

Regional Council

NOTICE IS GIVEN

that the next meeting of the **Regional Council** will be held in **Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga** on:

Tuesday, 26 November 2019 commencing at 9.30 am.

Fiona McTavish
Chief Executive
18 November 2019



Regional Council

Terms of Reference

Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

Membership

All councillors are members of the Regional Council.

Quorum

In accordance with Council standing order 10.1(a), the quorum at a meeting of the Regional Council is seven members, consisting of half the number of members.

Meeting frequency

Six-weekly.

Role of Council

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- Consider and agree on matters relating to elected members' remuneration matters.
- Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Establish committees, subcommittees, and working parties and appoint members.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.

- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement approved Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of Committee delegations (for example infrastructure policy).
- Delegate to commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act 1991 including to hear and decide a consent application.
- Monitor Council's financial and non-financial performance in-year.
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.

Delegations from Council to Committees

- Full Council has a role to monitor the functioning of all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the long-term plan, annual plan, or annual report.
- Appoint a chief executive.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairman:	D Leeder
Deputy Chairman:	J Nees
Councillors:	N Bruning, W Clark, S Crosby, T Iti, D Love, M McDonald, S Rose, P Thompson, L Thurston, A von Dadelszen, T White, K Winters
Committee Advisor:	T Nerdrum-Smith

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuetanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.

“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.

1 Opening Karakia

2 Apologies

3 Public Forum

4 Acceptance of Late Items

5 General Business

6 Declarations of Conflicts of Interests

7 Previous Minutes

7.1 Regional Council Minutes - 21 October 2019

13

8 Delegation to Chief Executive over Electoral Hiatus Period

8.1 Delegation to Chief Executive in Hiatus Period

The Chief Executive was delegated additional powers to act on any urgent matters between 18 October and 21 October 2019 (hiatus period where Council is unable to act).

The Chief Executive can report that no urgent decisions were made under this delegation during the hiatus period.

9 Reports

9.1 Adoption of BOPRC Toi Moana Elected Members' Code of Conduct 2019 -2022	21
APPENDIX 1 - 2019.11.07 PROPOSED 2019 -2022 Code of Conduct	25
9.2 Adoption of Standing Orders 2019-2022	49
APPENDIX 1 - 2019-22 BOPRC Draft Standing Orders	53
9.3 Adoption of the Governance Structure and Terms of Reference for the 2019 - 2022 Triennium	133
APPENDIX 1 - FINAL Terms of Reference	147
9.4 Appointment of Members to the 2019 - 2022 Bay of Plenty Regional Council Toi Moana Governance Structure	223
9.5 Bay of Plenty Regional Council Toi Moana Councillors Remuneration	229
10 Consideration of Late Items	
11 Consideration of General Business	
12 Closing Karakia	

Previous Minutes

Minutes of the Regional Council Meeting held at Mānuka Tu Tahī Marae, 105 Muriwai Drive, Whakatāne and at Mataatua Room, Bay of Plenty Regional Council, 5 Quay Street, Whakatāne on Monday, 21 October 2019, commencing at 1.00 p.m.

Present:

Councillors: N Bruning, W Clark, S Crosby, T Iti, D Leeder, D Love, M McDonald, J Nees, S Rose, P Thompson, L Thurston, A von Dadelszen, T White, K Winters

In Attendance: Bay of Plenty Regional Council: Fiona McTavish – Chief Executive, Mat Taylor – General Manager Corporate, Namouta Poutasi – General Manager Strategy & Science, Sarah Omundsen – General Manager Regulatory Services, Chris Ingle – General Manager Integrated Catchments; Yvonne Tatton – Governance Manager, Tone Nerdrum-Smith – Committee Advisor

Others: Tangata Whenua and manuhiri at the Mānuka Tu Tahī Marae

The meeting commenced at Mānuka Tu Tahī Marae, 105 Muriwai Drive, Whakatāne for the powhiri and the making and attesting of declarations by Elected Members.

1 Powhiri/Welcome

Following the powhiri, the formal component of the Inaugural meeting commenced. Fiona McTavish – Chief Executive Bay of Plenty Regional Council chaired the meeting until the Chairperson had been elected.

2 Making and Attesting of Declarations by Elected Members Pursuant to Clause 14(3), Schedule 7 of the Local Government Act 2002

The Councillors each made and signed the following declaration, in either English or Te Reo, in the presence of the Chief Executive:

“I, [name], declare that I will faithfully and impartially and according to the best of my skill and judgement execute and perform, in the best interests of the Bay of Plenty Region, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Bay of Plenty Regional Council by virtue of the Local Government Act 2002, The Local Government Official Information and Meetings Act 1987 or any other Act.”

E whakapuaki ana ahau, a [ingoa], ka mahi ahau i runga i te ngākau pono me te tōkeketanga e ai ki ōku pūkenga me ōku mōhiotanga mō te tino painga o Toi Moana, ā, ka manaaki ahau i ngā mana, ngā manatū, me ngā kawenga ka

whakareia mai, ka ūhia rānei ki runga ahau hei mema o Toi Moana i raro i te Ture Kāwanatanga ā-Rohe 2002, te Ture Mōhiohio Ōkawa Kāwanatanga ā-Rohe 1987, i raro rānei i tētahi ture kē.

Bay of Plenty Regional Councillors 2019-22

1. Norman Francis Bruning
2. William Bruce Clark
3. Stuart Alan Crosby
4. Toi Kai Rākau Iti
5. Douglas William Leeder
6. David Bernard Love
7. Matemoana Janice McDonald
8. Jane Margaret Nees
9. Stacey Ivan Rose
10. Paula Jaqueline Thompson
11. Lyall Graeme Thurston
12. Andrew John von Dadelszen
13. Te Taru White
14. Kevin Allen Winters.

2.55 pm – The meeting **adjourned** for afternoon tea and to allow the meeting to relocate to the Toi Moana Bay of Plenty Regional Council Mataatua.

3.35 pm – The meeting **reconvened** at the Toi Moana Bay of Plenty Regional Council Mataatua Room.

Fiona McTavish – Chief Executive continued to chair the meeting until the Chairperson had been appointed.

3 Reports

3.1 Election of Chairperson

Resolved

That the Regional Council:

- 1 Receives the report, Election of Chairperson;**
- 2 Selects System B as the voting system to elect the Chairperson.**

As only one nomination was received for the role of Chairperson, no voting was required.

- 3 Elects Cr Leeder as the Chairperson of Bay of Plenty Regional Council – Toi Moana.**

**Love/Nees
CARRIED**

Cr Leeder made and attested the declaration as the Chairperson of the Bay of Plenty Regional Council in the presence of the Chief Executive as follows:

"I, Douglas William Leeder, declare that I will faithfully and impartially and according to the best of my skill and judgement execute and perform, in the best interests of the Bay of Plenty Region, the powers, authorities, and duties vested in, or imposed upon, me as Chairperson of the Bay of Plenty Regional Council by virtue of the Local Government Act 2002, The Local Government Official Information and Meetings Act 1987 or any other Act."

The Chief Executive **vacated** the chair and Chairperson Doug Leeder **assumed** the chair.

3.2 Election of Deputy Chairperson

Resolved

That the Regional Council:

- 1 Receives the report, Election of Deputy Chairperson;
- 2 Selects System B as the voting system to elect the Deputy Chairperson.

Love/Thompson
CARRIED

As only one nomination was received for the role of Deputy Chairperson, no voting was required.

- 4 Elects Cr Jane Nees as the Deputy Chairperson of Bay of Plenty Regional Council – Toi Moana.

Thurston/Thompson
CARRIED

3.3 Summary of Relevant Legislation Affecting Members

Key Points

- As per Clause 21(5) of Schedule 7 of the LGA 2002, the report included a general explanation of:
 - The Local Government Official Information and Meetings Act 1987; and
 - Other laws affecting members, including:
 - (i) the appropriate provisions of the Local Authorities (Members Interests) Act 1968;
 - (ii) sections 99, 105, and 105A of the Crimes Act 1961;
 - (iii) the Secret Commissions Act 1910; and
 - (iv) the Financial Markets Conduct Act 2013.

The report also included a general explanation of other key legislation affecting members, namely:

- (v) the Health and Safety at Work Act 2015; and
- (vi) the Public Records Act 2005.

Resolved

That the Regional Council:

- 1 Receives the report, Summary of Relevant Legislation Affecting Members.

Winters/Thompson
CARRIED

3.4 The Fixing of the Date and Time of the First Meeting of Council

Key Points

- Noted that as Regional House Chambers in Tauranga might not yet be open for public meetings in November, the venue for the first meeting of Council would be the Council's office, First Avenue Tauranga.

Resolved

That the Regional Council:

- 1 Receives the report, The fixing of the Date and Time of the First Meeting of Council;
- 2 Confirms the first meeting of the Bay of Plenty Regional Council will be held on Tuesday, 26 November 2019, starting at 9.30 am at the Bay of Plenty Regional Council Mauao Rooms, First Avenue, Tauranga.

Thurston/Bruning
CARRIED

3.5 Plan Change 10 Appeals Subcommittee - Confirmation of Members

Resolved

That the Regional Council:

- 1 Receives the report, Plan Change 10 Appeals Subcommittee - Confirmation of Members;
- 2 Confirms Chairman Leeder, Cr Thompson and Cr van Dadelszen as members of the Plan Change 10 Appeals Subcommittee.

Thurston/Love
CARRIED

4 Closing Karakia

Cr White closed the meeting with a karakia.

The meeting closed at 3.42 pm

Confirmed DATE

Doug Leeder
Chairman Bay of Plenty Regional Council

Delegation to Chief Executive over Electoral Hiatus Period

The Chief Executive was delegated additional powers to act on any urgent matters between 18 October and 21 October 2019 (hiatus period where Council is unable to act).

The Chief Executive can report that no urgent decisions were made under this delegation during the hiatus period.

Reports



Report To: Regional Council
Meeting Date: 26 November 2019
Report From: Fiona McTavish, Chief Executive

Adoption of BOPRC Toi Moana Elected Members' Code of Conduct 2019 -2022

Executive Summary

Under the Local Government Act 2002, Council is required to adopt a Code of Conduct for Elected Members. The proposed Code is based on the LGNZ best practice template.

Recommendations

That the Regional Council:

- 1 Receives the report, Adoption of BOPRC Toi Moana Elected Members' Code of Conduct 2019 -2022;**
- 2 Adopts the Bay of Plenty Regional Council Toi Moana Elected Members' Code of Conduct 2019 – 2022 with immediate effect.**

1 Introduction

The Local Government Act 2002 Schedule 7, Part 1, Clause 15 requires local authorities to adopt a Code of Conduct which sets out “*understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members*” and requires several matters (behaviour, disclosure of information and explanation of applicable legislation) to be included in the code. Clause 15(4) states that a member must comply with a local authority’s code of conduct.

Adopting the proposed Code of Conduct will require 75% majority support as specified in the legislation.

2 Changes to the current Code of Conduct

Prior to the 2019 elections, LGNZ released a Code of Conduct template and good practice guidelines developed by a working party of local government practitioners.

The new template is designed around four objectives:

- To enhance the effectiveness of the local authority and the provision of good local government of the community, city, district or region;
- To promote effective decision-making and community engagement;
- To enhance the credibility and accountability of the local authority to its communities; and
- To develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

The four objectives highlight the importance of achieving 'good local government', effective and inclusive decision-making, strengthened community credibility, and a culture of trust and mutual respect within the local authority.

The template has incorporated recent legislative changes, new approaches to good governance and provides a better structure when having to deal with alleged breaches.

New features in the proposed Code of Conduct include:

- Refinement of the principles including a new principle that highlights the importance of elected members "pulling their weight";
- Simplification of the roles and responsibilities section;
- Encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- A new process for investigating and assessing complaints, including a 'materiality' test;
- Additional guidance on penalties or sanctions;
- Clarification that complaints can only be made by members and chief executives;
- A more empowering and less prescriptive approach; and
- A section on social media

The proposed BOPRC Code of Conduct for Elected Members (Appendix 1) has been modelled on this template, while incorporating process preferences highlighted and discussed at the Councillors' Retreat in October 2019.

In conjunction with the Chief Executive, Chairman and Deputy Chair a list of Independent Investigators, as required under the Code, has been established.

3 Clarification sought

Clarification was requested regarding clause 7.2: Information received in the capacity as an elected member, in the draft Code which states that where an Elected Members receives information from external parties, and where the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

Dr Mike Reid, Senior Policy Advisor, LGNZ advised it was included at the request of a number of councils who had experienced issues with councillors who had received information, as part of their day to day business, which, if the council as a whole had known, would have either resulted in better decision making or an issue that resulted in cost to the council could have been dealt with earlier.

It is based on the assumption that any elected member who came across information that indicated a council activity might run into difficulties would inform his or her council so that either changes can be made or a risk management process could be implemented.

4 Budget Implications

4.1 Current Year Budget

This work is planned under the Governance Services Activity in the Annual Plan 2019-2020.

4.2 Future Budget Implications

All future costs related to Code of Conduct matters are included in the Governance Services Activity in the Long Term Plan 2018-2028.

5 Community Outcomes

The adoption of the Code of Conduct directly contributes to all Community Outcomes in the Council's Long Term Plan 2018-2028.

Yvonne Tatton
Governance Manager

for Chief Executive

15 November 2019

APPENDIX 1

2019.11.07 PROPOSED 2019 -2022 Code of Conduct



DRAFT Code of Conduct for Elected Members 2019-2022 Triennium

Status

Adopted by Council on XXXXXXX

Contents

1	Introduction	3
2	Scope	3
3	Values	3
4	Role and responsibilities	4
4.1	Members	4
4.2	Role of Chairperson	4
4.3	Role of Deputy Chairperson	5
4.4	Role of Committee Chairperson	5
4.5	Chief Executive	5
5	Relationships	6
5.1	Relationships between members	6
5.2	Relationships with staff	6
5.3	Relationship with the public	6
6	Media and social media	7
7	Information	7
7.1	Confidential information	7
7.2	Information received in capacity as an elected member	7
8	Conflicts of Interest	8
9	Register of Interests	8
10	Ethical behaviour	9
11	Creating a supportive and inclusive environment	9
12	Breaches of the Code	9
12.1	Principles	9
12.2	Complaints	10

12.3	Materiality	11
13	Penalties and actions	11
13.1	Material breaches	11
13.2	Statutory breaches	12
14	Review	12
Appendices		
Appendix A: Guidelines on the personal use of social media		13
Appendix B: Legislation bearing on the role and conduct of elected members		14
The Local Authorities (Members' Interests) Act 1968		14
Local Government Official Information and Meetings Act 1987		15
Secret Commissions Act 1910		16
Crimes Act 1961		16
Financial Markets Conduct Act 2013		16
The Local Government Act 2002		16
Appendix C: Complaints process		17
1	Process where a complaint is received	17
2	Process where a complaint is referred to an independent investigator	17

1 Introduction

The Code of Conduct (the Code) sets out the standards of behaviour expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good Local Government of the community, city, district or region;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the Code.

2 Scope

The Code has been adopted in accordance with Clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code is designed to be a self-regulatory instrument and as a result complaints can only be made by members themselves and the Chief Executive.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75% of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3 Values

The Code is designed to give effect to the following values:

- 1 **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
- 2 **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner.
- 3 **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials.

- 4 **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
- 5 **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
- 6 **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
- 7 **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
- 8 **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4 Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of the region. Good governance requires that the complementary roles of the governing body (Council) and the administration are understood and respected. These roles involve:

4.1 Members

The role of the Council includes:

- Representing the interests of the people of the Bay of Plenty Toi Moana;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Role of Chairperson

The Chairperson is elected by the elected members of Council at the first meeting following each triennial election. As one of the elected members, the Chairperson shares the same responsibilities as other elected members of Council.

In addition to this, the Chairperson has the following roles:

- The Chairperson is the presiding elected member at Council meetings and is responsible for ensuring the orderly conduct of business during meetings (as determined in Standing Orders);

- As an advocate for Council's policies, the Chairperson is expected to undertake high level engagement and leadership of discussions with leaders of other authorities, organisations and community groups. The Chairperson cannot commit the Council to any formal position that the Council has yet to decide on;
- The Chairperson is the formal spokesperson for Council and is the first point of contact for media;
- The Chairperson may at times be an advocate on behalf of the regional community, which may involve promoting the community and representing its interests through stakeholder engagement activities; and
- The Chairperson is the ceremonial head of Council, and also provides leadership and guidance to other elected members.

If a complaint is made in relation to the Chairperson, then the Deputy Chairperson will determine the process and all relevant actions normally undertaken by the Chairperson will be undertaken by the Deputy Chairperson.

4.3 Role of Deputy Chairperson

The Deputy Chairperson must be elected by the elected members of Council, at the first meeting of the Council following the triennial election. The Deputy Chairperson exercises the same roles as other elected members, and if the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers of the Chairperson as outlined above.

4.4 Role of Committee Chairperson

The Council may create one or more Committees of Council. A Committee Chairperson presides over all meetings of the Committee, ensuring that the Committee acts within the powers delegated by Council and as set out in the Committee's Terms of Reference. Committee Chairpersons may be called on to act as an official spokesperson for the Council on a particular issue related to the business of the Committee. They may be removed from office by resolution of Council.

4.5 Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5 Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council, its Chief Executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the Chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer, and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic Local Government plays in our communities, it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council, members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and

- Ensure their interactions with citizens and communities uphold the reputation of the local authority.

6 Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by members to comply with the provisions of this section can represent a breach of the Code.

- 1 In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council or committee or are expressing a personal view.
 - (a) The Chairperson can make statements that accurately report Council decisions; Committee Chairpersons can make statements that accurately report their Committee's decisions or factual statements about Council or Committee decisions.
- 2 Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - (a) Comments shall be consistent with the Code;
 - (b) Comments must not purposefully misrepresent the views of the Council or the views of other members;
 - (c) Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
 - (d) Social media posts about other members, Council staff or the public must be consistent with Section five of this Code. (See Appendix A for guidelines on the personal use of social media).

7 Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

7.1 Confidential information

In the course of their duties, members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

8 Conflicts of Interest

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*. Members may also contact the Office of the Auditor-General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see **Appendix B**). In the event of a conviction, elected members can be ousted from office.

9 Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- (a) Any employment, trade or profession carried on by the member or the member's spouse/partner for profit or gain;
- (b) Any company, trust, partnership etc. for which the member or their spouse/partner is a director, business partner or trustee;
- (c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority;
- (d) A description of any land owned by the local authority in which the member or their spouse/partner is:
 - A tenant; or
 - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- (e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change, they must ensure that the Register of Interests is updated as soon as practicable.

10 Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the Code.

11 Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending and participating in all Council, Standing Committee and Subcommittee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance;
- Attending all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan;
- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work;
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium; and
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfil their Declaration of Office (the Oath) and contribute to the good governance of the Bay of Plenty region.

12 Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, Schedule 7, Clause 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles:

12.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;

- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
 - (a) Have a right to know that an investigation process is underway;
 - (b) Are given due notice and are provided with an opportunity to be heard;
 - (c) Have confidence that any hearing will be impartial;
 - (d) Have a right to seek appropriate advice and be represented; and
 - (e) Have their privacy respected.

12.2 Complaints

All complaints made under the Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint, the Chief Executive must forward the complaint to the Chair or, where the Chair is a party to the complaint, the Deputy Chair.

Please note, only members and the Chief Executive may make a complaint under the Code.

Complaint referred to Chair¹

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Chair will, as the situation allows:

- Inform parties to the complaint that the complaint has been received and the nature of the complaint;
- Interview the complainant to assess the full extent of the complaint;
- Interview the member(s) subject to the complaint;
- Assess the complaint to determine materiality;
- Where a complaint is assessed by the Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution; and
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.

If the Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member or from the Chair, after initial consideration as to material breach, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to

¹Where the complaint relates to the Chair, or if the Chair is the complainant, then the Deputy Chair will replace the Chair.

the Council or an adjudicative body for assessing and ruling on complaints². The process, following receipt of a complaint, will follow the steps outlined in **Appendix C**.

12.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13 Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

- 1 A letter of censure to the member;
- 2 A request (made either privately or publicly) for an apology;
- 3 Removal of certain Council-funded privileges (such as attendance at conferences);
- 4 Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
- 5 Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- 6 Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
- 7 A vote of no confidence in the member;
- 8 Suspension from committees or other bodies to which the member has been appointed; or
- 9 Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

² On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her Council, prepare a list jointly with neighbouring Councils or contract with an agency capable of providing appropriate investigators.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

14 Review

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75% of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium, in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

- 1 **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
- 2 **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
- 3 **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important, you are encouraged to share them with the governing body.
- 4 **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities, you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case, consider liaising with your communications staff before responding.
- 5 **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
- 6 **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
- 7 **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority, no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

Appendix B: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:

- A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or
- A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so, whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the Mayor/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

The contracting rule

A member is disqualified from Office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into Office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however, he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the Chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking;
- Be disrespectful when they refer to each other or other people; or
- Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act, it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act, a person can be imprisoned for up to two years, and/or fined up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from Office.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of Local Government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- (a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- (b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- (c) A liability has been unlawfully incurred by the local authority; or
- (d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- (a) Without the member's knowledge;
- (b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- (c) Contrary to the manner in which the member voted on the issue; and
- (d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Complaints process

1 Process where a complaint is received

Step 1: Chair receives complaint

On receipt of a complaint, the Chair will advise the Chief Executive who will advise the respondent and the complainant that a complaint has been received, the nature of the complaint and inform them of the process that will be followed.

The Chair in conjunction with the Chief Executive will then assess whether:

- the complaint is frivolous or without substance and should be dismissed;
- the complaint is outside the scope of the Code and should be redirected to another agency or process;
- the complaint is non-material; and
- the complaint is material and a full investigation is required.

