

Agenda for a meeting of the Taupiri Community Board to be held in the War Memorial Hall, Greenlane Road, Taupiri on **MONDAY, 10 FEBRUARY 2020** commencing at **6.00pm**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. CONFIRMATION OF MINUTES

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7.1	Bridge Development – Cr Gibb	Verbal
7.2	Land Development – Cr Patterson	Verbal
7.3	Expressway Update – Ms Morley	Verbal
7.4	Taupiri Mountain Update – Ms Cocup-Ormsby	Verbal
7.5	Parks & Reserves – Mr Van Dam	Verbal
7.6	Footpaths/Frontages	Verbal

Gj Ion
CHIEF EXECUTIVE

Open Meeting

To	Taupiri Community Board
From	Gavin Ion Chief Executive
Date	3 February 2020
Prepared by	Grace Brady Democracy Support Contractor
Chief Executive Approved	Y
Reference #	GOV0506
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Taupiri Community Board held on Monday 6 November 2019.

2. RECOMMENDATION

THAT the minutes of a meeting of the Taupiri Community Board held on Monday 6 November 2019 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

TCB Minutes – Monday, 6 November 2019

MINUTES of a meeting of the Taupiri Community Board held in the Memorial Hall, Greenlane Road, Taupiri on **MONDAY, 6 NOVEMBER 2019** commencing at **6.00pm.**

Present:

Ms D Lovell
Cr JM Gibb
Cr EM Patterson
Ms J Henry
Mr H Lovell
Ms J Morley
Miss S Ormsby-Cocup
Mr R Van Dam

Attending:

His Worship the Mayor, Mr AM Sanson
Mr GJ Ion (Chief Executive)
Mr S Toka (Iwi and Community Partnerships Manager)
Ms L van den Bemd (Community Development Advisor)
Mrs T Hancock (Senior Communications & Engagement Advisor)
Mrs LM Wainwright (Committee Secretary)

Members of the Taupiri Marae
Members of the public

The Chief Executive opened the meeting in accordance with clause 21, Schedule 7 of the Local Government Act 2002, and welcomed the elected members.

Mr Don Turner from the Taupiri Marae welcomed Board members-elect, the Mayor, Councillors, staff and guests with a karakia and mihi.

The Iwi and Community Partnership Manager responded to the karakia with a mihi.

The Chief Executive chaired the meeting until the completion of the declarations.

DECLARATION OF MEMBERS

Each elected and appointed member present read and signed the declaration required under clause 14, Schedule 7 of the Local Government Act 2002.

APOLOGIES

All members were present.

CONFIRMATION OF AGENDA

Resolved: (Cr Gibb/Mr Lovell)

THAT the agenda for a meeting of the Taupiri Community Board held on Wednesday, 6 November 2019 be confirmed and all items therein be considered in open meeting.

CARRIED

TCBI911/01

DECLARATIONS OF INTEREST

There were no disclosures of interest.

APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Resolved: (Mr Lovell/Ms Morley)

THAT the report from the Chief Executive be received;

AND THAT Ms D Lovell is appointed Chairperson of the Taupiri Community Board;

AND THAT Mr R Van Dam is appointed Deputy Chairperson of the Taupiri Community Board.

CARRIED

TCBI911/02

DECLARATION OF CHAIRPERSON

Ms Dorothy Lovell, as elected Chairperson, read and signed the declaration required under clauses 14 and 21, Schedule 7 of the Local Government Act 2002.

PRESENTATION BY THE MAYOR

His Worship the Mayor welcomed guests and addressed the Board and members of the public, and outlined how to work effectively as a Community Board.

SCHEDULE OF MEETINGS

The Chief Executive summarised the report and discussed the rationale for the proposed six-weekly meeting cycle.

Resolved: (Mr Van Dam/Ms Ormsby-Cocup)

THAT the report from the Chief Executive be received;

AND THAT the Taupiri Community Board holds its meetings for the remainder of the 2019-22 triennium on a six-weekly cycle commencing at 6:00pm on Monday, 10 February 2020, with the remainder of meetings in 2020 to be held at 6:00pm on the following dates:

- **Monday, 23 March 2020;**
- **Monday, 4 May 2020;**
- **Monday, 15 June 2020;**
- **Monday, 27 July 2020;**
- **Monday, 7 September 2020;**
- **Monday, 19 October 2020; and**
- **Monday, 30 November 2020.**

CARRIED

TCB1911/03

REPORTS

Explanation of Statutory Matters affecting Elected Members
Agenda Item 8.1

The Chief Executive summarised the report.

Resolved: (Cr Gibb/Ms Lovell)

That the report from the Chief Executive be received.

CARRIED

TCB1911/04

Open Meeting

To	Taupiri Community Board
From	Tony Whittaker Chief Operating Officer
Date	28 January 2020
Prepared by	Andrew Nimmo Project Accountant
Chief Executive Approved	Y
Reference/Doc Set #	GOV0506
Report Title	Discretionary Fund Report to 28 January 2020

1. EXECUTIVE SUMMARY

To update the Board on the Discretionary Fund Report to 28 January 2020.

2. RECOMMENDATION

THAT the report from the Chief Operating Officer be received.

3. ATTACHMENTS

Discretionary Fund Report to 28 January 2020

TAUPIRI COMMUNITY BOARD DISCRETIONARY FUND 2019/2020

			GL	1.208.1704
2019/20 Annual Plan				1,624.00
Carry forward from 2018/19				4,060.00
	Total Funding			5,684.00
Expenditure				
10-Jul-19	NZ Community Board Conference - accommodation, travel and associated costs for Ms Dorothy Lovell	(TCBI905/05)		266.96
05-Jul-19	Taupiri Bowling Club - cost of manufacturing and installing a new gate at the entranceway leading to the club grounds	(TCBI905/05)		677.45
	Total Expenditure			(944.41)
Income / Grant Received				
	Net Funding Remaining (Excluding commitments)			4,739.59
Commitments				
14-Aug-17	Allocated to Chair to purchase miscellaneous items (TCBI708/03)		100.00	
	Less: Expenses - Jo Morley		(20.91)	
			<u>79.09</u>	79.09
13-Aug-18	Making of crosses for ANZAC Day 2019 (TCBI808/04)			1,000.00
	Total Commitments			(1,079.09)
	Net Funding Remaining (Including commitments) as of 28 January 2020			3,660.50

Open Meeting

To	Taupiri Community Board
From	Gavin Ion Chief Executive
Date	10 February 2020
Prepared by	Brendan Stringer Democracy Manager
Chief Executive Approved	Y
Reference #	GOV0506
Report Title	Community Board Code of Conduct

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the adoption of a revised code of conduct for community board members, in accordance with the Local Government Act 2002 ('**LGA**').

The revised code (Attachment 1) reflects the recommended changes to [the current code](#) as a result of a review undertaken by Cr Smith, other senior councillors and staff in 2019, and to reflect local government best practice as recommended in the new Local Government New Zealand template code, and other councils' codes. The key changes to the current code are summarised in Attachment 2. A new code was adopted by the Council at its meeting in December 2019 – the revised code is substantially based on the version approved by the Council.

