

Kia Reretahi Tātau

7 September 2023

Agenda

Notice of Meeting

An ordinary meeting will be held in the Supper Room, Waihinga Centre, Martinborough on Thursday, 7 September 2023 starting at 7.00pm.

Membership of the Community Board

Storm Robertson (Chair), Angela Brown (Deputy Chair), Karen Krogh, Mel Maynard, Councillor Pip Maynard and Councillor Aidan Ellims

Karakia Tīmatanga

Tukua te wairua kia rere ki ngā taumata Hai ārahi i ā tātou mahi Me tā tātou whai i ngā tikanga a rātou mā Kia mau kia ita Kia kore ai e ngaro Kia pupuri Kia whakamaua Kia tina! TINA! Hui e! TĀIKI E!

Public Business

- 1. Extraordinary Business
- 2. Apologies
- 3. Conflicts of Interest
- 4. Acknowledgments and Tributes

5. Community Board Minutes

5.1 <u>Minutes for Approval:</u> Minutes of the Martinborough Pages 1-4 Community Board meeting held on 27 July 2023

Proposed Resolution: That the minutes of the Martinborough Community Board meeting held on 27 July 2023 be confirmed as a true and correct record.

6. Chairperson Report

6.1 Chairperson Report

Pages 5-6

7. Public Participation

1. There is no public participation.

8. Actions from Public Participation

As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

9. Reports from Chief Executive and Staff

9.1	Wellington Water Proposed Planting Day	Pages 7-23
9.2	Representation Review	Pages 24-32
9.3	Code of Conduct	Pages 33-73
9.4	Street Flag Application Report	Pages 74-80
9.5	Income and Expenditure Report	Pages 81-86
9.6	Financial Assistance Report	Pages 87-90
9.7	Action Items Report	Pages 91-93

10. Members Report

10.1	Angela Brown: Wharakaka	Pages 94
10.2	Karen Krogh Martinborough Tree Planting Group	Pages 95

Karakia Whakamutunga

Unuhia Unuhia Unuhia ki te uru tapu nui kia wāteā, kia māmā te ngākau, te tinana, te wairua i te ara takatū Koia rā e Rongo Whakairia ake ki runga Tūturu whakamaua kia tina. Tina! Hui e! Tāiki



Martinborough Community Board Minutes – 27 July 2023

Present:	Storm Robertson (Chair), Angela Brown, Karen Krogh, Councillor Pip Maynard and Councillor Aidan Ellims
In Attendance:	Kaity Carmichael (Lead Policy Advisor)
Public Participation:	Martin Freeth
Conduct of Business:	This meeting was conducted in public in the Supper Room, Martinborough Town Hall, Texas Street, Martinborough between 7.16pm and 9:13pm and was live streamed on the Council's YouTube Channel.

Members opened with a Karakia

1. EXTRAORDINARY BUSINESS

There was no extraordinary business.

2. APOLOGIES

MCB RESOLVED (MCB 2023/35) to receive apologies from Mel Maynard.(Moved Robertson/Seconded Brown)Carried

3. CONFLICTS OF INTEREST

Ms Krogh declared a conflict of interest with the funding application from Martinborough Tree Group, to be considered under item 9.3, the Financial Assistance Report.

4. ACKNOWLEDGMENTS AND TRIBUTES

Cr Maynard thanked Charlotte Harding for her work with the Matariki events in the Martinborough community.

5. MARTINBOROUGH COMMUNITY BOARD MINUTES

5.1 Martinborough Community Board Minutes – 15 June 2023

MCB RESOLVED (MCB 2023/36) that the minutes of the Martinborough Community Board meeting held on 15 June 2023 be confirmed as a true and correct record.

(Moved Brown/Seconded Krogh)

Carried

1

7. PUBLIC PARTICIPATION (ITEM MOVED)

Martin Freeth – Martinborough Tree Group

Mr Freeth spoke on behalf of the Martinborough Tree Group in support of the groups grant application. Mr Freeth requested support from the board on the Martinborough Community Natives Planting Project.

8. ACTIONS FROM PUBLIC PARTICIPATION (ITEM MOVED)

Members queried the involvement of Kohunui Tree Nursery alongside Pae Tū Mōkai Tree Nursery and Mr Freeth noted the project was inclusive. Members noted that Martinborough Tree Group will be considered under item 9.4, the Financial Assistance Report.

6. CHAIRPERSON REPORT

6.1 Chairperson Report

MCB RESOLVED (MCB 2023/37) to:

 1. Receive the Chairperson Report.

 (Moved Ellims/Seconded Brown)

 Carried

Carried

2

 Adopt the Martinborough Community Board Plan. (Moved Brown/Seconded Krogh)

Mr Robertson spoke about Pain Farm and noted that the board will be presenting on ongoing financial matters at the upcoming Council meeting. Members discussed content for the presentation and potential outcomes of the process.

Members queried a timeline for the request for a meeting on the AP/LTP process and Ms Carmichael undertook setting up a date.

Members discussed the boards Speed Review submission and Cr Ellims provided an update on the process.

Mr Robertson provided an update on the status of a community workshop on CCTV cameras and undertook notifying the board once a date was set.

9. REPORTS FROM CHIEF EXECUTIVE AND STAFF

9.1 Street Flag Request Report

Members noted that Martinborough Music Festival Street Flags were approved at their last meeting on 15 June 2023. Ms Brown undertook following up with Martinborough Music Festival on the approval.

9.2 Proposed naming of a new private road, at Bidwills Cutting

Members discussed the proposed naming of a new private road, at Bidwills Cutting and noted that it was located in the Greytown ward. Members requested Council officers review the location of the property and present to the appropriate community board.



9.3 **Income & Expenditure Report**

MCB RESOLVED (MCB 2023/38) to receive the Income and Expenditure Report. (Moved Cr Maynard/Seconded Cr Ellims) Carried

Members noted that they will not be setting Pain Farm funding round dates until they have received all requested information on Pain Farm finances and requested the recommendation be removed from the report at upcoming meetings.

9.4 **Finance Assistance Report**

MCB RESOLVED (MCB 2023/39) to:

- 1. Receive the Financial Assistance Report (Moved Brown/Seconded Cr Maynard) Carried
- 2. Agree to fund \$1,000 to the Martinborough Tree Group to support the purchase of trees from Pae Tū Mōkai tree nursery to support planting projects in the ward, to be funded through the Community Development Fund.

(Moved Brown/Seconded Cr Ellims)

Members queried the process for payment to the Martinborough Tree Group, as there is no established bank account. Ms Krogh undertook establishing an account for the group. Cr Maynard noted that Kohunui Tree Nursery should be involved in the project as well, and undertook following up with them.

Meeting adjourned at 8.39pm.

Meeting reconvened at 8.46pm

Members requested clarification on the funding application from Martinborough Women's Football Club and requested the application be brought back to the next meeting.

9.5 Action Items Report

MCB RESOLVED (MCB 2023/40) to:

- 1. Receive the Action Items Report. (Moved Brown/Seconded Krogh)
- 2. Agree, in principle, up to \$3,000 to fund the sign at Bidwills Cutting, to be funded through the community development fund. (Moved Krogh/Seconded Brown) Carried

Members discussed open action items and noted further updates. Action 253: Members requested clarification on the email provided, requested action be re-opened.

Action 731: Cr Maynard provided an update on the progress of the sign and Members discussed the funding of the sign.

Action 502: Members requested WWL come to the next board meeting and request an invitation to the hui with the Māori Standing Committee. Action 030: Request update on meeting.

<u>Carried</u>

Carried

3

Action 565: Cr Ellims undertook following up on this action.

Cr Maynard left the meeting at 9.00pm.

Cr Maynard joined the meeting at 9.01pm.

10. MEMBER REPORTS

10.1 Emergency Response Resilience Report

MCB RESOLVED (MCB 2023/41) to:

- 1. Receive the Angela Brown Member Report.

 (Moved Krogh/Seconded Cr Ellims)

 Carried
- Agree to fund up to \$150 from the operations budget to hold an event in September. (Moved Cr Maynard/Seconded Krogh)
 Carried

Ms Brown spoke to items outlined in the report and provided an update on the Martinborough Emergency Response Resilience work. Ms Brown requested support from the board to progress moving the emergency hub to the Waihinga Centre. Members were supportive if all key stakeholders were engaged.

Ms Brown requested support from the board on the upcoming community events.

The meeting closed at 9:13pm.

