(3) & (4), Schedule 7, LGA]*

**2.9.3 Local authority may replace members if committee not discharged**

*“If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7) [of Schedule 7 of the Local*

*Government Act], the local authority may replace the members of that committee, subcommittee or other subordinate decision-making body after the next triennial general election of members.”*  
*[cl. 31(5), Schedule 7, LGA]*

#### **2.9.4 Minimum numbers on committees and subcommittees**

*“The minimum number of members ... is 3 for a committee; ... and is 2 for a subcommittee.”*  
*[cl. 31(6), Schedule 7, LGA]*

#### **2.9.5 Mayor an ex officio member of committees or subcommittees**

The Mayor may be appointed an ex officio member of any committee or subcommittee other than a community board or a quasi-judicial committee (such as the Hearings Committee).

### **2.10 Powers of delegation**

#### **2.10.1 Delegations to subordinate decision-making bodies, community boards, members and officers**

- “(1) Unless expressly provided otherwise in [the Local Government Act], or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except –*
- (a) the power to make a rate; or*
  - (b) the power to make a bylaw; or*
  - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term ... plan; or*
  - (d) the power to adopt a long-term ... plan, annual plan, or annual report; or*
  - (e) the power to appoint a chief executive; or*
  - (f) the power to adopt policies required to be adopted and consulted on under [the Local Government Act] in association with the long-term ... plan or developed for the purpose of the local governance statement.*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in ... [(a) – (f) above].*
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.”*  
*[cl. 32(1), (2) & (3), Schedule 7, LGA]*

#### **2.10.2 Use of delegated powers**

*“A committee, subcommittee, other subordinate decision-making body, community board or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or*

*perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.”*

*[cl. 32(4) Schedule 7, LGA]*

### **2.10.3 Delegations related to bylaws and other regulatory matters**

*“A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.”*

*[cl. 32(5) Schedule 7, LGA]*

## **2.11 Proceedings not invalidated by vacancies or irregularities**

### **2.11.1 Acts or proceedings not invalidated by vacancies or irregularities**

*“An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by ... a vacancy in the membership of the local authority or committee at the time of that act or proceeding; or ... the subsequent discovery ... of some defect in the election or appointment of the person acting as a member of the local authority or committee; or ... that that person was or is incapable of being a member.”*

*[cl. 29, Schedule 7, LGA]*

## **2.12 General provisions as to meetings**

### **2.12.1 Requirement to hold meetings**

*“A local authority must hold the meetings that are necessary for the good government of its region or district.”*

*[cl. 19(1), Schedule 7, LGA]*

### **2.12.2 Members’ right to attend meetings**

*“A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.”*

*[cl. 19(2), Schedule 7, LGA]*

### **2.12.3 Calling, notification and conduct of meetings**

*“A meeting of a local authority must be called and conducted in accordance with ... [Schedule 7 of the Local Government Act]; and ... Part 7 of the Local Government Official Information and Meetings Act 1987; and ... the standing orders of the local authority.”*

*[cl. 19(3), Schedule 7, LGA]*

### **2.12.4 Agenda to be sent to members**

In the case of each ordinary meeting to which Standing Order 2.12.1 applies, an agenda with all relevant attachments must be sent to every member at least two clear working days before the day appointed for the meeting.

### **2.12.5 Meetings not invalid because notice not received**

*“A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority unless –*

- (a) *it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and*
  - (b) *the member concerned did not attend the meeting.*
- A member of a local authority may waive any requirement regarding the giving of notice of a meeting to that member.”*  
*[cl. 20(1), (2), Schedule 7, LGA]*

### **2.12.6 Minutes of proceedings**

*“A local authority must keep minutes of its proceedings. Minutes of proceedings duly entered and authenticated as prescribed by the local authority are prima facie evidence of those proceedings.”*  
*[cl. 28(1), (2), Schedule 7, LGA]*

## **2.13 Notification to members of ordinary meetings**

### **2.13.1 Period for written notice**

*“[Except in the case of extraordinary meetings] the chief executive must give notice in writing to each member of the time and place of a meeting –*

- (a) *not less than 14 days before the meeting; or*
- (b) *if the local authority has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule.”*

*[cl. 19(5)(a), (b), Schedule 7, LGA]*

### **2.13.2 Schedule of ordinary meetings**

*“If a local authority adopts a schedule of meetings, -*

- (a) *the schedule may cover any future period that the local authority considers appropriate and may be amended; and*
- (b) *notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.”*

*[cl. 19(6), Schedule 7, LGA]*

### **2.13.3 Cancellation or postponement of scheduled meetings**

If it is necessary to cancel or postpone a scheduled meeting, all reasonable efforts will be taken to notify elected members and the public, as soon as is practicable, of the cancellation or postponement.

## **2.14 Extraordinary meetings**

### **2.14.1 Calling of extraordinary meetings**

*“If a resolution or requisition specifies the time and place at which the meeting is to be held and the general nature of the business to be brought before the meeting, a meeting may be called by –*

- (a) *a resolution of the local authority; or*
- (b) *a requisition in writing delivered to the chief executive and signed by –*
  - (i) *the mayor or chairperson; or*
  - (ii) *not less than one-third of the total membership of the local authority (including vacancies).”*

*[cl. 22(1), Schedule 7, LGA]*

**2.14.2 Notification to members of extraordinary meetings**

*“Notice in writing of the time and place of the meeting called under [Standing Order 2.14.1] and of the general nature of business must be given by the chief executive to each member of the local authority at least 3 working days before the day appointed for the meeting; or if the meeting is called by a resolution, within such lesser period of notice that is specified in the resolution, being not less than 24 hours.”*

*[cl. 22(3), Schedule 7, LGA]*

**2.14.3 Calling of extraordinary meetings at earlier time**

*“If the business to be dealt with requires a meeting to be held at a time earlier than is allowed by the notice requirements specified [in Standing Order 2.14.2], a meeting may be called by the mayor or chairperson; or if the mayor or chairperson are unavailable, the chief executive.”*

*[cl. 22(2), Schedule 7, LGA]*

**2.14.4 Notification to members of extraordinary meetings at earlier time**

*“Notice of the time and place of a meeting called under [Standing Order 2.14.3] and of the matters in respect of which the meeting is being called must be given by the person calling the meeting or by another person on that person’s behalf, by whatever means is reasonable in the circumstances, to each member of the local authority and to the chief executive at least 24 hours before the time appointed for the meeting.”*

*[cl. 22(4) Schedule 7, LGA]*

**2.14.5 Public notice of resolutions of extraordinary meetings**

*“(1) A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless –*

*“(a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or*

*“(b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.*

*“(2) For the purposes of this section, resolution means the resolution on the matter or matters for which the extraordinary meeting was held.”*

*[s. 51A, LGOIMA]*

**2.15 Public access to meetings, agendas, etc.****2.15.1 Meetings normally to be open to the public**

*“Except as otherwise provided by [Part 7 of the Local Government Official Information and Meetings Act] every meeting of a local authority shall be open to the public... For the purpose of [Part 7 of the Local Government Official Information and Meetings Act] bona fide members of the news media shall be deemed to be members of the public, and shall be entitled to attend any meetings or any part of a meeting for the purpose of reporting the proceedings for any news media.”*

*[s. 47 & 49(a), LGOIMA]*

**2.15.2 Information to be available to the public**

All information provided to members at local authority and committee meetings must be available to the public and news media unless any item included in the

agenda refers to any matter reasonably expected to be discussed with the public excluded.