As part of the updated complaints process in the revised code, an Ethics Committee is established to complete an initial assessment of any complaint lodged with the Chief Executive. This will enable non-material breaches of the Code to be dealt with more effectively and efficiently. The Ethics Committee comprises the Mayor and Councillors Gibb and Patterson (with the Deputy Mayor and Cr Smith to stand in as alternates, if required).

The Code expects members to endeavour to resolve issues arising under the Code by way of discussion where possible, rather than commencing the formal complaints process.

The community board is not required to either adopt their own code of conduct or comply with the Council's code. Community boards often adopt the same code of conduct as adopted by their parent local authority. Not to do so creates a risk that different standards of behaviour will apply to members of community boards than apply to members of the Council, such as when dealing with council staff, media or members of the public. The board is therefore recommended to adopt the revised code.

If adopted, the revised code will replace the current code with immediate effect.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT the Taupiri Community Board adopt the attached Code of Conduct (Attachment I to the staff report) ('the Code') in accordance with clause 15(6), Schedule 7, Local Government Act 2002;

AND FURTHER THAT the Community Board notes the newly adopted Code will replace the current Code of Conduct for the Community Board with immediate effect.

3. DISCUSSION AND ANALYSIS OF OPTIONS

3.1 DISCUSSION

The LGA requires the Council to adopt a code of conduct, to record how elected members will conduct themselves while acting in their capacity as members of the Council. All members must comply with the code.

While community boards are not required to have a code of conduct under the LGA, it is recommended best practice to do so. The role of a community board differs from that of a governing body of a local authority to the extent that community boards cannot employ staff and thus, for example, are not directly responsible for meeting the good employer obligations under the LGA. However, the behaviours of community board members may have a direct impact on such obligations - ensuring members behave ethically and in accordance with the expectations which also apply to councillors is consequently important. It will also help ensure the effective operation of community boards themselves. Not to adopt a code of conduct creates a risk of different standards of behaviour between community board members and Council's elected members.

[The current code](#) of conduct was adopted by the community board in September 2017, which was based on the Council's code of conduct at that time. The code can be amended by a resolution of 75% or more of members present at a Council meeting.

Cr Smith, other senior elected members and staff reviewed the current code of conduct towards the end of the previous Council term. The review considered practical process improvements, and best practice as reflected in the 2019 Local Government New Zealand updated template and other councils' respective codes. Staff have also taken the opportunity to adopt a plain English approach in the revised Code.

Attachment I is a revised code of conduct ('the revised Code'), which is presented for the community board's consideration and adoption.

An overview of the key proposed changes to the board's current code of conduct is summarised in Attachment 2 of this report.

The revised Code (as with the current code) is designed to be a self-regulatory instrument. In adopting the revised Code, members are agreeing to 'own' and demonstrate the principles and standards of behaviour and conduct set out in the revised Code.

If the revised Code (or an amended version) is not adopted by the community board, the current code will continue to operate until it is replaced.

Revised Complaints Process

The most significant amendment in the revised Code relates to the process for dealing with complaints against members under the code (refer to section 11 and Appendix C of the revised Code, Attachment 1).

This process includes the establishment of an Ethics Committee to undertake an initial consideration of most complaints received under the revised Code. This is intended to deal with trivial or non-material breaches effectively and efficiently, without the need to appoint an independent investigator. As noted in the revised Code, members are encouraged to resolve any issues arising under the Code informally by way of discussion (or with the assistance of another member).

It is proposed that complaints received in relation to any alleged breach of confidentiality (section 7) will be treated as material, with the complaint referred immediately to an independent investigator. The purpose is to reflect the trust placed in members and the potentially significant adverse impacts to the Council, and members collectively, as a result of such a breach.

The advantages of the proposed complaints process include:

- greater clarity of roles and responsibilities;
- trivial or non-material breaches will be dealt with more effectively and efficiently (via the Ethics Committee);
- increased rigour and transparency; and
- continuation of an independent expert to recommend a course of action for any material breach of the Code.

A disadvantage of this new process is that a complaint in relation to an alleged material breach may take longer to resolve with the initial review undertaken by the Ethics Committee. This would depend on the circumstances of the complaint, and will be managed by the timeframes that the Chief Executive and Mayor will implement.

4. CONSIDERATION

4.1 FINANCIAL

The financial costs for appointing an independent investigator (if required) would depend on the circumstances of a specific complaint. It is expected such cost would be met within existing operational budgets.

As noted, the revised Code’s complaints process endeavours to reduce the need for an independent investigator through:

- the initial review undertaken by the Ethics Committee; and
- encouraging members to resolve issues informally and/or with the assistance of their colleagues.

4.2 LEGAL

The Council is required to have a code of conduct under the LGA. As noted above, it is recommended best practice for community boards to adopt a code.

The revised Code complies with the requirements set out in the LGA and is substantially based on the version approved by the Council in December 2019. 75% of members present at a community board meeting must approve an amended code in order for it to take effect. The current code would continue to apply in the event that the requisite number of members did not support the revised Code.

4.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Members’ compliance with the behaviours, values and principles in the revised Code will enhance the trust and respect in the Council – both as a governance body and organisation. This is integral to the Council’s vision and strategic values.

Failure by members to comply with the provisions in a code of conduct may have an adverse reputational impact on members and/or the Council or community board, and may also result in personal liability for a member or a legislative breach by the Council.

4.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance. No engagement is required.

Highest levels of engagement	Inform <input checked="" type="checkbox"/>	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Elected members were informed of the key changes to the current Code as part of the induction sessions.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
			Internal
	✓		Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

5. CONCLUSION

A revised Code of Conduct is presented to the Council for adoption. Amendments to the current code are recommended to reflect practical process improvements and best practice in the local government sector.

6. ATTACHMENTS

Attachment 1 – (Draft) Revised code of conduct

Attachment 2 – Key changes from the current code of conduct

Waikato



DISTRICT COUNCIL

Te Kaunihera aa Takiwaa o Waikato

Code of Conduct - Taupiri Community Board

Adopted on

1. Introduction

The Code of Conduct (“the Code”) sets out the standards of behaviour expected from community board members (“members”, and individually “a member”) in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government for the community and district;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the Code.

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members.

The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The community board may, by resolution of 75 percent or more, change or replace the Code at any time. The Code should be read in conjunction with the community board’s Standing Orders

3. Values

The Code is designed to give effect to the following values with which all members have agreed to comply:

1. **Public interest:** members will serve the best interests of the people within their community and district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their community board and Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the community board operates, including a regular review and assessment of the community board's collective performance.