Confirmed as a true and correct record

.....Chairperson

.....Date



CHAIRPERSON REPORT

Recommendations

The Chairperson recommends that the Community Board:

- 1. Discuss the ongoing Pain Farm matter.
- 2. Request a report from council offers on the Speed Review consultation outcomes and process going forward.
- 3. Discuss Memorial Square

Topic 1- Pain Farm ongoing matter

Pain Farm, we have sent our reply to Amanda regarding the MoA and we will await the response. The options at this meeting are to discuss and report back on two documents provided, one being a new Pain Farm Policy document and the other an associated Income Distribution.

We trust by the time of our next MCB meeting we have in place a MoA document.

Topic 2- Pain Farm Lease Document

Discuss details of proposed document and make any comments or recommendations back to Leadership Team.

Topic 3- Update MCB on CCTV

Storm to provide a brief update on CCTV project.

Topic 4- Speed Review

Discuss Speed Zone input to review and discuss what questions we have about what happens next.

Topic 5- Memorial Square adverts

Raising awareness and discussion around adverts that appear on fixtures in Memorial Square and what do we believe are items that need to be considered.

Topic 6- WREMO Update

Update to MCB on WREMO activities that have been taking place.

NB Just a note on issues requiring a vote. Each member will get one 5 minute slot to speak on the issue. Once everyone that wants to, has spoken, a vote will be taken on the topic. It will need to be formally introduced before a vote is taken.

Prepared by: Storm Robertson, Martinborough Community Board Chair



Proposed Planting Day Report

1. Purpose

To engage with the Martinborough Community Board (MCB) on the proposed event to work towards restoring balance to the Ruamāhanga River, following wastewater overflow discharges from the Martinborough wastewater treatment plant in January 2020.

The planting day event has received support from the Māori Standing Committee (MSC), and Wellington Water (WWL) seeks to provide an update to the MCB and whether a representative would like to be part of planning the event.

Recommendations:

Officers recommend that the Community Board:

- 1. Receive the Proposed Planting Day Report.
- 2. Nominate a MCB member to help plan the planting day event.

2. Executive Summary

This report provides the MCB a presentation slide pack, detailing the background and history of the planting day event.

This event was initially scheduled in July 2020, following wastewater overflow incidents in January 2020, but was postponed due to a tangi at the time.

We have met and engaged with the MSC on the proposed planting day event, and received support and agreement from the committee on the 18th July to proceed with planning the event. The MSC have requested that the purchase of trees is to be made through local South Wairarapa providers.

The planting day is intended to be a collaborative event between WWL, MSC, MCB and SWDC.

2.1 Key Discussion Points

High level purpose:

- Work to restore balance to the Ruamāhanga River
- WWL to uphold their values of Tāngata Tiaki and Kaitiakitanga, to build mana enhancing relationships
- To recognise and contribute to te mana me te mauri o te wai

Location and timing:

- Two locations have been requested by the MSC;
 - a) Next to the site of the overflow location, Martinborough WWTP and/or Pain Farm, or
 - b) Lower Ruamāhanga River in supporting Inanga spawning.
- Access will need to be assessed for both locations, to consider suitability for the public event.
- Propose to undertake planting in early summer

Tikanga Māori aspects – leadership:

- We will be looking to MSC's leadership on event planning and preparation including how and where to incorporate local cultural tradition
- To involve the local community including marae and others

3. Next steps

WWL are looking to organise a kick-off meeting for a smaller working group to start planning the planting day event. We are looking for a MCB representative to be part of this group and help with;

> Finalise activity plan, attendees, type and number of plants to order, health and safety, planting equipment, kai, budget requirements, send out invitations etc.

4. Appendices

Appendix 1 - Restoring the Mauri of Water slide pack

Contact Officer: Adam Mattsen, Programme Delivery Lead, Wellington Water Reviewed By: Stefan Corbett Group Manager, Partnerships and Operations











- 1. About Wellington Water
- 2. Planting Day event purpose and intent
- 3. The Martinborough Wastewater Treatment Plant
- 4. The wastewater overflow incident
- 5. Planning for the planting day
- 6. Next steps

About Wellington Water



Who we are and what we do

- We are the Wellington region's professional water services provider.
- 100% council owned and funded.
- We provide safe and reliable drinking water, remove and treat wastewater before returning it to the environment and manage the stormwater network on our councils' behalf.
- Councils own the assets in their area.
- We manage our councils' water treatment and wastewater treatment plants on their behalf – this includes ensuring regulatory consent requirements are met.

Our structure and role









Tāngata Tiaki

Together we protect our most precious taonga. We are responsible for looking after our water, our environment, our community, and the future of our mokopuna through the work we do.

Whānau

United we support, connect and respect each other. The key to the wellbeing of any whānau is collaboration and sharing knowledge. We support, acknowledge, accept each other all the same - no matter how closely we work. We treat each other how we want to be treated.

Mana

We recognise, respect and value the mana of others and seek to build mana-enhancing relationships.

Treatment Plant locations





| 4



Te mana me te mauri o te wai



- A planting day event to give back to the mana of the Ruamāhanga River, following wastewater overflows to this river in 2020
- Approach has evolved since 2020 positive opportunity to connect with local Marae as tangata whenua
- Committed to our values Tāngata Tiaki, strong connection to the concept of Kaitiakitanga

The Martinborough WWTP

- Ageing facility 48 years old
- Operating near or at capacity
- Wellington Water operate the plant on behalf of council (since October 2019)
- Transition from river to land based discharge over time







Overflow events



15 January 2020

 Estimated 90m3 partially treated wastewater to Ruamāhanga River (overnight)

27 January 2020

 Estimated 100m3 partially treated wastewater to Ruamāhanga River



River quality impacts

The discharge rates were 1-2 L/s to river, causing localised temporary water quality impacts at the discharge point. High dilution factors meaning the environmental effects were assessed as very little/minimal.

Cause and Contributing Factors



15 January 2020

• Human error. Due to an out-of-service mechanical valve, a temporary bung was in use. Bung was not put in place after river flow drop below minimum permitted in resource consent.

27 January 2020

• Failure of temporary bung. Resulting in secondary ponds exceeding capacity and discharging below minimum river flow permitted in resource consent.

Cause and Contributing Factors



Other factors:

- Previous failure of mechanical valve between ponds
- Ongoing equipment failures of the land irrigator
- Lack of preventative maintenance of land irrigator
- Inadequate operating and maintenance manuals
- Lack of risk assessment for equipment failures



Preventative measures



- ✓ Upgrade to mechanical valve (automated) completed FY20-21
- ✓ Land irrigator repaired, and operational improvements made
- Operational and maintenance plans developed
- Change in treatment plant operating process:
 - Critical point alarms for risk management
 - Pond storage buffer over summer & irrigator maintenance
- Ongoing staff training and support



Full incident investigation report: https://swdc.govt.nz/wp-content/uploads//MCB%20Agenda%20Pack%2027%20Feb20_0.pdf

Restoring the mauri of water



We are looking to organise a planting day event:

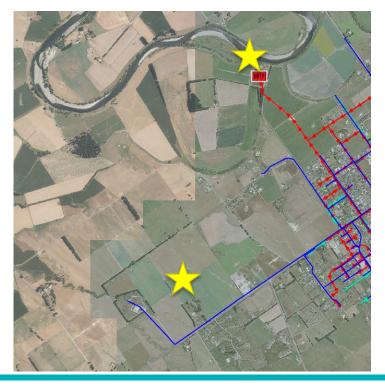
- Establish a working group to plan the event
- Preferred location we propose two main options
- Who to involve and invite Papawai Marae, Hau Ariki Marae
- Designing the day Karakia, Waiata, Wānaga
- Who will be leading cultural elements?
- Kai
- Native plants type, how many etc.
- Education opportunity?
- Preferred date propose early summer period

Location – Propose two options



Option One: Martinborough WWTP or Pain Farm

- Native riparian planting



Option Two: Ruamāhanga River, East-West Road access

- Inanga spawning planting



Next steps



Our role is to support the day to run smoothly

- Organise a kick-off meeting for working group
- Reach out to Marae and Iwi for involvement and feedback
- Drafting and sharing an activity plan for the day
- Begin organising resources, plants, site prep, kai
- Setting a date in the calendar
- Sending out invitations

Contact: <u>Rory.Milne@wellingtonwater.co.nz</u> Senior Communications and Engagement Advisor



Martinborough Community Board *Kia Reretahi Tātau* **7 September 2023** Agenda Item 9.2

Representation Review Report

1. Purpose

To provide the Martinborough Community Board with a brief update on the representation review. This paper also provides the timetable for decision-making regarding changes to the electoral system and Māori representation ahead of the 2025 local elections.

2. Recommendations

Officers recommend that the committee:

1. Receive the Representation Review Report.

3. Executive Summary

This report provides the August 2023 update on the next triennial local government elections will be held in October 2025. Under the Government Electoral Legislation Bill a representation review must be completed every six years, or with the establishment of a Māori ward for the first time. The last representation review for South Wairarapa District Council was in 2018.

