

Report 15.47
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Committee Council
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Review of Standing Orders

1. Purpose

To amend the current set of Standing Orders.

2. Background

The rules of conduct that govern meetings of the Council and its committees are contained in the Greater Wellington Regional Council Standing Orders 2012 (Standing Orders 2012).

Standing Orders are made up of a mix of legislative requirements relating to meetings that must be followed and meeting procedures that the Council has elected to adopt. There is scope to amend, remove or add to the individual Standing Orders that the Council has elected to adopt.

In accordance with clause 27, Schedule 7 of the Local Government Act 2002, the Council may amend Standing Orders or adopt a new set of Standing Orders by a vote of not less than 75 percent of the members present.

2.1 Recent amendments to the Local Government Act 2002

As a result of a recent amendment to the Local Government Act 2002 councils are now entitled to allow for remote participation by their members and the public at Council and committee meetings.

2.1.1 Participation via audio and audio-visual links

There are new provisions in the Local Government Act 2002 to allow audio and audio-visual links at Council and committee meetings (new clause 25A inserted into Schedule 7). It is a matter for a Council to determine whether it wishes to allow for attendance at meetings by audio or audio-visual links. If a Council does allow for remote participation, then Standing Orders must provide for these audio and audio-visual links, although members who are not physically present do not count for forming a quorum. Essentially, clause 25A provides:

(a) Members

As long as Standing Orders provide for it and the presiding member is satisfied that conditions in the Standing Orders are met, members have the right (unless lawfully excluded) to attend Council and committee meetings via audio or audio-visual link. (clause 25A(1))

A member who is not physically present does not count as present for forming a quorum. (clause 25A(4))

(b) Persons other than members (the public)

As long as standing orders provide for it and the presiding member is satisfied that conditions in the standing orders are met, members of the public have the right (unless lawfully excluded) to participate in Council and committee meetings via audio or audio-visual link. (clause 25A(2))

(c) Responsibility of presiding member

In the event that standing orders provide for members and/or the public to participate by audio and/or audio-visual links the presiding member is responsible for ensuring the following:

- that the technology used is of suitable quality
- that all people in the meeting are able to hear and be heard by each other
- that accountability and accessibility are not reduced
- that the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 are able to be met (Part 7 sets out meeting requirements. The meeting requirements set out in Part 7 are reflected in the current Standing Orders.)

(d) Other matters

Documents may be given to a person appearing at a meeting by audio or audio-visual link either by being transmitted electronically or, in the case of audio-visual links, shown.

There is no requirement for GWRC to make technology to enable this sort of participation available.

3. Comment

Democratic Services has recently reviewed the current Standing Orders. The last major review of the rules of procedure that govern meetings took place in 2012.

The current Standing Orders seem to be working well. However, as a result of the recent amendment to the Local Government Act 2002 councils are now entitled, through their standing orders, to allow for remote participation by their members and the public at Council and committee meetings. In addition, a number of minor amendments are proposed to ensure that meetings be conducted efficiently and effectively. A copy of the draft proposed Standing Orders incorporating amendments is attached as **Attachment 1**.

3.1 Matters discussed at Council workshops

On 15 October 2014 and 5 February 2015, Democratic Services met with councillors to discuss remote participation at Council and committee meetings. The general view expressed at the workshop was that the Standing Orders should allow for remote participation by members, officers and submitters in appropriate circumstances.

Officers have drafted proposed Standing Orders to enable remote participation. At this stage we are proposing that procedures relating to when the relevant chairperson will approve remote participation by members be appended to the Standing Orders as Appendix A.

3.2 Proposed words in Standing Orders to enable remote participation

Relevant excerpts from the proposed Standing Orders which relate to remote participation are set out below:

3.2.1 Remote participation by members

Officers suggest that Standing Orders enable members to participate remotely if permitted by the chairperson. This approach satisfies our legal obligation to provide for remote participation in standing orders. As set out above, we suggest that the procedures relating to when, how and why a member may participate remotely be set out in guidelines appended to the Standing Orders.

2.11.4 Remote participation by members at meetings

Members may (unless lawfully excluded) be permitted by the relevant chairperson to participate in meetings by means of audio link or audiovisual link, subject to the link's quality being suitable.

cl. 25A, Schedule 7, LGA

[Appendix A provides guidelines relating to when approval will generally be given.

Standing Order 2.12 sets out meeting procedures to be followed when members participate remotely.]

[...]

2.12 Remote participation by members

2.12.1 Remote participants not to count towards quorum

Members who participate by means of audio link or audiovisual link shall not count towards a meeting's quorum.

cl. 25A, Schedule 7, LGA

2.12.2 Remote participants recorded in the minutes

At the start of the meeting the relevant chairperson shall announce the name of any member who will be participating remotely and the reason for their remote participation; remote participants will be recorded in the minutes.

2.12.3 Chairperson not to participate remotely

The chairperson of a meeting is not entitled to participate remotely as presiding member.

2.12.4 Remote participants entitled to vote at meetings

Remote participants are entitled to vote at meetings. All votes taken during the meeting in which a member participates remotely may be taken by roll-call (division) if so requested by any member or considered necessary by the chairperson.

2.12.5 Transmission of tabled documents to remote participants

In the event that documents are tabled at the meeting officers will endeavour, to the extent that is reasonably practicable, to transmit a copy of the documents to the remote participant.

2.12.6 Remote participation in public excluded sessions

If a meeting goes into a public excluded session members participating remotely must ensure that they are in a secure setting where confidentiality is able to be maintained. If the member participating remotely is not able to attest to the security of their remote location they will be asked to leave the meeting.