In making the assessment, the Chair may make whatever initial inquiry is necessary to determine the appropriate course of action. The Chair has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

Step 2: Chair makes preliminary assessment

In making a preliminary assessment, the Chair will instruct the Chief Executive:

- where it is determined that a complaint is frivolous or without substance, to inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the decision;
- in cases where it is found that the complaint involves a potential legislative breach and outside the scope of the Code, to forward the complaint to the relevant agency and inform both the complainant and respondent of the action; and
- in cases where there is doubt as to the nature of the breach to refer the complaint to an independent investigator.

2 Process where a complaint is referred to an independent investigator

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Chair) or from the Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator, and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

- The complaint is trivial or frivolous and should be dismissed;
- The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
- The complaint is minor or non-material; or
- The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

- Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
- In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forwards the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in Section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in Clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

DRAFT



Report To: Regional Council
Meeting Date: 26 November 2019
Report From: Fiona McTavish, Chief Executive

Adoption of Standing Orders 2019-2022

Executive Summary

The Local Government Act 2002 requires Council to adopt Standing Orders for the conduct of meetings. The report recommends Council adopts the Bay of Plenty Regional Council Standing Orders, Appendix 1 to this report.

Recommendations

That the Regional Council:

- 1 Receives the report, Adoption of Standing Orders 2019-2022;**
- 2 That the status of workshops to be incorporated into the Standing Orders will be Option ___ as identified in this report.**
- 3 That pursuant to Clause 27 (1) and (2), Schedule 7 of the Local Government Act 2002, the Bay of Plenty Regional Council adopts its Standing Orders 2019-2022 as per Appendix 1.**

1 Introduction

Standing Orders apply to meetings of Council and its Committees. They provide the basis for the orderly conduct of meetings and, in particular, contain rules defining the rights of chairpersons and members to participate in meetings.

Council may adopt additional Standing Orders to provide guidance on discretionary matters, consistent with current legislation.

Standing Orders must not contravene the provisions of any statutes, in particular the Local Government Act 2002 ('LGA') and the Local Government Official Information and Meetings Act 1987. Once adopted, the Standing Orders continue in existence and force until they are replaced or altered in accordance with schedule 7 of the LGA 2002.

2 Proposed Standing Orders

Standing Orders include both legislative requirements (which may not be amended by Council) and procedural matters (which Council may amend subject to certain restrictions).

Recommended changes to the previous Standing Orders were discussed with Members at a workshop held on 6 November 2019.

Key changes discussed included:

- Emergency Meetings procedures;
- Members recorded as “absent on Council business” in Minutes when advised of attendance on other Council Business;
- Clearer definition of “working days”;
- Provision for keeping digital Minutes and insertion of Chairs’ digital signatures;
- Inclusion of council’s website as a means of giving public notice.

These changes have been incorporated into the draft Standing Orders attached to this report, [Appendix 1](#).

In adopting the proposed Standing Orders the Local Government Act 2002, Schedule 7, Part 1, Clause 27(3), requires a vote of not less than 75% of the members present (i.e. 11 members in favour if all 14 members are present).

3 Matter to be resolved – status of workshops

At the Standing Orders workshop, discussion on the role and status of workshops took place.

Council utilises a range of informal meetings that provide members and staff opportunities to discuss, provide briefings and give/receive guidance on particular matters. These include workshops, seminars, briefings, informal discussion sessions and working groups. They are not meetings of Council or its committees therefore the requirements of Standing Orders do not apply. No decisions or agreements can be made at these informal sessions. Public notice is not required and Council may use its discretion as to whether these are either open to the public or public are excluded.

There are a range of practices across councils regarding workshops and other such informal meetings as described above. These practices range from:

- in the interest of open and transparent government, all workshops are open to the public unless otherwise stated, are publically notified and information is made available on the council website; to
- in the interest of good governance and allowing for free and frank discussion, all workshops are public excluded unless stated otherwise, are not publically notified and information is not made available.

3.1 Options for consideration

The following options are presented for consideration so that Council may give direction for inclusion in the adopted Standing Orders. All three options have the proviso “at the discretion of the Chairperson/Committee Chair”:

	Option	Benefits	Disadvantages
1	Workshops are open to the public, unless otherwise stated, are advertised and information available on the Council’s website.	<p>Enables openness and transparency in Council’s process.</p> <p>Supports greater public participation and engagement in discussion.</p> <p>Helps to build public trust in local government.</p> <p>Retains the flexibility to hold workshops in confidential (using LGOIMA reasons as rationale)</p>	<p>May discourage members and staff from fully participating in full and frank discussion.</p> <p>May create an untrue public perception/expectation of Councillors’ or staffs’ position on a matter.</p> <p>Reports and minute becomes more formal.</p> <p>Meeting takes on a more formal mode.</p> <p>Same level of administrative support required as for formal meeting requiring increase in staff support.</p> <p>Less administrative flexibility around changing of dates, venue and information if required on website.</p> <p>Limited reasons for holding workshops in confidential.</p>
2	Workshops are advertised, information is available on the Council’s website however discussion is closed to the public unless otherwise stated.	<p>Increased public awareness of what is being discussed and when.</p> <p>Information is publically available.</p> <p>Allows Councillors and staff to have free and frank discussion.</p> <p>Less formality in discussion</p>	<p>May not be seen as open and transparent.</p> <p>Papers may be perceived by media and public as being Council’s position on a matter without being party to discussions.</p> <p>Less flexibility in amending dates and times of workshops.</p>
3	Workshops are closed to the public, unless by invitation or otherwise stated, are not	Allows Councillors and staff to have free and frank discussion and opportunity to rethink/	Perceived as not supporting public trust and confidence building in local government.

	<p>advertised and information is not available on the Council's website.</p> <p><i>This is Council's current position.</i></p>	<p>reconsider matters.</p> <p>Retains level of informality.</p> <p>Less administrative formality required for setting workshop dates and times.</p> <p>Allows Council flexibility to invite public participation when required.</p>	<p>Does not support principle of openness and transparency in local government</p>
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4 Budget Implications

4.1 Current Year Budget

Standing Orders are part of the Governance Services Activity in the Annual Plan 2019-2020. Depending on the status of workshops there may be additional costs if more formal administrative support is required for workshops.

4.2 Future Budget Implications

All future costs related to Council and Committee meetings and Elected Member events are included in the Governance Services Activity in the Long Term Plan 2018-2028. If the level of service required to support workshops increase this may impact on current staffing levels.

5 Community Outcomes

The adoption of Standing Orders directly supports Councillors' contribution towards all Community Outcomes in the Council's Long Term Plan 2018-2028.

Yvonne Tatton
Governance Manager

for Chief Executive

18 November 2019

APPENDIX 1

2019-22 BOPRC Draft Standing Orders-v3 with Cover PDF



Bay of Plenty Regional Council Standing Orders

Eleventh Triennium 2019-2022

Adopted xxxxxxxxxx 2019

Preface

Standing Orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so, the application of Standing Orders contributes to greater public confidence in the quality of local governance and democracy in general.

These Standing Orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies. They fulfil the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt Standing Order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see Clause 27 schedule 7 of the Local Government Act 2002).

For clarity's sake, whenever a question about the interpretation or application of these Standing Orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by Standing Orders.

The Bay of Plenty Regional Council's Standing Orders are modelled on those provided by Local Government New Zealand.

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

Contents

1. Introduction	10
1.1 Principles	10
1.2 Statutory references	11
1.3 Acronyms	11
1.4 Application	11
2. Definitions	11
General matters	16
3. Standing orders	16
3.1 Obligation to adopt Standing Orders	16
3.2 Process for adoption and alteration of Standing Orders	16
3.3 Members must obey Standing Orders	16
3.4 Application of Standing Orders	16
3.5 Temporary suspension of Standing Orders	16
3.6 Quasi-judicial proceedings	16
3.7 Physical address of members	17
4. Meetings	17
4.1 Legal requirement to hold meetings	17
4.2 Meeting duration	17
4.3 Language	17
4.4 Webcasting meetings	18
4.5 First meeting (inaugural)	18
4.6 Requirements for the first meeting	18
5. Appointments and elections	19
5.1 Elections of regional Chairpersons, and Deputy Chairpersons	19
5.2 Removal of a Chairperson Deputy Chairperson	19
5.3 Voting system for Chairpersons, Deputy Chairpersons and committee chairs	19
6. Delegations	20
6.1 Limits on delegations	20
6.2 Committees may delegate	20
6.3 Use of delegated powers	21
6.4 Decisions made under delegated authority cannot be rescinded or amended	21
6.5 Committees and sub committees subject to the direction of the local authority	21
7. Committees	21
7.1 Appointment of committees and subcommittees	21
7.2 Discharge or reconstitution of committees and subcommittees	22
7.3 Appointment or discharge of committee members and subcommittee members	22
7.4 Elected members on committees and subcommittees	22
7.5 Local authority may replace members if committee not discharged	22

7.6	Decision not invalid despite irregularity in membership	23
7.7	Appointment of joint committees	23
7.8	Status of joint committees	23
7.9	Power to appoint or discharge individual members of a joint committee	23
Pre-meeting		24
8.	Giving notice	24
8.1	Public notice – ordinary meetings	24
8.2	Notice to members - ordinary meetings	24
8.3	Extraordinary meeting may be called	24
8.4	Notice to members - extraordinary meetings	24
8.5	Emergency meetings may be called	25
8.6	Process for calling an emergency meeting	25
8.7	Public notice – emergency and extraordinary meetings	25
8.8	Meetings not invalid	25
8.9	Resolutions passed at an extraordinary meeting	26
8.10	Meeting schedules	26
8.11	Non-receipt of notice to members	26
8.12	Meeting cancellations	26
9.	Meeting agenda	27
9.1	Preparation of the agenda	27
9.2	Process for raising matters for a decision	27
9.3	Chief executive may delay or refuse request	27
9.4	Order of business	27
9.5	Chairperson’s recommendation	27
9.6	Chairperson’s report	27
9.7	Public availability of the agenda	28
9.8	Public inspection of agenda	28
9.9	Withdrawal of agenda items	28
9.10	Distribution of the agenda	28
9.11	Status of agenda	28
9.12	Items of business not on the agenda which cannot be delayed	29
9.13	Discussion of minor matters not on the agenda	29
9.14	Public excluded business on the agenda	29
9.15	Qualified privilege relating to agenda and minutes	29
Meeting Procedures		30
10.	Opening and closing	30
11.	Quorum	30
11.1	Council meetings	30
11.2	Committees and subcommittee meetings	30
11.3	Joint Committees	30

11.4	Requirement for a quorum	31
11.5	Meeting lapses where no quorum	31
11.6	Business from lapsed meetings	31
12.	Public access and recording	31
12.1	Meetings open to the public	31
12.2	Grounds for removing the public	31
12.3	Local authority may record meetings	31
12.4	Public may record meetings	32
13.	Attendance	32
13.1	Members right to attend meetings	32
13.2	Attendance when a committee is performing judicial or quasi-judicial functions	32
13.3	Leave of absence	32
13.4	Apologies	33
13.5	Recording apologies	33
13.6	Absent without leave	33
13.7	Right to attend by audio or audio visual link	33
13.8	Member's status: quorum	33
13.9	Member's status: voting	33
13.10	Chairperson's duties	34
13.11	Conditions for attending by audio or audio visual link	34
13.12	Request to attend by audio or audio visual link	34
13.13	Chairperson may terminate link	35
13.14	Giving or showing a document	35
13.15	Link failure	35
13.16	Confidentiality	35
14.	Chairperson's role in meetings	36
14.1	Council meetings	36
14.2	Other meetings	36
14.3	Addressing the Chairperson	36
14.4	Chairperson's rulings	36
14.5	Chairperson standing	36
14.6	Member's right to speak	36
14.7	Chairperson may prioritise speakers	37
15.	Public Forums	37
15.1	Time limits	37
15.2	Restrictions	37
15.3	Questions at public forums	38
15.4	No resolutions	38

16. Deputations	38
16.1 Time limits	38
16.2 Restrictions	38
16.3 Questions of a deputation	39
16.4 Resolutions	39
17. Petitions	39
17.1 Form of petitions	39
17.2 Petition presented by petitioner	39
17.3 Petition presented by member	40
18. Exclusion of public	40
18.1 Motions and resolutions to exclude the public	40
18.2 Specified people may remain	40
18.3 Public excluded items	41
18.4 Non-disclosure of information	41
18.5 Release of information from public excluded session	41
19. Voting	41
19.1 Decisions by majority vote	41
19.2 Open voting	41
19.3 Chairperson has a casting vote	42
19.4 Method of voting	42
19.5 Calling for a division	42
19.6 Request to have votes recorded	42
19.7 Members may abstain	42
20. Conduct	42
20.1 Calling to order	42
20.2 Behaviour consistent with Code of Conduct	43
20.3 Retractions and apologies	43
20.4 Disorderly conduct	43
20.5 Contempt	43
20.6 Removal from meeting	43
20.7 Financial conflicts of interests	43
20.8 Non-financial conflicts of interests	44
20.9 Qualified privilege for meeting proceedings	44
20.10 Qualified privilege additional to any other provisions	44
20.11 Electronic devices at meetings	44
21. General rules of debate	45
21.1 Chairperson may exercise discretion	45
21.2 Time limits on speakers	45
21.3 Questions to staff	45
21.4 Questions of clarification	45
21.5 Members may speak only once	45

21.6	Limits on number of speakers	45
21.7	Secunder may reserve speech	45
21.8	Speaking only to relevant matters	46
21.9	Restating motions	46
21.10	Criticism of resolutions	46
21.11	Objecting to words	46
21.12	Right of reply	46
21.13	No other member may speak	46
21.14	Adjournment motions	47
21.15	Chairperson's acceptance of closure motions	47
22.	General procedures for speaking and moving motions	47
22.1	Options for speaking and moving	47
22.2	Option A	47
22.3	Option B	48
22.4	Option C	48
22.5	Procedure if no resolution reached	48
23.	Motions and amendments	48
23.1	Proposing and seconding motions	48
23.2	Motions in writing	49
23.3	Motions expressed in parts	49
23.4	Substituted motion	49
23.5	Amendments to be relevant and not direct negatives	49
23.6	Foreshadowed amendments	49
23.7	Lost amendments	49
23.8	Carried amendments	49
23.9	Where a motion is lost	49
23.10	Withdrawal of motions and amendments	50
23.11	No speakers after reply or motion has been put	50
24.	Revocation or alteration of resolutions	50
24.1	Member may move revocation of a decision	50
24.2	Revocation must be made by the body responsible for the decision	51
24.3	Requirement to give notice	51
24.4	Restrictions on actions under the affected resolution	51
24.5	Revocation or alteration by resolution at same meeting	51
24.6	Revocation or alteration by recommendation in report	51

25. Procedural motions	52
25.1 Procedural motions must be taken immediately	52
25.2 Procedural motions to close or adjourn a debate	52
25.3 Voting on procedural motions	52
25.4 Debate on adjourned items	53
25.5 Remaining business at adjourned meetings	53
25.6 Business referred to the council or a committee	53
25.7 Other types of procedural motions	53
26. Points of order	53
26.1 Members may raise points of order	53
26.2 Subjects for points of order	53
26.3 Contradictions	54
26.4 Point of order during division	54
26.5 Chairperson's decision on points of order	54
27. Notices of motion	54
27.1 Notice of intended motion to be in writing	54
27.2 Refusal of notice of motion	54
27.3 Mover of notice of motion	55
27.4 Alteration of notice of motion	55
27.5 When notices of motion lapse	55
27.6 Referral of notices of motion	55
27.7 Repeat notices of motion	55
28. Minutes	56
28.1 Minutes to be evidence of proceedings	56
28.2 Matters recorded in minutes	56
28.3 No discussion on minutes	57
28.4 Minutes of last meeting before election	57
29. Keeping a record	57
29.1 Maintaining accurate records	57
29.2 Method for maintaining records	57
29.3 Inspection	57
29.4 Inspection of public excluded matters	57
Referenced documents	58

Appendix 1: Grounds to exclude the public	59
Appendix 2: Sample resolution to exclude the public	61
Appendix 3: Motions and amendments (Option A)	63
Appendix 4: Motions and amendments (Option B)	64
Appendix 5: Motions and amendments (Option C)	65
Appendix 6: Table of procedural motions	66
Appendix 7: Webcasting protocols	68
Appendix 8: Powers of a Chairperson	69
Appendix 9: Process for removing a Chairperson or Deputy Chairperson from office	73
Appendix 10: Workshops	74
Appendix 11: Sample order of business	75
Appendix 12: Process for raising matters for a decision	76

1 Introduction

These Standing Orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the Legislative Provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that Statutory Provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the Standing Orders. Please note, the Appendix is an attachment to the Standing Orders and not part of the Standing Orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition, the 'Guide to Standing Orders' provides additional advice on the application of the Standing Orders and are also not part of the Standing Orders.

1.1 Principles

Standing Orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular, decision-making within Local Government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner,
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner,
- Make itself aware of, and have regard to, the views of all of its communities,
- Take into account, when making decisions, the diversity of the community, its interests and the interests of future communities as well,
- Ensure that any decisions made under these Standing Orders comply with the decision-making provisions of Part 6 of the LGA, and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that “governance structures and processes are effective, open and transparent” (Section 39 LGA 2002).

1.2 Statutory References

The Standing Orders consist of Statutory Provisions about meetings, along with guidance on how those provisions should be applied in practice. Where a Statutory Provision has been augmented with advice on how it might be implemented, the advice (so as not to confuse it with the Statutory Obligation) is placed below the relevant legislative reference. In some cases the language in the Statutory Provision has been modernised for ease of interpretation, or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the Standing Orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the Standing Orders that might be made. Please note, where it is employed, the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these Standing Orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2 Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

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

Agenda means the list of items for consideration at a meeting, together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'Order Paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting, when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

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

Chief executive means the Chief Executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these Standing Orders, any other officer authorised by the Chief Executive.

Clear working days means the number of working days (business hours) prescribed in these Standing Orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

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

Contempt means being disobedient to, or disrespectful of, the Chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these Standing Orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Emergency meeting has the same meaning as defined in Clause 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in Clause 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

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

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

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

Leave of absence means a pre-approved absence for a specified period of time consistent with the Council policy should one be in place.

Local authority means in the context of these Standing Orders, a regional council, as defined in section 5 of the LGA 2002, which is named in these Standing Orders and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, committee, subcommittee or subordinate decision-making bodies of the local authority, convened under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Member means any person elected or appointed to the local authority.

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

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member, in advance of a meeting in accordance with, and as provided for, in these Standing Orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting, together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

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

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed, as specified in Standing Orders 24.1–24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority, and
- Any other information which has not been released by the local authority as publicly available information.

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

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region of the local authority, or one or more other newspapers that have a combined circulation in that region, which is at least equivalent to that of a daily newspaper circulating in that region.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the region of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by section 52 and section 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under clause 25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion.

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

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

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

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

Subcommittee means a subordinate decision-making body established by a Council, or a committee of a Council. See definition of "Committee".

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday,
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part, and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between 20 December and 10 January of the following year, any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these Standing Orders do not apply.

Workshop means in the context of these Standing Orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these Standing Orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3 Standing Orders

3.1 Obligation to adopt Standing Orders

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

Clause 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of Standing Orders

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

Clause 27(3) Schedule 7, LGA 2002.

3.3 Members must obey Standing Orders

All members of the local authority, including members of committees and subcommittees, must obey these Standing Orders.

Clause 16(1) Schedule 7, LGA 2002.

3.4 Application of Standing Orders

These Standing Orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies, including meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of Standing Orders

Any member of a Council, committee, subcommittee and subordinate, may move a motion to suspend specified Standing Orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75% of the members present and voting must support the motion for it to be carried.

Clause 27(4), Schedule 7, LGA 2002.

A motion to suspend Standing Orders may also identify the specific Standing Orders to be suspended. In the event of suspension, those Standing Orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings, the local authority may amend meeting procedures. For example, committees hearing applications under the Resource Management Act (RMA 1991) have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

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

4 Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good Government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002,
- (b) Part 7 of LGOIMA, and
- (c) These Standing Orders.

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

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10:30 pm, unless the meeting resolves to continue. If there is no such resolution, any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes, unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, Te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than two working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori, then prior notice of the intention to address the meeting in English must also be given to the Chairperson, not less than two working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

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

Clause 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The Chief Executive (or, in the absence of the Chief Executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see Clause 21(4), Schedule 7 (LGA 2002)).

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

- (a) The making and attesting of the declarations required of the Chairperson (if any) and members under Clause 14, Schedule 7, (LGA 2002),
- (b) The election of the Chairperson and the making and attesting of the declaration required of the Chairperson under Clause 14 Schedule 7, (LGA 2002),
- (c) A general explanation, given or arranged by the Chief Executive, of:
 - (i) LGOIMA, and
 - (ii) Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105 and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings, and
- (e) The election of the Deputy Chairperson in accordance with Clause 17 Schedule 7, (LGA 2002).

Clause 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt Standing Orders at the first meeting; however, this is not always necessary as, if not amended, Standing Orders will remain in force after each triennial election.

5 Appointments and elections

5.1 Elections of Regional Chairpersons, and Deputy Chairpersons

The Council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.3) when electing people to the following positions:

- The Chairperson and Deputy Chairperson of a regional council,
- The Chairperson and Deputy Chairperson of a committee, and
- A representative of a local authority.

Clause 25 Schedule 7, LGA 2002.

5.2 Removal of a Chairperson, Deputy Chairperson

A Chairperson or Deputy Chairperson can only be removed in accordance with the process set out in Clause 18, Schedule 7, of the LGA 2002. See Appendix 9.

Clause 18, Schedule 7, LGA 2002.

5.3 Voting system for Chairpersons, Deputy Chairpersons and Committee Chairs

When electing a regional council Chair, a Deputy Mayor or a Committee Chair, the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates,
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded, and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting, and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

Clause 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a Council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) The power to make a rate,
- (b) The power to make a bylaw,
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan,
- (d) The power to adopt a long-term plan, annual plan or annual report,
- (e) The power to appoint a Chief Executive,
- (f) The power to adopt policies required to be adopted and consulted on under the LGA, in association with the long-term plan or developed for the purpose of the local governance statement,
- (g) *Repealed*, and
- (h) The power to adopt a remuneration and employment policy.

