

Elected Member Code of Conduct review

Meeting: Kaipara District Council Briefing
Date of meeting: 5 February 2019
Reporting officer: Gavin Dawson, Governance Advisor

Purpose/Ngā whāinga

To provide the Local Government New Zealand 'Code of Conduct Guidelines' and 'Code of Conduct template' for consideration and feedback.

Context/Horopaki

Under the Local Government Act 2002, councils are required to have a Code of Conduct (the "Code"). The Code sets out the expected standard of behaviour for elected members in relation to how they work and engage with other elected members, council staff, and the public. It also sets out investigation processes and consequences when complaints are made or upheld under the Code.

The Code remains in force until the Council amends it. The Code can be amended at any time, but cannot be repealed, unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75% or more of the elected members of the Council present at that meeting. It is best practise that the Code be reviewed in the new triennium.

Local Government New Zealand ("LGNZ") develop a Code template in consultation with the local and central government sectors, sector best practice, and legislative or regulatory introductions or amendments. A high majority of councils around New Zealand use the LGNZ Code template.

Discussion/Ngā kōrerorero

The current Code was adopted on 13 December 2016 (**attachment A**). The Code was based on the template developed by LGNZ, and adopted by the Council of the day with some amendments. Amendments made to sections of the LGNZ template at the time referred to the complaints process and related procedures. Sections 12 and 13 of the current Code replaced the said LGNZ sections.

In late 2019, LGNZ updated the Code of Conduct template. The updated LGNZ template (**attachment B**) allows a council to tailor the Code to the circumstances and culture that best applies. It is comprehensive and reflects current standards, best practice, and challenges faced by the governance sector to date.

LGNZ has provided a guide to be read in conjunction with the template Code. The guide provides comprehensive information on the requirements, application, and legal contexts of any future adopted Code (**attachment C**).

Introduced and revised sections included in the updated LGNZ Code are:

- refinement of the principles including a new principle that highlights the importance of elected members "pulling their weight"
- simplification of the roles and responsibilities section
- encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council
- new process for investigating and assessing complaints, including a 'materiality' test
- additional guidance on penalties or sanctions
- clarification that complaints can only be made by members and chief executives

- new guidance on elected members and social media
- a more empowering and less prescriptive approach.

Next steps/E whaiake nei

Feedback and any suggested amendments provided by elected members will be included in a draft Code tailored for the Council. The proposed Code for adoption will be included in the agenda for a decision at the 26 February Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Current Elected Member Code of Conduct
B	LGNZ Elected Member Code of Conduct
C	LGNZ Code of Conduct Guidelines

Gavin Dawson, 15 January 2020.