[s. 5 & 49, LGOIMA]

### **2.15.3 Public notification of ordinary meetings**

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. Where any meeting is to be held on or after the 21<sup>st</sup> day of the month, such meetings may instead be publicly notified not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

[s. 46, LGOIMA]

### **2.15.4 Public notification of extraordinary meetings**

*“Where any extraordinary meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by [Standing Order 2.15.3], the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised as soon as practicable before the meeting is to be held ... such public notice as is reasonable in the circumstances.”*

[s.46(3) & (4), LGOIMA]

### **2.15.5 Additional requirements for public notification**

The Chief Executive may make any other arrangement for the notification of meetings including extraordinary meetings as the local authority may from time to time determine.

### **2.15.6 Meetings not invalid because not publicly notified**

*“No meeting of any local authority [is] invalid merely because that meeting was not publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5].”*

[s. 46(5), LGOIMA]

### **2.15.7 Public notice of meetings not notified**

*“Where a local authority becomes aware that any meeting of that local authority has not been publicly notified in accordance with [Standing Orders 2.15.3 – 2.15.5], the local authority shall, as soon as practicable, give public notice that that meeting was not so notified, and shall, in that notice, state the general nature of the business transacted at that meeting; and give the reasons why that meeting was not so notified.”*

[s. 46(6), LGOIMA]

### **2.15.8 Public availability of agendas and reports**

*“Any member of the public may, without payment of a fee, inspect, during normal office hours, within a period of at least 2 working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting. The agendas –*

- (a) shall be available for inspection ... at the public offices of the local authority (including service delivery centres) and the public libraries under the authority’s control; and*
- (b) shall be accompanied by either –*
  - (i) the associated reports; or*



- (ii) a notice specifying the places at which the associated reports may be inspected.

...The associated reports shall be available for inspection at the public offices of the local authority. Any member of the public may take notes from any agenda or report inspected by that member of the public ... . Every member of the public who inspects an agenda or report made available and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as practicable. Where a meeting is an extraordinary meeting called pursuant to a resolution of the local authority, the local authority must cause the agenda and any associated reports to be made available as soon as is reasonable in the circumstances.”

[s. 46A(1) – (6), LGOIMA]

### **2.15.9 Exclusion of reports to be discussed with the public excluded**

The Chief Executive may exclude from the reports made available, reports or items from reports that are reasonably expected to be discussed with the public excluded. These items are to be indicated on each agenda.

[s, 46A (8), LGOIMA]

### **2.15.10 Agenda to be made available to public who are at meetings**

Additional copies of the agenda and further particulars indicating the nature of the items to be discussed must be available at meetings in sufficient numbers to enable any spare copies to be provided for members of the public to take away with them on payment of the prescribed amount (if any).

[s. 49, LGOIMA]

### **2.15.11 List of committee members on agenda**

The members of each committee are to be named on the relevant agenda.

### **2.15.12 Public entitled to inspect minutes**

The public is entitled without charge to inspect, take notes from, or receive copies of, minutes of any meeting or part of any meeting from which the public was not excluded.

[s. 51, LGOIMA]

### **2.15.13 Requests for minutes of meetings from which the public was excluded**

The chief executive must consider any request for the minutes of a meeting or part thereof from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

[s. 51, LGOIMA]

## **2.16 Reasons to exclude the public**

### **2.16.1 Lawful reasons to exclude the public**

A local authority 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 grounds specified in section 48 of the Local Government Official Information and Meetings Act 1987 (see Appendix A).

[s. 48, LGOIMA]

**2.16.2 Form of resolution to exclude the public**

Any resolution to exclude the public must be in the form set out in Schedule 2A to the Local Government Official Information and Meetings Act 1987 and state the general subject of each matter to be considered while the public is excluded, the reason for passing that resolution in relation to that matter, and the grounds on which the resolution is based.

[s.48(3) LGOIMA]

**2.16.3 Motion to exclude the public to be put with public present**

Every motion to exclude the public must be put at a time when the meeting is open to the public, and copies of the text of that motion must be available to any member of the public who is present. The resolution then forms part of the minutes of the local authority.

[s.48(4) LGOIMA]

**2.16.4 Provisions for persons to remain after the public have been excluded**

A resolution in accordance with Standing Order 2.16.3 may provide for one or more specified persons to remain after the public has been excluded if those persons have, in the opinion of the local authority, knowledge that will assist the authority. Any such resolution is required to state the knowledge possessed by those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to the matter. No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.

[s. 48(5) & (6), LGOIMA]

**2.16.5 Release of public excluded information**

A local authority may provide for the release to the public of information, which has been considered during the public excluded part of a meeting.

**2.17 Application of standing orders to public excluded session****2.17.1 Standing orders to apply**

Standing Orders apply to meetings or parts of meetings from which the public has been excluded unless the meeting resolves otherwise in accordance with Standing Orders 2.1.3, 3.1.2 and 3.2.1.

**2.18 Use of public excluded information****2.18.1 Public excluded business not to be disclosed**

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, no member or officer is permitted to disclose to any person, other than a member or officer, any information which has been or is to be presented to any meeting from which the public is properly excluded, or where it is proposed that the public be properly excluded, nor shall any discussion, deliberations or decisions be divulged following any such meeting except by way of release of information by the local authority itself or by permission of the local authority.

## Part 3 MEETING PROCEDURES

### 3.1 Application of Standing Orders

#### 3.1.1 **All members to abide by standing orders**

*“A member of a local authority must abide by the standing orders adopted under clause 27 [of Schedule 7 of the Local Government Act].”*  
*[cl. 16(1), Schedule 7 LGA] (See standing order 2.1.4)*

#### 3.1.2 **Addition or substitution of meeting procedures for quasi-judicial proceedings**

For any quasi-judicial proceedings, the local authority may adopt meeting procedures and practices in addition to, or in substitution of, these standing orders for the conduct of the business to be transacted.

For example, committees appointed to hear applications under the Resource Management Act have powers under the Commissions of Inquiry Act 1908.  
*[s.41, RMA]*

#### 3.1.3 **Exclusions for meetings at which no resolutions or decisions are made**

For the avoidance of doubt, any provision of these standing orders relating to the making of decisions and the passing of resolutions does not apply to any meeting of the local authority or of any other subordinate decision-making body of the local authority which has been properly constituted as a meeting at which no resolutions or decisions are to be made under the Local Government Act 2002 or the Local Government Official Information and Meetings Act 1987.

### 3.2 Temporary suspension of standing orders

#### 3.2.1 **One or more standing orders may be temporarily suspended**

A local authority or committee may temporarily suspend one or more standing orders during a meeting by a vote of not less than 75% of the members present and voting. The reason for the suspension and the specific order(s) suspended must be stated in the resolution of suspension (see Standing Order 2.1.3).  
*[cl.27(4), Schedule 7 LGA]*

### 3.3 Chairperson of meetings

#### 3.3.1 **Mayor to preside at Council meetings**

The Mayor must preside at each meeting of the Council at which he or she is present unless the Mayor vacates the chair for a particular item or meeting. If the Mayor is absent from a meeting of the Council, the Deputy Mayor must preside. However, if a Deputy Mayor has not been appointed, or if the Deputy Mayor is also absent, the members of the Council that are present must elect one of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties and powers of the Mayor.  
*(Refer Standing Order 2.3.1 [cl. 26(1), (5) & (6) Schedule 7, LGA])*

**3.3.2 Chairperson of committee to preside**

The Chairperson of a committee must preside at each meeting of that committee at which he or she is present unless the Chairperson vacates the chair for a particular item or meeting. If the Chairperson is absent from a meeting, the Deputy Chairperson of the committee must preside. However, if a Deputy Chairperson has not been appointed, or if the Deputy Chairperson is also absent, the members of the committee that are present must elect one of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties and powers of the Chairperson.