Clause 32 (1), Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee or subordinate decision-making body, 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 body that made the original delegation.

Clause (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body or member or officer of the local authority, to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the Council, 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.

Clause 32(2) & (3)(4), Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these Standing Orders allows a Council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body, carried out under a delegation authorising the making of that decision.

Clause 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee 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 to them.

Clause 30 (3) & (4), Schedule 7, LGA 2002.

Please note: Council is advised to delegate a range of decision-making responsibilities to its Chief Executive, to cover the period from the day following the Electoral Officer's declaration until the new Council is sworn in.

7. Committees

7.1 Appointment of committees and subcommittees

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

Clause 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (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 a Council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

Clause 30 (5) & (7), Schedule 7, LGA 2002.

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

7.3 Appointment or discharge of committee members and subcommittee members

A Council may appoint or discharge any member of a committee and, if established by the Council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the Council.

Clause 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

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

At least one member of a committee must be an elected member of the Council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

Clause 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under Clause 30 (7), Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

Clause 31(5), Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership

For the purpose of these Standing Orders, a decision of a local authority or committee is not invalidated if:

- 1 There is a vacancy in the membership of the local authority or committee at the time of the decision, or
- 2 Following the decision, some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

Clause 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

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

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

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

Clause 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees

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

Clause 30A (5), Schedule 7, LGA 2002.

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

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

Clause 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than fourteen days and not less than five days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month, public notification may be given not more than ten nor less than five working days before the day on which the meeting is to be held.

Section 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The Chief Executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the Council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

Clause 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary Council meeting may be called by:

- (a) Resolution of the Council: or
- (b) A requisition in writing delivered to the Chief Executive which is signed by:
 - i. The Chairperson, or
 - ii. Not less than one third of the total membership of the Council (including vacancies).

Clause 22 (1), Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

The Chief Executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 8.3, as well as the general nature of business to be considered to each member of the Council at least three working days before the day appointed for the meeting. If the meeting is called by a resolution, then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

Clause 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called

If the business a Council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson, or
- (b) If the Chairperson is unavailable, the Chief Executive.

Clause 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, 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.

Clause 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called, but the notice of the meeting is inconsistent with these Standing Orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held, or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

Section 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these Standing Orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

That the meeting occurred without proper notification,

- The general nature of the business transacted, and
- The reasons why the meeting was not properly notified.

Section 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

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 five working days before the day on which the meeting was held.

Section 51A, LGOIMA.

8.10 Meeting schedules

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

Clause 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

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 the need to be given notice of a meeting.

Clause 20 (1) & (2), Schedule 7, LGA 2002.

8.12 Meeting cancellations ac

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

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

9. Meeting agenda

9.1 Preparation of the agenda

It is the Chief Executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the Chief Executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the Council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the Council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 12.

9.3 Chief executive may delay or refuse request

The Chief Executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the Chief Executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a Chief Executive asking that a report is prepared the Chief Executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

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

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

Section 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

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

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the Council's website, and
- (b) Must be accompanied by either:
 - i. The associated reports, or
 - ii. A notice specifying the places at which the associated reports may be inspected.

Section 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the Chief Executive. In the event of an item being withdrawn, the Chief Executive should inform the Chairperson.

9.10 Distribution of the agenda

The Chief Executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The Chief Executive may send the agenda, and other materials relating to the meeting or other Council business, to members by electronic means.

9.11 Status of agenda

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

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda, and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

Section 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

Please note that nothing in this Standing Order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Section 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The Chief Executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

Section 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

Section 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the Council is:

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

Clause 23 (3)(a) Schedule 7, LGA 2002.

11.2 Committees and subcommittee meetings

A Council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees, the quorum will be two members unless otherwise stated. In the case of committees, at least one member of the quorum must be a member of the Council.

Clause 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

Clause 30A (6)(c) Schedule 7, LGA 2002.

11.4 Requirement for a quorum

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

Clause 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse, the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the Chief Executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees and subcommittees must be open to the public.

Section 47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

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

12.3 Local authority may record meetings

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

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 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.

Clause 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance, they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of Section 48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

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

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A Council may grant a member leave of absence following an application from that member. The Council delegates the power to grant a leave of absence to the Chairperson in order to protect a members' privacy.

The Deputy Chair may approve an application from the Chairperson. The Chairperson will advise all members of the Council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record a leave of absence for a member as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on Council business where their absence is a result of a commitment made on behalf of the Council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that specific meeting(s).

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the Council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings), then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

Clause 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio or audio visual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met, members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

Clause 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: Voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality, and
- (b) Procedures for using the technology in the meeting will ensure that:
 - 1 Everyone participating in the meeting can hear each other,
 - 2 The member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting,
 - 3 The requirements of Part 7 of LGOIMA are met, and
 - 4 The requirements in these Standing Orders are met.

If the Chairperson is attending by audio or audio visual link, then chairing duties will be undertaken by the deputy chair or a member who is physically present.

Clause 25A (3) Schedule 7, LGA 2002.

13.11 Conditions for attending by audio or audio visual link

Noting Standing Order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible,
- (b) Where a member is unwell, and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the Chief Executive at least two working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the Chief Executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the Council has no obligation to make the technology for an audio or audio-visual link available.

Approved participation by audio-visual link is available at designated Council offices as the preferred venues as determined by the Chairperson and co-ordinated by the Chief Executive.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

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

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting,
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members,
- (c) It is distracting to the members who are physically present at the meeting, and
- (d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) Transmitting it electronically,
- (b) Using the audio visual link, or
- (c) Any other manner that the Chairperson thinks fit.

Clause 25(A) (6) Schedule 7, LGA 2002.

13.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Council meetings

The Chairperson must preside at meetings of the Council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the Deputy Chairperson must act as Chairperson. If the Deputy Chairperson is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting.

Clause 26(1), (5) & (6) Schedule 7, LGA 2002.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the Deputy Chairperson will act as Chairperson. If the Deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

Clause 26(2), (5) & (6), Schedule 7 LGA 2002.

14.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these Standing Orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these Standing Orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker, and/or
- (b) Move a motion to terminate or adjourn the debate, and/or
- (c) Make a point of explanation, and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee or subcommittee any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 15 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the Chief Executive (or their delegate) at least one clear day before the meeting; however, this requirement may be waived by the Chairperson. Requests are to outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to five minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds three in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum,
- The speaker is criticising elected members and/or staff,
- The speaker is being repetitious, disrespectful or offensive,
- The speaker has previously spoken on the same issue,

- The matter is subject to legal proceedings, and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum, no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's Terms of Reference. Deputations should be approved by the Chairperson, or an official with delegated authority, six working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to five minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting,
- The speaker is criticising elected members and/or staff,
- The speaker is being repetitious, disrespectful or offensive,
- The speaker has previously spoken on the same issue,
- The matter is subject to legal proceedings, and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees as long as the subject matter falls within the Terms of Reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the Chief Executive at least six working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language are to advise the Chief Executive three working days to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for five minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum, the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the Chief Executive at least five working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition,
- (b) The petitioners' statement, and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present.

If the motion is passed, the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded,
- (b) The reason for passing the resolution in relation to that matter, and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the Council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The Chief Executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The Public Excluded Section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the Chief Executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the Chief Executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information, and
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

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.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition, the Chief Executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The Chief Executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or Standing Orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

Clause 24 (1), Schedule 7, LGA 2002.

19.2 Open voting

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

Clause 24 (3) Schedule 7, LGA 2002.

19.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

Clause 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must 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, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division,
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands, and
- (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 publicly displayed and notified to the Chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the Chief Executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the Council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly Conduct

Where the conduct of a member is disorderly or is creating a disturbance, the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

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

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct, the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

A member of the Police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This Standing Order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest, unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under Section.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in Public Excluded, in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

Section 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree, about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member, in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter, they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority, in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

Section 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

Section 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business, or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the Standing Orders, such as the number of times a member may speak or when a Chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than five minutes,
- (b) Movers of motions when exercising their right of reply – not more than five minutes, and
- (c) Other members – not more than five minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate, members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

21.4 Questions of clarification

At any point of a debate, a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the Council, except with permission of the Chairperson.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Secunder may reserve speech

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

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

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

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

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

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

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

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply,
- (b) After the mover has indicated that they want to forego this right, and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

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

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply, after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option B applies unless, on the recommendation of the Chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached, the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

23.2 Motions in writing

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

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment, the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

23.8 Carried amendments

Where an amendment is carried, the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

23.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.10 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson, the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

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

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the Chief Executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the Council or committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter,
- (b) The meeting date when the resolution was passed,
- (c) The motion, if any, which the member proposes to replace it with, and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the Chief Executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

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

Clause 30 (6) Schedule 7, LGA 2002.

24.3 Requirement to give notice

A member must give notice to the Chief Executive at least five working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received, no irreversible action may be taken under the resolution in question, until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked, and
- (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 or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the Chief Executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75% of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

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

Clause 30 (6) Schedule 7, LGA 2002.

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded, the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the Chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place),
- (b) That the motion under debate should now be put (a closure motion),
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting,
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee.

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

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned, all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

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

25.6 Business referred to the Council or a committee

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

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these Standing Orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these Standing Orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson,
- (b) Language – to highlight use of disrespectful, offensive or malicious language,
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting,
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a Council employee,
- (e) Breach of Standing Order – to highlight a possible breach of a Standing Order while also specifying which Standing Order is subject to the breach, and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

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

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the Chief Executive at least five clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received, the Chief Executive must give members notice in writing of the intended motion at least two clear working days' notice of the date of the meeting at which it will be considered.

27.2 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 meeting concerned, or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the Chief Executive officer may make, or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned, or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of Section 77-82 LGA 2002, or

- (f) Concerns a matter where decision-making authority has been delegated to a committee or subordinate body.

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

27.3 Mover of notice of motion

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

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

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

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the Chief Executive.

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

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

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

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised, the minutes are the *prima facie* evidence of the proceedings they relate to.

Clause 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

The Chief Executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting,
- (b) The names of the members present,
- (c) The Chairperson,
- (d) Any apologies or leaves of absences,
- (e) The arrival and departure times of members,
- (f) Any failure of a quorum,
- (g) A list of any external speakers and the topics they addressed,
- (h) A list of the items considered,
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these Standing Orders,
- (j) The names of all movers, and seconders,
- (k) Any objections made to words used,
- (l) All divisions taken and, if taken, a record of each members' vote,
- (m) The names of any members requesting that their vote or abstention be recorded,
- (n) Any declarations of financial or non-financial conflicts of interest,
- (o) The contempt, censure and removal of any members,
- (p) Any resolutions to exclude members of the public,
- (q) The time at which the meeting concludes or adjourns, and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The Chief Executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

Section 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically, the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained, and
- (b) The information is readily accessible so as to be usable for subsequent reference.

Section 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form, minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The Chief Executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Commercial Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds 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 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.
- 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 would:
 - i. Disclose a trade secret, or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (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 Māori, 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 would:
 - i. 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. Be likely otherwise to damage the public interest.
 - (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 – the protection of such members, officers, employees, and persons from improper pressure or harassment, or
 - (g) Maintain legal professional privilege, or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities, or
 - (i) Enable any Council 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.

See Section 7 LGOIMA 1987.

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

- 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:
 - (a) Be contrary to the provisions of a specified enactment, or
 - (b) Constitute contempt of Court or of the House of Representatives.

- 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 Council by an Ombudsman under Section 30(1) or Section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

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

See Section 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved:**

1 That the public is excluded from:

- The whole of the proceedings of this meeting, (*delete if not applicable*),
- The following parts of the proceedings of this meeting, namely, (*delete if not applicable*),

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

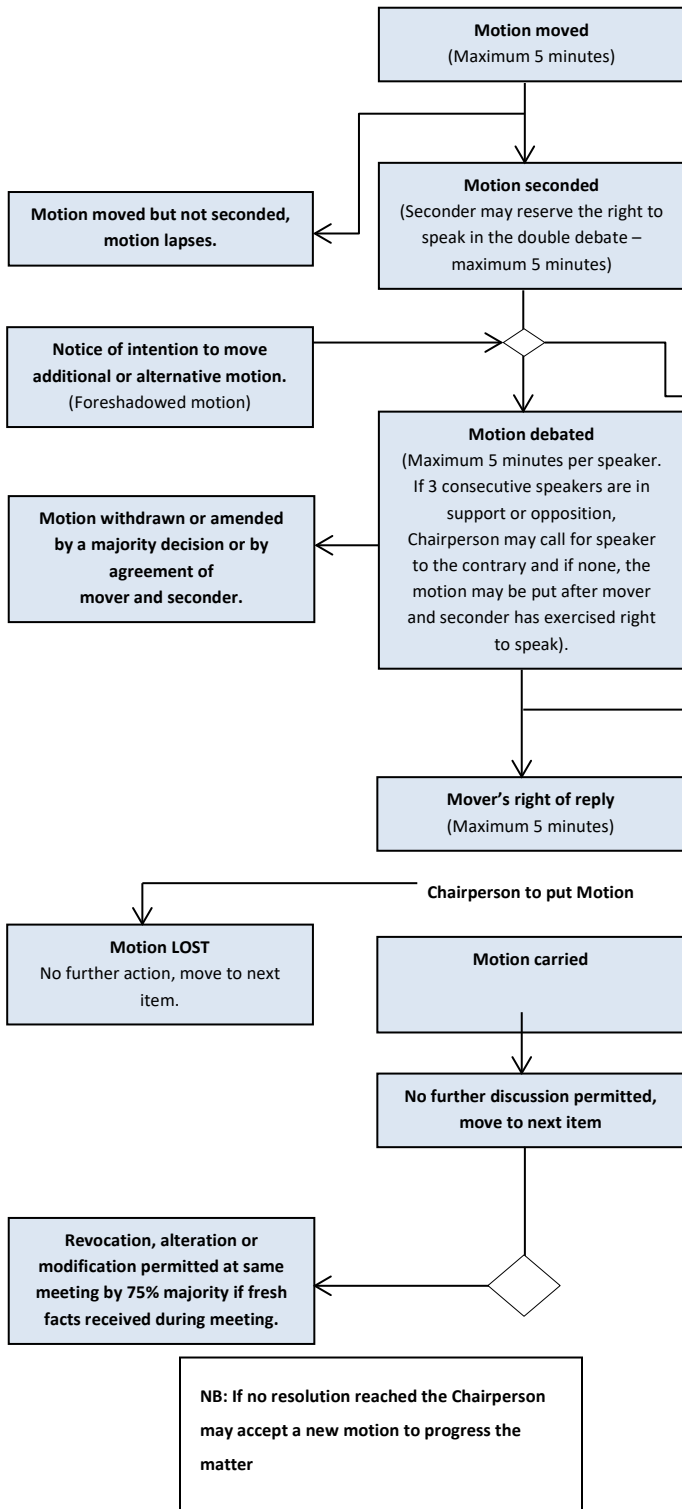
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— i. be contrary to the provisions of a specified enactment, or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: i. a right of appeal lies to a court or tribunal against the final decision of the Councils in those proceedings, or ii. the Council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would, <ul style="list-style-type: none"> i. disclose a trade secret, or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for: <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where 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 (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the Council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

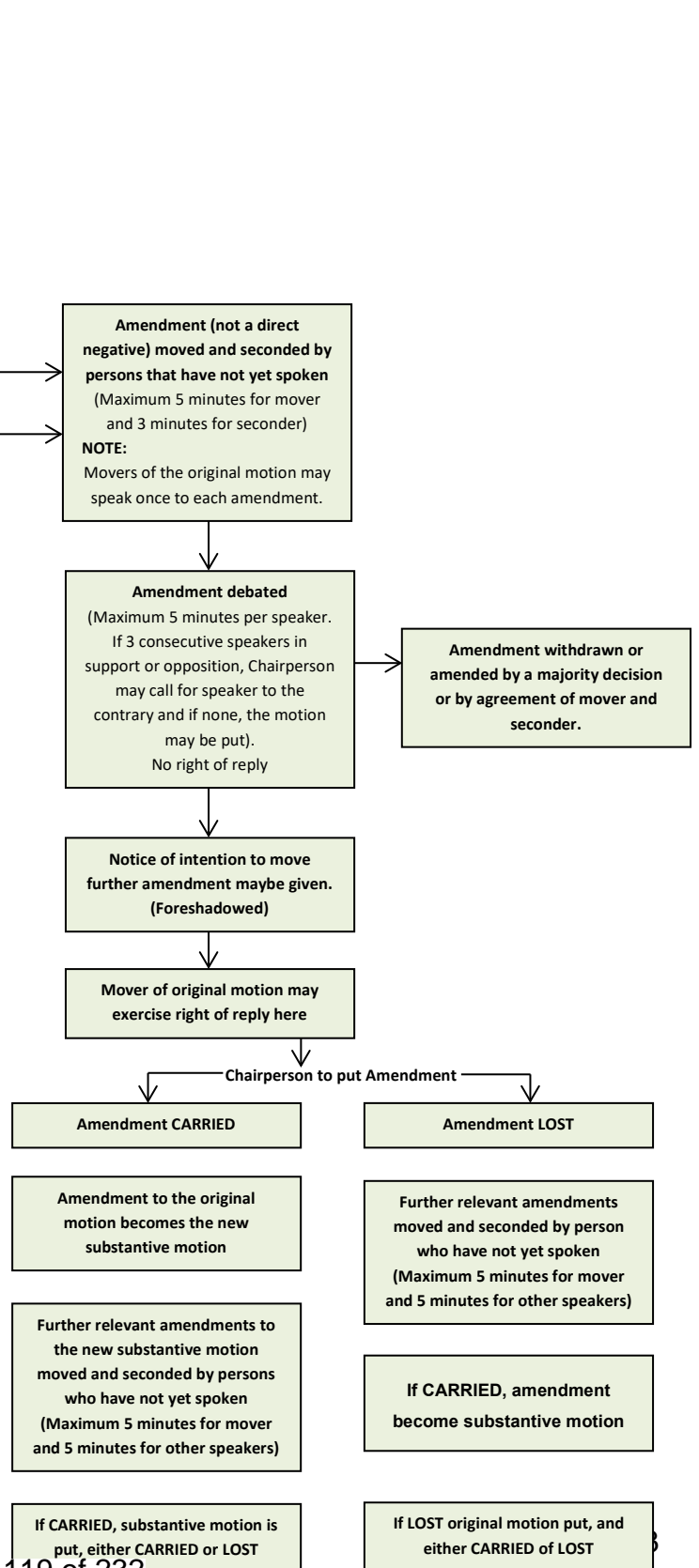
2 That (*name of person(s)*) is permitted to remain at this meeting after the public has been excluded because of their knowledge of (*specify topic under discussion*). This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because (*specify*). (*Delete if inapplicable.*)

Appendix 3: Motions and amendments (Option A)