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of their communities and those responsible for advice and the implementation of community board decisions. The key roles are:

4.1 Members

The role of the community board includes:

- represent, and act as an advocate for, the interests of its community;
- consider and report on all matters referred to it by, or on behalf of, the Council, or any matter of interest or concern to the community board;
- maintain an overview of services provided by the Council within the community;
- prepare an annual submission to the Council for expenditure within the community as part of the Council's Annual or Long Term Plan;
- communicate with community organisations and special interest groups within the community; and
- undertake any other responsibilities that are delegated to it by the Council.

Members are committed to achieving the highest standards of conduct and behaviour at all times and will carry out their role to the best of their skill and judgment. To achieve this, members should:

- take responsibility for ensuring that they understand their roles and responsibilities and the Code;
- attend all meetings (including external organisations to which they are appointed), working groups (as appropriate) and any appropriate training opportunities provided by Council;
- come to meetings prepared, including having read relevant material;
- seek personal and skill development opportunities to effectively fulfil their statutory declaration of office and contribute to the good governance of the community;
- maintain an appropriate standard of dress at public meetings, events or functions that does not discredit the community board or Council. Generally, the more formal the occasion, the more formal the standard of dress required.

4.2 Community Board Chairperson

A community board chairperson presides over all meetings of the community board, ensuring that the community board acts within the powers delegated by the Council and the orderly conduct of business during board meetings (as determined by Standing Orders).

The board chairperson may be called on to act as official spokespersons on issues within the terms of reference for their boards.

Chairpersons may be removed from office by resolution of the community board. The community board may also appoint a deputy chairperson, who shall fulfil the functions of the chair when the chairperson is absent.

4.3 Chief executive

The role of the chief executive includes:

- implementing the decisions of the Council and community boards;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the Council;
- employing staff on behalf of the Council (including negotiation of the terms of employment for those staff); and
- lodging with the Ethics Committee (refer to section 11.2) any complaint against a member, including any justified complaint under the Code made to the chief executive by an employee of Council.

Note:

- “employee” in this context includes any contractor or subcontractor, or their employees;
- whether a complaint from staff is justified under the Code will be determined by the chief executive.

Under s42 of the LGA 2002 the chief executive is the only person *directly* employed by the Council itself. All concerns about the performance of an individual staff member must, in the first instance, be referred to the chief executive.

The community board and its members’ day-to-day dealings with the chief executive should recognise the statutory responsibilities of the chief executive for the effective management of Council staff and for implementing the decisions of the Council and the community board.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, this section includes (but is not limited to) any written communication between members, or from a member, including through social media platforms.

5.1 Relationships between members

Given the importance of relationships to the effective performance of the community board, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Please note that nothing in this section of the Code is intended to limit robust debate within the community board as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with the chief executive and staff

Members should be aware that failure to observe the standards in section 5.2 of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.

An important element of good governance involves the relationship between the Council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive only;
- raise any concerns about the performance or behaviour of the chief executive with the mayor or the chairperson of the Chief Executive Performance Review Committee (or its successors);
- make themselves aware of the obligations that the Council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising or rebutting any employee, especially in ways that reflect on the competence and integrity of the employee;

- not commit any aggressive, offensive, or abusive, conduct towards any employee (including intimidation or harassment);
- observe any protocols put in place by the chief executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee, including not improperly influencing staff in the normal undertaking of their duties;
- avoid any act or decision which might put staff at risk from a health and safety perspective.

5.3 Relationship with the public

Given the essential role that democratic local government plays in our communities it is important that community boards earn the respect and trust of their citizens. To facilitate this respect and trust members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner;
- represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised;
- act in a way that upholds the reputation of the local authority and values community involvement in local democracy;
- avoid any act or decision which might put members of the public and community at risk in line with the Council's Zero Harm strategy.

6. Media and Social Media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the community board, or as a member in their own right. When responding to requests for comment, members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor, or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions. Any failure by members to meet the standards below can represent a breach of the Code.

6.1 Media contact on behalf of the Council

The mayor is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor is absent, requests for comment will be referred to the deputy mayor or relevant committee chairperson.

The mayor may refer any matter to the relevant committee or community board chairperson or to the chief executive for their comment.

No other member may comment *on behalf of the Council* without having first obtained the approval of the mayor or, if the mayor is not available, the chief executive.

6.2 Media comment on a member's own behalf

Members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the Council or the community board (unless the member has been delegated to do so);
- media comments which are contrary to a Council or community board decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff or other members; and avoids aggressive, offensive or abusive comments which reflects adversely on a member, the Council, or the community board;
- media comments must not be misleading and should be accurate within the bounds of reasonableness;
- media comments must not provide a pre-determined view on a report or decision that has yet to be presented to the community board;
- social media pages controlled by members and used for making observations relevant to

their role as a members should be open and transparent, except where abusive or inflammatory content is being posted; and

- social media posts about other members, Council staff or the public must be consistent with section 5 of this Code. (See Appendix A for guidelines on a member's personal use of social media).

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7. Information

Failure to observe the provisions in this section 7 may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation. A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA 2002 set out in Appendix B of the Code).

Any alleged failure by members to act in the manner described in this section 7, where a complaint is submitted to the chief executive under section 11.3, will be treated seriously and will immediately be referred by the Ethics Committee to an independent investigator for assessment under section 11.5 and Appendix C of this Code.

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

7.1 Confidential information

In the course of their duties members will occasionally receive, or have access to, information that is confidential. This may include information:

- that is either commercially sensitive or is personal to a particular individual or organisation; and
- received at meetings or workshops which are closed to the public or information that is identified as confidential.

Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

7.2 Information received in capacity as an member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as a member that concerns the Council's or community board's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Members are accountable to the public:

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.

- Official information, if sought as part of a request, must be made available immediately to the chief executive (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.

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8. Conflicts of Interest

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the decision made, or the action taken, by the Council or community board. Failure to observe these requirements could also leave the member open to prosecution (see Appendix B). In the event of a conviction, elected members can be removed from office.

Members will maintain a clear separation between their personal interests and their duties as members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- A **financial (or pecuniary) conflict of interest**: is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to a member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- A **non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Members will not participate in any community board discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse or partner contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the chief executive or their own legal adviser immediately. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Appendix B of this Code sets out more information on members' conflict of interest requirements. Members must fully acquaint themselves, and adhere strictly to, these requirements.

8.1 Register of Interests

Members are required to complete declarations of interest following their inauguration, and to update their declarations biannually at the request of the chief executive or his/her nominee. These declarations are recorded in a Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including (but not limited to):

- a) any employment, trade or profession carried on by the member or the members' spouse or partner for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the Council; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive).

The Register of Members' Interests will be maintained by Council's Democracy Manager. For members, the Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

Please note: Each member is responsible for advising the chief executive or Democracy Manager of any update to the Register of Interests as soon as practicable, where that member's circumstances has changed.

9. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members must:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- not influence, or attempt to influence, any Council employee, officer, contractor or member in order to benefit their own, or families personal or business interests; and
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests, and comply with any protocols circulated by the chief executive in this regard.