From 20 December 2023 through until 31 July 2024 elected members will be presented with four options for representation in the 2025 election. A determination will be required by councillors for their preferred option. Following public consultation using the Special Consultative Procedure (SPC), Council will review their preferred option for representation review. This is required to be completed by 31 July 2024. The recommendation will then go to the Local Government Commission (LGC), for a final decision.

This executive summary will also be provided to:

⊠Council

☑Featherston Community Board

⊠Greytown Community Board

Martinborough Community Board

4. Background

The principles of a representation review are to ensure "fair and effective representation for individuals and communities" in local government.¹

The Representation Review will consider the following:

- Whether to include a Maori Ward for the 2025 elections
- Which electoral voting system to use, FPP or STV
- Total number of councillors
- Whether to have wards, "at-large" or mixture
- Number of councillors per ward, "at-large" or mixture
- Whether to have community boards (and if subdivided)
- Number of elected and appointed members per community board (if applicable)
- Boundaries and names of wards, community boards (subdivisions if applicable)

Council undertook a representation review in 2018, prior to the 2019 election. There were no changes to representation arrangements as a result of the 2018 review.

Māori representation was considered during the representation review in both 2012 and 2018. On 4 April 2012, Council resolved that there be no separate electoral representation for Māori. On 24 October 2018, Council resolved to maintain the status quo.

On 2 August 2023, the Council resolved not to use its optional vote to change the voting system. Therefore the status quo remains and First Past the Post (FPP) will apply for the 2025 election.

5. Prioritisation

There are two key resolutions that Council will need to consider at part of the representation review prior to the 2025 elections:

1. Whether or not to establishment a Māori Ward for South Wairarapa in the 2025 local elections, **optional resolution 23 November 2023**.

¹ 1 LEA Section 4(1) (principles) makes it clear that fairness and effectiveness are equally important. <u>Representation Review Guidelines 2021 (lgc.govt.nz)</u>

2. Whether or not to change the electoral systems for the 2025 elections from First Past the Post to Single Transferable vote, or council resolution on a poll for 2025. **Optional resolution 12 September 2023**.

5.1 Te Tiriti O Waitangi Obligations

Officers have undertaken early engagement with the Māori Standing Committee to outline changes to the Local Electoral Amendment Act 2021 (noted below), and the possibility of one Māori ward (based on the 2022 estimated census data) should a Māori ward be established.

Consultation with local iwi continues, with recommendations required from the Māori Standing Committee before a resolution be made on the Māori ward.

Date	Provision	Who	Section of LEA 2001
July & August	Representation Review Workshop to develop an informal engagement plan.	MSC, Council, Community Boards	
12 September 2023	Council resolution on electoral system (optional)	Local Authorities	27
19 September 2023	Public notice of electoral system (mandatory – subject to previous poll mandate)	Public notification	28
10 October 2023	MSC Representation View for Māori ward adopted at the MSC meeting.	Local Authorities	
23 November 2023	Council resolution on Māori Representation (optional)	Local Authorities	
11 December 2023	Last date to receive poll demand on electoral system, or council resolution on poll for 2025	Local Authorities	29-31
February & March 2024	Representation Review Workshop to explain process, provide findings and various scenarios.	Local Authorities	
20 December 2023 – 31 July 2024	Timeframe for council to resolve an initial rep review proposal. if initial proposal not compliant (+/-10%) must forward to LGC	Local Authorities	19H-19K
May & June 2024	Additional Representation Review Workshops (if required) to further develop scenarios and preferences.		
No later than 8 August 2024	public notice of initial proposal. required within 14 days of initial proposed resolution.	Public notification	19M,52

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5.2 Timeframe

No later than 19 October 2024	close of public submissions on initial proposal (not less than one month after public notice)	Public notification	19N
Suggested end of August	If no submissions received, by close of submission then initial proposal becomes basis of election and public notified. LGC notified of final rep review proposal.		19Q
October/early November 2024	Timeframe for council to resolve its final rep review proposal, after submissions heard.	Local Authorities	19M
November 2024	last date for public notice of final rep review proposal	Public notification	19N
3 December 2024	last date for close of public appeals on rep review proposal (one month after public notice)	Public notification	19P
20 December 2024	last date for rep review appeals and documents sent to LGC	Public & Local Authorities	19Q
10 April 2025	Last date for LGC determinations on representation reviews	LGC	19R-19S

6. Discussion

The Council meeting Wednesday 2 August 2023, included a paper on FPP vs STV, and if Council would like to use its optional vote to change the electoral voting process for the 2025 election. The Council discussed complexities of STV, increase of cost to voters and if there was a desire for change in the wider community. The falling voter turn-out was commented on, as was the need to educate the community on what STV was and how it works. The Council was divided in its opinion on STV vs FPP.

Cost was the main factor that came into play, with STV requiring a 25% increase in budget to be run through KPMG.

The council have decided *not* to use their optional vote, instead deciding to stick with the status quo for now. Therefore, confirming that FPP will be used in the 2025 election.

Notification of a poll is required to be made by South Wairarapa District Council by 19 September 2023. Members of the public are advised that if they do not support the use of "First Past the Post" as the electoral system they have the right to demand (under section 29 of the Local Electoral Act 2001) a poll on the electoral system to be used at the next two triennial general elections for the South Wairarapa District Council.

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A valid demand for a poll must be:

• Made in writing.

- Signed by at least 5 percent of the number of electors eligible to vote at the previous triennial general election of South Wairarapa District Council (This will require 452 elector signatures)
- Delivered to the office of the South Wairarapa District Council, Kitchener Street Martinborough, by 11 December 2023 if the demand is to be effective for the 2025 general elections.

Every elector who signs a demand must also state against his or her signature, their full name and the address for which they are qualified as an elector of the South Wairarapa District.

The next key points for consideration as part of the Representation Review is:

• Whether or not to establishment a Māori Ward for South Wairarapa in the 2025 local elections, **optional Council resolution by 23 November 2023.**

7. Options

7.1 First Past the Post or Single Transferable Vote

The Local Electoral Act (LEA 5A and 5B) offers the choice between two electoral systems for local elections:

- First Past the Post (FPP)
- Single Transferable Vote (STV)

A change of electoral system can be achieved by:

- Local authority resolution; or
- A favourable outcome of a poll of electors. This poll may be:

o demanded by electors (5% or more triggers a poll), or o the result of a local authority resolution.

South Wairarapa District Council has conducted all previous elections under the First Past the Post electoral system. A poll of electors was last held in 2003; the preferred option was FPP, with 1,994 votes. STV received 1,207 votes.

In 2022, 15 local authorities used STV to elect members: Dunedin, Far North, Gisborne, Greater Wellington, Hamilton, Kaipara, Kāpiti, Marlborough, Nelson, New Plymouth, Palmerston North, Porirua, Ruapehu, Tauranga and Wellington.

Under STV, electors vote by ranking their preferred candidates. Electors rank as many candidates as they choose in order of preference. Candidates have a threshold (or

quota) number of votes to attain before they are elected. The number of votes required for a candidate to be elected (threshold/quota) depends on the number of positions to be filled and the number of valid votes cast.

The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

The threshold (or quota) is calculated by a formula set out in the Local Electoral Regulations (Schedule 1A, clause 5). The quota formula helps to ensure that candidates who are elected have a minimum level of support from voters, while also allowing for the transfer of vote to other candidates to ensure that seats are filled in a proportional manner. Votes are redistributed using a complex pro-rata type formula to other candidates to fairly distribute them. The reallocation of excess votes is complex and takes time. It is done on a proportional basis of the candidates' total votes.

Advantages and Disadvantages of Electoral Systems

FPP

- Easy, reliable and trusted, but
- May not result in proportional voting or representation (promotes strategic voting)

STV

- Encourages proportional voting and representation, but
- Complex voting and counting system (via KPMG)

The Review for Local Government released 20 June 2023 includes the recommendation for adoption of STV nationwide for local elections.²

7.2 Māori Ward

The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 included the following for the 2025 establishment of Māori wards:

- Removed the ability for electors to bring a petition requiring a poll on the introduction of Māori wards. Therefore, the only way Māori wards or constituencies will not be established in those areas is if the council itself resolves to undo its decisions.
- Remove the ability of local authorities to resolve to hold binding polls on whether to establish Māori wards or constituencies.

² <u>He piki tūranga, he piki kōtuku – The future for local government pg 87</u>



- Provided that past polls, or council resolutions to hold binding polls, on whether to establish Māori wards or constitutions cease to have any effect.
- Local authorities need to be fully aware of the relevant provisions and possible implications of establishing Māori wards/constituencies for any representation review.

