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18.1 | Extraordinary Business - Attendance at local board meetings during the Epidemic Preparedness (COVID-19) notice period | 
Attendance at local board meetings during the Epidemic Preparedness (COVID-19) Notice period

Te take mō te pūrongo
Purpose of the report
1. To recommend an amendment to the local board’s standing orders in order to provide for attendance of non-members at local board meetings via audio or audio-visual link.

Whakarāpopototanga matua
Executive summary
2. This report updates the local board on the temporary arrangements for local board meetings enabled by the COVID-19 Response (Urgent Management Measures) Act 2020 and provides options for implementing similar arrangements for non-members.
3. The COVID-19 Response (Urgent Management Measures) Act 2020 temporarily amends the existing legislative restrictions for local government on remote attendance for elected members and minimum quorum at local board meetings. This now enables meetings to proceed by audio-visual link, changes how meetings can be open to the public and how members of the public receive the agenda and minutes.
4. The current local board standing orders do not provide for non-members, specifically members of the public and Māori, to give input via audio or audio-visual link.
5. The Local Government Act 2002 (LGA) requires that a person other than a member of the local board may participate by means of audio link or audio-visual link if the standing orders of the local authority permit this and if the chair is satisfied that all conditions and requirements in the standing orders are met. (Clause 25A(2), Schedule 7, LGA). Local board standing orders do not currently allow for this.
6. Auckland Council will be using Skype for Business for local board meetings. Attendance by members and non-members (if approved) will be facilitated by phone (audio only) or Skype video (audio-visual) via Skype for Business app.
7. An amendment to Standing Orders to enable electronic attendance can either be reversed at a future date or maintained to support that attendance in the future, where it is available.

Ngā tūtohunga
Recommendation/s
That the Ōrākei Local Board Local Board:

a) note the temporary amendments pursuant to the COVID-19 Response (Urgent Management Measures) Act 2020 which allows members to attend meetings by audio-visual link, as of right and despite anything to the contrary in standing orders and to be counted for the purposes of quorum.

b) amend its standing orders by including a new Standing Order 4.12.10 that reads as follows:
Attendance of non-members by electronic link
A person other than a member of the local board may participate in a meeting of the local board by means of audio link or audio-visual link if the person is otherwise approved to participate in accordance with Standing Orders Parts 13 and 14.

c) amend its Standing Orders to provide discretion to the chair of the meeting to decline Public Forum requests via audio or audio-visual link.
Horopaki Context

COVID-19 Response (Urgent Management Measures) Act 2020


9. The amendments to the LGA and LGOIMA enable local authorities to have meetings by audio-visual link (given the restrictions regarding physical distancing and Alert Level 4) and support the effective operation of those meetings by removing conditions associated with the right to attend meetings by audio or audio-visual link.

10. These amendments only apply while the Epidemic Preparedness (COVID-19) Notice 2020 is in force and will be repealed when that notice expires or is revoked.

Amendments to LGA

11. The amendments to the LGA modify Clause 25A, Schedule 7 so that a member of a local authority has the right to attend any meeting by audio or audio-visual link, regardless of what is provided for in the local authority's standing orders. It also modifies clause 25A so that a member attending by audio link or audio-visual link is counted for the purposes of quorum.

Amendments to LGOIMA

12. The amendments to LGOIMA include modifying s 47 so that the requirement for meetings of local authorities to be 'open to the public' may be met during Alert Level 4 and other restrictions on physical distancing. The amendment redefines 'open to the public' to mean that the local authority:

   a) if it is reasonably practicable, enables access to the meeting by broadcasting live the audio or video of the meeting (for example, by broadcasting it on an Internet site); and

   b) does 1 or both of the following as soon as practicable after the meeting ends:

      i. makes an audio or a video recording of the meeting available on its Internet site

      ii. makes a written summary of the business of the meeting available on its Internet site.

13. This amendment does not anticipate public involvement as part of the meeting itself but ensures the public can access or view meeting proceedings online (either live or after the meeting) or through reviewing the summary.

14. Other amendments to LGOIMA include:

   - Modifying s 46A so that agendas and reports for the meetings may be made available on the local authority's internet site instead of at offices and other physical locations.
   - Modifying s 51 so that minutes of meetings may be made available on the local authority's internet site instead of at offices and other physical locations.
   - The changes made by the COVID-19 Response (Urgent Management Measures) Act 2020 now supersede some of the provisions in the local board standing orders and the restrictions on physical distancing and from Alert Level 4 now limit the opportunity for public input.