(See Standing Order 2.3.2 [cl. 26(2), (5) & (6), Schedule 7, LGA])

**3.3.3 Mode of address for Chairperson**

The person in the chair is to be addressed in a manner appropriate to the office they hold.

For example, the Mayor is addressed as "Your Worship"; other chairpersons may be addressed as "Madam Chair" or "Madam Chairperson" or "Mr Chairman". Councillors are addressed as "Councillor ..."

**3.3.4 Chairperson to decide**

The chairperson will decide all points of order and all questions where insufficient or no provision is made in these standing orders. Any member who refuses to obey any order or ruling of the chairperson may be held guilty of contempt (see Standing Orders 3.1.1, 3.13.5).

**3.3.5 Chairperson rising**

If the chairperson stands during a debate, any member speaking must be seated, and/or all members shall be silent so that the chairperson may be heard.

**3.3.6 Members to speak in places and address the chair**

Members granted the right to speak at meetings are to stand and address the chairperson, and may not leave their place while speaking without the Chairperson's permission.

Members may remain seated when speaking at community board, committee or subcommittee meetings.

**3.3.7 Priority of speakers**

When more than one member wishes to speak, the chairperson will determine the order of speakers. The following members shall have precedence when they state their intention to (in order of priority):

- (a) Raise a point of order (see Standing Order 3.13.1), including any request to obtain a time extension for the previous speaker; or
- (b) Move a motion to terminate or adjourn the debate (see Standing Order 3.12.1); or
- (c) Make a point of explanation or request an indulgence of the chairperson (see Standing Order 3.10.9).

**3.3.8 Speeches in English or Maori**

A member may address the chairperson in English or Maori. The chairperson may order that a speech be translated and printed in another language. A member must give the chairperson at least 2 working days notice before the meeting if the member intends to address the chairperson in Maori when the normal business of

the committee is conducted in English, or in English when the normal business of the committee is conducted in Maori.

### 3.4 Quorum at meetings

#### 3.4.1 Requirement for a quorum

*“A meeting is duly constituted if a quorum is present whether or not all of the members are voting or entitled to vote.”*

*[cl. 23(1), Schedule 7, LGA]*

#### 3.4.2 Quorum to be present for whole meeting

*“Business may not be transacted at any meeting unless a quorum of members is present during the whole of the time at which the business is transacted.”*

*[Refer to cl. 23(2), Schedule 7, LGA]*

#### 3.4.3 Definition of quorum for Council meetings

*“The quorum at a meeting of the local authority consists of half of the members if the number of members (including vacancies) is even; or a majority of members if the number of members (including vacancies) is odd.”*

*[Refer to cl. 23(3), Schedule 7, LGA]*

For example: If the number of members is 16, a quorum is 8; if the number of members is 15, a quorum is 8.

#### 3.4.4 Definition of minimum quorum for committee and subcommittee meetings

(a) *“The quorum at any meeting of a Committee –*

*Shall be not less than two members of the Committee (as determined by the local authority or committee that appoints the committee) and*

*In the case of a committee other than a subcommittee, shall include at least one member of the local authority.”*

*[cl. 23(3), Schedule 7, LGA]*

(b) The quorum for committees and subcommittees of the Hastings District Council shall be as defined in the Hastings District Council Committees and Rural Community Board Delegations Register.

*(See Standing Order 2.4.5)*

#### 3.4.5 Meeting lapses if no quorum

If a quorum is not present at the start of, or during a meeting, the business shall be suspended.

The chairperson shall vacate the chair and the meeting shall lapse if no quorum is present within 15 minutes of the scheduled start time, unless an apology for lateness has been received from a member/s and the member/s' presence will ensure the attainment of a quorum and the member/s is/are expected to be present within 30 minutes of the scheduled meeting start time.

**Note:** Any member/s expecting to be late to a meeting, or who intends leaving a meeting for a period of time, should notify the Chair or Chief Executive of their anticipated arrival and departure times so that every effort can be made to attain and maintain a quorum for the duration of the meeting.

### **3.4.6 Minutes to record failure of quorum**

If a meeting lapses due to the lack of a quorum, the names of the members in attendance, and the fact that the meeting has lapsed, shall be recorded in the minutes.

### **3.4.7 Lapsed business**

The business remaining following the lapsing of a meeting is to stand adjourned until the next ordinary meeting unless an earlier meeting is set and is notified by the Chief Executive.

### **3.4.8 Duration of meetings and time limits**

No meeting may continue for more than six hours in one day or beyond 9.00pm unless the meeting passes a resolution to continue. Any outstanding business on the agenda should be dealt with, by either:

- (a) the meeting reconvening to another date and time for the specific purpose of dealing with the outstanding business, or
- (b) the outstanding business being referred to the next meeting of the Council or appropriate committee.

**Note:** The six hours excludes adjournments – such as for meal breaks

## **3.5 Reporting and/or recording of meetings**

### **3.5.1 Reporting and/or recording of meetings**

The following provisions shall apply to any meeting that is open to the public:

- (a) Members of the public including bona fide members of the news media are entitled to attend any meeting or any part of a meeting and to report on the proceedings.  
*[Refer to s 49(a) LGOIMA]*
- (b) Any recording of meetings by any person must be notified to the chairperson before the start of the meeting.
- (c) At the start of the meeting the chairperson will inform the meeting that all or parts of the meeting are being recorded.
- (d) Any recording of meetings must be carried out in an open but unobtrusive manner, and must not be distracting to members.

## **3.6 Leave of absence and apologies**

### **3.6.1 Tendering and recording of apologies**

At the beginning of each meeting, the chairperson shall invite apologies for absence, lateness and early departure, and requests for leave of absence. These and subsequent apologies during the meeting shall be recorded in the minutes, including whether they were accepted or declined, and the time of arrival and departure of all members.

### **3.6.2 Requests for and granting of leave of absence**

Upon application by a member, the Council, or any Committee whose members comprise the Mayor and all councillors, may grant leave of absence to the member from an ordinary meeting or other meetings of the Council or its committees, or for a specified period of time.

### **3.6.3 Apologies tendered at meetings**

An apology for absence or lateness may be tendered on behalf of a member who has not obtained leave of absence. The apology may be accepted or declined by the meeting. Acceptance of an apology for absence shall be deemed to be a granting of leave of absence for that meeting.

**Note:** If possible, members who expect to be absent from a meeting/s should apply for leave of absence beforehand, in preference to extending an apology.

### **3.6.4 Leave for attendance at conferences or training**

If a member has received approval from the Council or a Committee to attend a conference or training, the granting of the approval shall be deemed a granting of leave of absence for any meeting/s held while the member is attending that conference or training.

### **3.6.5 Absence without leave**

An extraordinary vacancy is created where any member is absent without leave of the Council or Community Board from 4 consecutive ordinary meetings of the Council or Community Board.

*(Refer to cl. 5 (1)(d), Schedule 7 LGA)*

## **3.7 Order of business**

### **3.7.1 Order of business at meeting**

For each meeting, the chief executive will prepare an agenda listing, and attaching information on, the items of business to be brought before the meeting, so far as is known. The business is to be dealt with at the meeting in the order stated on the agenda, unless the meeting or the chairperson accord precedence to any agenda item.

### **3.7.2 Public excluded items**

In the case of items of business or matters that the Chief Executive considers the meeting is likely to wish to exclude the public, the Chief Executive shall prepare a public excluded agenda in terms of the Local Government Official Information and Meetings Act 1987. The public agenda must contain an indication of the subject matter likely to be considered with the public excluded.