9.1 Gifts and hospitality

A person in a position of trust, such as a member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Appendix B). Gifts can include discounts, commissions, bonuses or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Members must:

- not solicit, demand, or request any gift, reward or benefit by virtue of their position; and
- notify the Democracy Manager (or delegate) if any gifts are accepted. Where a gift to the value of \$100 or more is offered to a member, it will also be included in the Register of Members' Interests maintained by the Council.

As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times through the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's appointed representative.
- Working lunches and social occasions should be undertaken with recognition of the public perception regarding undue influence on members.

9.2 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

Any failure by members to comply with the provisions set out in this section 9 represents a breach of the Code.

10. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the community board's overall performance and operating style during the triennium.
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their declaration of office and contribute to the good governance of the board's community.

11. Breaches of the Code

Members must comply with the provisions of the Code (LGA 2002, schedule 7, s15(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

11.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under the Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- that the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

11.2 Ethics Committee and Panel of Investigators

Shortly after the start of each triennium, an Ethics Committee will be established and a panel of independent investigators will be appointed.

Ethics Committee

The Ethics Committee will comprise the mayor and two councillors, together with an alternate councillor; the Council appointing the councillors to this committee. In the event that:

- the mayor has made, or is the subject of, a complaint under the Code, the deputy mayor will take his/her place on the Ethics Committee in relation to that complaint; or
- a councillor on the Ethics Committee has made, or is the subject of, a complaint under the Code, the mayor (or deputy mayor) will appoint the alternate councillor to the committee in relation to that complaint.

Panel of Investigators

On behalf of the Council, the chief executive will prepare, in consultation with the mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council.

The chief executive may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators.

For clarity, neither the Ethics Committee nor the Panel of Independent Investigators is a committee of the Council for the purpose of the LGA 2002.

11.3 Complaints

All complaints made under the Code must be made in writing and forwarded to the chief executive. On receipt of the complaint the chief executive must forward the complaint to the chair of the Ethics Committee for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

Only members or the chief executive (either for him/herself or on behalf of an employee under section 4.3 of the Code), who believe that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the culmination of a series of incidents.

Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

11.4 Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in Appendix C.

11.5 Materiality

An alleged breach under the Code is material if, in the opinion of an independent investigator, it would, if proven, bring a member, the Council, or the community board into disrepute or, if not addressed, reflect adversely on another member of the Council or community board.

An alleged breach under this Code is non-material if, in the opinion of the Ethics Committee or an independent investigator (as appropriate), any adverse effects are minor and no (further) investigation is warranted.

A complaint in relation to an alleged breach of section 7 of the Code (Information) will automatically be considered material and referred to an independent investigator for assessment.

11.6 Penalties and actions

Where a complaint is determined to be material and referred to the Council the nature of any penalty or action will depend on the seriousness of the breach.

Material breaches

In the case of material breaches of the Code, the Council may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain Council-funded privileges (such as attendance at conferences);
5. recommendation for removal of responsibilities, such as community board chair,

- deputy chair or committee chair;
6. restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
 7. limitation on any dealings with Council staff so that they are confined to the chief executive only;
 8. suspension or removal from committees or other bodies; or
 9. an invitation for the member to consider resigning from the Council.

The Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following instead:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an unreserved apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless one of the grounds in the LGOIMA applies to withhold the information.

Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s44 LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the member liable for criminal prosecution).

11.7 Breaches of the Code during meetings

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the chairperson of that meeting, within Standing Orders, at the time the breach arises.

Members should raise alleged breaches of the Code with the chairperson at the time. If a member believes that an alleged breach of the Code has not been dealt with adequately by the chairperson at a meeting, that member may initiate the procedures set out in section 11.3 and Appendix C in the Code.

12. Review

Once adopted, a Code of Conduct continues in force until amended by the community board. The Code can be amended at any time but should not be revoked unless the community board replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the community board present at a community board meeting where the amendment is considered.

The community board may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the community board in regard to potential changes for improving the Code.

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Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your community board or the Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the community board or Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the community board, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the community board or Council or its activities online that you believe are important you are encouraged to share them with the Council's [Communications Team](#).
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the community board or Council or its activities you should consider referring the posts to the relevant authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Members' social media pages should be open and transparent.** When commenting on matters related to the community board or the Council, no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

Appendix B: Legislation bearing on the role and conduct of members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of members. The full statutes can be found at www.legislation.govt.nz.

The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the community board.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be “concerned or interested” in a contract or interested “directly or indirectly” in a decision when:

- a person, or spouse or partner, is “concerned or interested” in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is “concerned or interested” in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially “concerned or interested” in a contract or have a pecuniary interest in a decision, such as where a contract is between a members’ family trust and the community board.

Determining whether a pecuniary interest exists

Members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

“...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned.” (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?

- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the community board's Standing Orders.)

The contracting rule

A member is disqualified from office if he or she is “concerned or interested” in contracts with their community board if the total payments made, or to be made, by or on behalf of the community board exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or community board) while disqualified.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not, members need to ask:

“Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?”

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle **that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.**

Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members’ statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a “closed mind”); and
- members have a close relationship or involvement with an individual or

organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

- create a disturbance or a distraction while another member is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the Council, community board, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

Under this Act it is unlawful for a member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment not exceeding seven years. Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Health & Safety at Work Act 2015 ('HSWA')

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The HSWA places obligations on four duty holders - a person conducting a business or undertaking ('PCBU'); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under HSWA i.e. to ensure so far as is reasonably practicable, the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an 'officer' (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under HSWA. The chief executive and Executive Leadership Team are also officers under HSWA.

The due diligence duty of officers supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties. Unlike the chief executive and Executive Leadership Team, elected members are not required to be directly involved in the day-to-day management of health and safety. They are, however, still required to take reasonable steps to understand Council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA. This duty does not extend to ensuring that a council controlled organisation ('CCO') complies with the HSWA, unless the elected member is also an 'officer' of that CCO.

Taking 'reasonable steps' requires each elected member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of Council's business, and the elected member's position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of an offence. Elected members, however, when acting in the capacity of an elected member of the Council are expressly exempted from prosecution.

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to the Code include:

Personal liability of members

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) a liability has been unlawfully incurred by the local authority; or
- d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

Appendix C: Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under the Code the chief executive will refer the complaint to the Chair of the Ethics Committee (“the committee”) established at the start of the triennium (refer to section 11.2 of the Code). The chief executive will also:

- inform the complainant that the complaint has been referred to the committee, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Ethics Committee makes preliminary assessment

On receipt of a complaint, the committee will assess whether:

1. the complaint is frivolous, vexatious or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
4. the complaint is non-material; or
5. the complaint is material and a full investigation is required.

In making the assessment the committee may make whatever initial inquiry is necessary to determine the appropriate course of action, including interviewing the complainant and/or respondent. The committee has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality. Alternatively, the committee can make recommendations to resolve any breach of the Code that it determines is non-material.