Motions without amendments

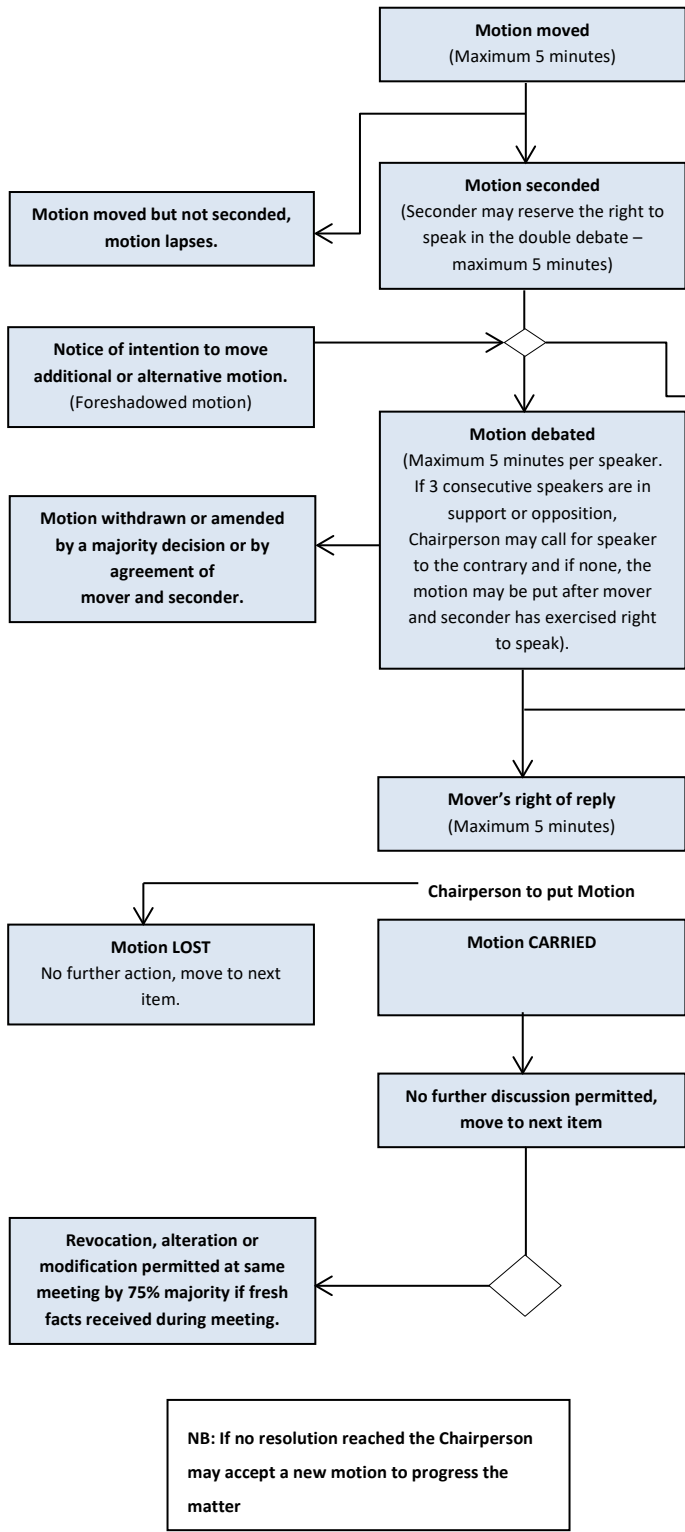


Motions with amendments

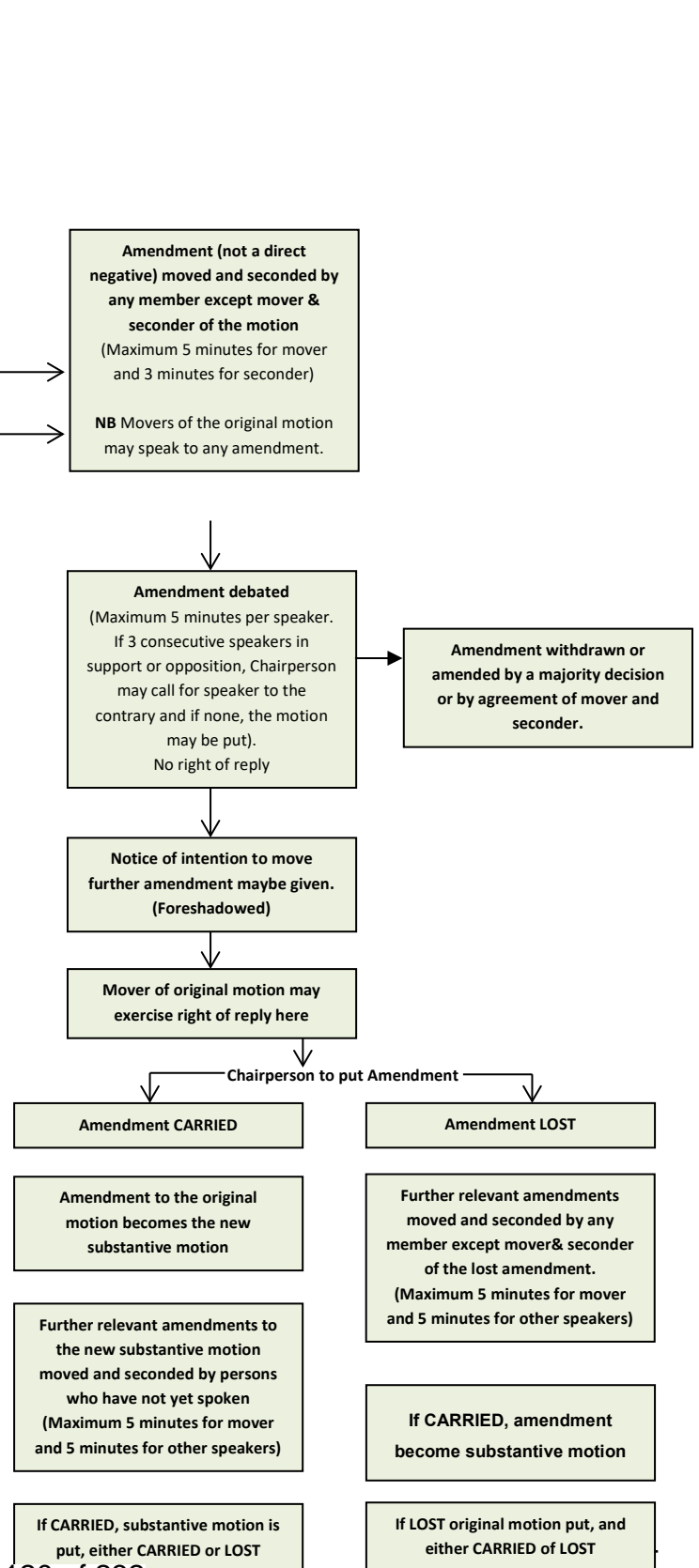


Appendix 4: Motions and amendments (Option B)

Motions without amendments

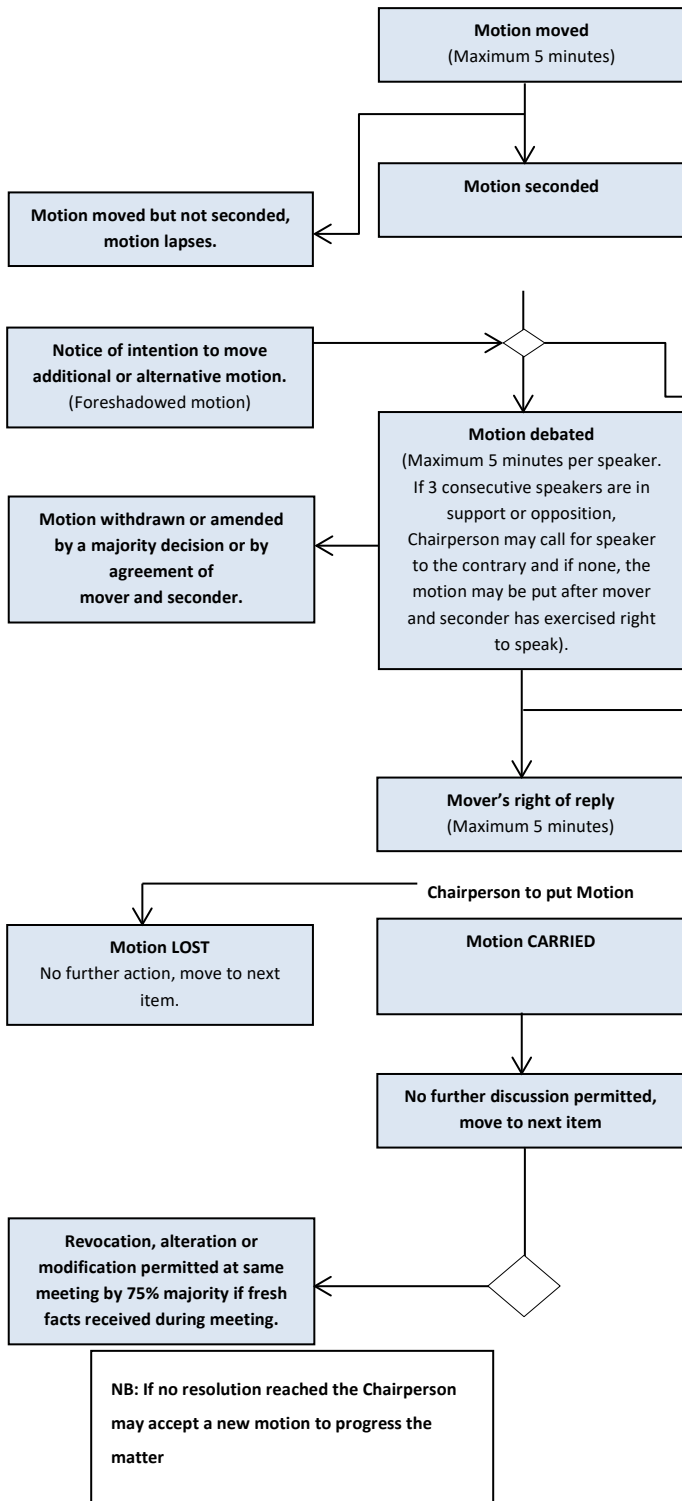


Motions with amendments

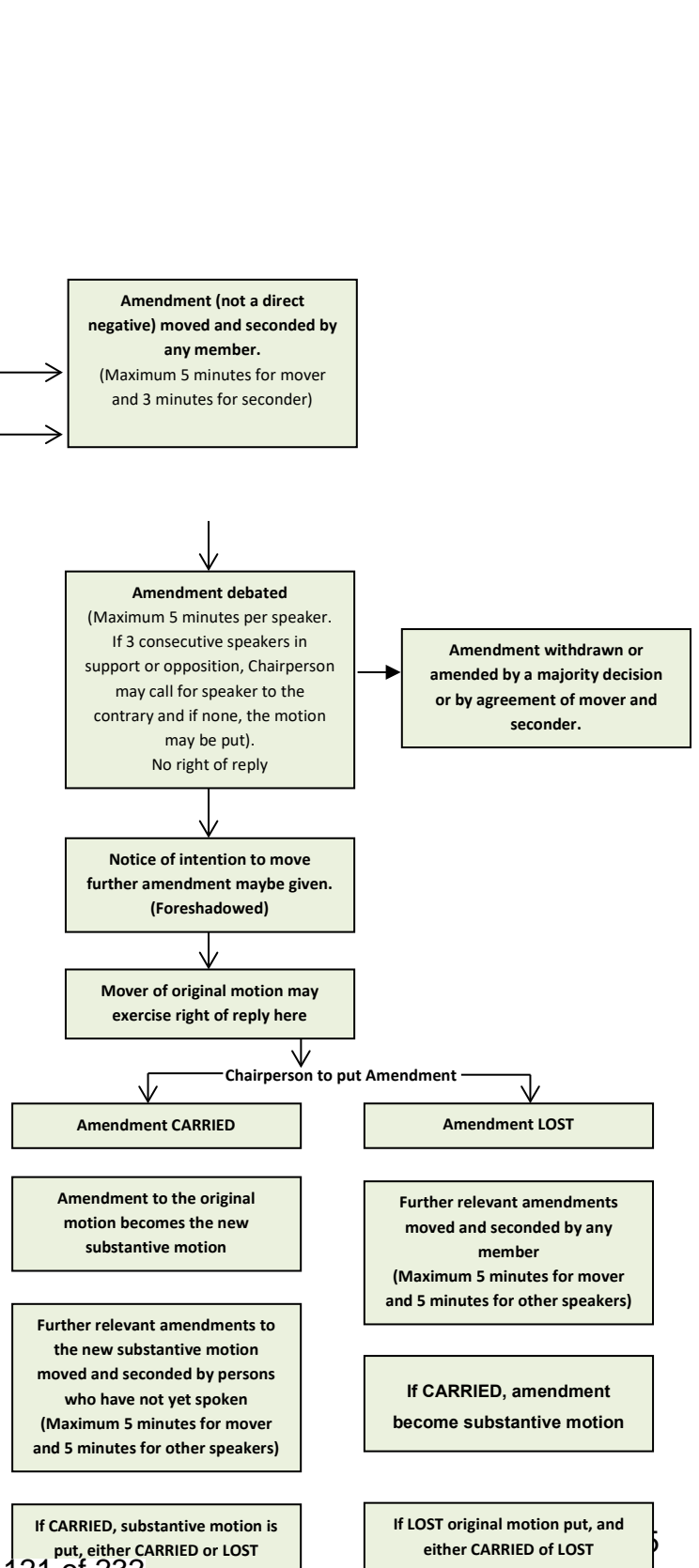


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See Standing Order 3.14

Appendix 7: Webcasting protocols

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

- 1 The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- 2 Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
- 3 Generally interjections from other members or the public are not covered. However, if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
- 4 PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
- 5 Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- 6 If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
- 7 Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these Standing Orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting, if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting, a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where Standing Orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

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 within the scope of the role or functions of the local authority, or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the Chief Executive may have made, 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 proposer.

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

Action on previous resolutions

If, in the opinion of the Chairperson, the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion, unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these Standing Orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting, or
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters, or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate, any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and Chief Executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member 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.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality, and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other,
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting,
 - iii. The requirements of Part 7 of LGOIMA are met, and
 - iv. The requirements in these Standing Orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present.

Appendix 9: Process for removing a Chairperson or Deputy Chairperson from office

- 1 At a meeting that is in accordance with this clause, a regional council may remove its Chairperson, Deputy Chairperson, or Deputy Chairperson from office.
- 2 If a Chairperson, Deputy Chairperson, or Deputy Chairperson is removed from office at that meeting, the regional may elect a new Chairperson, Deputy Chairperson, or Deputy Chairperson at that meeting.
- 3 A meeting to remove a Chairperson, Deputy Chairperson, or Deputy Chairperson may be called by:
 - (a) A resolution of the Regional Council, or
 - (b) A requisition in writing signed by the majority of the total membership of the Regional Council (excluding vacancies).
- 4 A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting, and
 - (b) Indicate whether or not, if the Chairperson, Deputy Chairperson, or Deputy Chairperson is removed from office, a new Chairperson, Deputy Chairperson, or Deputy Chairperson is to be elected at the meeting if a majority of the total membership of the Regional Council (excluding vacancies) so resolves.
- 5 A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
- 6 The Chief Executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
- 7 A resolution removing a Chairperson, Deputy Chairperson, or Deputy Chairperson carries if a majority of the total membership of the Regional Council (excluding vacancies) votes in favour of the resolution.

Clause 18 Schedule 7, LGA 2002.

Appendix 10: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of Standing Orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees,
- (b) The Mayor,
- (c) A committee Chairperson, or
- (d) The Chief Executive.

Process for calling workshops

The Chief Executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop,
- (b) Advise the date, time and place, and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop,
- Person present, and
- General subject matter covered.

Appendix 11: Sample order of business

Open section

- (a) Apologies.
- (b) Declarations of interest.
- (c) Confirmation of minutes.
- (d) Leave of absence.
- (e) Acknowledgements and tributes.
- (f) Petitions
- (g) Public input.
- (h) Extraordinary business.
- (i) Notices of motion.
- (j) Reports of committees.
- (k) Reports of the Chief Executive and staff.
- (l) Chairperson, Deputy Chairperson and elected members' reports (information).

Public Excluded section

- (m) Reports of committees.
- (n) Reports of the Chief Executive and staff.
- (o) Chairperson, Deputy Chairperson and elected members' reports (information).

Appendix 12: Process for raising matters for a decision

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

- Report of Chief Executive,
- Report of a Chairperson,
- Report of a committee, and
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of Chief Executive, or
- Report of Chairperson.

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



Report To: Regional Council
Meeting Date: 26 November 2019
Report From: Fiona McTavish, Chief Executive

Adoption of the Governance Structure and Terms of Reference for the 2019 - 2022 Triennium

Executive Summary

The purpose of this report is to provide Council with the proposed governance structure for the 2019-2022 triennium, for adoption. It asks Council to make a series of decisions in terms of structure, and the terms of reference and delegations. Membership and other related matters are addressed in a separate report to Council – *Appointment of Members to the 2019-2022 Bay of Plenty Regional Council Toi Moana Governance Structure*.

There is no statutory requirement for Council to establish committees (other than those required by statute). Given the complexity and breadth of regional council decision-making, committees are required to ensure effective and efficient decision-making and good governance. The proposed governance structure has been independently review by the New Zealand Institute of Economic Research to ensure that the split of strategy and policy decision-making is fit for purpose. This report recommends that Council establish five core standing committees – Strategy and Policy, Monitoring and Operations, Risk and Assurance, Public Transport, and Komiti Māori.

It is also recommended that a further four subcommittees sit under the Strategy and Policy Committee – Regional Coastal Environment Plan Appeals, Plan Change 9 (Region-wide Water Quantity) Appeals, Plan Change 10 (Lake Rotorua Nutrient Management) Appeals, and Plan Change 13 (Air Quality) Appeals.

Five Committees required under statute will also continue. They are Civil Defence Emergency Management Group and Regional Transport, and three co-governance partnerships - Rotorua Te Arawa Lakes Strategy Group, Rangitaiki River Forum, and Te Maru o Kaituna/ Kaituna River Authority. In addition, four non-statutory joint committees are recommended - SmartGrowth Leadership Group, Ōhiwa Harbour Implementation Forum, Eastern Bay of Plenty Joint Committee, and Eastern Bay Road Safety Committee.

The proposed structure will provide the most effective means of enabling Council to fulfil its responsibilities and achieve effective and efficient decision making at the appropriate level while ensuring a balanced workload for Councillors. **Given the unprecedented central government changes currently being progressed, it is further recommended that this governance structure is reviewed in 18 months' time.**

Recommendations

That the Regional Council:

- 1. Receives the report, Adoption of the Governance Structure Terms of Reference for the 2019 - 2022 Triennium;**
- 2. Establishes the following five core standing committees:**
 - a. Strategy and Policy Committee**
 - b. Monitoring and Operations Committee**
 - c. Risk and Assurance Committee**
 - d. Public Transport Committee**
 - e. Komiti Māori**
- 4 Establishes the Executive Employment Subcommittee as a subcommittee of the Regional Council.**
- 5. Establishes the following as subcommittees of the Strategy and Policy Committee, noting Plan Change 10 ((Lake Rotorua Nutrient Management) Appeals Subcommittee was established at the Inaugural Council Meeting on 21 October 2019:**
 - a. Regional Coastal Environment Plan Appeals Subcommittee**
 - b. Plan Change 9 (Regional- wide Water Quality) Appeals Subcommittee**
 - c. Plan Change 13 (Air Quality) Appeals Subcommittee**
- 6. Establishes under section 105(1) of the Land Transport Management Act 2003, the Regional Transport Committee.**
- 7. Notes it is part of four permanent committees required by statute which form part of its governance structure:**
 - a. Civil Defence Emergency Management Group**
 - b. Rotorua Te Arawa Lakes Strategy Group**
 - c. Rangitāiki River Forum**
 - d. Te Maru o Kaituna River Authority**
- 8. Re-establishes the following Joint Committees:**
 - a. SmartGrowth Leadership Group as a joint committee with Tauranga City Council and Western Bay of Plenty**
 - b. Ōhiwa Harbour Implementation Forum as a joint committee with Ōpōtiki District Council and Whakatāne District Council**

- c. **Eastern Bay of Plenty Joint Committee as a joint committee with Kawerau District Council, Ōpōtiki District Council and Whakatāne District Council.**
- 9. Re-establishes the following Advisory Groups:**
 - a. **Tauranga Moana Advisory Group**
 - b. **Kaituna Catchment Control Scheme**
 - c. **Rangitaiki – Tarawera Rivers Scheme**
 - d. **Whakatāne – Tauranga Rivers Scheme**
- 10. Adopts the proposed 2019 – 2022 Governance Structure’s Terms of Reference (Appendix 1 to this report).**
- 11. Agrees that, given the unprecedented central government changes currently being progressed, this governance structure is reviewed in 18 months’ time.**
- 12. Delegate to the Chief Executive, authority to approve transaction documents relating to Lake Rotorua Incentive Agreements, within the pricing policy approved by the Lake Rotorua Incentives Committee, with any exceptions to be approved by Council.**

1 Purpose and Context

The purpose of this report is to provide Council with the proposed governance structure for the 2019-2022 triennium. It asks Council to make a series of decisions in terms of structure, terms of reference and delegations.

There is no statutory requirement for Council to establish committees (other than those required by statute). Should it so choose, Council could undertake all decision-making at the full Council level. While this can work well in very small Councils, it is considered that this Council does need a standing committee structure to enable:

- Effective and efficient decision-making;
- Decision-making at the ‘right’ level;
- The ability to provide governance focus across a wide range of policy initiatives;
- A balanced workload for elected members (including the workload of those chairing meetings);
- Integration between and within key activity areas;
- Clear entry points for decision-making;
- Clear delegations and reporting lines.

The proposed governance structure has been independently review by the New Zealand Institute of Economic Research to ensure that the split of strategy and policy decision-making is fit for purpose. The implications of the volume of unprecedented change proposals coming at council necessitates the need for robust strategic leadership and thought into our policies for at least the next 18 months. At that point, a review of this governance structure is also recommended.

2 Statutory Requirements

There are two areas of statutory requirements that need to be considered as part of establishing the committee structure and delegations for the new triennium.

First, there are a number of Council decisions that must be made by full Council, i.e. they cannot be delegated to a committee or sub-committee. Such decisions are set out in Schedule 7 (clause 32) of the Local Government Act 2002 (LGA) and cover matters such as the power to:

- Make a rate;
- Make a bylaw;
- Adopt a long term plan, annual plan or annual report;
- Appoint a chief executive.

Second, there are a number of 'committees' that this Council must have because they are legally required. The current committees that are required by statute are:

- Civil Defence Emergency Management Group;
- Regional Transport;
- Rotorua Te Arawa Lakes Strategy Group;
- Rangitaiki River Forum;
- Te Maru o Kaituna River Authority.

The latter three are co-governance fora required under Treaty of Waitangi settlement legislation. The Bay of Plenty region has a high number of Treaty claims and while a number have been settled, there are more to come. This will result in further co-governance committee requirements for this Council. In the pipeline there is the Tauranga Moana Co-governance Forum. In preparation for this, a non-statutory group was established in the last triennium involving the partners who it is anticipated will be members of the Co-governance Forum in due course. This group is called the 'Tauranga Moana Advisory Group'. It is expected that this Group will continue in the new triennium until the settlement legislation comes through.

3 Collaborative Partnerships

This Council is also part of joint committees with various other local authorities in the region. To date such committees have been a successful model for councils to work together on common matters and, in agreement with partner councils, it is proposed that these be re-established:

- SmartGrowth Leadership Group – with Tauranga City Council and Western Bay of Plenty District Council;
- Ōhiwa Harbour Implementation Forum – with Whakatāne District Council and Ōpōtiki District Council;
- Eastern Bay of Plenty Joint Committee – with Whakatāne District Council, Ōpōtiki District Council and Kawerau District Council;

- Eastern Bay Road Safety Committee – with Whakatāne District Council, Ōpōtiki District Council and Kawerau District Council.

Please note that the Western Bay of Plenty District Council have recommended that the Western Bay Road Safety Committee not be re-established and matters regarding road safety be referred to the Regional Transport Committee.

4 Principles

Regional Council Elected Members are responsible for providing good governance, including:

- Setting strategic direction through the development and adoption of Council strategies and policies;
- Monitoring the performance of management in implementing Council strategies and policies;
- Prudent stewardship of Council resources; and
- Appointment and assessing the performance of the Chief Executive.

An effective regional council governance structure, in general should:

- Promote effective and efficient decision-making;
- Ensure decisions are made at the most appropriate level;
- Be able to focus on the things that matter; and
- Provide clarity on the different roles of ‘governance’ and ‘management’.