*(Refer to Standing Orders 2.15.9, 2.16.1 – 2.16.4, 2.17.)*

### **3.7.3 Chairperson's report**

The chairperson may, by report, direct the attention of the meeting to any matter within the role or function of the Council or committee.

### **3.7.4 Chairperson's recommendation**

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation concerning any item brought before that meeting.

### **3.7.5 Meeting may revoke or alter previous resolution**

A meeting may, on a recommendation contained in a report by the chairperson or Chief Executive, or on the recommendation of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days'

notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered.

### **3.8 Extraordinary business items**

#### **3.8.1 *Items not on the agenda may be dealt with***

An item that is not on the agenda for a meeting may be dealt with as an Extraordinary Item at the meeting if the Chairperson explains when the meeting is open to the public the reason why the item is not on the agenda; and the reason why the discussion of the item cannot be delayed until a subsequent meeting; and the meeting resolves to take the item as an Extraordinary Item.

*[Refer to s 46A cl. (7) LGOIMA]*

#### **3.8.2 *Minor matters not on the agenda may be discussed***

Minor matters relating to the general business of the Council that are not on the agenda for a meeting may be discussed as an Extraordinary Item at the meeting if the Chairperson explains at the beginning of the meeting when it is open to the public that the item will be discussed at the meeting but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent Council or Committee meeting for further discussion.

*[Refer to s 46A cl. (7A) LGOIMA]*

#### **3.8.3 *Additional Business Items***

An item that is not on the main agenda for a meeting, but has been sent to members in accordance with Standing Order 2.12.4 shall be dealt with like any other item on the main agenda.

### **3.9 Questions during meeting**

#### **3.9.1 *Questions during meeting***

In the course of any debate at any meeting, any member may, at the chairperson's discretion, ask questions of relevant officer/s on any matter under debate. Such questions are to be directed through the chair.

### **3.10 Rules of debate**

#### **3.10.1 *Speaking only to relevant matters***

Members may only speak to matters before the meeting, or on points of order arising from debate.

#### **3.10.2 *Reading of speeches***

Members may refer to notes when speaking, but may not read their speeches unless permitted by the chairperson.

#### **3.10.3 *Irrelevant matters or unnecessary repetition***

In speaking to any motion or amendment, members are to restrict their remarks to that motion or amendment, and not introduce irrelevant matters or indulge in unnecessary repetition. The chairperson's ruling on this matter is final.



**3.10.4 Time limits on speakers**

Unless extended by a majority vote of members present and voting, the following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion, ten minutes;
  - (b) Other members, five minutes.
  - (c) Movers of motions, when exercising their right of reply, five minutes;
- (See also Standing Order 3.10.7).

**3.10.5 Clarification**

If asked by the chairperson, members speaking must state whether they are speaking for or against the motion or amendment under debate.

**3.10.6 Restating of motion**

Within reason, members may ask the chairperson to restate the motion for their information during debate.

**3.10.7 Member speaking more than once**

A member may not speak more than once to a motion unless they also have the right of reply.

**3.10.8 Personal explanation**

Despite Standing Order 3.10.7, members may make a personal explanation with the permission of the chairperson, but such matters may not be debated.

**3.10.9 Explanation of previous speech**

With the chairperson's permission, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but new matter may not be introduced.

**3.10.10 Taking down words**

When any member objects to words used and asks for his/her objection to be recorded in the minutes, the chairperson may direct that the objection be recorded, provided the objection is made at the time the words were used and before any other members have spoken.

(See Standing Order 3.13.4)

**3.10.11 Limitation on speakers**

If 3 speakers have spoken consecutively for or against a motion, the chairperson may call for a speaker to the contrary. If no such speaker is forthcoming, and after the mover has had the right of reply, the motion may be put to a vote.

**3.11 Motions and amendments****3.11.1 Requirement for mover and seconder**

All motions and amendments moved in debate must be seconded and then the chairperson shall put the matter to the meeting for debate.

**3.11.2 Motions and Amendments not seconded**

Motions and amendments which are moved but not seconded will be declared by the chairperson to have “lapsed” and shall not be discussed nor entered into the minutes.

**3.11.3 Motions in writing**

The chairperson may require movers of motions or amendments to provide them in writing signed by the mover.

**3.11.4 Reserving speech**

A member who seconds a motion or amendment without speaking to it may, after the mover has spoken, reserve the right to speak later in the debate (provided that they reserve that right immediately after the mover has spoken).

**3.11.5 Foreshadowed motion or amendment**

In speaking to any motion or amendment, a member may signal his/her intention to move an alternative or additional motion or amendment after the motion or amendment on the floor has been disposed of. A foreshadowed motion or amendment requires a seconder only if it becomes a motion.

**Note:** During a meeting, a “foreshadowed” motion may also be referred to as a “notice of motion”.

**3.11.6 Withdrawal of motions and amendments**

Once motions or amendments have been seconded and put to the meeting by the chairperson, they can only be withdrawn by a majority of the members present and voting or with the consent of the mover and seconder.

A motion to which an amendment has been moved and seconded can only be withdrawn if the amendment is withdrawn or lost.

**Note:** Motions or amendments that have been withdrawn will not be entered into the minutes.

**3.11.7 Motion substituted by amendment**

The meeting may allow a motion, which is subject to an amendment, to be withdrawn and replaced by the amendment as the substituted motion, provided the mover and seconder of the original motion agree to the withdrawal of the original motion. In such circumstances, members who have spoken to the original motion may speak again to the substituted motion.

**3.11.8 Amendment may be moved**

When a motion has been moved and seconded, and put to the meeting for debate, an amendment may be moved or seconded by any member who has not spoken to the motion under debate. The mover or seconder of a motion for the adoption of the report of a committee who desires to amend any item in the report, may also propose or second an amendment.

**3.11.9 Amendments must be relevant**

Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.

**3.11.10 Direct negatives not allowed**

No amendment which amounts to a direct negative is to be allowed which, if carried, would have the same effect as negating the motion.

**3.11.11 Further amendments**

No further amendment may be allowed until the first amendment is disposed of, although members may notify the chairperson of their intention to move further amendments and their substance.

*[See Standing Order 3.11.5 re foreshadowed motion or amendment]*

**3.11.12 Amendment lost**

If an amendment is lost, another may be moved and seconded by any members who have not spoken to the original or substituted motion. Movers of previous amendments which were lost are not entitled to move or second the new amendment, but are entitled to speak to the new amendment.

**3.11.13 Amendment carried**

If an amendment is carried, the motion as amended becomes the substantive motion and the mover and seconder of the amendment are now deemed to be the mover and seconder of the substantive motion. Any member, other than previous movers or seconders in the debate, may then propose a further amendment to the substantive motion.

**3.11.14 When right of reply may be exercised**

The right of reply is governed as follows:

- (a) Where no amendment has been moved, the mover may reply at the conclusion of the debate on the motion;
- (b) If there is an amendment, the mover of the original motion may exercise their right of reply at the conclusion of the debate on the amendment, and this reply exhausts their rights as mover of the original motion (see Standing Order 3.11.15), provided that the mover may reserve such right of reply. The mover may take part in the discussion upon subsequent amendments.

**Note:** Only the mover of an original motion has a right of reply and that right can only be used once. In addition the mover may speak once to an original motion and once to each amendment without losing the right of reply.