Local Board Standing Orders

15. The LGA requires local authorities to adopt a set of standing orders for the conduct of its meetings and those of its committees (Clause 27, Sch 7). Each local board has adopted its standing orders which have been developed from a template.

16. As a result of the statutory amendments listed in this report, the follow standing orders have been temporarily superseded:

   - 4.12.2 Member’s status – quorum and vote

Attendance at local board meetings during the Epidemic Preparedness (COVID-19) Notice period
• 4.12.3 Conditions for attending by electronic link
• 4.12.4 Request to attend by electronic link
• 11.3.1 Information to be available to the public
• 11.3.2 Availability of agendas and reports
• 17.4 Inspection of minute books

17. There are additional provisions in standing orders that may require further consideration if the local board wishes to enable these to continue during the Epidemic Preparedness (COVID-19) Notice period. These relate to input and participation by Māori and the public.

18. Clause 25A(2), Schedule 7 of the LGA requires that a person other than a member of the local authority may participate by audio link or audio-visual link if the standing orders of the local authority permit this and if the chair is satisfied that all conditions and requirements in the standing orders are met.

19. The current standing orders do not currently provide for non-members, if required and approved to do so, to give input by means of audio link or audio-visual link.

20. Other participants at local board meetings include Governing Body members and staff. The LGA and the recent amendment provide the right for any member of a local authority or committee to attend any meeting of a local authority by audio-visual link (unless lawfully excluded). This can be interpreted broadly to extend to meetings where the elected member may not be a decision-maker or be participating in the decision at all. As such, Governing Body members participation may be by audio or audio-visual link and the process for providing them with speaking rights remains under standing orders.

Tātaritanga me ngā tohutouhu
Analysis and advice

21. In performing their role, local boards are required to act in accordance with the principles contained in s 14(1) of the LGA including the requirement for the council to conduct its business in an open, transparent and democratically accountable manner and make itself aware of and have regard to the views of all of its communities.

22. While the LGA does not specifically require public input to be provided for at local board meetings, the standing orders approved by the local board reflects the principles in s 14 LGA by providing for public attendance and enabling public input at meetings.

23. In order to continue to provide this opportunity as well as facilitate input by Māori and the public, the standing orders require amending.


24. The provisions for public input in standing orders are one of the ways that local boards give effect to the requirements of the LGA (s 78 and s 79).

25. The LGA provides that in the course of its decision-making, a local authority must consider the views and preferences of persons likely to be affected by or have an interest in the matter. The LGA does not specify how those views are to be obtained or what form that consideration should take. It does not require a public forum at meetings.

26. However, the LGA gives local authorities discretion as to how to comply with s 78 and what to consider. Through their standing orders, local boards and the Governing Body have chosen to enable public input through deputations and public forum at their meetings as one way to obtain community views, among other things.

27. To ensure this opportunity can continue to be made available during the Epidemic Preparedness (COVID-19) Notice period, provision must be made in standing orders to receive this by audio or audio-visual link.
Proposed amendment

28. This report recommends that input from non-members continue to be enabled during the Epidemic Preparedness (COVID-19) Notice period. This requires an amendment to the standing orders.

29. An amendment to standing orders requires a 75 per cent majority vote.

30. A similar amendment has been made by the Governing Body to their standing orders. It is desirable to ensure consistency across the governance arms of Auckland Council. The Governing Body resolutions are as follows:

Resolution GB/2020/33 (n) That the Governing Body amend standing orders by inserting a new Standing Order 3.3.10 as follows:

Attendance of non-members by electronic link A person other than a member of the Governing Body, or the relevant committee, may participate in a meeting of the Governing Body or committee by means of audio link or audio-visual link in emergencies if the person is otherwise approved to participate under these standing orders (such as under Standing Order 6.2 “Local board input” or 7.7 “Public input”,)

Resolution GB/2020/33 (p) That the Governing Body agree to change Auckland Council’s Standing Orders to provide full discretion to the chair of the Emergency Committee to decline public input requests

31. The local board’s standing orders currently gives discretion to the chair to decline deputations but not public forum requests. Giving discretion to the chair to manage requests for public forum during this time can ensure the requirements of the LGA regarding the provision of the technology requirements, can be supported.

Technology options available

32. Where attendance by audio or audio-visual link is permitted, the LGA requires that the chair of the meeting ensures:

- that the technology for the audio link or audio-visual link is available and of suitable quality
- that the procedure for use of the technology will ensure that participants can hear and be heard by each other.