According to LGC statistics in the 2022 estimated census data, South Wairarapa District could have one member elected, should a Māori ward be established. This can only be achieved by Council resolution.

South Wairarapa District 2022 estimated census data: ³		
Māori Electoral population	930	
General Electoral population	10,800	
Total population	11,730	
Total members	9	
Māori Ward Members	0.71	
Māori Ward members Rounded	1	

8. Options

Representation options will be offered in 2024.

9. Strategic Drivers and Legislative Requirements

9.1 Significant risk register

Māori ward representation requires thorough engagement and consultation with the Māori Standing Committee and local iwi, hapū and marae. To consider make a decision without full consultation and feedback would be a significant risk to fair and effective representation in the review.

Relationship with iwi, hapū, Māori

□Climate Change

□Emergency Management

□IT architecture, information system, information management, and security

□Financial management, sustainability, fraud, and corruption

³ MEP-and-GEP-statistics-2022-estimates.xls (live.com)

⊠Legislative and regulative reforms

□Social licence to operate and reputation

□Asset management

Economic conditions

□Health and Safety

9.2 Policy implications

Councils Significant and Engagement Policy will guide engagement and consultation on this work. Details here - <u>Section A (swdc.govt.nz)</u>

10. Consultation

10.1 Communications and engagement

The persons who are affected by or interested in this matter are local iwi, hapū, Māori, community boards, councillors, and electoral voters.

10.2 Partnerships

Have you completed a communications plan for the work described?

□Yes ⊠No

If no, is a communications plan required?

⊠Yes □No

This will be completed as part of the engagement plan.

11. Financial Considerations

Initial costs include for the electoral system public notices, which are covered by operational budgets.

Estimated costs to hold a poll for electoral system preference are around \$45,000 to \$50,000 + GST based on the number of electors on the roll (estimated data is 9,026 from the 2022 election).

No budget for an electoral system poll has been allocated in the 2023/24 Annual Plan for changes to the electoral or representation arrangements. The resources required would be absorbed through business as usual.

Contact Officer: Nicki Ansell, Lead Advisor – community Governance. Reviewed By: Amanda Bradley, Group Manager, Policy and Governance



7 September 2023 Agenda Item: 9.3

Code of Conduct - Te Tikanga Whanonga - for Members

1. Purpose

To adopt the Code of Conduct Te Tikanga Whanonga for the 2022-2025 triennium.

2. Recommendations

Officers recommend that the Community Boards:

- 1. Receive the Code of Conduct Te Tikanga Whanonga for Members Report.
- Adopt the Code of Conduct Te Tikanga Whanonga for the 2022-2025 Triennium.
- 3. Adopt the policy as attached in Appendix 1 for dealing with alleged breaches of the code.

3. Executive Summary

The Council (Council/kaunihera) first adopted a Code of Conduct (Code) on 27 February 2002 and a revised version was adopted on 2 August 2023 which is available here: <u>https://swdc.govt.nz/wp-content/uploads/PI-GLS-003-Elected-Member-Codeof-Conduct-Aug23-2.pdf</u>

Local Government New Zealand (NZ) has undertaken a review for the 2022-2025 triennium and Community Boards is asked to consider a new code based on the updated template.

The code remains in force unless it is amended or replaced, however for the purposes of a personal awareness of the Code and accountability to the public, elected members are asked to adopt the Code specifically for the new triennium.

A copy of the Code is attached as Appendix 1 and the SWDC's list of Initial Assessors, Investigators, Mediators is attached as Appendix 2.

4. Code of Conduct

Adopting a Code is a requirement of the local authority under Clause 15, Schedule 7 of

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the Local Government Act 2002 (LGA), and therefore, Codes of conduct are common features in local government. They complement specific statutes, such as the Local Government and Meetings Act 1987 (LGOIMA), designed to ensure openness and transparency. Codes of conduct are an important part of building community confidence in our system and processes, and contribute to:

- good governance of the district,
- effective decision-making and community engagement,
- the credibility and accountability of the local authority to its communities, and
- a culture of mutual trust and respect between members of the local authority and with management.

Codes of conduct should promote effective working relationships within a local authority and between the authority and its community. It should promote free and frank debate which should in turn result in good decision making.

Codes of conduct are not a means of preventing members from expressing their personal views provided they are clearly signalled as personal views. Rather the code is designed to promote robust debate and the expression of all views by providing a framework to ensure that debate is conducted in a civil and respectful way.

A code of conduct sets boundaries on standards of behaviour and provides a means of resolving situations when elected members breach those standards.

4.1 Key changes to the Code of Conduct

A significant change from the previous Code of Conduct adopted in December 21 is the focus on managing specific types of behaviours, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members. The following have been added to the proposed Code, in accordance with the 2022 LGNZ template:

- An explicit description of unacceptable behaviours.
- An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to Council/kaunihera.
- An acknowledgement of the principles of good governance (the Nolan principles), drawn from the <u>UK Government's Committee on Standards in Public</u> <u>Life</u> and the findings of the 1994 Nolan Inquiry.
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.

5. Policy for dealing with alleged breaches of the Code

In its 2006 report on codes of conduct, the Office of the Auditor General (OAG) noted that many Council/kaunihera lacked a process for distinguishing between trivial and serious breaches of the code and consequently spent considerable time and resource hearing complaints on inconsequential matters. Many other issues have also arisen, such as:

- failure to adequately guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint,
- examples of members of the public making complaints about the behaviour of individual members for reasons that appear to be more concerned with settling 'political' differences, and
- lack of preparedness. Many Council/kaunihera discover, when faced with a code of conduct complaint, that they have failed to establish in advance the processes for handling the complaint, thus exacerbating the original issue.

Processes need to be put in place for investigating and resolving breaches of the code and the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the code.

5.1 Public Interest

In their report on codes of conduct, the Local Government Commission noted a lack of consistency in the way in which information about complaints and sanctions is communicated to the public. It stated that *"codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA"* (LGC p.16).¹

Reflecting the Commission's sentiments, the proposed Code of Conduct for dealing with alleged breaches does not require minor breaches, or those that can be resolved through mediation, to be reported to the Council/kaunihera. Maintaining confidentiality should reduce the incentive to use a code of conduct for political purposes.

Where a complaint has been referred to an independent investigator the draft policy recommends that the investigator's full report should be tabled at a Council/kaunihera meeting and that should be public unless grounds to exclude the public exist. This reflects the likelihood that complaints that have been found to be material, and which have not been able to be resolved through mediation, or less, will of necessity be of

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¹ Local Government Commission, Codes of Conduct: Report to the Minister of Local Government, September 2021 at <u>https://www.lgc.govt.nz/other-commission-wortk/current-proposals/view/report-to-the-minister-of-local-government-september-2021/?step=main</u>

high public interest. Refer to Appendix 2 for a list of the Council/kaunihera's possible initial assessors, investigators and mediators.

Applying a penalty or sanction under the Code of Conduct should ideally be the last, rather than the first response. Most situations should be able to be resolved without the need for sanctions – frequently an apology is all it will take to resolve an issue.

5.2 Matters to consider when adopting a policy for dealing with alleged breaches

Having adopted the Code of Conduct members should consider adopting a policy for dealing with alleged breaches of the code. A policy to investigate and assess alleged breaches needs to be tailored to the circumstances of each Council/kaunihera, given the diversity in capacity, resources, and cultural context.

The policy sets out procedures for investigating and assessing alleged breaches of the Code of Conduct.

5.2.1. A two step assessment process

The process that should be followed once a complaint is received has been developed as a two-step process designed to quickly address those complaints that have a low level of materiality, and with a minimum expense to the Council/kaunihera. (Refer to Proposed Code of Conduct - p.13, for guidance on selecting the initial assessor and independent investigator, and p. 18 for the process for determining and investigating complaints).

A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a chairperson or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.

5.2.2. Non-binding recommendations from an investigator

A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in Council/kaunihera with small numbers of elected members. One solution is for a local authority to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations.

6. Conclusion

The Council/kaunihera is asked to consider adopting the updated code and new policy for dealing with alleged breaches of the code.

Once adopted, the code continues in force until amended by the Council/kaunihera. It can be amended at any time but cannot be revoked unless the Council/kaunihera replaces it with another code. Amendments require a resolution supported by 75 per cent of the Council/kaunihera members present at the Council/kaunihera meeting at which the amendment is considered.

