

10. NEW STANDING ORDERS AND CODE OF CONDUCT

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
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PURPOSE OF REPORT

1. The purpose of this report is to report on the outcome of recent workshops held to discuss amendments to the current Standing Orders and Code of Conduct and to present draft documents to councillors for their approval.

EXECUTIVE SUMMARY

2. The current Standing Orders are based on New Zealand standard 9202:1992, with local amendments.
3. In 2003 Standards New Zealand issued a revised model (NZS9202:2003). This model has been used as the basis for the draft Standing Orders **attached** to this report.
4. The draft Code of Conduct was prepared following a review by the Office of the Auditor General of codes adopted by local authorities in New Zealand.
5. Both the Standing Orders and Code of Conduct were discussed at a workshop held for councillors on 15 May 2008. They reflect the issues raised and discussed at that workshop.

FINANCIAL IMPLICATIONS

6. There are no financial implications arising from this report.

LEGAL CONSIDERATIONS

7. Clause 27, schedule 7 of the Local Government Act 2002 requires the Council to adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene that Act, the Local Government Official Information and Meetings Act 1987, or any other Act.
8. Schedule 7 of the Act requires the Council to adopt a Code of Conduct for members.
9. It is the advice of the Legal Services Unit that the draft documents **attached** to this report comply with the Council statutory obligations.
10. The adoption of a new set of Standing Orders and amendment of the Code of Conduct requires a vote of not less than 75 per cent of Councillors present and voting.
11. The new Standing orders will also apply to all the Community Boards in the Council's district. However, the Code of Conduct binds Councillors only.
12. Community Board members have agreed to adopt a Code of Conduct that is modelled on the Council's current code. They have also agreed to use the Council's Ethics Subcommittee procedure, with Councillors replaced by members of the Community Board whose members are involved in the matter referred to the Subcommittee.

CONSULTATION FULFILMENT

13. Before presenting the draft Standing Orders and Code of Conduct to elected members for approval the following process has been adopted:
 - (a) The draft Standing Orders reflects the New Zealand standard for meetings of local authorities and community boards (NZS9202:2003).
 - (b) The amendments to the Code of Conduct followed a report by the Office of the Auditor General on codes adopted by local authorities in New Zealand.

- (c) Workshops for elected members were held in September 2006, July 2007, August 2007 and May 2008. Issues were raised and discussed by elected members.
- (d) As a result of these deliberations, staff prepared the **attached** documents.
(Attachment A: Standing Orders) (Attachment B: Code of Conduct)

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopts new Standing Orders in the form presented to the Council at its meeting on 24 July 2008.
- (b) Adopts an amended Code of Conduct in the form presented to the Council at its meeting on 24 July 2008.
- (c) Notes that approval of each document requires a vote in support of not less than 75 per cent of the members present.
- (d) Authorises the General Manager Regulation and Democracy Services to make any minor adjustments to the drafts to correct any clerical errors before the Standing Orders and Code of Conduct are published in their final form.
- (e) Notes that all Community Boards have voluntarily agreed to adopt a Code of Conduct similar to that of the Council, modified to reflect that it be intended for use by Community Boards.
- (f) Agrees that its Ethics Subcommittee (including the Convenor) can be used by Community Boards where a breach of the Code is alleged in respect of two Community Board members.
- (g) Where the Ethics Subcommittee procedure is to be used by a Community Board the membership of the Subcommittee is to comprise members of the Community Board whose members are involved in the matter referred to the Ethics Subcommittee.

BACKGROUND (THE ISSUES)

14. The most recent draft Standing Orders were discussed at the seminar held for elected members on 15 May 2008. In respect of the remaining issues to be resolved as a result of earlier seminars, the following views were expressed:

(a) Closure Motions

3.12.2. Words previously deleted have been reinstated and a provision included that requires a vote of not less than 75 per cent of the members present before a closure motion can be accepted by the Chairperson.

(b) Reading of Speeches

3.8.5. The words "with the permission of the Chairperson" have been deleted.

(c) Casting of Votes

2.5.1(2)(b). The words "and therefore the act or question is defeated and the status quo is preserved" have been deleted. An apparent duplication in respect of voting between 2.5.1 and the previous 3.14.1 has been rectified.

The new Standing Orders provide there is no casting vote for the chair of the Council or its committees.

Community Boards can individually decide whether or not they wish to use the casting vote.

(d) Time Limit

3.3.7. This clause was affirmed.

(e) Elected Members on Subcommittees

2.9. This provision was affirmed.

(f) Petitions

3.20.1. This provision was affirmed.

3.20.3. The provision with regard to petitions in other languages was affirmed.

(g) Deputations and Presentations

Deputations for Council are only in relation for reports that are on the agenda for the meeting for which the deputation is requested.

Council committees and Community Boards retain the existing system of making a request to the Chair of the Committee or Community Board.

3.19.3. A similar provision to that for petitions was affirmed.

3.19.6. Deputations are restricted to 10 minutes and no more than two speakers.

(h) Attendance at meetings.

3.6. These provisions were affirmed.

15. There has been considerable work carried out to bring both the Standing Orders and the Code of Conduct up to date and to appoint were they comply with the New Zealand standard, the recommendations of the Office of the Auditor General and the views of elected members. The documents comply with the Council statutory obligations and reflect the contribution of all those involved in their preparation.