In addition the structure should:

For the Elected Member	For the Organisation
<ul style="list-style-type: none"> • Provide a balanced workload; • Ensure elected members are not required to make low level decisions; • Promote integration between key activity areas; • Provide clear segregation of the roles and responsibilities of decision making bodies to prevent duplication or confusion. 	<ul style="list-style-type: none"> • Allow the Council to meet its strategic objectives and determine appropriate policy direction; • Ensure clear entry points for decision making; • Ensure clarity of delegations and reporting lines. • Be supported with processes to resolve any overlaps should these occur (e.g. Chair to Chair discussions).

After considering the above, the structure recommended in this paper is based on the following principles which are considered necessary to ensure effective and efficient decision-making:

- All councillors being part of key decision-making and actively working for the good of the region;

- Council/Committee meetings are focused on decision-making, rather than receiving a high volume of information only papers;
- The provision of information, the facilitation of discussion and stakeholder engagement being undertaken through a number of mechanisms, as appropriate;
- Councillors are well-prepared to discuss and then make decisions at meetings when matters are presented to them.
- Workload and positions of responsibilities are shared equitably amongst councillors, where appropriate.

Further to this, at the recent Council induction following the elections, Councillors made a commitment to pursuing governance excellence and what that might look like individually and collectively. To inform this an informal session with an external presenter is scheduled in December 2019.

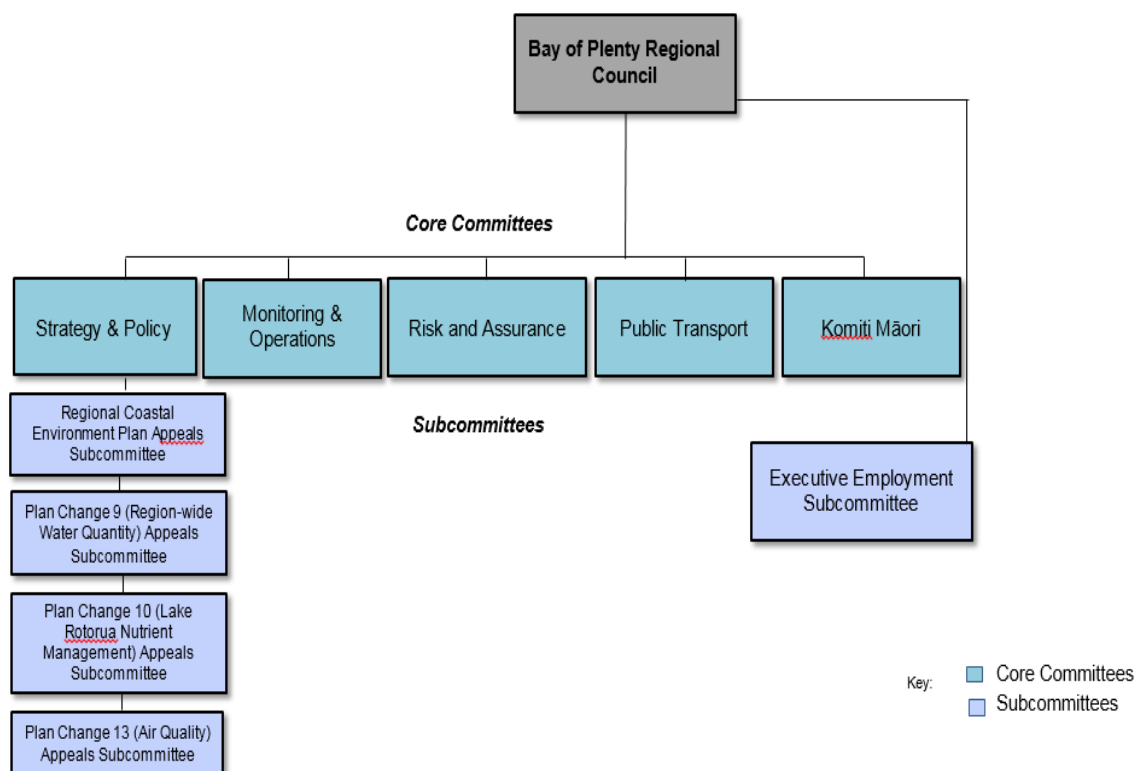
5 2019-2022 Triennium

5.1 Overview

A review of the 2016- 2019 governance structure was undertaken in September 2019. Overall the previous Council felt the committee structure worked well and for the most part minor amendments were proposed to most of the core committees, apart from the Regional Direction and Delivery Committee and the Lake Rotorua Incentives Committee.

The 2016-2019 governance structure has been used as a starting point and following robust discussion and feedback at the recent Councillor induction, refinements have been made, resulting in the following proposal.

It is recommended that Council establish five core standing committees – Strategy and Policy, Monitoring and Operations, Risk and Assurance, Public Transport and Komiti Māori, as illustrated in the diagram below.



This is in addition to establishing or recognising those committees required by statute and the joint collaborative arrangements Council has with other organisations. The full proposed structure for the 2019-2022 triennium is illustrated in Appendix 1 – ‘Bay of Plenty Regional Council Toi Moana Governance Structure and Terms of Reference 2019-2022’.

The purpose of the proposed structure is to improve integration and role clarity. While it is very similar to the 2016-2019 triennium structure, there is a substantial change with the split of the Regional Direction and Delivery Committee into two separate committees – Strategy and Policy, and Monitoring and Operations.

The core committees can make decisions under delegated authority from full Council. This means that committee decisions are full and final decisions and do not require ‘ratification’ subsequently from full Council. There will be some, limited, instances from time-to-time when a committee will consider a matter that requires a decision that is beyond its delegated authority. When this occurs, the committee will make a recommendation to full Council. The decision is therefore not made until such time as full Council has had an opportunity to consider the matter. In the majority of cases this model results in ‘single tier’ decision-making. This is the most efficient and effective way for Council to make decisions.

Under the proposed structure, a key aspect of the full Council’s role is that all financial delegations sit with Council and not individual committees (unless specifically agreed by Council). In addition Council has overall responsibility for monitoring financial and non-financial performance. It utilises committees to provide greater monitoring scrutiny but ultimately receives monitoring reports such as the Quarterly Monitoring Report (Arotake) and Annual Report.

Each committee has specified functions, responsibilities, and delegations. These form the Terms of Reference for the Committees, attached as Appendix 1. The Terms of

Reference are important as they define the business of each committee and where decision-making lies (i.e. the extent of the delegations).

5.2 Formation of Strategy and Policy and Monitoring and Operations Committees

The formation of the Strategy and Policy Committee and Monitoring and Operations Committee is the most substantial proposed change to the previous committee structure. This formation is a direct reflection of our increasingly complex and changing operating environment and the need to balance Councillors' workload so that there is adequate capacity and time to consider, discuss and debate the issues our region is currently facing and will face in the triennium and beyond.

The previous committee structure for the 2016-2019 triennium combined the two separate functions of strategy and monitoring into the one committee. The rationale for this combination of functions was as a means of integrating policy with implementation/action and reducing the number of core committees and committee workload. However this presented challenges with an increasingly heavy workload resulting in inadequate time to fully discuss and debate the big and important issues, and an increasing number of additional workshops were required (see table below for 2018/19). There were 155 reports that went to Regional Direction and Delivery Committee between 20 February 2018 and 17 September 2019, of these 92 related to strategy/policy and 63 related to monitoring/operations. This structure needed to be reviewed to allow for a more resilient, agile, and efficient structure to be developed and implemented for the 2019-2022 triennium.

Committee 2016-2019	Meetings	Meetings ave time	Decision reports	Information reports	Workshops	Workshops ave time
Regional Direction & Delivery	8	4.25 hrs	47%	53%	9	3h

As noted at the recent councillor induction, at present there is a substantial number of policy proposals coming at Council which will put additional pressure on our day-to-day activities and resources, as we endeavour to work out the implications of what is being put in front of us. These proposals include: Essential Freshwater, wider Government policy (i.e. National Environmental Standards, National Policy Statements, Three Waters, and Resource Management Act Reform), Māori Engagement and Climate Change.

In this increasingly complex and changing operating environment, adequate time is required to facilitate quality robust discussion and to allow councillors to focus on complex strategic matters while also allowing sufficient time to provide direction and discuss operational matters associated with monitoring. An analysis of the papers that went to the Regional Direction and Delivery Committee in the previous 2016-2019 triennium show a clear majority of strategy matters to operational matters.

The proposed split of policy from operations was also considered from the perspective of other local authorities. A number of regional councils and equivalents have a similar

approach to what is being proposed (such as Waikato Regional Council and Taranaki Regional Council).

The proposal to have two committees, one directed at Strategy and Policy and the other directed at Monitoring and Operations, will enable a clearer focus on strategic direction and prioritisation; implications of changing operating environments, and the review and development of organisational policy. The specific roles of these two committees are included in the attached Terms of Reference. From time to time discussion will be needed for where a policy decision might straddle the Terms of References.

The key proposed changes from the previous triennium and key matters for each committee, are noted in the following sections of this report. They are to be read in conjunction with the attached Terms of Reference.

5.3 Full Council

Full Council's role is to set the overarching strategic direction for the organisation and to make decisions on all matters that are unable to be delegated, or that Council has chosen not to delegate. It is proposed that one subcommittee of full Council be established. The following table summarises these matters.

Committee	Function
Full Council	<ul style="list-style-type: none"> • Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities. • Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. • Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation. • Hold ultimate responsibility for allocating financial resources across the Council.
Council Subcommittee	Function
Executive Employment and Remuneration	Act for and advise Council on matters pertaining to the employment of the Council's Chief Executive Officer.

The following matters are noted in relation to the full Council:

- It is proposed that the following will remain with full Council:
 - Developing, adopting and approving Council's position on regional economic development;
 - The consideration and agreement on the process to develop the Long Term Plan, Annual Plan and Annual Report, along with the adoption of these documents;
 - The adoption of Council policies as required by statute (for example the Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of committee delegations (for example infrastructure policy).

5.4 Core (standing) committees

It is proposed that Council establish five core (standing committees) and four subcommittees of the Strategy and Policy Committee as shown in the following table.

Committee	Function
Strategy and Policy	<ul style="list-style-type: none"> • Inform the strategic direction for the Council and implement through approved planning and policy frameworks. • Identify regional issues resulting from emerging trends, providing thought leadership on matters of regional significance, analysing implications and developing a strategic response.
Monitoring and Operations	<ul style="list-style-type: none"> • Oversee and monitor the implementation of policies and strategies. • Promote effective delivery and coordination between policy and implementation through recommendations to the Strategy and Policy Committee. • Monitor the implementation of Council's activities, projects and services.
Risk and Assurance	<ul style="list-style-type: none"> • Monitor the effectiveness of Council's funding and financial policies and frameworks to ensure the Council is managing its finances in an appropriate manner. • Monitor the effectiveness of Council's performance monitoring framework. • Ensure that Council is delivering on agreed outcomes.
Komiti Māori	Provide direction and guidance on Council's obligations to Māori in relation to: strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.
Public Transport	Set the strategic and operational direction for approved Regional Council public transport policy and strategy and monitor how it is implemented.
Strategy and Policy Subcommittees	Function
Regional Coastal Environment Plan Appeals	Guide the resolution of Environment Court appeals on the Proposed Regional Coastal Environment Plan.
Plan Change 9 (Region-wide Water Quantity)	Guide the resolution of Environment Court appeals on the Region-wide Water Quantity Proposed Plan Change 9.
Plan Change 10 (Lake Rotorua Nutrient Management) Appeals	Guide recommendations and changes in relation to the directions within the stage one Environment Court decision (released 9 August 2019). If required, the Appeals Subcommittee will also be available to provide guidance within stage two of the Environment Court appeals.
Plan Change 13 (Air Quality) Appeals	Guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

5.4.1 Strategy and Policy Committee

The following matters are noted in relation to the Strategy and Policy Committee:

- The proposed role of the Strategy and Policy Committee will be to inform and implement the strategic direction for Council. Also to identify regional issues and provide thought leadership on matters that affect the region, and undertake the associated analysis of the implications and development of the strategic response(s).

While all committees are expected to have strategic discussions, the proposed role of the Strategy and Policy Committee is to do 'big strategy' thinking for and across the organisation.

- It is proposed that this committee develop Council's position on regionally significant issues and provide guidance on sub-regional and regional strategy matters such as spatial planning and SmartGrowth.
- It is proposed that this committee develop and review bylaws, a role which used to sit with full Council. The exception to this, is the Rivers and Drainage Bylaw as the review process has already commenced in full Council, where it is proposed to remain given the critical timeframe with the next key decision point being in February 2020.
- There are four sub-committees proposed in the structure, to sit under the Strategy and Policy Committee, the:
 - Regional Coastal Environment Plan Appeals Subcommittee
 - Plan Change 9 (Region-wide Water Quantity) Appeals Subcommittee
 - Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee. Note: this subcommittee was established at the Inaugural Meeting on 21 October 2019)
 - Plan Change 13 (Air Quality) Appeals Subcommittee.

5.4.2 Monitoring and Operations Committee

The following matters are noted in relation to the Monitoring and Operations Committee:

- The proposed role of the Monitoring and Operations Committee is to focus on overseeing and monitoring the implementation of policies and strategies, and promoting effective delivery and coordination between policy and implementation through recommendations to the Strategy and Policy Committee. Also to monitor the implementation of Council's activities, projects and services.
- It is proposed that the Monitoring and Operations Committee receive information on environmental monitoring and performance monitoring trends and recommends to the Strategy and Policy committee to inform policy review.
- It is proposed that this committee will monitor Council's actions on climate change.
- It is proposed the Monitoring and Operations Committee recommend to the Strategy and Policy Committee on matters necessary for reviewing plans, strategies and policies, or where monitoring has identified an issue that needs a policy response.
- The limitations proposed on this committee include, not having delegated authority to:
 - Develop, adopt or review strategic policy and strategy;
 - Approve Council submissions on legislation, policy, regulations, standards, plans and other instruments prepared by Central Government, Local Government and other organisations;
 - Identify, monitor and evaluate necessary actions by the organisation and other relevant organisations under co-governance arrangements.

5.4.3 Risk and Assurance Committee

The following matters are noted in relation to the Risk and Assurance Committee:

- The proposed name of the committee is the Risk and Assurance Committee (previously the Audit and Risk Committee), to better reflect the ‘assurance’ measure proposed in the purpose and role of the committee. Specifically to ensure Council is managing its finances in an appropriate manner, and delivering on agreed outcomes.

5.4.4 Public Transport Committee

The following matters are noted in relation to the Public Transport Committee:

- The proposed function of the Public Transport Committee is to set the strategic and operational direction for approved Regional Council public transport policy and strategy and monitor how it is implemented.
- It is proposed that the Public Transport Committee in coordination with the work programme of the Regional Transport Committee, guide and review the public transport components of the Regional Land Transport Plan (RLTP) and make recommendations to Regional Transport Committee for incorporation into the RLTP.

5.4.5 Komiti Māori

The following matters are noted in relation to Komiti Māori:

- The proposed terms of reference underwent a refresh at the workshop discussion on 14 November 2019. Aspects of the purpose and role of the Komiti have been clarified and updated.
- The proposed purpose of Komiti Māori is to provide direction and guidance on Council’s obligations to Maori in relation to: strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.
- It is proposed that the Komiti have the power to recommend to Council and/or to standing committees as it deems appropriate.
- It is proposed that the Komiti reports directly to the Regional Council.

5.5 Lake Rotorua Incentives Committee

The proposed structure does not include the re-establishment of the Lake Rotorua Incentives Committee. An independent review of the Lake Rotorua Incentives Committee undertaken in 2019 by Geoff Henley discussed the effectiveness of, and the future need for this committee.

Since the inception of the Incentives Committee, staff have evolved a well-constructed process, involving Land Management Officers, Legal Team and Lead Negotiator, and formulated a comprehensive set of documents and nitrogen pricing criteria. It is proposed that the Chief Executive be given delegated authority to approve agreements in the future, with informal input from Councillors: White and Bruning, provided those agreements sit within the framework of pricing development by the previous committee.

5.6 Statutory Committees

The following table summarises the five statutory committees that Council is part of. The Civil Defence Emergency Management Group, while constituted as a joint committee, is not disestablished as a result of the 2019 local government election.

Neither are the three co-governance partnerships which are established by Treaty of Waitangi settlement legislation. All four are permanent joint committees. The Regional Transport Committee is not a joint committee (it reports directly to the Regional Council) and must be established by the Regional Council as soon as practicable after each triennial election.

Committee	Legislation
Civil Defence Emergency Management Group	Section 12(1) and (2) of the Civil Defence Emergency Management Act 2002
Regional Transport	Section 105(1) of the Land Transport Management Act 2003
Rotorua Te Arawa Lakes Strategy Group	Te Arawa Lakes Settlement Act 2006 Te Arawa Lakes Deed of Settlement (2004)
Rangitaiki River Forum	Ngāti Whare Claims Settlement Act 2012 Ngāti Manawa Claims Settlement Act 2012
Te Maru o Kaituna/ Kaituna River Authority	Tapuika Claims Settlement Act 2014

5.7 Non-Statutory Joint Committees

The following table summarises the four non-statutory joint committees that Council is part of, and that need to be re-established at the start of this 2019-2022 triennium.

Committee	Purpose
SmartGrowth Leadership Group	Provide sub-regional leadership on spatial planning, future thinking and joint advocacy, and oversee the implementation of the 2013 SmartGrowth Strategy update and implementation
Ōhiwa Harbour Implementation Forum	Oversee and monitor the implementation of the Ōhiwa Harbour Strategy
Eastern Bay of Plenty Joint Committee	Form, explore and make recommendations for strategic collaborative initiatives between the partner councils
Eastern Bay Road Safety Committee	Provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.

5.8 Advisory Groups

The following Advisory Groups also need to be re-established at the start of this 2019 – 2022 triennium:

- Tauranga Moana Advisory Group
- River Schemes Advisory Groups for the following catchments:
 - Kaituna

- Rangitaiki-Tarawera Rivers
- Whakatāne-Tauranga Rivers
- Waioeka - Otara

6 Budget Implications

The cost of operating a committee structure is covered within existing budgets. The logistics and administration of the committee structure are a minor aspect of the work of the committees which can cover a range of organisational inputs/costs. The committee structure being recommended in this paper generally follows current (status quo) costs of operation – noting the new Monitoring and Operations Committee and the dis-establishment of the Lake Rotorua Incentives Committee.

Future costs for the continued implementation of Council's governance and decision-making structure, and costs related to Council and Committee meetings and Elected Member events are included in the Governance Services Activity in the Long Term Plan 2018-2028.

7 Community Outcomes

Adoption of the Committee Structure directly contributes to all four of the Community Outcomes in Council's Long Terms Plan 2018-2028 - A Healthy Environment, Freshwater for Life, Safe and Resilient Communities and A Vibrant Region.

Yvonne Tatton
Governance Manager

for Chief Executive

18 November 2019

APPENDIX 1

PDF FINAL TERMS OF REFERENCE



Bay of Plenty Regional Council Toi Moana

Governance Structure and Terms of Reference 2019-2022

Contents

Introduction	5
Council	9
Council	11
Standing Committees	15
Strategy and Policy Committee	17
Monitoring and Operations Committee	19
Komiti Māori	21
Risk and Assurance Committee	23
Public Transport Committee	25
Subcommittees	27
Executive Employment Subcommittee	29
Regional Coastal Environment Plan Appeals Subcommittee	31
Proposed Plan Change 9 (Region-wide Water Quantity) Appeals Subcommittee	32
Proposed Plan Change 13 (Air Quality) Appeals Subcommittee	33
Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee	34
Statutory Committees	35
Regional Transport Committee	37
Bay of Plenty Civil Defence Emergency Management Group	39
Joint Committees	41
SmartGrowth Leadership Group	43
Ōhiwa Harbour Implementation Forum	46
Eastern Bay of Plenty Joint Committee	48
Eastern Bay Road Safety Committee	51

Co-Governance Committees	55
Rotorua Te Arawa Lakes Strategy Group	57
Te Maru o Kaituna (Kaituna River Authority)	60
Rangitaiki River Forum	63
Advisory Groups	69
Tauranga Moana Advisory Group	71
Appointments to external organisations	74

Introduction

Purpose and Role of Local Government

The Local Government Act 2002 provides for democratic and effective Local Government that recognises the diversity of New Zealand communities and identifies the general framework and powers under which local authorities operate.

The purpose of Local Government is:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The role of a local authority is to:

- give effect, in relation to its district or region, to the purpose of Local Government stated above; and
- perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

For further details on Local Government visit the <http://www.localcouncils.govt.nz/> website.

The governance structure through which Council carries out its governance functions, and formally delegates its powers and responsibilities in accordance with the provisions and requirements of the Local Government Act 2002 is outlined in this document.

