

Elected Member Code of Conduct

Meeting: Kaipara District Council
Date of meeting: 26 February 2020
Reporting officer: Gavin Dawson, Governance Advisor

Purpose/Ngā whāinga

To provide the final draft of the Elected Member Code of Conduct for adoption by the Council.

Recommendation/Ngā tūtohunga

That the Kaipara District Council:

- a) Adopts the proposed Code of Conduct located at Attachment C of this report.
- b) Delegates the Mayor and Chief Executive the authority to make minor grammatical amendments that do not alter the intent of the code of conduct.

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 The Code can be amended at any time, but cannot be repealed, unless the Council replaces it with another Code.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”) developed 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 for possible adoption by councils for the 2019/2021 triennium. The template 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 B**).

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.

The proposed Elected Member Code of Conduct for adoption (**Attachment C**) is based on the LGNZ template, which was considered by the Council at the Council Briefing on Wednesday 5 February 2020. No amendments or additions to the contents of the LGNZ template were requested at the Briefing. The LGNZ draft Code has been amended to reflect Kaipara District Council branding and other language.

Next steps/E whaiake nei

If adopted, the proposed Elected Member Code of Conduct will replace the existing Code. The new Code will be distributed electronically to all Elected Members.

Attachments/Ngā tapiritanga

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