

Report **03.426**
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Committee **Civil Defence Emergency Management Group**
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Quorum for Group Meetings

1. Purpose

To advise the Group of issues relating to the quorum of joint committees under the Local Government Act 2003 and to recommend a minor change to the Terms of Reference.

2. Background

The Terms of Reference adopted by the Group and its member authorities states that the quorum for a meeting shall consist of five members. However, advice received subsequent to the drafting of the Terms of Reference indicates that the law requires that the quorum of a joint committee must consist of a representative from each of the local authorities that have formed the joint committee. A copy of a letter from the Ministry of Civil Defence and Emergency Management that includes advice about this matter is included as **Attachment 1** to this report.

The advice from the Ministry is supported by an independent legal opinion obtained by Environment Canterbury, which was supported by the Auditor-General's Office.

3. Discussion

The implications for the Group of the advice on the quorum for a joint committee are clear. Even if one representative fails to attend a meeting, then the meeting will fail to have a quorum and no business can be transacted. Secondly, and of a minor nature, the Terms of Reference require updating to reflect the advice.

One option that has been suggested to overcome the potential difficulty created by the requirement to have all members present at all meetings is to set up a sub-committee with full delegated authority from the Group. The sub-committee could work on a standard majority quorum. However, the sub-committee would have to report back to the full committee on a regular basis, so this does not provide a complete solution to the problem.

On balance, given that we expect the Group to meet perhaps three or four times per year, there may be little advantage from setting up a sub-committee with full delegated authority. Instead it seems preferable that all representatives recognise the importance of their attendance and provide for an alternative representative if they are unable to attend a particular meeting.

If more frequent meetings are required in the future, for example to hear submissions on the Group Plan, consideration can be given to establishing a sub-committee for that specific purpose.

4. Terms of Reference

Clause 19.3 of the Terms of Reference enables the Group to amend its Terms of Reference where the changes will not materially affect the commitment of any individual member. It is recommended that the Group approve a change to Clause 13.2.2 to state that “The quorum shall consist of a representative of every member.”

In addition, it is recommended that a further amendment be made to the Terms of Reference to adjust the time available to commence the meeting if there is a lack of a quorum. Under the Model Standing Orders adopted by the Group, if no quorum is present within 10 minutes of the commencement of a meeting the Chairperson is to vacate the chair and the meeting shall lapse. In order to provide more flexibility to cater for situations where there may be a delay in a representative arriving at a meeting, it is recommended that the time be extended to 30 minutes. This can be achieved by amending the Group’s Standing Orders as referenced by the Terms of Reference. An amendment of the Standing Orders requires a favourable vote by three quarters of the representative of the members of the Group.

5. Recommendations

1. *That the report be **received**.*
2. *That the Group **acknowledges** the importance of having a representative from their member authority present at all meetings of the Group.*
3. *That each representative have an alternative representative to attend meetings of the Group should they be unavailable.*
4. *That Clause 13.2.2 be amended to read “The quorum shall consist of a representative of every member.”*
5. *That the following be added to Clause 13.1 of the Terms of Reference “, except that with reference to Clause 23.1 of the standing orders, the time allowed before a meeting shall lapse due to a lack of a quorum shall be 30 minutes.”*

Report prepared by:

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Chairperson

Interim Co-ordinating

Executive Group

Attachment 1: Letter from the Ministry of Civil Defence and Emergency Management