Delegation to Council Committees

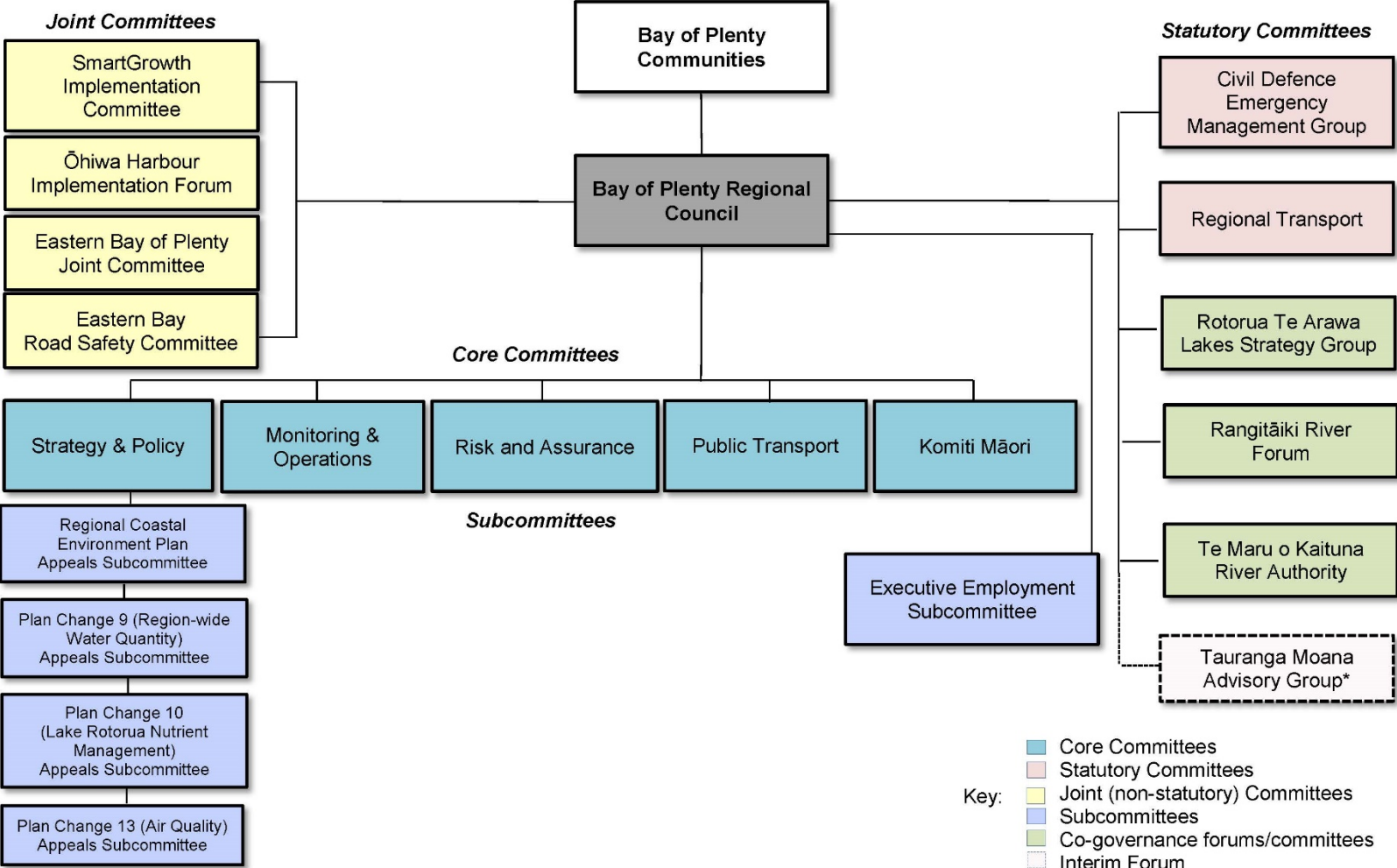
To ensure efficient and effective decision-making, Council makes use of committees and subcommittees. These committees and subcommittees have specific delegated authorities, duties and powers and these are clearly stated in each of the Terms of Reference. Each committee has authority under the LGA 2002 to establish/disestablish subcommittees as the need arises.

Each is empowered to make the decisions within its role identified in its Terms of Reference without needing to go back to Council. Where a matter is beyond its Terms of Reference, committees and subcommittees make recommendations to their parent bodies.

The Chairman is an ex-officio member of every committee (including standing, special, joint and subcommittees) of the Bay of Plenty Regional Council Toi Moana pursuant to section 41A(5) of the Local Government Act 2002.

A Council committee, subcommittee or other subordinate decision-making body is, unless Council resolves or it is stated in the Terms of Reference otherwise, deemed to be discharged on the coming into office of the elected members of the Council following the next triennial general election (in accordance with clause 30(7) of Schedule 7 of the Local Government Act 2002).

Proposed 2019–2022 Governance Structure



* Will be replaced with the **Tauranga Moana Co-governance Forum** when settlement legislation process is completed.

Council

Council

Membership

Chairperson	Chairman Doug Leeder
Deputy Chairperson	Councillor Jane Nees
Members	All members of the Regional Council
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Six weekly or as required for Annual Plan, Long Term Plan and other relevant legislative requirements

Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

Role

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Review and decide the Council's electoral and representation arrangements.
- Consider issues of regional significance which are not the responsibility of any specific standing committee or that are of such regional significance/high public interest that the full Council needs to decide on them.
- Adopt Council's Policy on Significance and Engagement Policy.

- Develop, adopt and implement the Triennial Agreement, Code of Conduct and Standing Orders.
- Consider and agree on matters relating to elected members' remuneration.
- Appoint the Chief Executive, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Oversee the work of all committees and subcommittees.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.
- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Develop, review and approve Council's position on regional economic development.
- Monitor and review the achievement of outcomes for the Bay of Plenty Community.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt the Long Term Plan, Annual Plan and **budgets variations** and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of committee delegations (for example infrastructure policy).
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.

Delegations from Council to committees

- Council has a role to monitor the functioning of all committees.
- Council will consider matters not within the delegation of any one Council committee.
- Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.
- It is accepted in making these delegations that:
 - The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
 - The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
 - The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the long-term plan, annual plan, or annual report.
- Appoint a chief executive.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.

Standing Committees

Strategy and Policy Committee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members	All members of the Regional Council
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Six weekly rotation between committee meetings and strategic sessions

Purpose

- Inform the strategic direction for the Council and implement through approved planning and policy frameworks.
- Identify regional issues resulting from emerging trends, providing thought leadership on matters of regional significance, analysing implications and developing a strategic response.

Role

- Develop, implement and review best practice strategy, policy and planning framework for decision making which enables connection across committees of Council.
- Consider emerging environmental issues and provide advice on the implications for effective resource management within the region.
- Inform Council's strategic direction, including prioritisation and policy responses.
- Enhance awareness and understanding of emerging issues and trends relating to meeting Councils strategic direction.
- Develop Council's position on regionally significant issues and provide guidance on sub-regional and regional strategy matters such as spatial planning and SmartGrowth.
- Approve submissions on matters relating to the committee's areas of responsibility that are not delegated to staff.
- The provision of governance oversight into the development and review of policies, plans, and strategies.
- Approve statutory and non-statutory plans, strategy and policy other than those required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.

- Consider any issues delegated by Council that have a regional, environmental, social or economic focus.
- Develop and review bylaws.
- Delegate to hearings commissioners under section 34A of the Resource Management Act 1991 to exercise the powers, functions duties in relation to any authorities that have been delegated by Council to the committee.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

The Strategy and Policy Committee is not delegated authority to:

- Approve the Regional Policy Statement and bylaws;
- Review and adopt the Long Term Plan and Annual Plan;
- Develop and review funding, financial, Risk and Assurance Policy and frameworks;
- Approve Council submissions on Maori related matters;
- Develop, approve or review non statutory policy for co-governance partnerships.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

Monitoring and Operations Committee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members	All members of the Regional Council
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Quarterly

Purpose

- Oversee and monitor the implementation of policies and strategies, promoting effective delivery and coordination between policy and implementation through recommendations to the Strategy and Policy Committee.
- Monitor the implementation of Council's activities, projects and services.

Role

Oversee and monitor:

- Regulatory performance of permitted activities, resource consents and bylaw rules, including compliance and enforcement.
- Delivery of biodiversity, catchment management and flood protection activities in the region.
- Delivery of biosecurity activities, including implementation and monitoring of the Regional Pest Management Plan.
- Effectiveness of navigation safety bylaw responses.
- State of the Environment monitoring.
- Implementation of specific programmes in place such as the Mount Maunganui Industrial Air Programme, and integrated catchment programmes (e.g. Rotorua Lakes and Tauranga Moana).
- Receive information on environmental monitoring and performance monitoring trends and recommend to the Strategy and Policy Committee to inform policy review.
- Monitor Council's actions on Climate Change.

- Operational activities that implement relevant national and regional plans and strategies, including:
 - science
 - flood protection
 - biosecurity
 - catchment management
 - rivers and drainage
 - compliance, monitoring and enforcement
 - resource consents
 - maritime

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

The Monitoring and Operations Committee is not delegated authority to:

- Develop, adopt or review strategic policy and strategy.
- Approve Council submissions on legislation, policy, regulations, standards, plans and other instruments prepared by Central Government, Local Government and other organisations.
- Identify, monitor and evaluate necessary actions by the organisation and other relevant organisations under co-governance arrangements.

Power to Recommend

To the Strategy and Policy Committee on matters necessary for reviewing plans, strategies and policies.

To Council and/or any standing committee as it deems appropriate.

Komiti Māori

Membership

Chairperson Notwithstanding the Komiti Māori has an appointed Chairperson, Māori Constituency Councillors may host-Chair committee meetings that are held in the rohe of their respective constituency	Cr
Deputy Chairperson	Cr
Members <ul style="list-style-type: none"> • Three Māori Constituency Councillors • Three General Constituency Councillors • Chairman 	Chairman Doug Leeder Cr Cr Cr Cr
Quorum	Four members, being more than half the number of members
Meeting frequency	Two monthly

Purpose

To provide direction and guidance on Council's obligations to Maori in relation to: strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.

Role

- Facilitate tangata whenua input into community outcomes, Council policy development and implementation work;
- Formally receive iwi/hapū management plans on behalf of Council;
- Identify and provide direction on any relevant emerging issues for the region relating to the principles of the Te Tiriti o Waitangi, legislative obligations to Māori under different statutes and programmes to build the capability of Māori;
- Monitor, advise and report (annually) on Council's responsiveness to Maori and compliance with its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991;

- Provide direction on effective Maori engagement and on actions to enhance Māori capacity to contribute to Council’s decision-making, including recommendations for Long Term Plan funding to achieve this;
- Make submissions on Māori related matters, in conjunction with other relevant Council committees where appropriate;
- Support and promote co-governance entities;
- Recommend to Council the establishment of advisory groups to represent sub-region or constituency areas and/or to consider specific issues;
- Recommend to Council, and/or appropriate committees, actions to achieve the committee’s purpose and roles.

Power to Act

To make all decisions necessary to achieve the purpose and roles of Komiti Māori.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

Komiti Māori reports directly to the Regional Council.

Risk and Assurance Committee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members	Cr Cr Cr Plus one independent voting member appointed by Council
Quorum	Three members, consisting of half the number of members
Meeting frequency	Quarterly

Purpose

Monitor the effectiveness of Council's funding and financial policies and frameworks to ensure the Council is managing its finances in an appropriate manner.

Monitor the effectiveness of Council's performance monitoring framework.

Ensure that Council is delivering on agreed outcomes.

Role

- Monitor the effectiveness of Council's funding and financial policies and Council's performance monitoring framework (financial and non-financial);
- Review Council's draft Annual Report prior to Council's adoption;
- Receive and review external audit letters and management reports;
- Approve and review the internal audit plan and review the annual programme report;
- Approve, review and monitor Council's risk framework and policy;
- Review the risk register;
- Monitor Council's legislative compliance and receive reporting on non-compliance matters as part of risk management reporting.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

- The Risk and Assurance Committee is not delegated authority to:
- Develop, review or approve strategic policy and strategy.
- Develop, review or approve Council's Financial Strategy, funding and financial policies and non-financial operational policies and plans.

The Risk and Assurance Committee reports directly to the Regional Council.

Public Transport Committee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members	Cr Cr Cr Cr
External Members Two Tauranga City Council representatives One representative each: Rotorua Lakes Council Western Bay of Plenty District Council Whakatāne District Council All of whom are voting members. One NZTA non-voting representative	
Quorum	Six members, consisting of more than half the number of voting members.
Meeting frequency	Quarterly

Purpose

Set the strategic and operational direction for approved Regional Council public transport policy and strategy and monitor how it is implemented.

Role

- Prepare and review the Bay of Plenty Regional Public Transport Plan.
- Implement, monitor and review operational public transport policy and plans.
- Implement, monitor and review the Western Bay of Plenty Public Transport Implementation Plan.
- Advocate for public transport with NZTA, territorial authorities and central government.

- Set and monitor targets for public transport in the region.
- Receive reporting on the performance of the Passenger Transport Activity.
- In coordination with the work programme of the Regional Transport Committee, guide and review the public transport components of the Regional Land Transport Plan (RLTP) and make recommendations to Regional Transport Committee for incorporation into the RLTP.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

The Public Transport Committee reports to the Regional Council.

Subcommittees

Executive Employment Subcommittee

Membership

Chairperson	Chairman Leeder
Deputy Chairperson	Cr Nees
Members	Cr Cr
Quorum	Two members, consisting half the number of members
Meeting frequency	As required

Purpose

Act for and advise Council on matters pertaining to the employment of the Council's Chief Executive Officer.

Role

- Develop and consult with Council annually on performance targets and key result area weightings for the Chief Executive including associated methods of measurement and processes of judgement;
- Negotiate annually with the Chief Executive performance targets and key result area weightings including associated methods of measurement and processes of judgement;
- Conduct an annual review of the Chief Executive's performance and remuneration in accordance with the agreed processes in April/May of each year or such other time as agreed with the Chief Executive;
- Develop and consult with Council appropriate amendments or adjustments to the terms and conditions of employment and the remuneration of the Chief Executive arising from the annual review;
- Negotiate and determine any agreed amendments or adjustments to the terms and conditions of employment and the remuneration with the Chief Executive annually;
- Develop and agree with the Chief Executive an annual development plan to address any training needs or preferences;
- Meet with the Chief Executive at least once each year to discuss progress on performance targets and key result areas and the agreed personal development plan and negotiate any revision or change as is considered necessary;

- Undertake the management of the Chief Executive recruitment process where required.
- Consider and advise Council on all matters relevant to the employment of the Council's Chief Executive.

Power to Act

- To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.
- To negotiate and recommend to Council on performance agreement measures and annual remuneration.
- To engage external advisors where required.

The Executive Employment Subcommittee is not delegated authority to:

- approve the Chief Executive's annual remuneration; or
- appoint the Chief Executive.

Power to Recommend

Executive Employment Subcommittee recommends and reports to the Regional Council.

Regional Coastal Environment Plan Appeals Subcommittee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members	Cr
Quorum	Two members, consisting more than half the number of members
Meeting frequency	As required

Purpose and Role

To guide the resolution of Environment Court appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan.

Power to Act

To make all decisions necessary to fulfil the role and scope of the Subcommittee, subject to the limitations imposed for the duration of Environment Court Appeals on the Proposed Bay of Plenty Regional Coastal Environment Plan, unless discharged earlier by the Strategy and Policy Committee.

Council has delegated the authority to resolve appeals to regional plans to the Chief Executive. She has, in turn, delegated her authority to the General Manager Strategy and Science, Regional Integrated Planning Manager and Senior Planner, to negotiate and resolve appeals in a manner that is consistent with direction received from the Subcommittee.

Power to Recommend

Regional Coastal Environment Plan Appeals Subcommittee recommends and reports to the Strategy and Policy Committee.

Proposed Plan Change 9 (Region-wide Water Quantity) Appeals Subcommittee

Membership

Chairperson	Cr
Deputy Chairperson	Cr
Members All members must hold current RMA Commissioner Accreditation	Cr
Quorum	Two members, consisting half the number of members
Meeting frequency	As required

Purpose and Role

To guide the resolution of Environment Court appeals on the Region-wide Water Quantity Proposed Plan Change 9.

Power to Act

To make all decisions necessary to fulfil the role and scope of the Subcommittee, subject to the limitations imposed for the duration of Environment Court Appeals on Region-wide Water Quantity Proposed Bay of Plenty Regional Plan Change 9, unless discharged earlier by the Strategy and Policy Committee.

Power to Recommend

Proposed Plan Change 9 (Region-wide Water Quantity) Appeals Subcommittee recommends and reports to the Strategy and Policy Committee.

Council has delegated the authority to resolve appeals to regional plans to the Chief Executive. She has in turn delegated her authority to the Freshwater Policy Team Leader to negotiate and resolve appeals in a manner that is consistent with direction received from the Subcommittee. For the avoidance of doubt, this shall include Senior Planning staff, on behalf of the Freshwater Policy Team Leader, resolving appeals consistent with direction received from the Subcommittee.

Proposed Plan Change 13 (Air Quality) Appeals Subcommittee

Membership

Chairperson	Cr
Member All members must hold current RMA Commissioner Accreditation	Cr
Quorum	Two members, consisting of the number of members
Meeting frequency	As required

Purpose and Role

To guide the resolution of any Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan.

Power to Act

- To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed for the duration of Environment Court Appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan unless discharged earlier by the Strategy and Policy Committee.
- The Chief Executive has delegated the authority to resolve Environment Court appeals on Proposed Plan Change 13 to the Regional Natural Resources Plan to, subject to the direction of the Appeals Subcommittee. The Chief Executive has delegated the authority to staff according to the Chief Executive Delegations Manual, subject to the direction of the Appeals Subcommittee and Council’s legal advisors. For the avoidance of doubt, this shall include senior planning staff resolving appeals consistent with direction received from the Appeals Subcommittee.
- The Strategy and Policy Committee Chair has delegated authority to appoint replacement members to the Appeals Subcommittee if necessary.

Power to Recommend

Proposed Plan Change 13 (Air Quality) Appeals Subcommittee recommends and reports to the Strategy and Policy Committee.

Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee

Membership

Chairperson	
Members	Chairman Leeder Cr Thompson Cr von Dadelszen
Quorum	Two members, consisting more than half the number of members
Meeting frequency	As required

Purpose and Role

To guide recommendations and changes in relation to the directions within the stage one Environment Court decision (released 9 August 2019). If required, the Appeals Subcommittee will also be available to provide guidance within stage two of the Environment Court appeals.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed for the duration of the Environment Court Appeals process on Proposed Plan Change 10 (Lake Rotorua Nutrient Management) unless discharged earlier by the Strategy and Policy Committee.

Council has delegated the authority to reach agreement on appeals while in mediation or at Court on the Regional Natural Resources Plan to the Environmental Strategy Manager, previously Natural Resources Policy Manager (Section 4.2.3(13) of the Chief Executive Delegations Manual 2015). For PPC10, this delegation is to be used in a manner that is consistent with direction received from the Appeals Subcommittee.

Power to Recommend

Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee recommends and reports to the Strategy and Policy Committee.

Statutory Committees

Regional Transport Committee

Membership

Chairperson (BOPRC)	Cr
Deputy Chairperson (BOPRC)	Cr
Alternate Member (BOPRC)	Cr
Members Mayor representatives from each of the following councils: Kawerau District Council Opotiki District Council Rotorua Lakes Council Tauranga City Council Western Bay of Plenty Council Whakatane District Council	
Quorum	Four members, consisting of half the number of members
Frequency	Quarterly

Purpose

Section 105(1) of the Land Transport Management Act 2003 requires every regional council to establish a Regional Transport Committee for its region.

Role

- Prepare a regional land transport plan, or any significant variation to the plan, for the approval of the Regional Council.
- Approve any non-significant variation to the regional land transport plan.
- Adopt a policy that determines significance in respect of:
 - variations made to regional land transport plans under section 18D of the Land Transport Management Act 2003; and
 - the activities that are included in the regional land transport plan under section 16 of the Land Transport Management Act 2003.

- Monitor implementation of the regional land transport plan.
- Make recommendations in support of land transport activities that are eligible for national funding and align with the regional land transport plan.
- Co-ordinate, integrate and adopt regional transport and land-use strategies and plans e.g. sub-regional spatial plans.
- Provide advocacy on strategic regional and inter-regional transport matters to Central Government and other key stakeholders as appropriate.
- Provide the Regional Council with any advice and assistance the Regional Council may request in relation to its transport responsibilities.
- Approve submissions to Central Government, local authorities and other agencies on Regional Transport Committee matters.
- Monitor and provide advocacy on regional road safety matters.

Committee Procedures

- Under section 105(1) of the Land Transport Management Act 2003, every regional council must establish a regional transport committee as soon as practicable after each triennial election and appoint from its representatives, the chair and deputy chair of the committee.
- In the case of an equality of votes, the chair, or any other person presiding the meeting does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).
- The Regional Transport Committee may appoint external advisors to assist it in the exercise of its specific responsibilities and delegated authority. For the purposes of clarity, external advisors may be given full speaking rights at the discretion of the committee, but are not entitled to vote on committee matters.
- Under the Local Government Act 2002, the Regional Transport Committee is not defined as a joint committee however, the provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the Regional Transport Committee.

Power to Act

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

Power to Recommend

The Regional Transport Committee recommends and reports to the Regional Council.

Bay of Plenty Civil Defence Emergency Management Group

Membership

<p>Members One representative each who must be Chairperson or Mayor from the following Councils:</p> <ul style="list-style-type: none"> Bay of Plenty Regional Council Kawerau District Council Opotiki District Council Rotorua District Council Tauranga City Council Western Bay of Plenty Council Whakatane District Council 	<p>Cr</p> <p>Alternate Cr</p>
<p>Quorum</p>	<p>Four members, consisting of the majority of the number of members</p>

Purpose and Role

The Bay of Plenty Civil Defence Emergency Management Group was established in accordance with Section 12 of the Civil Defence Emergency Management Act 2002 as a joint standing committee of the BOP member Councils under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. Membership includes all local authorities in the Bay of Plenty region. The Group operates pursuant to a Constitution approved by the Councils.

Power to Act

The Civil Defence Emergency Management Group has a constitution and this specifies the functions and powers of the group.

By virtue of section 12(2) of the Civil Defence Emergency Management Act 2002, this committee is a permanent committee and is **not** deemed to be discharged at, and continues in existence following local authority triennial elections.

Under Section 23(1) of the Civil Defence Emergency Management Act 2002, the Bay of Plenty Regional Council is the Administering Authority for the Civil Defence Emergency Management Group.

Bay of Plenty Civil Defence Emergency Management Group reports to the various Councils.