7. Appendices

Appendix 1 – Proposed Code of Conduct - Te Tikanga Whanonga Appendix 2 – SWDC List of Initial Assessors, Investigators, Mediators

Contact Officer:Amanda Bradley, General Manager Policy and GovernanceReviewed By:Paul Gardner, Interim Chief Executive Officer

Appendix 1 – Code of Conduct Te Tikanga Whanonga



CODE OF CONDUCT

TE TIKANGA WHANONGA

Policy Number	PI-GLS-003
Council Date of Approval	2 August 2023
Martinborough Community Board Date of Approval	(ТВС)
Featherston Community Board Date of Approval	(ТВС)
Greytown Community Board Date of Approval	(ТВС)
Next Review	August 2025
Code of Conduct History:	First adopted 27 February 2002 Last reviewed 15 December 2021

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Introduction Kupu whakataki

The Code of Conduct (the Code) sets out the standards of behaviour expected from elected and appointed members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community and the 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.



Part One: Code of Conduct Wāhanga Tuatahi: Anga Tikanga Whanonga

The South Wairarapa District Council/Kia Reretahi Tātau Code of Conduct has been adopted in accordance with the requirements of the Clause 15, Schedule 7 of the LGA 2002, which requires every local authority to adopt a code of conduct for members of the local authority.

Members' commitment Ngā herenga a ngā mema

These commitments apply when conducting the business of the local authority as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

- 1. treat all people fairly,
- 2. treat all other members, staff, and members of the public, with respect,
- 3. share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties,
- 4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi,
- 5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the local authority,
- 6. take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of a member,
- 7. not bully, harass, or discriminate unlawfully against any person,
- 8. not bring the local authority into disrepute,
- 9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
- 10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority,
- 11. not disclose information acquired, or given, in confidence, which they believe is of a confidential nature.

Please note: a failure to act in accordance with these commitments may result in a complaint being taken against you.

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members. Members of a local authority must comply with the Code of Conduct of that local authority. More detail explaining the Code of Conduct is set out in Appendix 1.

A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in Appendix 2.

Appendix 1: The Code of Conduct explained He whakamārama mō te Tikanga Whanonga

1. Definitions

For the purposes of this Code "member" means an elected or appointed member of:

- » the governing body of the local authority,
- » any committee or sub-committee of the local authority,
- » any community board of the local authority.

Local authority means the council/kaunihera or community board which has adopted this Code.

2. Te Tiriti o Waitangi

The South Wairarapa District Council / Kia Reretahi Tātau commits to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

- Tino Rangatiratanga: The principle of self-determination provides for Māori selfdetermination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
- Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Māori, within the context of iwi and Māori expectations. Council/kaunihera should identify opportunities, and develop and maintain ways, for Māori to contribute to council/kaunihera decisions, and consider ways council/kaunihera can help build Māori capacity to contribute to council decision-making,
- » Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
- Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapū and whanau within their respective rohe,
- » Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Māori.



3. Principles of good governance

Members recognise the importance of the following principles of good governance.

- » Public interest: members should act solely in the public interest.
- Integrity: members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- Tāria te wā and kaitiakitanga/stewardship: members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- » Objectivity: members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
- Accountability: members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- » Openness: members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- » Honesty: members should be truthful and not misleading.
- » Leadership: members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

4. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members **agree** to the following standards of conduct when they are:

- » conducting the business of the local authority,
- » acting as a representative of the local authority,
- » acting as a representative of their electorate,
- » communicating with other members, the media, the public and staff, and
- » using social media and other communication channels.¹

Where a member's conduct falls short of these standards, members accept that they may be subject to a complaint made under the council's "Policy for alleged breaches of the Code of Conduct".

¹ Please refer to the Guidelines for the responsible use of social media in the LGNZ Good Governance Guide

Respect

Members will treat all other members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a local authority you can challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

Bullying, harassment, and discrimination

Members will treat all people fairly and will not:

- » bully any person,
- » harass any person, or
- » discriminate unlawfully against any person.

For the purpose of the Code of Conduct, bullying is repeated and unreasonable (offensive, intimidating, malicious, or insulting) behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- » a regular pattern of behaviour²,
- » physical, verbal, psychological or social,
- » occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- » may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose

² A single or occasional incident of insensitive or rude behaviour towards another person isn't considered bullying, but it could become more serious and shouldn't be ignored.

unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following³:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

If a complaint about the behaviour of an elected member is made by a Council staff member then the employment act comes into play. Any allegations of workplace bullying, harassment and discrimination must be investigated and the person affected must be supported by the employer.⁴

Sharing information

Members will share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their council/kaunihera to properly perform its statutory duties. Where this occurs members will disclose any such information to other members and, where appropriate, the chief executive. Members who are offered information on the condition that it remains confidential will inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion.

Expressing personal views publicly

Members, except when authorised to speak on behalf of the local authority, will make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

⁴<u>https://www.employment.govt.nz/resolving-problems/types-of-problems/bullying-harassment-and-discrimination/bullying/</u>:

³ See Human Rights Commission https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role. Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- » they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- » their comments must not purposefully misrepresent the views of the local authority or other members.
- » Members will abide by the social media protocols described in Attachment A, LGNZ's Good Governance Guide, available at <u>https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf</u>

Provide equitable contribution

Members will take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

Disrepute

Members will not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.



Use of position for personal advantage

Members will not use, or attempt to use, their position to improperly advantage themselves or anyone else, or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members must not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

Impartiality

Members will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and
- » observe any protocols put in place by the chief executive concerning contact between members and employees, and <u>not publicly criticise individual staff</u>.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's chief executive, or, if the concerns are to do with the chief executive, raise them with the mayor, the council chairperson, or chief executive performance committee.

Maintaining confidentiality

Members will not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless:

- 1. they have the consent of a person authorised to give it,
- 2. they are required by law to do so,
- 3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person.

Appendix 2: Requirement for a code of conduct

Te herenga kia whai tikanga whanonga

Clause 15, Schedule 7 of the Local Government Act 2002 requires every local authority to adopt a code of conduct for members of the local authority. It states:

15 Code of conduct

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out -

- 1. understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:
 - a. behaviour towards one another, staff, and the public; and
 - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that
 - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
 - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
 - c. a general explanation of
 - i. the Local Government Official Information and Meetings Act 1987; and
 - ii. any other enactment or rule of law applicable to members.
- 2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
- 3. A member of a local authority must comply with the code of conduct of that local authority.
- 4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- 5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- 6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

The South Wairarapa District Council policy for investigating and ruling on alleged breaches of the Code of Conduct

Te kaupapahere o te Council/kaunihera o Kia Reretahi Tātau hei tirotiro me te whakatau i ngā whakapae kua takahia te Tikanga Whanonga

Principles

The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:

- » The complaints process will be independent, impartial, and respect members' privacy.
- Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- » Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- » Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution⁵.

Who can make a complaint?

The Code of Conduct is designed to be a self-regulatory instrument and complaints regarding a breach of the Code can only be made by members themselves, or the chief executive, who can make a complaint on behalf of their staff. On receipt of a complaint, the chief executive must forward the complaint to an independent person, either an independent investigator or an initial assessor, for an assessment.

If the complaint includes a criminal matter, this would take precedence over Code of Conduct. We would seek legal advice as how to proceed in this situation.

⁵ For example, by enabling both parties to access a council's Employee Assistance Programme (EAP) or elected members' equivalent.

Role of the initial assessor⁶

On receipt of a complaint an initial assessor will undertake an assessment to determine the relative merit and seriousness of the complaint, and the nature of the subsequent process that will be followed. The complaint may be dismissed if the initial assessor finds them to be trivial, vexatious, frivolous, or politically motivated.

If a complaint is not dismissed, the initial assessor (or independent investigator in a one-step process) may initiate one of the following:

1 Refer to Chair or Mayor

In the case of a breach that is not serious or amendable to mediation, the initial assessor may refer the person responsible for the alleged breach to the chair or mayor for their advice and guidance. These will not be reported to the local authority. A meeting or meetings with the chair will be regarded as sufficient to resolve the complaint. Where a member is referred to the chair, the initial assessor may also recommend, for the chair's consideration:

- That the member attends a relevant training course, supported by appropriate mentoring.
- » That the member work with a mentor for a period.
- » That the member tenders an apology.

2 Mediation

If the complaint concerns a dispute between two members, or between a member and another party, the initial assessor may recommend mediation. If mediation is agreed by both parties, then its completion will represent the end of the complaints process. The outcomes of any mediation will be confidential and, other than reporting that a complaint has been resolved through mediation, there will be no additional report to the local authority unless the complaint is referred to an independent investigator, usually due to a failure of the mediation.

3 Refer to an independent investigator

Where the initial assessor finds that the complaint is serious or no resolution can be reached and/or mediation is refused, the initial assessor will refer the complaint to an independent investigator. The independent investigator will be selected from the local authority's independent investigators' panel assembled by the chief executive, or an independent investigator service that is contracted to the

⁶ See Attachment 2.2 for advice on the appointment of an Initial Assessor.

council/kaunihera. Complaints that involve a chairperson or chief executive will be referred directly to the independent investigator.