On receiving the committee’s preliminary assessment the chief executive will:

1. where the committee determines that a complaint is frivolous, vexatious without substance, or has been previously resolved, inform the complainant and respondent directly and inform other members of the committee’s decision;
2. in cases where the committee finds that the complaint involves a potential legislative breach which is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the committee will inform the chief executive and, if the committee so chooses, recommend a course of action appropriate to the breach, such as;

- that the complainant and/or the respondent seek guidance from the mayor;
- that the complainant and the respondent endeavour to settle the matter informally with the assistance of the committee, if required;
- that the complainant and/or the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the committee's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the complainant, the respondent and the Council.

Step 4: Investigator makes preliminary assessment

Where the committee has determined that a complaint may be material, or the alleged breach that is the subject of the complaint relates to section 7 of the Code (Information), the chief executive shall refer the complaint to an approved independent investigator (refer to section 11.2 of the Code).

Any documents or other material gathered by the committee shall be made available to the independent investigator.

The following process then follows:

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous, vexatious or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
4. the complaint is non-material; and
5. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous, vexatious or without substance, or has been previously resolved, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach which is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 5: Actions where a breach is found to be non-material by investigator

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the complainant and or the respondent seek guidance from the mayor;
- that the complainant and the respondent endeavour to settle the matter informally with the assistance of an independent mediator, if required
- that the complainant and or the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the complainant, respondent and the Council.

Step 6: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, the respondent and any other affected parties;
- undertake a hearing with relevant parties;
- refer to any relevant documents or information; and/or
- make any recommendation in relation to a penalty, or course of action, as appropriate.

On receipt of the investigator's report the chief executive will prepare a report for the Council, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Before reporting to the Council, the chief executive will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by the Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the chief executive and/or the mayor (or deputy mayor, as appropriate), or his/her legal representative or support person, prior to the Council meeting being held to determine the complaint.

Step 7: Process for considering the investigator's report

The investigator's report will be considered by the Council, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 11.1 of the Code.

Before making any decision in respect of the investigator's report the Council will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not otherwise take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 11.6 of the Code.

The report, including recommendations from the independent investigator, will be heard and accepted by the Council in an open meeting without debate, unless grounds for excluding the public exist.

Attachment 2 – Community Board Code of Conduct 2020

Summary of Key Changes to the Current Code of Conduct

Section in draft revised code	Summary of change from current code of conduct
General	<ul style="list-style-type: none"> • Plain English • Highlight risks of not observing required standards at the start of the relevant sections (rather than in the body of the standards). • Minor changes to reflect updates in ‘best practice’ in local government sector.
4. Role and responsibilities	<ul style="list-style-type: none"> • Expansion of members’ responsibilities to fulfil their respective roles. • New: Chief executive responsible for lodging any complaint received under the Code with the Ethics Committee. • Confirmation of the chief executive’s responsibility to manage the operational matters of Council.
5. Relationships	<ul style="list-style-type: none"> • Clarification that standards in this section apply to communications made via social media. • Expansion and clarification on the required standards for members when dealing with staff.
6. Media and Social Media	<ul style="list-style-type: none"> • Expansion and clarification on the required standards when members’ express personal views in the media or on social media. • New: Additional standards in relation to members’ social media pages (as a member), including a new Appendix A setting out guidance for members.

Section in draft revised code	Summary of change from current code of conduct
7. Information	<ul style="list-style-type: none"> • New: Complaints in relation to alleged breaches of confidentiality under the Code are deemed material breaches and referred to an independent investigator. • Clarification that confidential information includes information received at public excluded meetings. • New: A member is under a duty to disclose information provided to him/her in his/her capacity as an elected member and must advise third parties of this. • New: Clarification on members' responsibilities under LGOIMA in relation to official information.
8. Conflicts of Interest	<ul style="list-style-type: none"> • Clarification of a member's responsibility around dealing with interests and conflicts, which is extended in Appendix B. • New: Clarification on the difference between financial and non-financial conflicts of interest. • New: Declaration of interests to be completed twice yearly. Each member responsible for providing updates as and when they arise. • New: A summary of members' interests will be made available online. This aligns with the guidance from the Office of the Auditor-General to provide transparency to the public of their representatives' interests.
9. Ethical behaviour	<ul style="list-style-type: none"> • New: Subsection on requirements for members receiving gifts/hospitality, with additional guidance.

Section in draft revised code	Summary of change from current code of conduct
II. Breaches of the Code	<ul style="list-style-type: none"> • New: Establishment of Ethics Committee and panel of independent investigators and their respective roles. • Expectation that members will endeavour to resolve matters by discussion rather than use of the formal complaints process. • New: Clarification that the Code applies during a meeting of the Community Board, to be determined by the Chairperson where appropriate.
Appendices	<ul style="list-style-type: none"> • New: Appendix A – Guidelines on personal use of social media for members. • Appendix B - Addition of overview of Health and Safety at Work Act 2015. • New: Appendix C – Significant changes to reflect: <ul style="list-style-type: none"> a. the inclusion of the Ethics Committee in the complaints process; b. process where a complaint is considered non-material by the Ethics Committee; c. clarification of the role and process to be undertaken by an independent investigator (when required). d. New: chief executive to share investigator’s report with affected members on a confidential basis. e. New: Reports going to Council in relation to an independent investigation will be in the open session, unless one of the grounds to exclude the public under LGOIMA is satisfied. This aligns with the intent of LGOIMA and the clear guidance from the Ombudsman.

Open Meeting

To	Taupiri Community Board
From	Tony Whittaker Chief Operating Officer
Date	24 January 2020
Prepared by	Sharlene Jenkins Executive Assistant
Chief Executive Approved	Y
Reference/Doc Set #	GOV0506
Report Title	Year to Date Service Request Report

1. EXECUTIVE SUMMARY

To update the Board on the Year to Date Service Request Report to 31 December 2019.

2. RECOMMENDATION

THAT the report from the Chief Operating Officer be received.