**3.11.15 Right of reply**

A right of reply may be exercised by the mover of an original motion (but not the mover of an amendment). Movers exercising their right of reply must confine themselves to answering previous speakers and must not introduce any new matters. No other member may speak on the motion once:

- the mover has commenced the right of reply, or has waived the right of reply, or
- the mover has exercised the right of reply on an amendment to the motion; and
- the chairperson has stated his/her intention to put the motion to a vote.

**3.11.16 No speakers after reply or after motion or amendment has been put**

Members may not speak on any motion once the mover has commenced his/her right of reply or where the chairperson has commenced putting the motion or amendment to the vote.

**3.11.17 Restating the motion or amendment**

The chairperson may, immediately prior to any vote being taken, ask the Chief Executive to restate the motion or amendment upon which the vote is to be taken.

**3.11.18 Motions or amendments expressed in parts**

The chairperson or any member may require a motion or amendment expressed in parts to be voted on part by part.

**3.11.19 Procedure until no further amendments**

The procedures in Standing Orders 3.11.8 and 3.11.11 must be repeated until there are no further amendments.

**3.11.20 Flowchart of motions and amendments**

A flow chart illustrating the process regarding motions and amendments is included in this Standard as Appendix D.

**3.11.21 Alteration or revocation of resolution at same meeting**

If, during the course of a meeting of the local authority, fresh facts or information are received concerning a matter already resolved at the meeting, the previous resolution may be revoked or altered by the consent of 75% of the members present and voting at the meeting.

**3.12 Procedural motions to terminate or adjourn debate****3.12.1 Members who have not spoken may move motions to adjourn or terminate debate (“closure motions”)**

Any member who has not spoken on the matter under debate, may move any one of the following procedural motions to terminate or adjourn debate, but not so as to interrupt a member speaking:

- (a) That the motion under debate be now put; or
- (b) That the motion (or amendment) under debate be withdrawn; or
- (c) That the meeting move directly to the next item of business, superseding the item under discussion; or
- (d) That the item of business being discussed lie on the table, and not be further discussed at that meeting; or
- (e) That the item of business being discussed be adjourned to a time and place to be stated: or
- (f) That the meeting be adjourned to an alternative time and place: or
- (g) That the unfinished business be referred to the next ordinary meeting of the Council or relevant committee.

**3.12.2 Closure motion may be accepted by Chairperson**

The chairperson may accept a closure motion if there have been 2 or more speakers in favour of and 2 or more speakers against the motion, or, if there are no such speakers, the chairperson considers it is reasonable to do so.

**3.12.3 Closure motion on amendment**

When an amendment to a motion is under debate, a closure motion relates to the amendment and not to the motion.

**3.12.4 Right of reply following closure motion**

If a closure motion is carried, the mover of the motion then under debate is entitled to the right of reply, and the motion or amendment under debate is then to be put.

**3.12.5 Closure motions take precedence**

Procedural motions to terminate or adjourn debate take precedence over other business, other than points of order and, if seconded, shall be put to the vote immediately without discussion or debate.

**3.12.6 Voting on closure motions**

All procedural motions to terminate or adjourn debate must be determined by a majority of those members present and voting. If lost, a further procedural motion to terminate or adjourn debate, may not be moved by any member within the next 15 minutes.

**3.12.7 Closure motion to be put if no further speaker**

Despite Standing Order 3.12.6, a closure motion shall be put if there is no further speaker in debate.

**3.12.8 Debate on items previously adjourned**

Before debate on adjourned items of business may be resumed, the meeting must pass a resolution to uplift the matter lying on the table. The mover of the adjournment is entitled to speak first in the debate. Members who have already spoken in the debate may not speak again unless fresh facts or information relating to the item have been obtained during the adjournment and advised to the meeting.

**3.12.9 Referral to committee**

Unless otherwise specified, business referred, or referred back, to a specified committee is to be considered at the next ordinary meeting of that committee.

**3.12.10 Table of procedural motions**

A table of procedural motions is included in these Standing Orders as Appendix C.

**3.13 Points of order****3.13.1 Members rising to points of order**

Any member may rise to speak to a point of order upon any breach of these Standing Orders and the member previously speaking is to stop speaking and be seated.

**3.13.2 Stating subject of point of order**

The member rising is to state without explanation precisely the subject matter of the point of order.

Rising to express a difference of opinion or to contradict a statement of a previous speaker does not constitute a point of order.

**3.13.3 Points of order during voting**

No point of order may be raised during a vote or division except by the permission of the chairperson.

**3.13.4 Types of points of order**

The following are recognised as substance for points of order:

- (a) Discussion of a matter not before the local authority; or
- (b) The breach of any standing order; or
- (c) Misrepresentation of any statement made by a member or by an officer or employee of the local authority; or
- (d) A request that words objected to be recorded in the minutes.
- (e) Where disorder is drawn to the attention of the chairperson; or
- (f) Use of disrespectful, offensive or malicious language.

**3.13.5 Ruling of chairperson final**

The chairperson may decide on any point of order immediately after it has been raised by any member, or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is final.

**3.14 Voting****3.14.1 Decisions by majority votes**

“Unless otherwise provided for in the Local Government Act or in these Standing Orders, the acts of a local authority must be done and the questions before the local authority must be decided at a meeting by vote and the majority of members that are present and voting”.

*[cl. 24, Schedule 7, LGA] (See Standing Order 2.5.1)*

**3.14.2 Decisions by open voting**

“An act or question coming before the local authority must be done or decided by open voting”.

*[cl. 24(3), Schedule 7, LGA]*

**3.14.3 Method of voting**

The method of voting shall be as follows:

- (a) The chairperson in putting the motion shall call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the chairperson, shall be conclusive unless such announcement is questioned immediately by any member, in which event the chairperson shall call a division.
- (b) The chairperson or any member may call for a division instead of or after receiving opinion on the voices and taking a show of hands.
- (c) Where a suitable electronic voting system is available, that system may be used instead of a show of hands, vote by voices or division, and the result displayed shall be notified to the chairperson who shall declare the result.

**3.14.4 Division**

When a division is called, the chief executive shall take down the names of the members voting for and against the motion and abstentions and is to hand the list to the chairperson to declare the result. The result of the division – the names of members and whether they voted for, or against, or abstained - shall be entered into the minutes.

**3.14.5 Second division**

The chairperson may call a second division where there is confusion or error in the original division, unless the same can be otherwise corrected.

**3.14.6 Chairperson's voting – casting vote**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, also has a casting vote, except where the specific delegations to a committee or subcommittee prohibit a casting vote.

*[cl. 24(4)(b), Schedule 7, LGA] (Refer to Standing Order 2.5.2 and HDC Committees and Rural Community Board Delegations Register)*

**3.14.7 Members may abstain**

Any member may abstain from voting.

**3.14.8 Members may have votes recorded**

Any member's vote or abstention must be recorded in the minutes if so requested by that member provided that the request is made immediately after the vote has been taken and before the meeting moves on to the next matter.

**3.15 Pecuniary and non-pecuniary interest****3.15.1 Pecuniary interest**

No member may vote or take part in the discussion of any matter at any meeting where they, directly or indirectly, have any pecuniary interest as defined in law, other than an interest in common with the public.

*[s. 6(1), Local Authorities (Members' Interests) Act]*

**3.15.2 Notification of pecuniary interests to chief executive**

In order to ensure that members are able to participate freely in debate where they do not have pecuniary interests, members shall provide notification of financial interests and those of their spouse/partner to the Chief Executive within one month of the meeting at which they are sworn in. The Register of Members' Financial Interests will be held by the Chief Executive and every six months members will be requested to update their financial interests.

**3.15.3 Declaration of pecuniary interest**

Every member present when any matter is raised in which they directly or indirectly have a pecuniary interest, apart from an interest in common with the public, is under a duty to fully declare any such interest to the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.

