

Ashburton District Council

AGENDA

Notice of Meeting:

An **Extraordinary meeting of the Ashburton District Council** will be held on:

Date: Thursday 19 March 2020
Time: 1.00pm
Venue: Council Chamber
137 Havelock Street, Ashburton

Membership

Mayor	Neil Brown
Deputy Mayor	Liz McMillan
Members	Leen Braam
	Carolyn Cameron
	John Falloon
	Rodger Letham
	Lynette Lovett
	Angus McKay
	Diane Rawlinson
	Stuart Wilson

Meeting Timetable

Time	Item
1.00pm	Council Meeting commences

1 Apologies

2 Extraordinary Business

3 Declarations of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Reports

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Extraordinary Meeting

4. Amendment to Standing Orders –audio visual attendance at meetings

Author *Phillipa Clark, Governance Team Leader*
GM Responsible *Hamish Riach; Chief Executive*

Summary

- Council's standing orders have been in place since April 2017, and are due to be reviewed in April 2020.
- This report seeks Council's agreement to amend the current standing orders to include provision for elected members to attend Council and committee meetings by audio or audio visual link.
- The immediate inclusion of this discretionary provision has been identified as part of Council's continuity planning in response to the rapidly changing environment associated with Covid-19.

Recommendation

- 1. That** Council amends the Ashburton District Council Standing Orders to enable elected members to join meetings by audio or audio-visual means.

Appendix 1 Right to attend by audio or audio visual link (proposed new clauses 12.7-12.16)

Background

Current situation

1. Council is required to adopt standing orders for the conduct of its meetings and the meetings of its committees and subcommittees.
2. The adoption of standing orders, and any amendment, must be made by the Council and by a vote of not less than 75% of the members present.
3. Council's standing orders have been in place since the last term of Council and are due for review. Currently, the standing orders don't allow elected members to participate in meetings via audio or audio-visual means.
4. Council will be looking to adopt new standing orders at its meeting on 9 April. The audio-visual meeting attendance provision was to have been included in the review, however earlier consideration has been prompted by the rapidly changing environment associated with Covid-19.
5. The option to attend meetings by audio or audio-visual link arose from a 2014 amendment to the Local Government Act 2002. The purpose was to enable elected members to attend meetings remotely in circumstances where they would be unable to physically attend.
6. This provision places key responsibility on the Chair to approve applications for members' attendance, to ensure that the technology functions throughout the meeting, and to ask the members present by that link that confidentiality is being maintained at their end. If technology fails the member is counted as not present and their voting would not be counted from that point.
7. It is important to note that while elected members who join a meeting electronically are able to take part in discussions and vote, they are not counted as part of a meeting's quorum. *Note*, if a member is excluded from the meeting room due to a financial conflict of interest they are no longer considered "present" for the purposes of the quorum.
8. The quorum for a Council meeting is 5 members, i.e. half of the (10) members physically present. Council has set a quorum of 4 members for five of its standing committees.
9. Local Government NZ have advised that discussions are currently underway with DIA and SOLGM to determine whether the requirement for a quorum to be "physically present" could be removed, in the wider context of anything else that might need to be looked at as a contingency should there be a community-wide outbreak. There is a view that this may be able to be done for a specified period under emergency legislation. In the event that this change is made, LGNZ will advise councils to include the provisions from Schedule 7 of the LGA that allow members to join meetings by audio or audio visual means.
10. Officers are working with IS to ensure technology will support remote access in the event standing orders are amended as proposed.

Public attendance at meetings

11. All meetings of Council, its committees, subcommittees and community board must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act (LGOIMA).
12. In the context of this discussion Council may wish to consider the way in which members of the public can continue to participate in Council meetings if access to the Council Chamber is restricted. Council's live-streaming technology allows people with internet access to watch most meetings and submission hearings. Council will take the opportunity to increase community awareness of this.
13. Council may also consider offering remote attendance, via audio-visual link, for any public forum presentations. The public forum process is well established, allowing members of the public to attend at the start of a Council meeting and speak on matters of interest or concern to them, subject to prior approval from the Mayor. Similarly remote access may be an option for the public submission hearings.

Option 1 – amend the current Standing Orders

14. Amend the current Standing Orders to include provision for audio or audio-visual attendance at meetings by elected members. This is the recommended approach, which will ensure that risks around Council's decision-making processes are minimised if elected members are unable to physically attend a meeting, should isolation restrictions be imposed as a result of the Covid 19 event.

Option 2 – review and adopt new Standing Orders in April

15. The review of Council's Standing Orders will be undertaken in April, as proposed. The comprehensive review will include consideration of the audio and audio-visual meeting attendance provision. There may be some risk to Council's decision-making processes if the adoption of this provision is delayed over the next three weeks.

Option 3 – retain the current Standing Orders

16. While it's not an option for Council to operate without standing orders, the current standing orders could be retained and a comprehensive review carried out at a later date. There is no obligation for Council to adopt the audio or audio-visual provision as part of its standing orders; however the circumstances relating to Covid 19 indicate that the ability for elected members to remotely access meetings will be an advantage.

Legal/policy implications

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

18. Clause 25A of the LGA provides for members of a local authority (unless lawfully excluded) the right to attend any meeting of Council or its committees by means of audio link, or audio-visual link. Council's standing orders must include this provision.

Financial implications

19. There are no financial implications in amending the standing orders.

Requirement	Explanation
What is the cost?	Officer resource in preparing information met from within existing operating budgets.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	Democracy
Are there any future budget implications?	No
Finance review required?	No

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low- not significant.
Level of engagement selected	1 Inform
Rationale for selecting level of engagement	Procedural matter not requiring wider consultation.
Reviewed by Strategy & Policy	Toni Durham, Strategy & Policy Manager

APPENDIX 1 Right to attend by audio or audio visual link

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

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

12.9 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.

12.10 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;
- (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 of that person 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 be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio visual link

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.

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 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.

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.

12.13 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.

12.14 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.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 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.

12.16 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.