Joint Committees

SmartGrowth Leadership Group

Membership

Independent Chairperson	Bill Wasley
Bay of Plenty Regional Council Members (proposed 3)	Chairman Leeder Cr Cr
Tauranga City Council Members (proposed 3)	Mayor Tenby Powell Cr Cr
Western Bay of Plenty District Council Members (proposed 3)	Mayor Garry Webber Cr Cr
Tangata Whenua Representative (4) <i>Nominated by the Combined Tangata Whenua Forum</i>	
Quorum	Proposed seven members, consisting of more than half the number of members
Meeting frequency	Two monthly

NOTE: The SmartGrowth Terms of Reference are to be reviewed by this committee with a proposed reduction in membership from four to three representatives each.

Pursuant to Clause 30 Schedule 7 of the Local Government Act 2002, a joint committee of Tauranga City Council, Western Bay of Plenty District Council, and Bay of Plenty Regional Council and tangata whenua be retained to implement the SmartGrowth Strategy and Implementation Plan. The joint SmartGrowth Leadership Group is to be delegated authority to implement the SmartGrowth Strategy and Implementation Plan in accordance with the following functions.

Role

Co-ordinating Sub-regional Spatial Planning

- Provide sub-regional leadership on spatial planning, growth, infrastructure planning and development, focusing on key issues including the four well-beings and the sustainable management of natural resources.

- Undertake high-level spatial planning and deal with cross boundary matters.
- Oversee and coordinate National Policy Statement on Urban Development Capacity implementation.
- Review and update the SmartGrowth Settlement Pattern.
- Oversee infrastructure/facilities and the funding necessary to implement the Settlement Pattern.
- Set overarching sub-regional policy, actions and approaches relevant to the SmartGrowth Strategy.

Future Thinking and Advocacy

- Have a united voice where issues require joint advocacy.
- Development and leadership of an agreed sub-regional advocacy programme.
- Engagement on intra and inter-regional matters where there are impacts beyond the sub-region, including matters of Upper North Island or national importance.
- Facilitate community understanding and discussions/conversations.
- Facilitate specific consultation with the community on SmartGrowth implementation matters.
- Establish, maintain and engage with the SmartGrowth Partner Forums.
- Communicate and engage with key stakeholders where a sub-regional level view is required.
- Identify and resolve any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils.

SmartGrowth Strategy Implementation and Alignment Monitoring

- Oversee the implementation of the 2013 SmartGrowth Strategy update, in particular the strategy actions.
- Ensure organisation systems and resources support strategy implementation.
- Take responsibility for progressing those actions specifically allocated to the “SmartGrowth Implementation Committee” in the strategy and making sure implementation does occur.
- Review and recommend adjustments to the strategy if circumstances change.
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Approve submissions to Local Authorities, Central Government and other agencies on SmartGrowth related matters.

- Monitor the strategic outcomes and ensure a joined-up approach to implementation of the SmartGrowth Strategy 2013, including monitoring and reporting implementation progress against key milestones.
- Overview the management of the risks identified in implementation.

Committee Operations

- Select and appoint an Independent Chairperson and a Deputy Chairperson.
- Implement a Memorandum of Agreement, as adopted by the committee for each triennial period, to provide and maintain partnership relationships and provide for the resolution of any conflict.
- Establish protocols to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

Membership

- Representation is subject to review and currently comprises of four elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson, and four representatives to be nominated by tāngata whenua.
- An Independent Chairperson be appointed by the Leadership Group, chair the Group; and the appointment of a Deputy Chair from the Leadership Group voting membership at the beginning of each triennium.
- The standing membership be limited to seventeen members (including the Independent Chair and nominated alternates), but with the power to co-opt up to a maximum of three additional non-voting members from the Strategic Partner Forum or Combined Tāngata Whenua Forum where required to ensure the effective implementation of any part or parts of the Strategy.
- New Zealand Transport Agency be represented through its Regional Director as an observer with speaking rights but in a non-voting capacity.
- That the District Health Board (DHB) be represented by a person nominated by the Board as an observer with speaking rights but in a non-voting capacity.

Power to Recommend

- The SmartGrowth Leadership Group reports to Bay of Plenty Regional Council, Tauranga City Council and Western Bay of Plenty District Council.

Ōhiwa Harbour Implementation Forum

Membership

Chairperson Elected by the Forum at its first meeting each Triennium	
Deputy Chairperson	
Council Members One representative each from: Bay of Plenty Regional Council Opotiki District Council Whakatane District Council Alternate Member (BOPRC)	Cr Cr
Iwi and Hapu Members One Tangata Whenua appointee representative each from: Whakatōhea Upokorehe Ngāti Awa Ngāi Tuhoe	
Quorum	Four members, consisting of the majority of the number of members
Meeting frequency	Six monthly

Purpose

Oversee and monitor the implementation of the Ohiwa Harbour Strategy.

Role

The Ohiwa Harbour Implementation Forum:

- Is the sponsor of the Ohiwa Harbour Strategy;
- Is responsible for overseeing the implementation of the actions in the Strategy;
- Has an overall monitoring role in terms of timeframes and deliverables;

- Maintains a general awareness of the issues surrounding the Ohiwa Harbour Catchment; and
- Is responsible for reporting back to the strategic partners and to the community.

The Ōhiwa Harbour Implementation Forum will:

- Receive reports (including those prepared by staff of the three Councils) of what has recently been achieved with regards to implementing the Strategy, and outlining what the next targets for implementation could be;
- Provide a sounding board for officers to test implementation ideas against;
- Provide recommendations that can be reported back to councils; and
- Promote links with the Ohiwa Harbour Catchment community.

Forum Procedures

- The establishment and the need for and purpose of the Ohiwa Harbour Implementation Forum is subject to review every three years following local authority elections.
- Subject to the Forum being re-appointed, member representatives are appointed by their respective appointing entities.
- The Forum may specifically invite attendance by organisations/groups which they believe will be interested (such as the Department of Conservation, Ministry of Fisheries, Nukuhou Salt Marsh Care Group).
- The meetings will also be publicly advertised so that members of the wider community can also attend.
- The Bay of Plenty Regional Council Standing Orders will apply, except as varied by these Terms of Reference or unless the members of the Forum unanimously agree to vary those standing orders as they apply to the Forum.
- The costs of meeting attendance lie where they fall. The exception to this is that a standard meeting fee will be provided for Tangata Whenua representation by the Bay of Plenty Regional Council.
- The actions to give effect to the strategy itself and costs associated with reporting to the Forum are funded from within the budgets of participating councils.

Power to Act

To make all decisions necessary to fulfil the role and scope of the Forum subject to the limitations imposed.

The Ōhiwa Harbour Implementation Forum has no delegated authority for financial expenditure.

Power to Recommend

The Ōhiwa Harbour Implementation Forum recommends and reports back to the respective organisations.

Eastern Bay of Plenty Joint Committee

Membership

Chairperson Elected by the Forum at its first meeting each Triennium	
Deputy Chairperson	
Members Two representatives from each: Bay of Plenty Regional Council Kawerau District Council Opotiki District Council Whakatane District Council Alternate Member (BOPRC)	
Quorum	Four members, being half the number of members
Meeting frequency	Quarterly

Purpose

To form, explore and make recommendations for strategic collaborative initiatives between the partner councils of Bay of Plenty Regional Council (BOPRC), Kawerau District Council (KDC), Ōpōtiki District Council (ODC) and Whakatāne District Council (WDC) for responding to and managing a range of Eastern Bay of Plenty issues.

For the purposes of the Joint Committee, “Eastern Bay of Plenty” is defined as the Territorial Authority areas of Kawerau District Council, Ōpōtiki District Council and Whakatāne District Council.

Role

The Eastern Bay of Plenty Joint Committee is guided by the Terms of Reference and the Eastern Bay of Plenty Joint Committee Memorandum of Understanding (MOU) as agreed by the partner councils.

To make recommendations on the following:

- Opportunities for joint collaboration on initiatives that support the needs of Eastern Bay of Plenty communities;

- Coordination of and encouragement of beneficial interrelationships and connections between activities/services across the Eastern Bay of Plenty;
- Mitigation of adverse cross boundary effects of decisions, planning and activities on other regions, cities and districts;
- Resolution of differences and conflicts, and ensuring no surprises, where activities in one district may affect another;
- Sharing of information, expertise, databases and research where there is a mutual interest and benefit;
- Encouraging integration and consistency of planning across the Eastern Bay of Plenty;
- Developing agreed positions as appropriate on matters of importance and major Government initiatives and, through each respective council, communicate these positions to Central Government and relevant national organisations;
- Investigating opportunities for achieving cost efficiencies by sharing responsibilities and services;
- Where appropriate and applicable, recommendations must be supported by cost-benefit analyses

Joint Committee Procedures

- Eastern Bay of Plenty Joint Committee is established under the Local Government Act 2002 (LGA) and is therefore obligated to the requirements of the LGA and the requirements of the Local Government Official Information and Meetings Act 1987 (LGOIMA).
- A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.
- 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.
- The quorum at a meeting of EBOPJC is 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.
- The members of the joint committee will engage with their respective councils on strategic issues under discussion and all councils will maintain their own operational inter-council relationships as normal.
- The Chief Executive, or the Chief Executive's representative, of each partner Council shall attend meetings and will act as advisors to the Joint Committee.
- Meetings will be coordinated and recorded by staff from the partner Council as scheduled by the Joint Committee.
- Meetings may be attended by further staff support as considered appropriate by their Chief Executive.

- External speakers and participants, including mayors from territorial authorities who are not parties to EBOPJC, with specific interests in the items under discussion, may be invited to attend meetings.
- Meetings will be held at times and in places set out in an agreed schedule.
- Any formal public communications from meetings will be approved by the Joint Committee prior to release.
- The Chairperson and Deputy Chairperson shall be determined, on an annual basis, by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- Each Chairperson will have a term of one year.
- A member cannot be appointed as the Chairperson, if either of the previous two Chairpersons were representatives of that member's constituent Council.
- Decisions on recommendations of the Committee shall be made in accordance with Clause 24 of Schedule 7 of the Local Government Act 2002 – by vote of majority of members that are present and voting.
- The Chairperson will have a deliberative vote.
- In the case of equality of votes, the Chairperson does not have a casting vote and the status quo is preserved.
- A Deputy Chair shall be determined by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- The Deputy Chair shall act in the absence of the Chairperson.
- If a Chairperson resigns from their position before the end of their term, the Deputy Chair shall take their place and will serve out the remainder of the term as Chairperson.
- If a Chairperson resigns and the Deputy Chair becomes Chairperson, cl 25 Schedule 7, LGA 2002 does not apply.
- Nothing in this Terms of Reference precludes the Joint Committee from appointing an independent Chairperson.
- If an independent Chairperson is appointed, they will also be appointed as a member and will continue to be a member until the end of their term.

Power to Act

To make all decisions necessary to fulfil the role of the Joint Committee subject to the limitations imposed.

Each Council participating in a joint initiative will fund its own proportion of that joint initiative as determined by the Joint Committee.

Power to Recommend

Eastern Bay of Plenty Joint Committee is a joint committee of councils that make recommendations to the constituent councils.

Eastern Bay Road Safety Committee

Membership

<p>Chairperson Elected by the Joint Committee at its first meeting - each Triennium for a term of three years</p>	
<p>Deputy Chairperson</p>	
<p>Councillor Members One representative from each: Bay of Plenty Regional Council Kawerau District Council Opotiki District Council Whakatane District Council Alternate Member (BOPRC)</p>	
<p>External Members One representative from each: New Zealand Transport Agency New Zealand Police Road Transport Association NZ ACC</p>	
<p>Quorum</p>	Four members, being half the number of members
<p>Meeting frequency</p>	Quarterly

Purpose

To provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.

Safer Journeys, the New Zealand Road Safety Strategy, highlights the need to work across all elements of the road system (roads, speeds, vehicles and road use) and advocates that everyone has a responsibility for road safety.

The aim of the Eastern Bay Road Safety Committee is to support, monitor and advocate for road safety in the Eastern Bay. It will do this through coordinating the work of all the Eastern Bay agencies that have a road safety function to ensure the Safer Journey's 'safe systems' approach is achieved.

The Joint Committee's scope covers all roads in the Whakatāne, Ōpōtiki and Kawerau districts, including state highways. It includes all road safety activities carried out in the Eastern Bay including education and promotion, enforcement activities and engineering programmes. It coordinates these programmes and activities with regional and national road safety programmes and initiatives.

Role

- Provide an interagency response to local, regional and national road safety strategies, and in particular, will seek to achieve the Eastern Bay's road safety objective;
- Give effect to the New Zealand Road Safety Strategy, Safer Journeys, and the Eastern Bay Road Safety Implementation Plan when determining its local focus and priorities.
- Ensure all funders and stakeholders maintain an agreed vision and purpose;
- Provide leadership in planning and development of road safety programmes, plans and initiatives;
- Support each of the key actions within the Road Safety Implementation and Action Plans;
- Contribute to the preparation of local, regional or national strategies and plans as appropriate;
- Overview the implementation of the Road Safety Action Plan by monitoring progress, evaluating and providing feedback and direction to member agencies;
- Raise the profile of road safety initiatives within member organisations and within the wider community;
- Provide networking and information sharing opportunities, with regular reporting by member organisations to the Joint Committee on projects and priorities;
- Support community led road safety initiatives if they can be demonstrated to contribute to Eastern Bay road safety objectives.
- Be aware of, and monitor the progress of the objectives of the road safety programmes, plans and initiatives.

Joint Committee Procedures

Eastern Bay Road Safety Committee is a Joint Committee established under the Local Government Act 2002 (LGA) and is therefore obligated to the requirements of the LGA and the requirements of the Local Government Official Information and Meetings Act 1987 (LGOIMA).

The Joint Committee will work to:

- Enhance mutual benefit and create a common purpose;
- Commit appropriate resources including time, skill and expertise;
- Encourage participation of all members;

- Think strategically and innovatively; and
- Provide leadership and oversight.

While it is recognised that each member brings a particular perspective, members will be expected to act in the best interests of road safety and all people in the Eastern Bay of Plenty region in achieving the above aims.

Other members can be co-opted to the group for specific periods to assist the work of the Joint Committee as necessary but will not have voting rights

The Joint Committee comprises of no more than 10 core members. Members of the EBRSC will be selected by the individual organisations. Members will be eligible for reappointment, which will coincide with the Local Government election cycle. Each appointment will be for approximately three years.

The members may nominate an alternate person from their organisation to attend committee meetings, either on a permanent or temporary basis.

Whakatāne District Council is responsible for the day to day management and coordination of the Eastern Bay Road Safety activity.

Whakatāne District Council will service the working of the Joint Committee, including the provision of administrative support, preparation of agendas, reports and minutes in conjunction with the Chairperson.

Power to Act

- To make all decisions necessary to fulfil the role of the Joint Committee subject to the limitations imposed.
- Each Council participating in a joint initiative will fund its own proportion of that joint initiative as determined by the Joint Committee.

Power to Recommend

Eastern Bay Road Safety Committee is a joint committee of councils that make recommendations to the councils.

Co-Governance Committees

Rotorua Te Arawa Lakes Strategy Group

Membership

Pōū Tākiwaiora (Independent Chairperson)	
Deputy Chairperson	
Members Two representative from each of the partner Councils one of whom must be the Chair/Mayor: Bay of Plenty Regional Council Rotorua Lakes Council Two governance representatives from Te Arawa Lakes Trust Alternate Member (BOPRC)	
Quorum *	One appointed member from each of the partner organisations
Meeting frequency	Quarterly

Purpose

To contribute to the promotion of the sustainable management of the Rotorua Te Arawa Lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

Role

- Provide leadership to the organisations and the community in relation to implementation of the Vision and Strategy for the Lakes of the Rotorua District originally adopted in 2000 and refreshed version adopted by the Strategy Group in 2013.
- Identify significant existing and emerging issues affecting the Rotorua Te Arawa Lakes and respond appropriately.
- Approve, monitor, evaluate, and review agreements, policies and strategies and all other proposals to achieve integrated outcomes for the Rotorua Te Arawa Lakes.
- Identify, monitor, and evaluate necessary actions by the partner organisations and other relevant organisations.
- Receive reports on activities being undertaken by the partner organisations and other relevant organisations.

- Participate in the preparation of statutory plans in relation to significant issues. Such plans include but are not limited to Iwi and hapū management plans, district and regional plans, reserve management plans and annual plans.
- Participate in applications for activities in relation to significant issues not addressed by existing policies of the partner organisations. Such activities include but are not limited to resource consents, designations, heritage orders, water conservation orders, restricting access to the lakes (during special events or in particular circumstances), and transferring and/or delegating of statutory authority.

Strategy Group Procedures

The Rotorua Te Arawa Lakes Strategy Group is a permanent joint committee established under the Te Arawa Lakes Settlement Act 2006 (Te Arawa Lakes Deed of Settlement - Cultural Redress: Lakes Management and Relationships, clauses 9.1 to 9.3 - December 2004) and is not disestablished as a consequence of a Local Government election.

The Group's Terms of Reference are derived from the Rotorua Lakes Strategy Agreement included in Part 1 of the Relationship Schedule to the Deed of Settlement, December 2004.

Meanings:

“Organisations” means the Te Arawa Lakes Trust, the Rotorua Lakes Council, and the Bay of Plenty Regional Council; sometimes referred to as “Partner Organisations”.

“Rotorua Te Arawa Lakes” means Lakes Rotorua, Rotoiti, Rotoehu, Rotomā, Ōkātina, Tikitapu, Ōkāreka, Tarawera, Rotomahana, Rerewhakaaitu, Ōkaro.

“Group” means the Rotorua Te Arawa Lakes Strategy Group, formed as a Joint Committee under Clause 30 of Schedule 7 of the Local Government Act 2002; sometimes referred to as the “Strategy Group”.

Membership

- The non-voting Poū Tākiwaiora (Independent Chairperson) is appointed by the members for a three year term in alignment with the Local Government triennium and is to be reviewed and confirmed at the first meeting of the Group following the Local Government elections.
- The Poū Tākiwaiora is not deemed to be a member of the Rotorua Te Arawa Lakes Strategy Group for the purposes of a quorum.
- The Poū Tākiwaiora shall assume the role and responsibilities as defined in the Rotorua Te Arawa Lakes Strategy Group Poū Tākiwaiora Guidelines.
- The Deputy Chairperson shall be appointed from the membership at the first meeting of the Group following the Local Government elections.

Quorum*

The special quorum for a meeting of the Group will be four members of the Group.

In the event that the ordinary quorum is not satisfied at three consecutive meetings of the Group in circumstances, where in the case of each such meeting:

- It was notified in accordance with the Standing Orders;
- Order papers were sent to each member of the Group in accordance with the Standing Orders; and
- The meeting had not been cancelled for any reason, then the members in attendance may declare the third meeting inquorate according to the Standing Orders and the special quorum will then be substituted.

At any subsequent meeting, the ordinary quorum will be restored.

No matters that were not on the order paper for the meeting at which the special quorum was established can be considered by a special quorum meeting.

Power to Act

To make all decisions necessary to fulfil the role of the Strategy Group subject to the limitations imposed.

Each Council participating in a joint initiative will fund its own proportion of that joint initiative as determined by the Joint Committee.

Power to Recommend

To the partner organisations on any matters within the Strategy Group's delegated functions as it deems appropriate.

The Rotorua Te Arawa Lakes Strategy Group report directly to their respective organisations.

Te Maru o Kaituna (Kaituna River Authority)

Membership

Chairperson	
Deputy Chairperson	
<p>Iwi Members</p> <p>One representative each appointed by:</p> <ul style="list-style-type: none"> Tapuika Iwi Authority Trust Te Tahuhu o Tawakeheimoa Trust Te Pumautanga o Te Arawa Trust <p>One member jointly appointed by:</p> <ul style="list-style-type: none"> Tapuika Iwi Authority Trust and Te Kapu o Waitaha 	
<p>Council Members</p> <p>One representative each appointed by:</p> <ul style="list-style-type: none"> Bay of Plenty Regional Council Rotorua Lakes Council Western Bay of Plenty District Council Tauranga City Council: <p>Alternate Member (BOPRC)</p>	
<p>Informal Members</p> <p>Two informal members with voting rights appointed by:</p> <ul style="list-style-type: none"> Te Komiti Nui o Ngati Whakaue Bay of Plenty Regional Council 	
Quorum	The chairperson or deputy chairperson and two members appointed by iwi and two members appointed by the local authority appointing organisations
Meeting frequency	Quarterly

Purpose

The purpose of the Authority as set out in the Tapuika Claims Settlement Act 2014 is the restoration, protection and enhancement of the environmental, cultural and spiritual health and wellbeing of the geographical area of the Kaituna River Catchment as shown on deed plan OTS-209-79.

This is a **permanent** joint committee under the Local Government Act 2002 and co-governance partnership between local authorities and iwi that share an interest in the Kaituna River and must not be discharged unless all of the appointing organisations agree to the discharge.

Role

- To prepare and approve the Kaituna River document in accordance with sections 125 and 127 of the Act.
- To monitor the implementation and effectiveness of the Kaituna River document.
- To support integrated and collaborative management of the river.
- To work with local authorities and crown agencies that exercise functions in relation to the Kaituna River:
 - to monitor the state of the river environment
 - to monitor the effectiveness of the management of the river
 - to engage with iwi in relation to their interests in the river and to consult them on how to manage the river.
- to provide advice and recommendations to local authorities:
 - relating to projects, action or research designed to restore, protect or enhance the health and wellbeing of the river
 - on appointment of commissioners to hear and decide applications for resource consents under the Resource Management Act 1991 that affect the river.
- to facilitate the participation of iwi in the management of the river.
- to monitor the extent to which the purpose of the Authority is being achieved, including the implementation and effectiveness of the Kaituna River document.
- to gather information, to disseminate information and to hold meetings.
- to take any action that the Authority considers is appropriate to achieve its purpose.
- The Authority may seek to obtain funds to enable it to perform its functions.
- Other iwi and local authorities may join the Authority through consensus of the Authority or through legislation.

Decision Making

The Authority must make its decisions by a vote at a meeting and must seek to achieve consensus, be consistent with and reflect the purpose of the Authority and acknowledge the interests of iwi in particular parts of the Kaituna and its catchments.