Complaints that are dismissed, referred to a chairperson, or resolved by mediation, will not be reported to the local authority.

Role of the independent investigator⁷

The independent investigator will:

- » determine whether a breach has occurred,
- » if so, determine the seriousness of the breach, and
- » determine actions that a local authority should take in response to the breach.

Any recommended actions made in response to a complaint that has been upheld are binding on the local authority. This is to ensure the process for investigation is free of any suggestion of bias and reduces the cost of the complaints process, by reducing the time spent on it, by members and officials.

Determining the significance of an alleged breach

The independent investigator may take whatever actions they need to determine the significance of a complaint, within the budgetary constraints set down, including re-assessing the complaint.

The independent investigator will undertake an investigation appropriate to the scale of the breach, which may include interviews with other affected parties, and prepare a report for the chief executive which will set out the rationale for their findings and may include recommendations for resolving the breach and appropriate penalties.

When considering the issue of significance, the independent investigator will need to consider a range of factors before deciding, such as:

- » Was the breach intentional or unintentional?
- » Did it occur once or is there a pattern of recurring behaviour?
- » Does the breach have legal or financial ramifications for the council/kaunihera?
- » What is the impact of the breach on other elected members, on kaimahi (staff/officials) and on the community in general?

⁷ See Attachment 2.2 for advice on the appointment of an Independent Investigator.

Costs and support

Council/kaunihera must ensure that members who make a complaint are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.

The costs of assessment and investigatory services will be met by the relevant council/kaunihera.



Part 2: Attachments Ngā tāpiritanga

2.1 Process for determining and investigating complaints Te tukanga whakatau me te tirotiro i ngā amuamu

Step 1: Chief executive receives complaint

All complaints made under this Code of Conduct must be made in writing and forwarded to the chief executive who will refer the complaint to the initial assessor. The chief executive will also:

- » inform the complainant that the complaint has been referred to the independent person (named) and refer them to the process for dealing with complaints as set out in the Code of Conduct; and
- inform the respondent that a complaint has been made against them and the name of the independent person (named) overseeing the process and refer them to the policy for dealing with complaints as set out in the Code of Conduct.

Step 2: Initial assessor makes an assessment and arranges mediation

- The initial assessor will undertake an assessment of the merits of the complaint. If they
 consider it is not valid, the complaint will be dismissed. The complainant will have no
 recourse or appeal. Grounds for concluding that a complaint has no merit include that it
 is trivial, vexatious, frivolous, or politically motivated.
- 2. If deemed to have merit, the initial assessor will contact the parties to seek their agreement to independently facilitated mediation. If the parties agree and the issue is resolved by mediation the matter will be closed and no further action is required.
- 3. If the parties do not agree to mediation, or mediation is unsuccessful in resolving the matter, the initial assessor will refer the complaint to an independent investigator selected from a panel established by the chief executive at the start of the triennium, or service contracted to the local authority. The initial assessor will also inform the complainant and the respondent that the complaint has been referred to the independent investigator.

Step 3: Independent investigator to inquire and conclude on the matter

If the complaint is found to be a breach of the Code of Conduct the independent investigator will inform the initial assessor, who will inform the complainant and respondent. The independent investigator will then assess the nature and effect of the breach and prepare a report for the council/kaunihera on the seriousness of the breach and recommend actions commensurate with that breach. In preparing that report the independent investigator may:

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- » consult with the complainant, respondent, and any affected parties,
- » undertake a hearing with relevant parties, and/or
- » refer to any relevant documents or information.

At any stage in their inquiry the independent investigator may find that a breach has not occurred, or the matter should be referred to a relevant agency. If this is the case the independent investigator will inform the initial assessor who will inform the complainant and respondent that the complaint is dismissed or has been referred to a relevant named agency.

On receipt of the independent investigator's report the chief executive, or initial assessor, will prepare a report for the council/kaunihera, which will meet to consider the findings and implement any recommended actions. The report will include the full report prepared by the investigator.

Step 4: Process for considering the investigator's report

Process for the independent investigator's recommendations

Where the council's Policy for determining and investigating complaints give an independent investigator the power to make recommendations to the local authority, then:

- » the chief executive's report, containing the independent investigator's recommendations and report, will be presented to the governing body, or committee/sub-committee with delegated authority to consider code of conduct complaints,
- The governing body, or community board, will ensure that members with an interest in the complaint are not present during the discussion on the independent investigator's recommendations.
- The report will be received in public meeting unless grounds, such as s.48 LGOIMA, exist for the exclusion of the public.
- The chief executive's report may also outline the plan for the report's public release, for the governing body's information and comment.
- The governing body, community board, or committee/sub-committee with delegated authority, may accept the investigator's recommendations or, if they believe it is justified, amend the independent investigator's recommendations. As part of these considerations the complainant may be asked to appear before the governing body, board or committee and answer questions from members.
- The penalty or sanction that might be applied will depend on the seriousness of the breach and may include actions set out in part 2.3: Actions that may be applied when a breach has been confirmed

2.2 Selecting the initial assessor and independent investigator Te kowhiri i te tangata motuhake me te kaitirotiro motuhake

Selecting an initial assessor

The chief executive is responsible for this. In selecting the initial assessor, the chief executive will consult with the local authority.

The initial assessor will be a person, or a position, that is independent of a local authority's political governance, while also being easily accessible, as their role is crucial if complaints are to be expedited quickly and without controversy. For example:

- » The Independent Chair of the Audit and Risk Committee.
- » A retired local authority chief executive.
- » A retired local authority politician.
- » A member of the public with relevant experience and competency.

Selecting an independent investigator

The chief executive is responsible for compiling a panel or list of independent investigators.

At the beginning of each triennium the chief executive, in consultation with the council/kaunihera, will compile a list of independent investigators. In selecting them, a chief executive may consider:

- » the council's legal advisers,
- » a licensed private investigator⁸,
- » a national service specialising in public sector integrity,
- » a national service providing assessment and investigation services, or
- » an individual with relevant skills and competencies.

Please note: Given the litigious nature of some code of conduct disputes independent investigators should have relevant liability insurance, provide on their own behalf or by the local authority. The chief executive also needs to ensure that investigations are undertaken within budgetary limits negotiated in advance.

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⁸ Full list of approved New Zealand Institute of Private Investigators: <u>https://nzipi.org.nz/</u>

2.3 Actions that may be applied when a breach has been confirmed Ngā mahi ka whāia pea ina whakatauhia tētahi takahanga

Where a complaint that the Code of Conduct was breached has been upheld, any actions taken against the member found to be in breach should be consistent with the following principles.

- » Actions should be commensurate with the seriousness of the breach.
- » Actions should be applied in a manner that is culturally appropriate and safe for the members involved.
- Actions should, to the degree practical, contribute to an inclusive culture in the local authority by focusing on constructive mediation, learning, and member improvement.

In determining a response to a breach of the Code of Conduct, one or more of the following could be selected:

- 1. That no action is required.
- 2. That the member meets with the mayor/chair for advice.
- 3. That the member attends a relevant training course.
- 4. That the member agrees to cease the behaviour.
- 5. That the member work with a mentor for a period.
- 6. That the member tenders an apology.
- 7. That the member participates in voluntary mediation (if the complaint involves a conflict between two members).
- 8. That the local authority sends a letter of censure to the member.
- 9. That the local authority passes a vote of no confidence in the member.
- 10. That the member loses certain council/kaunihera-funded privileges (such as attendance at conferences).
- 11. That the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.
- 12. That the member be subject to restricted entry to council/kaunihera offices, such as no access to staff areas (where restrictions may not previously have existed).
- 13. That the member be subject to limitations on their dealings with council/kaunihera staff, other than the chief executive or identified senior manager.
- 14. That the member be suspended from committees or other bodies to which the member has been appointed.
- 15. That the member be invited to consider resigning from the council.

Please note: Actions 1-6 will typically not be reported to the local authority. Actions 7-15, which have a high degree of public interest, namely democratic representation, should be considered in an open meeting, unless there are grounds, such as those set out in LGOIMA, for not doing so.



Responses to statutory breaches

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

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under 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 section 44 LGA 2002 which may result in the member having to make good the loss or damage).
- Breaches relating to the commission of a criminal offence which will be referred to the
 Police (which may leave the elected member liable for criminal prosecution).