*[s. 6(1), Local Authorities (Members' Interests) Act]*

**3.15.4 Pecuniary interest a reason for leaving the room**

Members who have declared a pecuniary interest in matters to be discussed under Standing Order 3.15.3 should consider leaving the meeting room for the full duration of discussion on such matters.

**3.15.5 Non-pecuniary interest – perception of bias and/or predetermination**

When any matter is raised in which members directly or indirectly have a non-pecuniary interest, apart from any interest in common with the public, the member/s should consider declaring such interest to the meeting and withdrawing from the meeting. This disclosure and the subsequent abstention of such members from both discussion and voting on the item, is to be recorded in the minutes.

Examples of non-pecuniary interest are:

Being a member of an organisation (such as a trust that is not a Council Controlled Organisation or Council Organisation), and the matter to be considered involves that organisation's business or negotiations with the Council.

Where a member's residence or business or other interest may be directly affected by a proposed Council public work.

**3.16 Maintenance of order at meetings****3.16.1 Members to be respectful**

Members must be respectful at all times and must not use offensive or malicious language, including in reference to the local authority, any other member, or any officer or employee of the local authority. No member may allege improper motives, or make offensive remarks about the private affairs of any other member of the local authority or its staff.

**3.16.2 Disorderly members to withdraw**

Members called to order by the chairperson must immediately stop speaking and/or be seated. Any member who does not obey such an order may be directed by the chairperson to withdraw from the meeting. If so directed, the member shall withdraw and cannot return until allowed to by the chairperson.

**3.16.3 Retraction of, or apology for, offensive or malicious language**

The chairperson may ask any member or speaker to withdraw any offensive or malicious expression and to apologise for the expression. Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

**3.16.4 Disorder in meeting**

Any member whose conduct is disorderly or who is creating a disturbance may be required by the chairperson to withdraw immediately from the meeting for a specified time.

**3.16.5 Adjournment of meeting following disorder**

Should the disorder continue, the chairperson may adjourn the meeting for a specified time. At the end of that period the meeting shall resume and decide without debate whether the meeting shall proceed or be adjourned. The chairperson may also take such action in relation to disorder from other sources or in the event of an emergency.

**3.16.6 Contempt to be recorded in the minutes**

If the meeting resolves to find a member in contempt, that resolution must be recorded in the minutes.



**3.16.7 Removal from meeting**

*“A member of the police, or an officer or employee of the local authority, may, at the request of the chairperson, remove or exclude a member from a meeting if that member is required to leave the meeting by a ruling made under the standing orders and that member –*

- (a) refuses or fails to leave the meeting; or*
- (b) having left the meeting, attempts to re-enter the meeting without the permission of the chairperson.”*

*[cl. 16(2), Schedule 7 LGA]*

**3.16.8 Chairperson may require members of the public to leave meeting**

The chairperson presiding at any meeting of the local authority may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of any member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.

*[s. 50, LGOIMA]*

**3.16.9 Removal of members of the public**

If any member of the public who is required in accordance with Standing Order 3.16.8 to leave a meeting, refuses or fails to leave the meeting or, having left the meeting, attempts to re-enter the meeting without the permission of the chairperson, any police officer or employee of the local authority may, at the request of the chairperson, remove or exclude that member of the public from the meeting.

*[s. 50, LGOIMA]*

**3.17 Qualified privilege****3.17.1 Qualified privilege relating to agenda and minutes**

If any defamatory matter is published in a publicly available agenda or associated material, or minutes, it is privileged unless it can be proved that the publication of the material was motivated by ill will or took improper advantage of the occasion of publication.

*[s. 52, LGOIMA]*

**3.17.2 Qualified privilege relating to oral statements**

Any oral statement made at a local authority meeting in accordance with the rules adopted by the Local Authority for the guidance and order of its proceedings is privileged, unless the statement is proved to be made with ill will or took improper advantage of the occasion of publication.

*[s. 53, LGOIMA]*

**3.17.3 Qualified privilege additional to any other provisions**

The privilege conferred by Standing Order 3.17.2 is in addition to, and does not substitute for or detract from any other privilege, whether absolute or qualified, that applies, by virtue of any other enactment or rule of law, to the proceedings of any local authority.

*[s.53, LGOIMA]*

### **3.18 Members' notices of motion**

#### **3.18.1 Members' notices of motion to be in writing**

Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Chief Executive at least 5 clear working days before such meeting.

#### **3.18.2 Refusal of notice of motion**

The chairperson may direct the Chief Executive 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 local authority; 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 as the Chief Executive may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the mover.

#### **3.18.3 Notice of motion during local authority pre-election period**

During the local government pre-election period the Chief Executive may decline any notice of motion which the Chief Executive considers amounts to an electoral activity.

#### **3.18.4 Referral of notices of motion to committees**

Any notice of motion referring to any matter ordinarily dealt with by a committee may be referred to that committee by the Chief Executive. Where such notices are so referred, the mover of the motion shall, if not a member of that committee, have the right to move that motion, and of reply, as if a committee member but shall not be entitled to vote on the matter.

#### **3.18.5 Revocation or alteration of previous resolutions**

A member intending to move a motion for the revocation or alteration of all or part of a previous resolution is to provide such notice of motion in writing to the Chief Executive.

- (a) The notice is to set out:
  - (i) The resolution or part thereof which it is proposed to revoke or alter;
  - (ii) The meeting date when it was passed; and
  - (iii) The motion, if any, that is intended to be moved in substitution.
- (b) The notice is to be signed by at least one third of the members of the local authority, including vacancies, and given to the chief executive at least 5 clear working days before the meeting at which it is proposed to consider such a motion.
- (c) The chief executive must then give members at least 2 clear working days' notice in writing of the intended motion and of the meeting at which it is proposed to move such.

#### **3.18.6 Restriction on action to be taken on previous resolutions**

Where a notice of motion has been given in terms of Standing Order 3.18.5, no action which is irreversible may be taken under the resolution which is proposed for

revocation or alteration until the proposed notice of motion has been dealt with by the local authority, provided that if, in the opinion of the chairperson:

- (a) The practical effect of the delay would be equivalent to a revocation of the resolution, or if;
- (b) By reason of repetitive notices the effect of the notice is an attempt by a minority to frustrate the will of the local authority;

then, in either case, action may be taken as though no such notice to the chief executive had been given or signed.

### **3.18.7 Mover of notice of motion**

Notices of motion may not proceed in the absence of the mover, unless moved by another member authorised in writing by the mover to do so.

### **3.18.8 Alteration of notice of motion**

A notice of motion may be altered only by the mover with the consent of the meeting.

### **3.18.9 When notices of motion lapse**

Notices of motion not moved on being called for by the chairperson, shall lapse. If, having been moved, the motion is not seconded on being called for by the chairperson, the motion shall lapse.

## **3.19 Repeat notices of motion**

### **3.19.1 First repeat where notice of motion has been rejected**

When a motion which is the subject of a notice of motion has been considered and rejected by the local authority, no similar notice of motion which, in the opinion of the Mayor or chairperson, is substantially the same in purport and effect may be accepted within the next 6 months unless signed by at least one third of all members, including vacancies.

### **3.19.2 Second repeat where notice of motion rejected**

If a repeat notice of motion as provided for in Standing Order 3.19.1 is also rejected by the local authority, any further notice prior to the expiration of the original period of 6 months must be signed by a majority of all members, including vacancies.

### **3.19.3 No repeats where notice of motion adopted**

Where a notice of motion has been considered and adopted by the local authority, no notice of any other motion which is, in the opinion of the Mayor or chairperson, to the same effect may be put again whilst such original motion stands.