3. ATTACHMENTS

Year to Date Service Request Report for Taupiri Community Board

Service Request Time Frames for TAUPIRI⁴⁶ Community Board

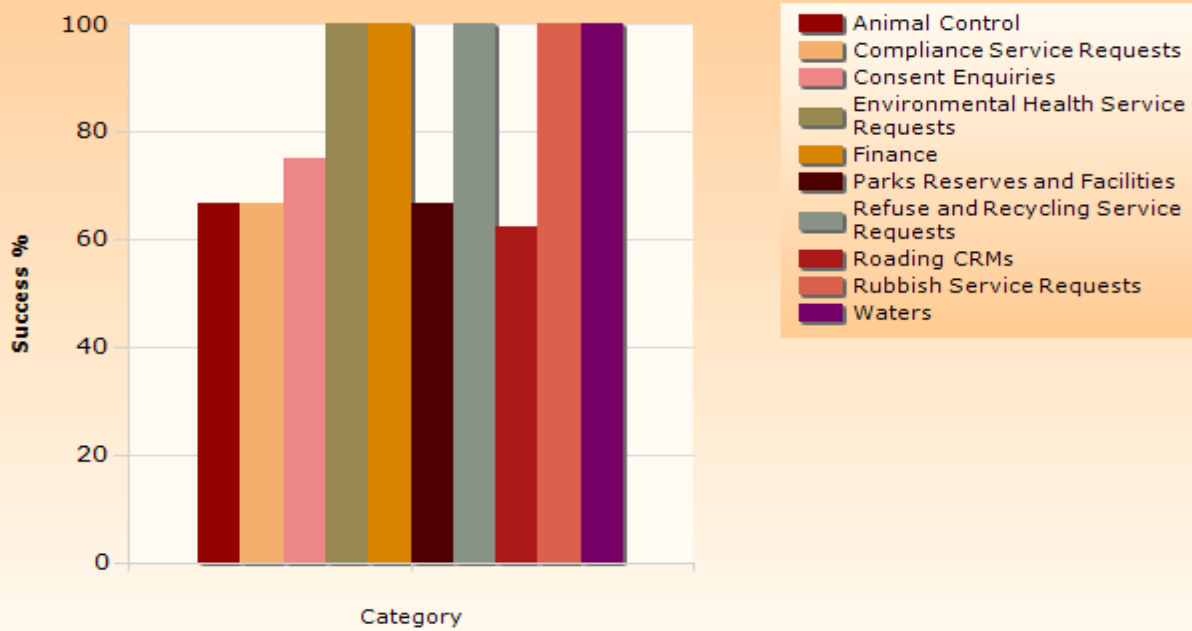


Date Range: 01/10/2019 to 31/12/2019

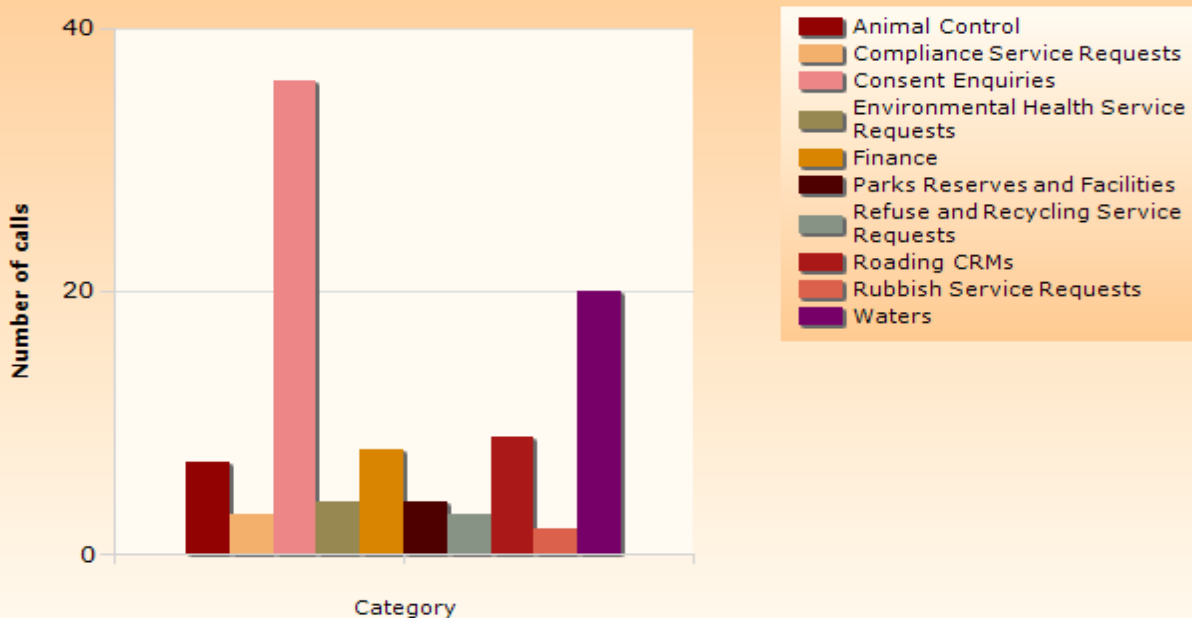
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The success rate excludes Open Calls as outcome is not yet known.