2.4 Legislation which sets standards for ethical behaviour Ngā ture e whakatakoto ana i ngā paerewa mō ngā whanonga matatika

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning council/kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

- 1. implementing the decisions of the local authority,
- 2. providing advice to members of the local authority and to its community boards, if any and
- ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
- 4. ensuring the effective and efficient management of the activities of the local authority,

- 5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
- 6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
- 7. providing leadership for the staff of the local authority,
- 8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
- 9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Local Government Official Information and Meetings act 1987

The LGOIMA sets rules for ensuring the public are able to access official information unless there is a valid reason for withholding it. All information should be considered public and released accordingly unless there is a compelling case for confidentiality. Even where information has been classified as confidential, best practice is for it to be proactively released as soon as the grounds for confidentiality have passed.

There are both conclusive and other reasons for withholding information set out in sections 6 and 7 of LGOIMA, which include:

Conclusive reasons for withholding – if making the information available would likely:

- » prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial; or
- » endanger the safety of any person.

Other reasons for withholding – withholding the information is necessary to:

- » protect the privacy of natural persons, including that of deceased natural persons;
- » protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- » protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- » avoid prejudice to measures protecting the health or safety of members of the public;

- » avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- » maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- » prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these 'other' reasons, a public interest balancing test applies. In these cases the council/kaunihera must consider whether the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each council/kaunihera, and elected members must work within the rules adopted by each council/kaunihera.

The LGOIMA also sets the rules that govern public access to meetings and the grounds on which that access can be restricted, which occurs when meetings consider matters that are confidential.

The role of the Ombudsman

An Ombudsman is an Officer of Parliament appointed by the Governor-General on the recommendation of Parliament. An Ombudsman's primary role under the Ombudsmen Act 1975 is to independently investigate administrative acts and decisions of central and local government departments and organisations that affect someone in a personal capacity. Ombudsmen investigate complaints made under LGOIMA.

Anyone who has a complaint of that nature about a local authority may ask an Ombudsman to investigate that complaint. Investigations are conducted in private. The Ombudsman may obtain whatever information is considered necessary, whether from the complainant, the chief executive of the local body involved, or any other party. The Ombudsman's decision is provided in writing to both parties.

If a complaint is sustained, the Ombudsman may recommend the local authority takes whatever action the Ombudsman considers would be an appropriate remedy. Any such recommendation is, however, not binding. Recommendations made to the local authority under this Act will, in general, become binding unless the local authority resolves otherwise. However, any such resolution must be recorded in writing and be made within 20 working days of the date of the recommendation.

The Local Authorities (Members' Interests) Act 1968

Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAIMA) and the participation rule (in section 6 of the LAIMA).

- The contracting rule prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The participation rule prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is "concerned or interested" in a contract (for the purposes of section 3) or when they are interested "directly or indirectly" in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

- » a person's 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.

However, in some situations outside the two listed in the Act a person can be "concerned or interested" in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the council/kaunihera.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: 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. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any 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:

- » statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a "closed mind"), or
- » a member has close relationship or involvement with an individual or organisation affected by the decision.

Seeking exemption from the Auditor-General

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

- 1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member's interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
- 2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
 - a. the application of the rule would impede the transaction of business by the council; or
 - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General's Guidance for members of local authorities about the law on conflicts of interest.

Protected Disclosures (Protection of Whistleblowers) Act 2022

The Protected Disclosures (Protection of Whistleblowers) Act 2022 is designed to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns. A protected disclosure occurs when the discloser believes, on reasonable grounds, that there is, or has been, **serious wrongdoing** in or by their organisation, they disclose in accordance with the Act, and they do not disclose in bad faith.

A discloser is a person who has an employment type relationship with the organisation they are disclosing about and includes current and former employees, homeworkers, secondees, contractors, volunteers, and board members. Serious wrongdoing includes:

» an offence

- » a serious risk to public health, or public safety, or the health or safety of any individual, or to the environment
- » a serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial
- » an unlawful, corrupt, or irregular use of public funds or public resources
- oppressive, unlawfully discriminatory, or grossly negligent or that is gross
 mismanagement by a public sector employee or a person performing a function or duty
 or exercising a power on behalf of a public sector organisation or the Government

Council/kaunihera need to have appropriate internal procedures that identify who in the organisation a protected disclosure may be made to, describe the protections available under the Act, and explain how the organisation will provide practical assistance and advice to disclosers. A discloser does not have to go through their organisation first. An appropriate authority can include the head of any public sector organisation and any officer of Parliament, such as the Ombudsman and Controller and Auditor-General. Ombudsmen are also an "appropriate authority" under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

The Serious Fraud Office Act 1990

The Serious Fraud Office (SFO) is the lead law enforcement agency for investigating and prosecuting serious financial crime, including bribery and corruption. The SFO has an increasing focus on prevention by building awareness and understanding of the risks of corruption – noting that the extent of corruption is influenced by organisational frameworks and support given to staff. The SFO encourages organisations to adopt appropriate checks and balances and build a culture based on ethics and integrity.

The four basic elements of best practice organisational control promoted by the SFO involve:

- » Operations people with the right skills and experience in the relevant areas, with clear accountability lines.
- » Risk mitigation to manage risks that can't be eliminated through segregation, discretion reduction, delegations, management oversight, and audit.
- » Basic standards of behaviour moderated by a Code of Conduct, ongoing interests and gift processes (not simply annual declaration), plenty of opportunities and ways to speak up, disciplinary options, training and support.
- Design and oversight based on a clear understanding of operational realities (design, governance, management, audit, investigation, business improvement, and legal).



The Local Government (Pecuniary Interests Register) Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- w the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- w the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- » if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- » the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- » the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- w the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

Each council must make a summary of the information contained in the register publicly available; and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register; and is retained for seven years.

The Health and Safety Act at Work Act 2015

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are

"officers" under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties. However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- » stepping up and being accountable,
- » identifying and managing your risks,
- » making health and safety part of your organisation's culture, and
- » getting your workers involved.

Councils have wide discretion about how these matters might be applied, for example:

- » adopting a charter setting out the elected members' role in leading health and safety with your chief executive,
- » publishing a safety vision and beliefs statement,
- » establishing health and safety targets for the organisation with your chief executive,
- » ensuring there is an effective linkage between health and safety goals and the actions and priorities of your chief executive and their senior management, or
- » having effective implementation of a fit-for-purpose health and safety management system.

Elected members, through their chief executive need to ensure their organisations have sufficient personnel with the right skill mix and support, to meet the health and safety requirements. This includes making sure that funding is sufficient to effectively implement and maintain the system and its improvement programmes.

The Harmful Digital Communications Act 2015

The Harmful Digital Communications Act (HDCA) was passed to help people dealing with serious or repeated harmful digital communications. The Act covers any harmful digital communications (like text, emails, or social media content) which can include racist, sexist and religiously intolerant comments – plus those about disabilities or sexual orientation and sets out 10 communication principles for guiding communication online. Under the Act a digital communication should not:

- » disclose sensitive personal facts about an individual
- » be threatening, intimidating, or menacing
- » be grossly offensive to a reasonable person in the position of the affected individual
- » be indecent or obscene
- » be used to harass an individual
- » make a false allegation
- » contain a matter that is published in breach of confidence

- » incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- » incite or encourage an individual to commit suicide
- » denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at <u>Netsafe</u>.

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2.5 Case studies for assessing potential breaches: Ngā rangahau whakapūaho mō te aromatawai i ngā tūpono takahanga

Example one: staff accused of improper motives

Councillor Smith was elected on a platform of stopping the sale of council/kaunihera housing. The council/kaunihera has made a decision to sell the council/kaunihera housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that council/kaunihera staff advising on the sale "must have owned shares" in the company that proposed to buy the houses.

Cr Smith's actions in releasing a media statement criticising a decision after it has been made would probably not in and of itself constitute a breach of a reasonable code of conduct. Cr Smith has a right to express a viewpoint and, provided that he makes it clear he is expressing a personal view, then issuing a critical press statement is an action he is entitled to take. If his statements failed to make it clear that he was expressing a personal or minority view then it may be a non-material breach of the Code, probably one where censure would be the appropriate response.

However, this media statement includes an allegation that staff advice was based on improper motives or corruption. This is a breach of most codes of conduct. It is most likely to be a material breach given the potential impact on the council/kaunihera's reputation and the reputation of staff.

Also, there is no qualified privilege attached to public statements about employees which are false and damaging. In other words, elected members may be sued for defamatory statements made about employees.

Example two: leak of confidential information

Cr Jones is on the council/kaunihera's Works and Services Committee. The Committee is currently considering tenders for the construction of a new wastewater treatment plant and has received four tenders in commercial confidence. The Committee has recommended to council/kaunihera that they award the contract to the lowest tenderer. Cr Jones is concerned the lowest tender proposes to treat sewage to a lesser standard than others. She leaks all four tenders to the local media. A subsequent investigation by the council/kaunihera conclusively traces the leak back to her.