If the Chair or Deputy Chair considers that the meeting is unlikely to achieve consensus on a matter, the decision on the matter may be made only by a 70% majority of those present. The Chair and the Deputy Chair of the Authority may vote but do not have a casting vote.

Power to Act

The Authority has discretion except as provided for in section 116(2) (a) of the Tapuika Claims Settlement Act to determine in any particular circumstances whether to perform any function specified and how and to what extent any function specified is performed.

Power to Recommend

To the partner organisations on any matters within the Authority's delegated functions as it deems appropriate.

The Te Maru o Kaituna River Authority members report directly to their respective organisations.

Rangitaiki River Forum

Membership

Chairperson	
Deputy Chairperson	
Tangata Whenua Members One appointed representative each: Te Rūnanga o Ngāti Whare; Te Rūnanga o Ngāti Manawa; Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust; Te Rūnanga o Ngāti Awa Hineuru Iwi Trust; Tūhoe Te Uru Taumatua; Te Kotahitanga o Ngāti Tūwharetoa;	
Council Members One appointed members each: Whakatāne District Council Taupō District Council Up to five appointed members: Bay of Plenty Regional Council	
Quorum	Three iwi members and three Council members and must include a Ngāti Whare member and a Ngāti Manawa member.
Meeting frequency	Quarterly

Other iwi and local authorities through consensus of the Forum, may join the Forum.

Purpose

The purpose of the Forum as set out in Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012 is the the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources, for the benefit of present and future generations.

Rangitāiki River Forum's scope covers the geographical area of the Rangitāiki River Catchment including the Rangitāiki River' Whirinaki River, Wheao River and Horomanga River as shown on deed plan OTS-095-024.

This is a **permanent** joint committee under the Local Government Act 2002 and co-governance partnership between local authorities and iwi that share an interest in the Rangitāiki River and must not be discharged unless all of the appointing organisations agree to the discharge.

Role

- Prepare and approve the Rangitāiki River Document for eventual recognition by the Regional Policy Statement, Regional Plans and District Plans. See Figure 1 Rangitāiki River Document Recognition Process for RPS.
- Promote the integrated and coordinated management of the Rangitāiki River.
- Engage with and provide advice to:
 - Local Authorities on statutory and non-statutory processes that affect the Rangitāiki River, including under the Resource Management Act 1991.
 - Crown agencies that exercise functions in relation to the Rangitāiki River.
- Monitor the extent to which the purpose of the Rangitāiki River Forum is being achieved including the implementation and effectiveness of the Rangitāiki River Document.
- Gather information, disseminate information and hold meetings
- Take any other action that is related to achieving the purpose of the Forum.

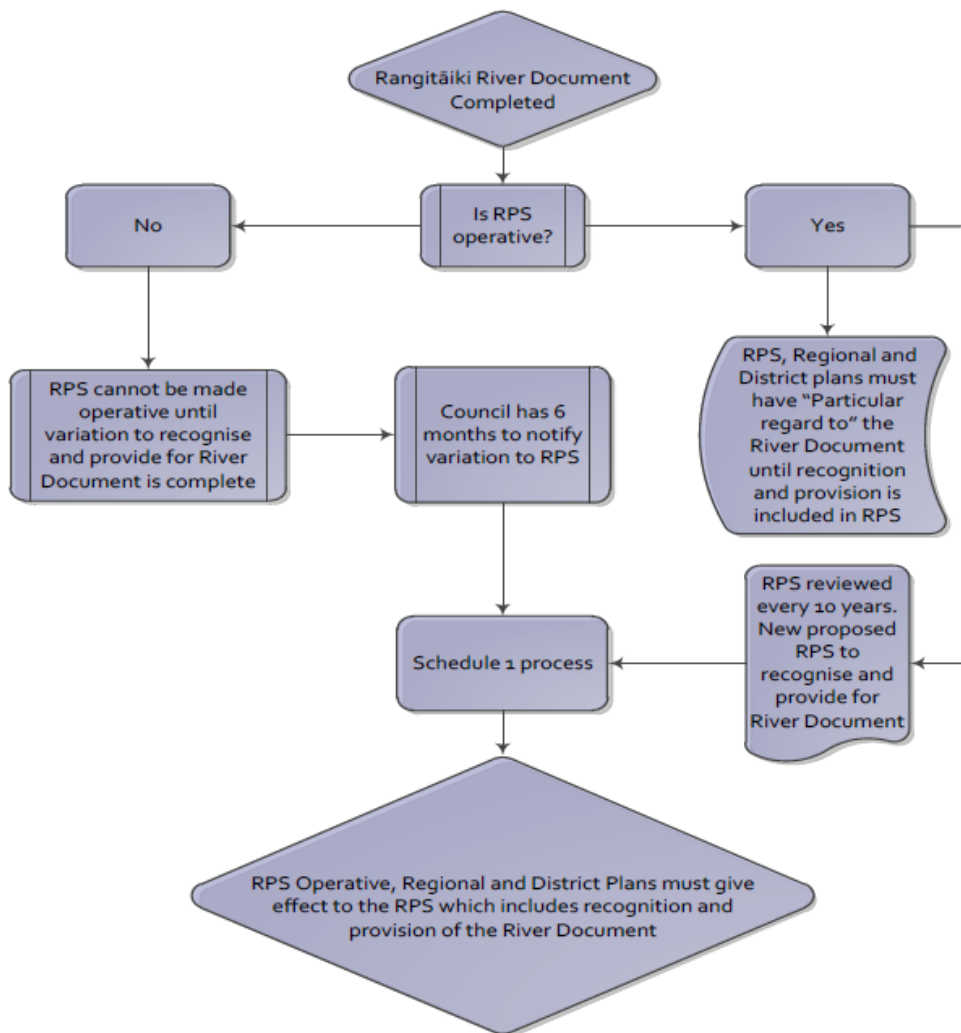


Figure 1 Rangitāiki River Document Recognition Process for RPS

Ngāti Whare Deed of Settlement

5.49 The Crown and Te Rūnanga o Ngāti Whare acknowledge and agree that:

- 5.49.1 *the parties are yet to finalise discussions in relation to a framework for the effective participation of Ngāti Whare in the management of the Rangitāiki River;*
- 5.49.2 *following the signing of this Deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Whare in the management of the Rangitāiki River (“**Rangitāiki River management framework**”), with the objective of improving the health and wellbeing and sustainable use of the river;*
- 5.49.3 *the discussions in relation to the Rangitāiki River management framework will:*
 - a. *be undertaken in good faith, honour and integrity and will reflect the wider commitments set out in the Deed of Settlement;*
 - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the Settlement Legislation;*
 - c. *where appropriate, reflect a catchment wide and integrated approach to management of the Rangitāiki River and its resources;*

- d. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
- e. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
- f. *allow for the Rangitāiki River management framework to be incorporated in the Settlement Legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*

5.49.4 *the discussions will be based on:*

- a. *Ngāti Whare’s principles, to be agreed with the Crown, regarding the Rangitāiki River;*
- b. *as appropriate, the principles of other iwi with interests in relation to the Rangitāiki River as agreed with the Crown;*
- c. *the need to protect the integrity of existing statutory frameworks; and*
- d. *the need to ensure consistency and fairness between settlements.*

Ngāti Manawa Deed of Settlement

5.40 The Crown and Ngāti Manawa acknowledge and agree that:

5.40.1 *the parties are yet to finalise the redress for the effective participation of Ngāti Manawa in the management of the Rangitāiki River;*

5.40.2 *following the signing of this deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Manawa in the management of the Rangitāiki River (the “Rangitāiki River management framework”), with the objective of improving the health and best use of the river;*

5.40.3 *the discussions will be based on:*

- a. *Ngāti Manawa’s principles regarding the Rangitāiki River as set out in clause 5.41;*
- b. *the need to protect the integrity of existing statutory frameworks; and*
- c. *the need to ensure consistency and fairness between settlements;*

5.40.4 *the discussions will:*

- a. *be undertaken in good faith, honour and integrity and will reflect the commitments set out in the deed of settlement;*
- b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the settlement legislation;*
- c. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
- d. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
- e. *allow for the Rangitāiki River management framework to be incorporated in the settlement legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*

Decision Making

The Forum must make its decisions by a vote at a meeting and must seek to achieve consensus, be consistent with and reflect the purpose of the Forum and acknowledge the interests of iwi in particular parts of the Rangitāiki and its catchments.

Power to Act

The Forum has the discretion to determine in any particular circumstance whether to exercise any function identified and to what extent any function identified is exercised.

Power to Recommend

To the partner organisations on any matters within the Forum's delegated role as it deems appropriate.

Rangitāiki River Forum members report directly to their respective organisations.

Advisory Groups

Tauranga Moana Advisory Group

Membership

Chairperson (Appointed by the Group)	
Deputy Chairperson (Appointed by the Group)	
Tangata Whenua Members Two appointed representative each: Ngāti Ranginui Ngāti Pūkenga Ngāi Te Rangi	
Council Members Four appointed representatives from: Bay of Plenty Regional Council Alternate Member (BOPRC) Two appointed representatives each: Tauranga City Council Western Bay of Plenty District Council	
Quorum	The Advisory Group is not required to follow Standing Orders
Meeting frequency	Quarterly

The Tauranga Moana Advisory Group acts under a partnership agreement between iwi and local authorities and the Tauranga Moana Advisory Group Statement of Purpose. The Tauranga Moana Iwi Collective Deed of Settlement, once passed into law, will require a Tauranga Moana Governance Group to be established. To prepare for the Governance Group, this Tauranga Moana Advisory Group has been established. The Advisory Group meet, share information and provide direction to staff of partner agencies until replaced by the Governance Group.

He aha ai - Purpose

Whanaungatanga and kaitiakitanga are the basis on which we want to move forward together.

To continue building strong working relationships to support and enhance the health of our harbour and catchments.

Ngā turanga - Role

The role of participants in the Advisory Group is to:

- **Whakataurite - *coordinate***: oversee and contribute to the work that partners do in the harbour and catchments
- **Whakarongo - *listen***: ensure the views of the hapu, iwi and wider community are represented in the work we do
- **Whakawhanaungatanga - *involve***: promote and support hapū, iwi and the wider community participating in our work
- **Whakatohatoa - *share***: provide regular updates to, and share information with partners
- **Whakakotahi - *integrate***: promote the integration of our work so we can achieve our purpose together

Power to Recommend

To the partner organisations on any matters within the Advisory Group's delegated role as it deems appropriate.

Tauranga Moana Advisory Group members report directly to their respective organisations.

River Scheme Advisory Groups

The Regional Council also has the following river scheme advisory groups whose role is to enable effective communication and liaison between Scheme ratepayers, stakeholders, and Bay of Plenty Regional Council Councillors and staff:

- Kaituna Catchment Control Scheme
- Rangitaiki – Tarawera Rivers Scheme
- Whakatāne – Tauranga Rivers Scheme
- Waioeke – Otara Rivers Scheme

Appointments to external organisations

External Organisations	Representative
Envirohub Trustee	
Tauranga Tertiary Campus Charitable Trust	Mr John Cronin



Report To: Regional Council
Meeting Date: 26 November 2019
Report From: Fiona McTavish, Chief Executive

Appointment of Members to the 2019 - 2022 Bay of Plenty Regional Council Toi Moana Governance Structure

Executive Summary

Council is required to appoint its Chairs, Deputy Chairs and membership to the various committees and subcommittees under the adopted Governance Structure, as well as representatives to various joint committee, co-governance groups and other governance forums and working parties.

Recommendations

That the Regional Council:

- 1 Receives the report, Appointment of Members to the 2019 - 2022 Bay of Plenty Regional Council Toi Moana Governance Structure;**
- 2 Appoints the following members to its committees and subcommittees:**

Strategy and Policy Committee	Chairperson: Cr Deputy Chairperson: Cr Members: All Councillors
Monitoring and Operations Committee	Chairperson: Cr Deputy Chairperson: Cr Members: All Councillors
Risk and Assurance Committee	Chairperson: Cr Independent Deputy Chairperson: Members: Cr Cr Cr

	Cr
Komiti Māori	Chairperson: Cr Deputy Chair: Cr Members: Chairman Doug Leeder Cr Cr Cr Cr
Public Transport Committee	Chairperson: Cr Deputy Chairperson: Cr Members: Cr Cr Cr Cr
Executive Employment Subcommittee	Chairperson: Doug Leeder Deputy Chairperson: Cr Jane Nees Members: Cr Cr
Regional Coastal Environment Plan Appeals Subcommittee	Chairperson: Cr Deputy Chairperson: Cr
Plan Change 9 (Region-wide Water Quality) Appeals Subcommittee	RMA Accredited Chairperson: Cr Deputy Chairperson: Cr Member: Cr
Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee	Chairperson: Cr Members: Chairman Doug Leeder Cr
Plan Change 13 (Air Quality) Appeals Subcommittee	RMA Accredited Chairperson: Cr

	Member: Cr
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3 Appoints the following members to its Joint Committees:

Regional Transport	Chairperson: Cr Deputy Chairperson: Cr Alternate Member: Cr:
SmartGrowth	Chairman Doug Leeder Members: Cr Cr
Ōhiwa Harbour Implementation Forum	Member: Cr Alternate Member: Cr
Eastern Bay of Plenty Joint Committee	Members: Cr Cr Alternate Member: Cr
Eastern Bay of Plenty Road Safety Committee	Member: Cr Alternate Member: Cr

4 Appoints Councillor _____ as the member and Councillor _____ as the alternate member for the Bay of Plenty Regional Council Toi Moana and delegates authority to act for the Chairman of the Regional Council in accordance with Section 13(4) of the Civil Defence Emergency Management Act 2002.

5 Appoints the following members as its representatives to the Co-governance Forums:

Rotorua Te Arawa Lakes Strategy Group	Members: Chairman Leeder Cr Alternate Member: Cr
Rangitaiki River Forum	Members: Cr Cr Cr Cr

Te Maru o Kaituna River Authority	Member: Cr Alternate Member: Cr Informal Member: Cr
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6 Appoints the following members as its representatives to the following Advisory Groups, Liaison Groups, Working Parties and external organisations:

Tauranga Moana Advisory Group	Members: Cr Cr Cr Cr Alternate Member: Cr
Kaituna Catchment Control Scheme	Members: Cr Cr
Rangitāiki – Tarawera Rivers Scheme	Members: Cr Cr
Whakatāne – Tauranga Rivers Scheme	Members: Cr Cr
Waioeke – Otara Rivers Scheme	Members: Cr Cr
Freshwater Futures Community Groups	
Pongakawa/Waitanui	Member: Cr
Kaituna/Maketū	Member: Cr
Rangitāiki	Member: Cr
Rotorua Air Quality Working Party	Members: Cr Cr
Rotorua Geothermal Liaison Group	Members: Cr

	Cr Cr
Ngongotaha Community Group	Member: Cr
Envirohub	Member: Cr
Tauranga Tertiary Campus Charitable Trust	Member: Mr John Cronin

1 Introduction

Following the establishment of its Governance Structure, Council is required to appoint Chairs, Deputy Chairs and members to its various committees and subcommittees as well as representatives on the various joint committees, co-governance forums, advisory groups, working parties and liaison groups it has membership on.

2 Background

After the October elections Council had an opportunity to informally discuss its Governance Structure to enable it to fulfil its responsibilities in undertaking effective and efficient decision making at the appropriate level while maintaining a balanced workload for Councillors. Following on from this, the general principles underlying the membership and positions of responsibilities agreed were:

- Recognition of individual Councillors' skills and abilities;
- Fair and equitable distribution of workload;
- Allocation of Committee Chair positions excluding those appointed as Deputy Chair or director appointments to other organisations such as Quayside Holdings Ltd;
- Include opportunities for succession planning where appropriate.

Councillors were also asked to identify their membership interests in the various committees and representative roles.

The Chairman and Deputy Chair considered the above principles and interests and will present the membership of the Governance Structure at the meeting.

Note: membership on LGNZ Zone 2 meetings is open to all Councillors.

3 Budget Implications

3.1 Current Year Budget

The appointment of Chairs, Deputy Chairs and members to the various committees is a budgeted activity in the 2019/20 Annual Plan.

3.2 Future Budget Implications

The appointment of Chairs, Deputy Chairs and members to the various committees is provided for as part of the Governance Services activity in the 2018 – 2028 Long Term Plan.

4 Community Outcomes

Appointment of Chairs, Deputy Chairs and membership to the Regional Council's Governance Structure directly contributes to the all Community Outcomes in the Council's Long Term Plan 2018-2028.

Yvonne Tatton
Governance Manager

for Chief Executive

18 November 2019



Report To: Regional Council
Meeting Date: 26 November 2019
Report From: Fiona McTavish, Chief Executive

Bay of Plenty Regional Council Toi Moana Councillors Remuneration

Executive Summary

The Remuneration Authority is responsible for setting Local Government Elected Members' remuneration and, using a new approach, has allocated the Regional Council a remuneration pool for distribution among Councillors and those holding positions of responsibility.

Councillors informally considered various options for distributing the Councillors' remuneration pool for the 2019/2020 year during their recent retreat and preferred a simple and equitable option be presented.

Once Council has resolved its remuneration recommendations, the proposal will be forwarded to the Authority for consideration and, on approval, will be included in the new Determination.

Recommendations

That the Regional Council:

- 1 Receives the report, Bay of Plenty Regional Council Toi Moana Councillors Remuneration;**
- 2 Recommends to the Remuneration Authority, the follow distribution of the Councillors' Remuneration Pool:**

Office	Positions	Remuneration (\$)	Total
Deputy Chairperson	1	80,004	80,004
Committee Chairperson	6	70,000	420,000
Councillor	6	61,525	369,150
Total			869,154

1 Introduction

The Remuneration Authority (the Authority) is responsible for setting Local Government Elected Members' remuneration.

The Authority has moved away from a "partial pool" approach (where the Authority determined base Councillor pay but each council had a pool to "top up" remuneration for Councillors holding positions of responsibility) to a full pool approach.

This new approach, which took effect from 19 October 2019, means that each council is allocated a pool based on the Authority's size index and then proposes to the Authority the Councillor base pay and the additional pay for positions of responsibility for its Council.

The pool covers remuneration for Councillors only.

The Council's Chairperson is not included in the pool as the Chairperson's remuneration is set by the Authority. For the 2019/20 year this is \$146,500.

2 The Remuneration Pool

The previous Council's remuneration structure was:

Office	Annual remuneration (\$)
Deputy Chairperson	81,011
Regional Direction & Delivery Committee Chairperson	79,984
Committee Chairperson (5)	67,662
Councillor	57,395

The Authority has set Bay of Plenty Regional Council Toi Moana's remuneration pool at \$869,154 and the minimum allowable Councillor remuneration at \$54,525.

The pool also covers extra remuneration to Councillors who take on additional responsibilities, e.g. Deputy Chair, Committee Chairs or any other position of responsibilities and workload identified by the Council.

Important aspects of the pool system are:

- Positions that Council decides to remunerate may include those on outside groups to which a Councillor has been formally appointed by a council - i.e. the remuneration is not necessarily solely attached to official council committees. Councillors are expected to be involved in a variety of community and cross-council groups as part of their basic role but, in some cases, if the extra work involved is extraordinary it can be recognised in remuneration.
- Councils **MUST** spend the whole of the pool allocated. The quantum for each council has been set by the Authority following a comprehensive review of the relative size of workloads of all councils and it would be unfair to elected members to withhold any of the available remuneration.

- Councillors who participate in Resource Management Act (RMA) processes are remunerated separately from this pool.
- Reimbursements for Councillors allowances and expenses are separate to the remuneration pool.

3 Remuneration Options Considered

Council informally considered various remuneration distribution options based on the proposed governance structure during the Council Retreat held late October 2019.

The number of positions with additional responsibilities under the proposed governance structure will be seven: the Deputy Chair and six Committee Chairs including the Regional Transport Committee Chair.

Further discussion identified principles to underline the distribution of Councillors' remuneration:

- Simple and equitable distribution;
- Fair payment for base Councillor salary;
- Recognition for those who have additional responsibilities such as Deputy Chair/Committee Chairs;
- Remuneration transparency among roles.

The recommended option was considered to meet the above principles in that it provided an equitable \$10,000 difference between the Deputy Chair and Committee Chairs positions. In order to distribute the total pool the remaining \$154 has been added to the councillor base salary with the remaining \$4 added to the Deputy Chair position.

3.1 Summary of other options

Other options considered by Councillors included:

- Remuneration differences in Committee Chairs workload based on meeting frequency and complexity;
- Substantial increase in Councillors' base salary while maintaining positions with additional responsibilities at the same level as 2018/19 rates.

4 Next Steps

Once Council has formally resolved its remuneration recommendations the proposal will be forwarded to the Authority for consideration and, assuming they are accepted, will be included in a new Determination.

As such any changes will be backdated so that:

- the new Councillor base salary proposed by Council and agreed by the Authority will take effect from the day after the official election results were declared, i.e. from 19 October 2019; and

- remuneration for positions of responsibility will take effect from the day after the day Council formally appointed Councillors to those positions i.e. Deputy Chair from 22 October 2019 and Committee Chairs from 27 November 2019.

Staff are unable to action any changes in remuneration until after the Remuneration Authority has published the new Determination which will in early February 2020.

5 Budget Implications

5.1 Current Year Budget

The 2019/20 budget for elected member remuneration, including the chairperson's salary, is \$1,017,000 and forecast expenditure \$961,000 which has been accommodated for in the current budget.

5.2 Future Budget Implications

The increase in Elected Members remuneration, including the chairperson's salary, is accommodated within the 2018-2028 Long Term Plan.

The budget in year three of the LTP is \$1,057,000.

6 Community Outcomes

Elected Members' involvement in local government directly contributes to all the Community Outcome in the Council's Long Term Plan 2018-2028.

Yvonne Tatton
Governance Manager

for Chief Executive

15 November 2019