

OTAGO REGIONAL COUNCIL

**Agenda for an Extraordinary meeting of Council meeting to be held in
the Council Chamber, 70 Stafford Street, Dunedin on Wednesday
27 January 2016 commencing at 8.30 am**

Membership:

- Cr Stephen Woodhead (Chairperson)**
- Cr Gretchen Robertson (Deputy Chairperson)**
- Cr Graeme Bell**
- Cr Doug Brown**
- Cr Louise Croot MNZM**
- Cr Michael Deaker**
- Cr Gerrard Eckhoff**
- Cr Gary Kelliher**
- Cr Trevor Kempton**
- Cr Sam Neill**
- Cr Bryan Scott**
- Cr David Shepherd**

Apologies:

Leave of Absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 25 January.

CONFIRMATION OF AGENDA

PUBLIC FORUM

PART A - RECOMMENDATIONS

2015/1028 Code of Conduct hearing process. DCS, 12/1/16

The report notes that the Chief Executive has received a complaint under the Council's Code of Conduct, makes a recommendation to Council as to the process for hearing the complaint.

REPORT

Document Id: A873763

Report Number: 2016/0573
Prepared For: Council
Prepared By: Peter Kelliher, Legal Counsel
Date: 12/1/2016

Subject: **Code of Conduct Hearing Process**

1. Précis

The Otago Regional Council's Elected Members Code of Conduct ("the Code") requires that any complaint must be brought to the attention of the Council as a whole. With the exception of this requirement, the Code is silent on the process of responding to alleged breaches of the Code.

The Chief Executive has received a complaint under the Code and whilst it is the Council's role to determine the process of hearing the complaint, the following recommendation is made to Council, as to the process.

2. Recommended Process

The process recommended to Council is as follows:

- a) That the process for hearing the complaint be considered by Council at an extraordinary Council meeting on 27 January 2016 and the substantive matter, being the complaint as received on 11 November 2015, be heard on 10 February 2016.
- b) When the matter is raised on 27 January 2016, the Chairman shall vacate the chair; Councillor Robertson will take the chair.
- c) The subject matter is to consider the process by which the code of conduct complaint will be heard.
- d) The process for the meeting of 10 February 2016 as follows:
 - i. When the matter is raised on 10 February 2016, Councillor Woodhead shall vacate the chair; Councillor Robertson will take the chair.
 - ii. The subject matter is to consider whether there has been a breach of the Code, and if so what, if anything follows on.
 - iii. Section 13 of Standing Orders should be temporarily suspended as it does not provide appropriately for this situation. The Council can temporarily suspend Standing Orders during a meeting by a vote of not less than 75% of the members present and voting. A copy of section 13 of Standing Orders is attached.
 - iv. Councillor Eckhoff should be heard first, then Councillor Woodhead should reply;
 - v. Councillors as a whole may debate – each Councillor (other than Councillors Eckhoff and Woodhead) has the right to speak once;
 - vi. Councillors Eckhoff and Woodhead, in that order, may reply if they wish;

- vii. Once the matter is heard, resolutions should be sought by Councillor Robertson on whether the complaint is established. If passed, then a resolution, if moved, on consequences;
 - viii. Neither Councillors Eckhoff nor Woodhead should vote.
 - ix. Consequences may include:
 - Take no action;
 - Require /request apology;
 - Censure;
 - Define Councillor Woodhead's mandate, if any, for harbourside issues;
 - Removal as chair or member of a committee subject to clause 30(5), Schedule 7 Local Government Act 2002 (a copy of clause 30 is attached); and
 - Removal as chair (note statutory process clause 18, Schedule 7 Local Government Act 2002 (a copy of clause 18 is attached)).
- e) Both Councillors Eckhoff and Woodhead may vote on the process.
- f) Outcome:
- i. Process decided by resolution of majority of members;
 - ii. Temporary suspension of section 13 of Standing Orders – if passed by resolution on the day of meeting to debate complaint.

3. Recommendation

That this report be received.

Nick Donnelly
Director Corporate Services

13. RULES OF DEBATE

13.1 Mode of Address

13.1.1 The person in the chair shall be addressed as "Mr Chairman" or "Madam Chair" as appropriate or by such other terminology as the person in the Chair directs. Any other elected member shall be addressed as Councillor.

13.1.2 Any other member shall be addressed as Mr, Mrs, Miss or Ms or any other title such as Dr or Sir.

13.2. Speaking to Motions

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

13.2.2 In speaking to any motion or amendment, members shall confine their remarks strictly to such motion or amendment; and shall not introduce irrelevant matter or indulge in tedious repetition. In this matter, the Chairperson's ruling shall be final and not open to challenge.