## **3.20 Deputations and presentations**

### **3.20.1 Deputations may be heard**

Deputations may be received by the local authority or any of its committees provided an application for admission setting forth the subject, has been lodged with the chief executive at least 2 clear working days before the date of the meeting concerned, and has been subsequently approved by the chairperson. The chairperson may refuse requests for deputations which are repetitious or offensive.

**3.20.2 Urgency or major public interest**

Notwithstanding Standing Order 3.20.1, where in the opinion of the chairperson the matter which is the subject of a deputation is one of urgency or major public interest, the chairperson may determine that the deputation be received.

**3.20.3 Deputations and presentations in English and Maori**

A deputation or presentation to the local authority or any of its committees, may be made in English or Maori. Prior arrangement with the chairperson should be sought at least 2 clear working days before the meeting if the address is not in English. The chairperson may order that any speech or document presented be translated and/or printed in another language.

**3.20.4 Procedures for deputations**

Except with the approval of the Council or committee, not more than 2 members of a deputation may address the meeting. After a presentation is received, members may put to the deputation any question pertinent to the subject heard, but no member may express an opinion upon, or discuss, the subject until the deputation has completed making its submissions and answering questions (see Standing Order 3.17.2 regarding qualified privilege).

**3.20.5 Time limit on presentations**

Unless the meeting determines otherwise in any particular case, a limit of 10 minutes is placed on a speaker making a presentation, or if there are 2 members of the deputation addressing the meeting 10 minutes in total for the 2 speakers.

**3.20.6 Termination of presentation if disrespectful**

The chairperson may terminate a presentation in progress which is disrespectful or offensive, or where the chairperson has reason to believe that statements have been made with malice.

*(See Standing Order 3.17.2 regarding qualified privilege).*

**3.20.7 Form of petitions**

Every petition presented to the local authority or to any of its committees, must comprise fewer than 250 words (not including signatories) and must not be disrespectful, nor use offensive language or include statements made with malice *(See Standing Orders 3.17.1 and 3.17.2 regarding qualified privilege).*

**3.20.8 Petition in English or Maori**

A petition presented to the Council or any of its committees may be in English or Maori. Prior arrangement with the chairperson should be sought at least 2 clear working days before the meeting if the petition is not in English. The chairperson may order that any petition be translated and/or printed in another language.

**3.20.9 Petition where presented by petitioner**

Where a petition is presented by a petitioner, unless the meeting determines otherwise, a limit of 5 minutes is placed on that person. If the chairperson has reason to believe that the petitioner is disrespectful or offensive, or has made statements with malice, the chairperson shall terminate presentation of the petition. *(See Standing Orders 3.17.1 and 3.17.2 regarding qualified privilege.)*

**3.20.10 Petition where presented by member**

Any member of the local authority, who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and the statement of the parties from which it comes, and the number of signatures attached to it. (The reason for this limitation is to avoid any presumption of bias or predetermination on the part of the member presenting the petition.)

**3.21 Minutes of proceedings****3.21.1 Minutes to be evidence of proceedings**

(1) *A local authority must keep minutes of its proceedings.*

(2) *Minutes of proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those proceedings."*

*[cl. 28, Schedule 7, LGA]*

**3.21.2 Keeping of minutes**

The Chief Executive or his/her designated representative shall keep the minutes of meetings. The minutes shall record the date, time and venue of the meeting; the names of those members present; identification of the chairperson; apologies tendered and accepted or declined; arrival and departure times of members; any failure of a quorum; a list of speakers in the public forum and the topics they cover; a list of items considered; resolutions and amendments pertaining to those items; any objections to words used; all divisions taken; names of any members requesting the recording of their abstentions or votes; declarations of pecuniary interest; contempt, censure and removal of any members; resolutions to exclude members of the public; and the time that the meeting concludes or adjourns.

*(See Standing Orders 2.16.3, 3.4.6, 3.6.1, 3.10.10, 3.14.4, 3.14.8, 3.15.3, 3.15.5, 3.16.6).*

**3.21.3 No discussion on minutes**

No discussion may arise on the substance of minutes at any succeeding meeting, except as to their correctness.

**3.21.4 Minutes of last meeting before election**

The Mayor or chairperson and the Chief Executive shall authenticate the minutes of the last meeting of the Council and any of its committees prior to the next election of members.

**3.21.5 Keeping and inspection of Minute books**

The minute books of the local authority must be kept by the Chief Executive and be open to inspection in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act.

*[s. 51, LGOIMA] (See Standing Orders 2.15.12 and 2.15.13).*

**APPENDIX A: Grounds to Exclude the Public from Meetings in Terms of the Local Government Official Information and Meetings Act 1987**

A local authority 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.

*(Section 6 LGOIMA)*

**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) Protect information where the making available of the information –
  - (i) Would disclose a trade secret; or
  - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
- (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information –
  - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - (ii) Would be likely otherwise to damage the public interest; or
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through –
  - (i) \*\*\*The free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) of this Act applies, in the course of their duty; or

- (ii) The protection of such members, officers, employees, and persons from improper pressure or harassment; or

\*\*\**(Section 48(1)(a)(i) of LGOIMA excludes the use of 7(f)(i) as a reason to exclude the public)*

- (g) Maintain legal professional privilege; or
- (h) Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

*(Section 7 LGOIMA)*

**A3** 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, the public disclosure of which would –

- (i) Be contrary to the provisions of a specified enactment; or
- (ii) Constitute contempt of Court or of the House of Representatives:

*(Section 48(1)(b) LGOIMA)*

**A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a local authority named or specified in Schedule 1 to this Act).

*(Section 48(1)(c) LGOIMA)*

**A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:

- (a) Any proceedings before a local authority where-
  - (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings; or
  - (ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- (b) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.

*(Section 48(1)(d) and 48(2))*

**APPENDIX B: Sample Recommendation to Exclude the Public**

**SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

THAT the public now be excluded from the following part of the meeting, namely:

- 6. Minutes and Recommendations of the Civic Pride Committee Meeting held 1 February 2010 while the Public were Excluded**
- 7. Disposal of Council-owned Land**
- 8. Civic Honour Awards**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
		<b>Section 48 (1)(a)</b>
<b>6. Minutes and Recommendations of the Civic Pride Committee Meeting held 1 February 2010 while the Public were Excluded.</b>	<b>For the reasons set out in the Civic Pride minutes of 1 February 2010 held with public present.</b>	Where the Local Authority is named or specified in the First Schedule to this Act, under Section 6 or Section 7 (except Section 7(2)(f)(i)) of this Act.
<b>7. Disposal of Council-owned Land</b>	<b>Section 7 (2) (i)</b>  To enable the Local Authority holding the information to carry on without prejudice or disadvantage negotiations	<b>Section 48 (1)(a)</b>



GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
8. Civic Honour Awards	Section 7 (2) (a)	Section 48 (1)(a)
	To protect the privacy of natural persons including that of deceased natural persons.	

**Sample resolution – provision for persons to remain after public excluded (Standing Order 2.16.4)**

That *(name/s)* be permitted to remain for consideration of item *(agenda item no. and title)* after the public has been excluded because, in the opinion of the meeting, they have knowledge that will assist the Council. The knowledge possessed by *(name/s)* will be of assistance in relation to the matter to be discussed because .....