2.12.7 Remote participants leave the meeting if connection lost

In the event that connection is lost due to technical problems the member participating remotely will be recorded as having left the meeting. Once lost, reconnection will not be attempted.

[...]

APPENDIX A: Guidelines on remote participation approval process

A member should advise the relevant chairperson of their request to participate remotely at least 24 hours before the start of the meeting. The request should state why physical attendance is unreasonably difficult.

One or more of the following factors will usually be acceptable:

- *Personal or dependent illness*
- *Personal disability*
- *Emergency (it is acknowledged that an emergency may occur on the day of the meeting)*
- *Geographic distance.*

The chairperson will determine whether or not to approve the request. Approval will not be unreasonably withheld.

Requests will be granted on a “first come, first served” basis. If more than one member wishes to participate remotely at the same meeting then the relevant chairperson will determine the maximum number of members who may participate remotely to ensure that the meeting quorum requirements are met.

A request will not usually be granted in the following situations:

- *Technology in the meeting room is not of an acceptable standard to enable those participating to see and be seen, hear and be heard (in special circumstances it may be appropriate for those participating to be able to hear and be heard)*
- *Technology that the remote participant proposes to use is not of an acceptable standard to enable those participating to see and be seen, hear and be heard (in special circumstances it may be appropriate for those participating to be able to hear and be heard only)*
- *More requests have been received than the technology can deal with*
- *The requestor has been granted more than two approvals in the preceding 12 month period to participate remotely in any Council, committee or subcommittee meeting*
- *If granting a request will mean that the meeting will not achieve its quorum*
- *A request to participate remotely will not be granted for a committee meeting in a quasi-judicial capacity.*

3.2.2 Remote participation by officers

3.6.1 Questions to officers during debate

In the course of any debate at any Council or committee meeting, any member may, at the Chairperson’s discretion, ask any question of the relevant officer on any matter under debate. Such questions are to be directed through the Chair.

Officers may, with the prior approval of the Chairperson, participate in the meeting by means of audio or audio-visual link.

3.2.3 Remote participation by submitters

2.11.5 Remote participation by submitters

Persons speaking to their submission at a committee meeting may, if the committee’s Terms of Reference allow, speak to their submission via remote participation.

3.3 Minor changes - remote participation

Below is a list of individual Standing Orders contained within the current Standing Orders that we are proposing to make minor changes to:

| Standing Order | Issue | Comment/proposed amendment |
|-----------------------|--------------------------|---|
| 2.4.1 | Requirement for a quorum | Commentary inserted to clarify that members |

| | | |
|--------|------------------------------------|--|
| | | who are participating remotely do not count towards a meeting's quorum |
| 2.11.3 | Members' participation at meetings | Require members to be physically present before they have the right to take part in discussion at a meeting to which they are not a member |
| 3.14.2 | Keeping of minutes | Require minutes to record members who are participating remotely, and when a remote participant has been deemed to have left the meeting |

3.4 Minor changes - general

Below is a list of individual Standing Orders contained within the current 2012 Standing Orders that we are proposing to make minor changes to:

| Standing Order | Issue | Proposed amendment/comment |
|----------------|---|---|
| 2.5.1 | Decisions to be made by majority vote | Remove commentary relating to the Wellington Regional Strategy Committee to reflect recent changes to its voting procedures |
| 2.5.2 | Chairperson has casting vote | Add Wellington Water Committee to list of Committees where Chairperson does not have a casting vote |
| 3.7 | Motions and amendments What happens when a motion is moved and seconded but not carried? | Provide process whereby in the event that a motion is lost a fresh motion may be proposed (this motion may have been foreshadowed in the debate). If no fresh motion is proposed the meeting moves to the next item on the agenda (This approach is consistent with guidance provided by Mark von Daldelszen in his book <i>Members' meetings in New Zealand: all you need to know about meeting procedure</i>) |
| 3.9 | Notices of motion | Terms used in section clarified |
| 3.10 | Notices of motion Repeat notices of motion | Terms clarified to ensure motion on notice "rejected by Council" means a motion put to the vote and not carried by the meeting. |
| 4.1.2 | No public input in certain forums | Not allowed if speaker is party to a current formal tender process |
| 4.1.3 | No public input in relation to certain items on the agenda | Provision amended so that it applies to all forms of public input, not just public participation |
| 4.1.6 | Public input in English, Māori or New Zealand Sign | Provision amended to clarify that it applies to |

| | | |
|------------|---|--|
| | Language | all forms of public input |
| 4.1.7 | Questions of speakers during public input | Provision amended to clarify that it applies to all forms of public input |
| Appendix C | Example resolution to exclude the public | Example updated |
| Appendix D | Flow chart of motions and amendments | Flow chart amended to refer to the process to follow when a motion is lost |

4. Communication

If approved, amendments will be incorporated into the Greater Wellington Regional Council Standing Orders 2012 which will be provided to Councillors, made available to officers via the intranet and published on GWRC's website.

5. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

5.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance and engagement policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

5.2 Engagement

Due to its procedural nature and low significance, no engagement on this matter has been undertaken.

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Notes that, pursuant to clause 27, Schedule 7 of the Local Government Act 2002, it may amend Standing Orders or adopt a new set of Standing Orders by a vote of not less than 75 percent of the members present.***
4. ***Approves the amendments to the Greater Wellington Regional Council Standing Orders 2012 as set out as tracked changes in Attachment 1 to this report, to come into force on 1 March 2015.***

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Attachment 1: Proposed amendments to current Standing Orders – shown as tracked changes