33. The chair’s discretion will need to be exercised where the technology and quality cannot be guaranteed.

34. The audio and audio-visual link options available for non-member input are provided by Auckland Council through Skype for Business:

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<tr>
<th>Option</th>
<th>Ability</th>
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<tr>
<td>Audio link only</td>
<td>No ability to see presentations being shared or to see and be seen by local board members attending the meeting</td>
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<tr>
<td>Attend Skype for Business meeting via phone</td>
<td>Only technical equipment required is a landline or mobile telephone</td>
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<tr>
<td>Audio-visual link</td>
<td>Allows non-member to see both presentations being shared and to see and be seen by the local board members attending</td>
</tr>
<tr>
<td>Video and audio attend Skype for Business meeting</td>
<td>Requires a mobile phone or a computer device with an internet connection</td>
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35. If enabled under standing orders, non-members who wish to give input would need to contact the local board with a request to attend. If approved by the chair, information on how
to join the meeting using audio and audio-visual link options above will be sent out to the attendee by staff.

Summary of meeting

36. Where it is not reasonably practicable for the public to attend the meeting through a broadcast and/or peruse a recording after it has happened, a summary of the meeting will need to be provided by staff.

37. A summary in this context would be different from the content of agendas, reports and minutes which are all separately required to be publicly available. It should contain the thrust or key points of the discussion or debate at the meeting keeping in mind that its purpose is to provide an alternative to an audio or video recording of the meeting, in a situation where the public is not able to attend and hear this discussion themselves.

38. The ordinary definition of a summary is a brief statement or account of the main points of something. While the appropriate level of detail is likely to vary depending on what is being discussed at meetings, a summary is not expected to include verbatim notes.

Tauākī whakaaweawe āhuarangi

Climate impact statement

39. This decision is procedural in nature and any climate impacts will be negligible. The decision is unlikely to result in any identifiable changes to greenhouse gas emissions.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

40. Staff attendance at meetings, while not specifically provided for, is a necessary part of local board meetings and as such is expected to take place using audio-visual link.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local Impacts and local board views

41. This report seeks to amend the local boards standing orders to enable public input and Māori input at meetings.

Tauākī whakaaweawe Māori

Māori impact statement

42. This report seeks a decision that will ensure Māori input can continue to be given during the Epidemic Preparedness (COVID-19) Notice period.

43. This will ensure Māori are not prevented from giving input at a meeting on any matter that may be of interest to them.

Ngā ritenga ā-pūtea

Financial implications

44. The decision to amend standing orders is of a procedural nature and is not considered to have financial implications on Auckland Council.

45. The scaling up of technology to ensure compliance with COVID-19 Response (Urgent Management Measures) Act 2020 is being done at a cost to the council. The costs are not known at this stage and will be factored into operational budgets.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

46. The objective of the recent legislative changes is to reduce public health risks and ensure compliance with social distancing measures and other restrictions in New Zealand’s COVID-19 alert levels response plan.

47. While this is not specifically required by legislation, permitting public input by audio or audio-visual link, if practicable, can ensure the local board can receive and consider views of its constituents on decisions that they are making.

48. There is a risk that the audio-visual option would only be taken up by a small number of constituents as this would only be available to those who have the technical devices and internet access. The software that will be used for meetings is Skype for Business which is free to download and use. However, the internet access costs or availability of technology/devices can be a limiting factor for some constituents. Constituents who do not have internet access can participate, if approved, by phone.

49. The report is seeking discretion for the local board chair to decline public forum requests. This delegation should be exercised with caution so as not to undermine the intention of standing orders (which currently provided some limited grounds to decline public input). There will be instances where it is reasonable to decline (noting these examples are not intended to be exhaustive), such as:
   • where the technology cannot be provided or quality cannot be assured
   • a need to manage time allocations for the agenda
   • the matter is neither urgent nor the subject of a decision to be made at the meeting
   • the request is offensive, repetitious or vexatious.

Ngā koringa ā-muri
Next steps

50. If approved, the amendments to standing orders can, if the local board chooses, continue beyond the Epidemic Preparedness (COVID-19) Notice period. Enabling these changes gives maximum flexibility for attendance of non-members at future meetings, including those with underlying health issues or compromised immune systems that may need to take extra precaution even after the Epidemic Preparedness (COVID-19) Notice period has ended.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Polly Kenrick - Business Manager, Local Board Services</th>
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<tbody>
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<td></td>
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<td>Authorisers</td>
<td>Louise Mason - GM Local Board Services</td>
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