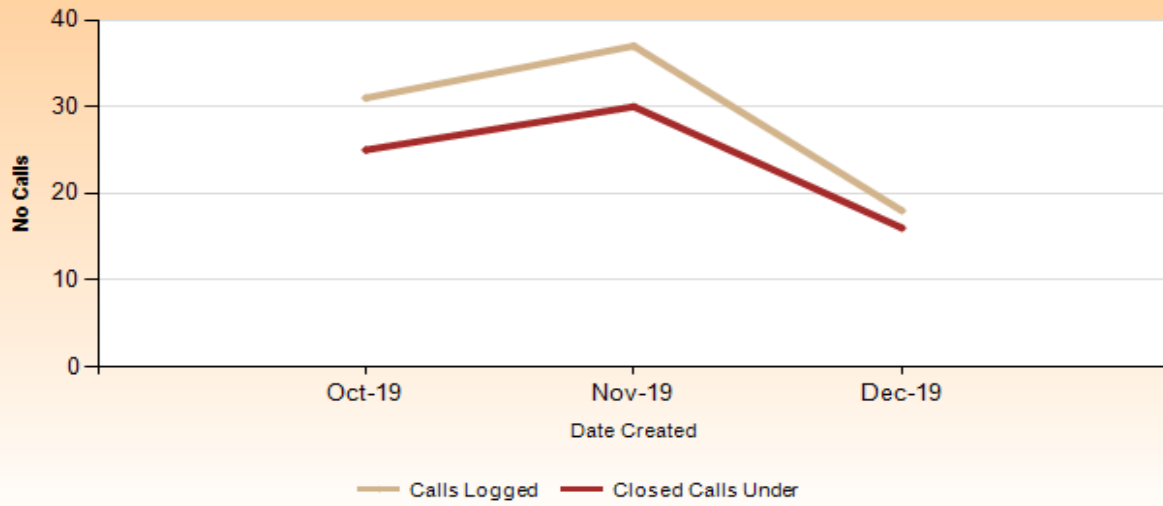
Call Completion % Success by Type



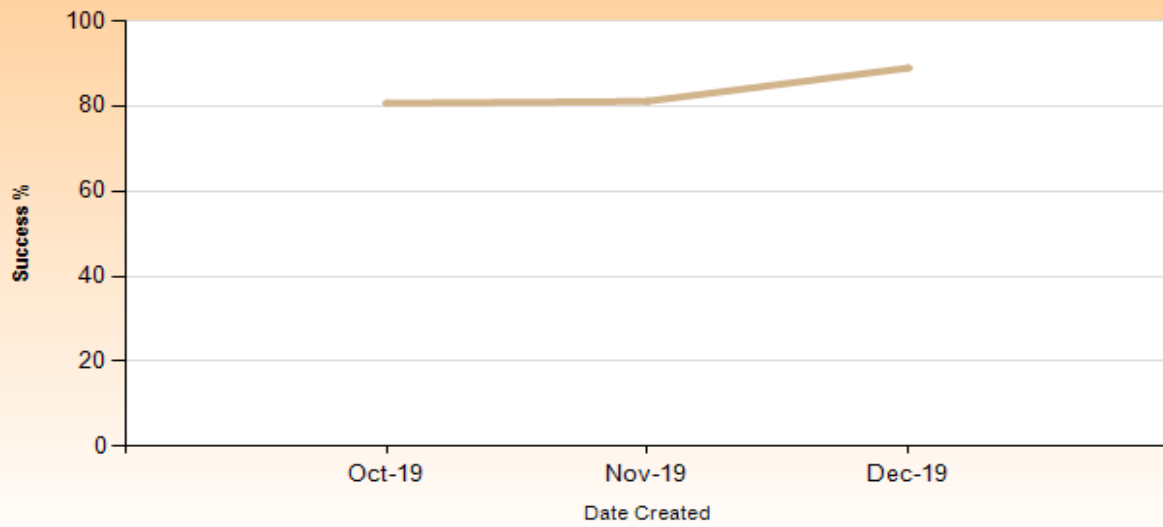
Number of Calls logged by Type



Volume of Calls Closed vs Calls Closed in Time



Completion Success per month



			Open		Closed		
Closed Calls are those calls logged during the time period that are now closed.	Open Calls are all the calls open and may have been logged at any time.	Number of Calls	Open Calls Over	Open Calls Under	Closed Calls Over	Closed Calls Under	Success Rate
Animal Control							
	Summary	7	1		2	4	66.67%
	Dog Straying - Current	1				1	100.00%
	Dog Straying - Historic	1				1	100.00%
	Dog Welfare - Not immediate threat to life	1	1				NaN
	Dogs Aggression - Current	2			1	1	50.00%
	Dogs Aggression - Historic	1			1		0.00%
	Dogs Barking Nuisance	1				1	100.00%
Compliance Service Requests							
	Summary	3			1	2	66.67%
	Compliance - Unauthorised Activity	2				2	100.00%
	Illegal parking	1			1		0.00%
Consent Enquiries							
	Summary	36		4	8	24	75.00%
	Planning Process	2				2	100.00%
	Property Information Request	10		1		9	100.00%
	Rural Rapid Number assignment & purchase of plates	1				1	100.00%
	Zoning and District Plan Enquiries	23		3	8	12	60.00%
Environmental Health Service Requests							
	Summary	4				4	100.00%
	Noise Complaint - Environmental Health	2				2	100.00%
	Noise complaints straight to contractor	2				2	100.00%
Finance							
	Summary	8				8	100.00%
	Rates query	8				8	100.00%
Parks Reserves and Facilities							
	Summary	4		1	1	2	66.67%
	Parks & Reserves - Graffiti	1			1		0.00%
	Parks & Reserves - Lake Access	1		1			NaN
	Parks & Reserves - Reserve Issues	2				2	100.00%
Refuse and Recycling Service Requests							
	Summary	3				3	100.00%
	Recycling Not Collected	1				1	100.00%
	Refuse - Non-Collection	2				2	100.00%

Roading CRMs							
	Summary	9	1		3	5	62.50%
	New Vehicle Entrance Request	2				2	100.00%
	Request 4 new street light path sign etc	1				1	100.00%
	Road Culvert Maintenance	2			1	1	50.00%
	Road Safety Issue Enquiries	1			1		0.00%
	Roading Work Assessment Required - OnSite 5WD	1			1		0.00%
	Routine Roding Work Direct to Contractor 5WD Comp	1	1				NaN
	Urgent Roding Work 4Hr Response	1				1	100.00%
Rubbish Service Requests							
	Summary	2				2	100.00%
	Abandoned Vehicle	2				2	100.00%
Waters							
	Summary	20		3		17	100.00%
	3 Waters Enquiry	1				1	100.00%
	3 Waters Safety Complaint - Non Urgent	1		1			NaN
	Drinking water billing	4		1		3	100.00%
	Drinking Water Final Meter Read	9		1		8	100.00%
	Drinking Water Quantity/Pressure	4				4	100.00%
	No Drinking Water	1				1	100.00%
Total		96	2	8	15	71	82.56%

Open Meeting

To	Taupiri Community Board
From	Jim Ebenhoh Acting General Manager Community Growth
Date	23 January 2020
Prepared by	Lianne van den Bemd Community Development Advisor
Chief Executive Approved	Y
DWS Document Set #	GOV0506 / 2470344
Report Title	Taupiri Works and Issues Report – January 2020

1. EXECUTIVE SUMMARY

To update the Community Board on issues arising from the previous meeting and on contracts and projects underway in Taupiri.

2. RECOMMENDATION

THAT the report from the **Acting General Manager Community Growth** be received.


3. ATTACHMENTS

Works & Issues Report – January 2020

Taupiri Community Board Issues Report

Issue	Area	Action
<p>I. <u>Orini Bridge Footpath</u></p> <p>Footpath cleaning and/or resurfacing work required on the bridge footpath. The works need to be programmed in to the current/future budget.</p> <p>The Waikato District Alliance will look at steam cleaning this footpath in the 2019/20 financial year.</p>	<p>Service Delivery/ Fraser</p>	<p>Waikato District Alliance (WDA) staff are going to inspect the bridge on 4 June 2019 to see whether or not the detritus can be steam cleaned off the footpath. Steam cleaning is more environmentally friendly as opposed to waterblasting. Steam cleaning would be able to be undertaken at the end of June 2019.</p> <p>In regards to resurfacing, this will need to be programmed in the new financial year after the steam cleaning has been undertaken. An accurate timeframe cannot be given at this point in time, as this work would need to be planned for in conjunction with other works of similar nature in the area.</p> <p>AUGUST: WDA have manually cleaned the footpath of any detritus build-up and rubbish. Further to this, staff have completed steam cleaning of half the footpath with the uncompleted half due to be completed by mid August.</p> <p>SEPTEMBER: This has been re-programmed to be completed by 13 September due to recent unsettled weather.</p> <p>FEBRUARY: This has now been fully completed.</p>

Issue	Area	Action
<p>2. <u>Wright Street Pedestrian Underpass</u></p> <p>The Board reported that this square cut out of the seal was still gravel. Please advise when this will be resealed.</p> <p>Cyclic crew asphalted the patch on 13 March 2019.</p>	<p>Service Delivery/ Fraser</p>	<p>Repairs carried out on Wright Street pedestrian on 13 March 2019 was only a temporary fix.</p> <p>WDA have programmed minor mill and fill repairs on this footpath. These works are expected to be undertaken in the new financial year during August 2019.</p> <p>SEPTEMBER: These works have been programmed to be complete by 13 September.</p> <p>FEBRUARY: This has been re-programmed for March 2020 – RAMM24570 RDG02797/19</p>
<p>3. <u>Taupiri Community Plan</u></p> <p>Needs updating.</p> <p>Dorothy Lovell prepared to do it, just needs access to it (can do it at work).</p>	<p>Melissa Russo</p>	<p>Melissa has contacted Dorothy to discuss updating the Taupiri Community Plan. Dorothy is happy to undertake this work and Melissa has advised that she will make a computer available for when Dorothy would like to come in. Melissa recommended to Dorothy that the TCB consider the purpose of the community plan moving forward and how that might link in with Blueprints.</p>