**NB: No such resolution is necessary in respect of the attendance of the chief executive and relevant staff during a public excluded session.**

**APPENDIX C: Procedural Motions and Points of Order**

**Procedural Motions - See Standing Orders 3.12.1 – 3.12.9**

For the following procedural motions, in all cases:

1. The procedural motion may only be moved by a member who has not already spoken to the matter under debate.
2. A seconder is required.
3. If a member is already speaking, they cannot be interrupted by the mover of the procedural motion.
4. The procedural motion is not subject to discussion (but in some cases it may be amended – see table below).
5. The mover is not entitled to the right of reply.
6. If a procedural motion has been put to the vote and lost, another such motion can only be moved after a 15 minute interval unless there are no further speakers in debate on the matter.

Motion	Are Amendments in order?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the motion under debate be now put."	No	If the closure motion is carried, it relates to the amendment and only the amendment is put.	If the closure motion is carried, only the procedural motion is put.	If the closure motion is carried, the mover of the motion or amendment under debate is entitled to exercise a right of reply before it is put.
(b) "That the motion (or amendment) under debate be withdrawn."	No	The amendment is dealt with first. If the procedural motion to withdraw the amendment is carried, a separate motion to withdraw the motion may be moved.	If the procedural motion to withdraw is carried, the other procedural motion is deemed to have been lost.	See Standing Order 3.11.6.  If the motion to withdraw an amendment is carried, further amendments to the motion may be moved.  If the motion to withdraw a motion is carried, a further motion or procedural motion may be moved.
(c) "That the meeting move directly to the next item of business,	No	If carried, debate on the original motion and amendment	If carried, debate on the original motion and procedural motion	

Motion	Are Amendments in order?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
superseding the item under discussion.”		are adjourned.	are adjourned.	
(d) “That the item of business being discussed lie on the table, and not be further discussed at this meeting.”	No	If carried, the original motion and amendment are both to lie on the table.	Motion not in order.	If there is already a procedural motion before the Chair, it must be dealt with first.
(e) “That the item of business being discussed be adjourned to a time and place to be stated.”	Only as to time and date.	If carried, debate on the original motion (and amendment if any) are adjourned.	If procedural motion carried, debate on the original motion (and amendment if any) and procedural motion are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again unless fresh facts or information are received during the adjournment.
(f) “That the meeting be adjourned to a time and place to be stated.”	Only as to time and date	If procedural motion carried, debate on the original motion (and amendment if any) are adjourned.	If procedural motion carried, debate on the original motion (and amendment if any) and the procedural motion already before the Chair, are adjourned.	On resumption of debate, the mover of the adjournment speaks first. Members who have already spoken in the debate may not speak again unless fresh facts or information are received during the adjournment.
(g) “That the unfinished business be referred to the next ordinary meeting of the Council or relevant committee.”	Only as to committee, time for reporting back etc.	If carried, the original motion and all amendments are referred to the Council or relevant committee.	If procedural motion carried, the previous procedural motion is deemed to have been disposed of.	

Item 8

Attachment 1

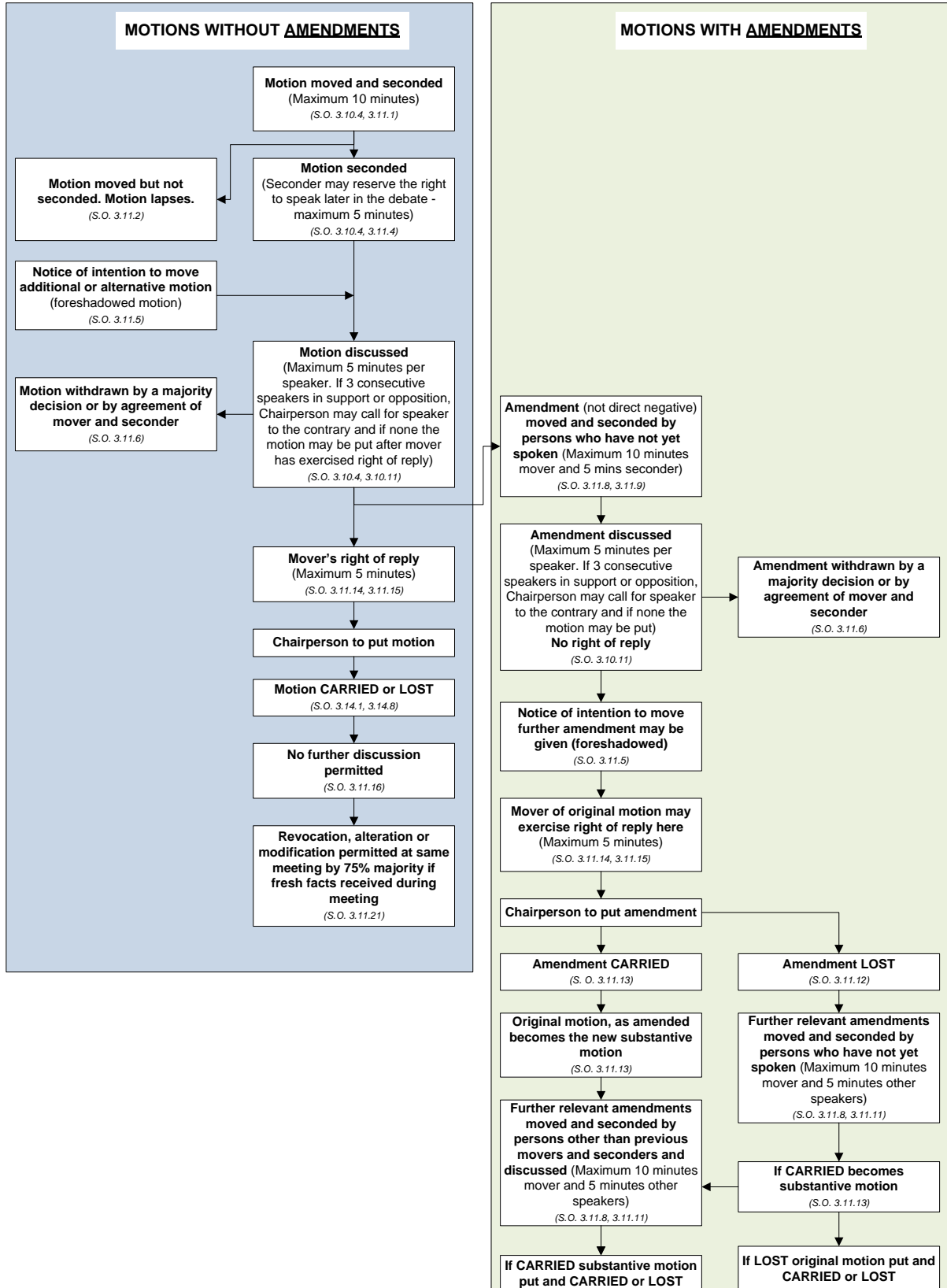
**Points of Order – See Standing Orders Section 3.13**

A Point of Order is taken when a member officially draws the attention of the Chair of the meeting to an alleged irregularity in the proceedings. A point of order is not a motion, and therefore does not require a seconder, and the mover has no right of reply.

The following rules apply to a point of order:

1. A point of order may be raised by any member during debate.
2. It takes precedence over a motion, or amendment, or procedural motion and must be dealt with before debate on the motion, amendment or procedural motion is resumed.
3. A point of order may not be refused by the Chair, but the Chair may rule against it.
4. Discussion on the point of order may only be entered into at the discretion of the Chair.
5. The ruling of the Chair on any point of order is final.

APPENDIX D: Flowchart of Motions and Amendments



Item 8

Attachment 1

**Schedule of Amendments to HDC Standing Orders**

Date	Standing Order No.	Amendment/Addition/Deletion	Authorisation

**Item 8**

**Attachment 1**