13.2.3 If three speakers have spoken consecutively in support of, or in opposition to, any motion the Chairperson may call for a speaker to the contrary. If no such speaker is forthcoming the motion may be put. Members speaking shall, if called upon by the Chairperson to do so, announce whether they are speaking in support of or against the motion or amendment.

13.3 Objection to Words Used

When any member objects to words used and desires them to be recorded in the minutes, the Chairperson may so order them to be recorded, provided such objection be made at the time the words were used and not after any other members have spoken.

13.4 Members not to read Speeches

Members shall not read their speeches, except with the permission of the Chairperson, but may refresh their memory by reference to notes.

13.5 Time Limits

13.5.1 The following time limits shall apply to members speaking at Council meetings, unless extended by a majority vote of members present:

- (a) Movers of motions when speaking to the motion, ten minutes;
- (b) Movers of motions, when exercising their right of reply, five minutes;

- (c) Other members, not more than five minutes.

13.5.2 Where an extension of time is considered by the meeting, a new time limit shall be stated in the resolution.

13.6. **Speaking More Than Once**

A member may not speak more than once to a motion, unless with the consent of the majority of the members present or in reply under Standing Order 13.8 or in explanation under Standing Order 13.10. (This restriction does not apply to meetings of Committees or Sub-committees. Refer Standing Order 2.1.3.)

13.7. **Restating the Motion**

Members may request the Chairperson to restate the motion for their information at any time during the debate, but not so as to interrupt.

13.8 **Right of Reply**

13.8.1 The mover of an original motion shall have the right of reply. After the mover has commenced such reply, or has intimated the wish to forego this right, or having spoken to an amendment to the motion and the Chairperson has intimated the intention to put the motion, no other member of the Council shall speak on the motion. Movers in reply shall not introduce any new matter and shall confine themselves strictly to answering previous speakers.

13.8.2 The right of reply shall be governed as follows:

- (a) Where no amendment has been moved, the mover may reply at the conclusion of the discussion on the motion;
- (b) If there is an amendment, the mover of the original motion may make such reply at the conclusion of the debate on such amendment, and this reply shall exhaust the right thereto as mover of the original motion; provided that the mover may reserve such right of reply. The mover may, however, take part in the discussion upon subsequent amendments.

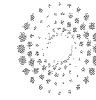
13.9 **When Members May Speak**

Any member may speak to any matter before the meeting or upon a motion or amendment to be proposed, or upon a point of order arising out of debate, but not otherwise.

13.10 **Explanations Permitted**

13.10.1 Notwithstanding Standing Order 13.6 members may make a personal explanation with the permission of the Chairperson, but such matters may not be debated.

13.10.2 With the permission of the Chairperson, explanation of some material part of a previous speech in the same debate may be given by a member who has already spoken, but no new matter may be introduced.



30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

Legislation: Local Government Act 2002 (New Zealand) | [View all PDF versions](#)

LEGISLATION

30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

- (1) A local authority may appoint—
 - (a) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate; and
 - (b) a joint committee with another local authority or other public body [in accordance with clause 30A].
- (2) A committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.
- (3) A committee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body.
- (4) A subcommittee is subject in all things to the control of the committee that appointed it, and must carry out all general and special directions of the committee given in relation to the subcommittee or its affairs.
- (5) Unless expressly provided otherwise in an Act,—
 - (a) a local authority may discharge or reconstitute a committee or subcommittee or other subordinate decision-making body; and
 - (b) a committee may discharge or reconstitute a subcommittee.
- (6) Nothing in this clause entitles a local authority or committee to rescind or amend a decision made under a delegation authorising the making of decision by a committee, a subcommittee, or another subordinate decision-making body.
- (7) A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.
- (8) *Repealed.*
- [(9) *Repealed.*]
- [(10) *Repealed.*]

Compare: 1974 No 66 ss 114P, 114R, 114S(3) - (5)

**18 Power to remove chairperson, deputy chairperson, or deputy mayor** **Legislation:** Local Government Act 2002 (New Zealand) | [View all PDF versions](#)**LEGISLATION****18 Power to remove chairperson, deputy chairperson, or deputy mayor**

- (1) At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy mayor from office.
- (2) If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.
- (3) A meeting to remove a chairperson, deputy chairperson, or deputy mayor may be called by—
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or 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 mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or 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 mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

Compare: 1974 No 66 s 101V