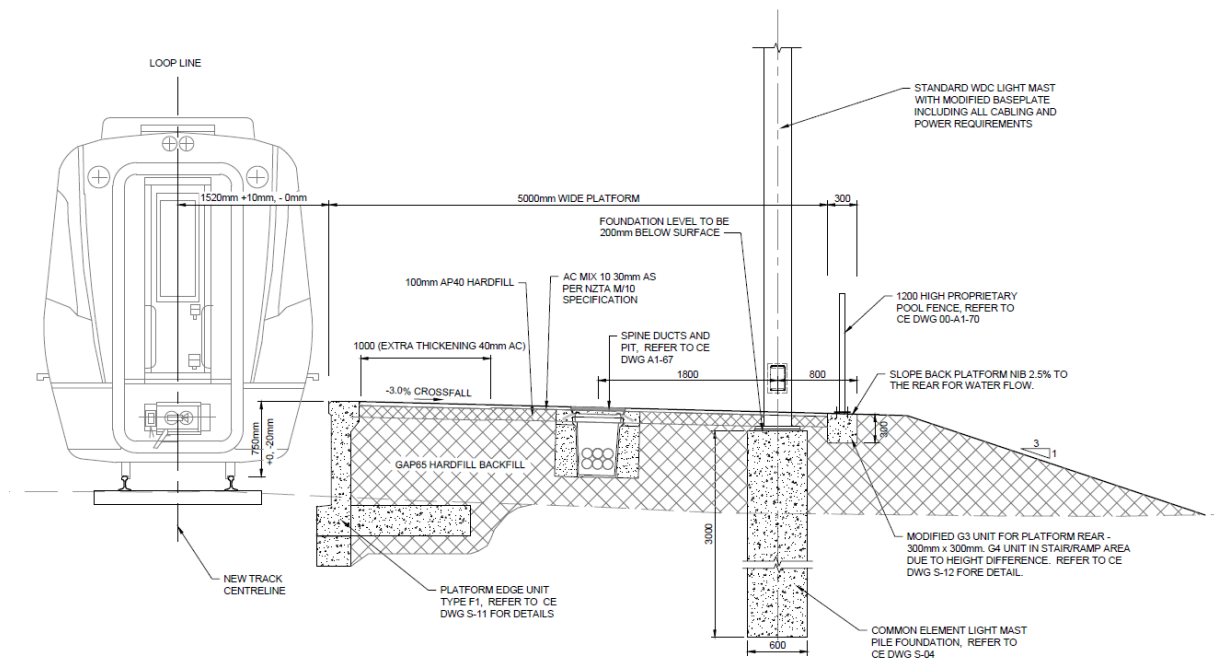
Issue	Area	Action
<p>4. <u>White Rails leading on to Te Putu Over Bridge Broken</u></p> <p>There are a number of rails that need to be replaced (opposite Murphy Lane).</p> 	WDA	<p>A service request has been logged for the rails to be fixed.</p> <p>This work has been planned and programmed for mid-September.</p> <p>DECEMBER: RDG00563/20 – Completed.</p>
<p>5. <u>Huntly and Surrounds (including Ohinewai and Taupiri) Spatial Plan Update</u></p> <p>The Strategic Projects Manager agreed to provide feedback on the Draft Spatial Plan to future Taupiri Community Board meetings, and to request Waikato Regional Council to present to members on the next Transport Review.</p>	Vishal	<p>A request has been made to the Steering Group for the Hamilton to Auckland Corridor Initiative to include Taupiri into the engagement schedule. A request has also been made to Council's Strategic Planning Team Leader (Donna Tracey) to share the thinking on Taupiri as part of the review of Council's District Growth Strategy (DGS). The DGS was open for submission through to 24 January, with drop-in sessions throughout the district, including Huntly and Ngaruaawahia.</p>
<p>6. <u>Parking on Murphy Lane</u></p> <p>Safety concern with a truck parking on the wrong side of the road noting it is not against the law but night lights must be on the front and back.</p>	Gareth	<p>It is actually illegal to park or stop your vehicle on the right hand side of the road, except in a one-way street. Council's Road Safety Engineer will liaise with the New Zealand Police with regards to this matter.</p>

Service Delivery

Community Projects Update

Huntly Park and Ride (Expected completion June 2020)

The design of the railway platform is complete, and the Park and Ride design is progressing.



Section through proposed platform

The Capital Funding Agreement between Waikato District Council, NZTA, and KiwiRail has been signed and New Zealand Transport Agency (NZTA) has approved the funding release.

Construction will be carried out by Waikato District Alliance (WDA), who are bringing in specialist rail experience from their Downer construction division based in Hamilton for the platform build. The Park and Ride works are to be built by the Alliances road renewals crews.

The Corridor Access Request (CAR) has been submitted to KiwiRail to allow works to be carried out in the railway reserve and approval is expected to take up to six weeks. The long-lead items, precast concrete retaining wall units for the front of the platform, are about to be ordered to ensure availability when corridor access is approved.

Negotiations have progressed KiwiRail's Property division for lease arrangements of the platform and rail land adjoining the WDC Park and Ride land. The key lease conditions have been agreed on and it is expected that the lease agreement will be signed off and processed over the next few weeks.

Service Delivery

Community Projects Update

Huntly Railway Station

Funding was confirmed by NZTA on Friday 23 August enabling contracts for physical works to be developed and let. The Huntly railway station upgrade is expected to cost \$4.5M, of which the majority is cost involved in upgrading the station loop railway line and the railway switches, and the platform raising, all of which is 100% funded by NZTA. Councils contribution to the upgrade is \$234,030 and with an NZTA subsidy of 76% bringing funding up to \$741,095 which will be used to provide the park and ride, shelters and seating, parking and platform lighting, and CCTV security cameras.

AECOM have provided the preliminary railway platform design. The Waikato District Alliance (WDA) are currently pricing construction of the platform. A construction crew experienced with railway-associated works from Downer will construct the railway platform (raising the existing platform about 300mm to match the modern train carriage doors), and extending the 102m long platform to 140m to accommodate the expected number of carriages.

KiwiRail have designed the loop rail and switches upgrades and will construct those portions of the works.

The Community Projects Design Team are designing the Park and Ride in the adjacent carpark. WDA will be constructing the park and ride and associated works.

The platform and Park and Ride works are scheduled for completion in December 2019.

Whangarata Bridge Rail – Guard rail replacement

Permit has been obtained, enabling works will commence after 14 February 2020.