In leaking the tender information to the media, Cr Jones will have breached most codes of conduct. This breach has potentially serious consequences for the council/kaunihera as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the council/kaunihera, which may lead to them not dealing with council in future, or even complaints under the Privacy Act 2020. In circumstances such as these where an elected member fails to respect a commercial confidence censure and removal from the committee is an obvious first step. The council/kaunihera may be liable for prosecution under the Privacy Act 2020 and even to civil litigation.

In the event that the council/kaunihera suffers financial loss it may elect to ask the Auditor-General to prepare a report on the loss (or the Audit Office may do so on their own initiative), which may result in Cr Jones having to make good the loss from her own pocket.

Example three: member purports to speak on behalf of council/kaunihera

Eastland Regional Council is conducting a performance review of the chief executive. It has established a chief executive Performance Management Committee to conduct the review. In the course of that review the committee meets informally with the chief executive to review which performance targets were met and which were not. The meeting notes that the chief executive has been unable to meet two of his twenty targets and resolves to formally report this to the full council/kaunihera for its consideration. At the conclusion of that meeting Councillor Black leaves to find a local reporter waiting outside and makes the comment that "Jack White won't be getting a pay increase this year because he didn't meet all his targets".

This action will probably constitute a breach of most codes of conduct in that it:

- » breached a confidence,
- » presumed to speak on behalf of council,
- » purported to commit council to a course of action before the council and made a decision (or even met to consider the matter), and
- » failed to treat a staff member with respect and/or courtesy.

In addition to the provisions of the Code of Conduct, Cr Black's actions will severely undermine the relationship between the chief executive and the council/kaunihera, which may well constitute grounds for litigation against the council/kaunihera both in terms of employment and privacy law.

Example four: member criticises staff performance in media

Cr Mary Fogg, concerned about the failure of her council/kaunihera to respond quickly to resident complaints about flooding in their neighbourhood, expressed her frustration when speaking at a public meeting and, as part of her response to questions stated that council/kaunihera staff had dropped the ball and failed to take residents' concerns seriously.

The councillor's remarks were reported in the local suburban paper and were read by council/kaunihera staff, some of whom felt that they had been unfairly criticised and raised the matter with their chief executive. The chief executive felt it necessary to lodge a complaint under the council's Code of Conduct because the member's comments were disrespectful of staff.



The question for the initial assessor is whether, publicly expressing disappointment in the performance of the staff is a breach of the Code of Conduct. Considerations might include:

- » Whether there was a basis of fact for the member's comments.
- » How the member's views were expressed, that is, as a form of constructive criticism or not.
- The right of an employer (staff are employed by the local authority) to express a view should an organisation fail to live up to expectations.
- Whether a general statement about the performance of staff is in anyway comparable to a public criticism of an individual staff member, which would be a clear breach and might be an example of intimidation of harassment.

In this case the initial assessor concluded that it was not unreasonable for a member to make general statement about the performance of staff as a collective, indeed, one of her pre-election commitments was to improve the responsiveness of council/kaunihera staff. However, the assessor also concluded that the article lacked sufficient context to explain why she was disappointed, especially when some of the concerns were outside the control of staff and recommended that the member meet with the mayor to get guidance on how to raise such concerns in the future.

Example five: member accused of using sexist language and humour

Towards the end of the first year of the new triennium, the chief executive received a complaint, signed by four councillors, alleging that Cr Rob Jones regularly used sexist language in meetings, workshops and other official engagements. The councillors who made the complaint alleged that his tendency to call female colleagues 'girls'; interrupt them while speaking or ignore their comments; and that his use of sexist humour was demeaning to women and inconsistent with the behaviours set out in the Code of Conduct; the commitment to treat other members, staff and members of the public with respect. The chief executive forwarded the complaint to the independent investigator.

The investigator, having access to minutes, video recordings and the testimony of other members, was able to easily confirm that the complaint was justified and that both Cr Jones' language and behaviour was inconsistent with the Code. That left the Investigator with the task of determining how serious the breach was and what actions should be taken. Factors that the investigator took into consideration included:

- » that the issue had been raised with Cr Jones earlier in the year by a colleague, with no obvious change in behaviour
- that Cr Jones was one of the council/kaunihera's representatives on its Youth Committee, bringing him into regular contact with young people
- w that the council/kaunihera had adopted a specific policy to be a safe and supportive workplace for both elected members and staff.

Taking these factors into account the Investigator recommended that Cr Jones be removed from his role as a council/kaunihera representative on the Youth Committee; should be enrolled in a relevant course to better understand offensive behaviour and its impacts; and meet monthly with mayor to monitor his behaviour.

Example six: Councillor Facebook page used to disparage others

Councillors Sarah Smith and William Getty share political views in common and have recently established a Facebook group through which they promote debate and discussion with like-minded people in their district. Some of the participants in that Facebook Group make posts that include explicit criticism of other councillors, sometimes using explicit language, commenting on things like the way they voted, their motivations and personal matters. Some of the councillors targeted by the abuse complained to Cllrs Smith and Getty who, in response, closed the Facebook page to other councillors, preventing them from joining or viewing the content.

Rather than solve the concerns the decision to close the Facebook to others created additional anxiety for some councillors who became concerned that the page may be sharing their personal details and mis-representing their views. A complaint was made to the chief executive that the Code of Conduct had been breached, on the basis that the decision to exclude them from the website, and the fact that it appeared to be unmoderated, was intimidating, potentially exposed them to harm and allowed promoted statements about them and the council that were clearly untrue. The chief executive referred the complaint to the council's independent investigator.

The investigator found that, while ClIrs Smith and Getty were not directly mis-representing the views of their colleagues, they were indirectly encouraging it, which breached the Code. Because this was the first complaint, and because the two councillors believed that by limiting access to the website, they had addressed the initial concerns, the investigator did not regard the breach as material. She recommended that the two councillors remove the block preventing other councillors from joining or accessing the site and install a system for approving posts, such as a moderator, before they are published.

Appendix 2 – SWDC Initial Assessors, Investigators and Mediators

SWDC Initial Assessors, Investigators and Mediators as of October 2022

Initial Assessors	Independent Chair of Audit and Risk Committee or other person TBC
Investigators	SWDC uses Business Central, consultancy for employment relations. <u>https://www.businesscentral.org.nz/consultancy/employment-</u> <u>relations</u> SWDC also uses the approved list from New Zealand Institute of Private Investigators. <u>https://nzipi.org.nz/</u>
Mediators	SWDC uses the Arbitrators' and Mediators Institute of New Zealand inc (AMINZ) is a membership organisation that performs a number of roles in the dispute resolution sector. <u>https://www.aminz.org.nz/about-us</u>



7 September 2023 Agenda Item 9.4

Street Flags Request Report

1. Purpose

To provide the Martinborough Community Board with a request received for street flag bookings in the ward.

2. Recommendations

Officers recommend that the board:

- 1. Receive the Street Flags Request Report.
- 2. Consider the request for Jazz in Martinborough to instal street flags from 21 August 2023 to 8 September 2023.
- 3. Consider the request for Toast Martinborough to instal street flags from 1 24 November 2023.

3. Executive Summary

Requests received for street flags in the ward are presented to the Martinborough Community Board. The Martinborough Community Board is asked to consider the request from Jazz in Martinborough and Toast Martinborough.

4. Background

Council supports many events and organisations through the display of street banners and flags. To ensure a consistent approach for all organisations and groups, approval from the relevant community board is required.

Two requests have been received:

1. Jazz in Martinborough to instal street flags in the ward from 28 August 2023 to 8 September 2023. The application and proposed flag design is attached in Appendix 1.

2. Toast Martinborough to instal street flags in the ward from 1 to 24 November 2023. The application and proposed flag design is attached in Appendix 2.

5. Discussion

In considering applications for street flag installation in the ward, the community board will consider:

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- Previous use and historical context
- The nature of the event or occasion (community or commercial)
- Cost recovery or financial support to the event or occasion
- The financial contributions made by or to the applicant, present or historical
- Flags cannot be used by individual businesses or business owners for commercial gain. The community board reserves the right to refuse design applications at its discretions.

5.1 Design guidelines

To help make the design more effective is it recommended that:

- Graphics be simple and bold
- Text only be used where it forms part of the established image of the event or logo
- Text be large enough to be read from a distance and be kept to no more than a few words
- Dates and venues are best avoided as they are difficult to read
- Montages, slogans and extended text should be avoided
- White backgrounds should be avoided as they soil easily and are difficult to see against the greyness of winter weather, often inhibiting legibility
- Material deemed to be appropriate or offensive to the community at large, or to any sector of the community, will not be permitted

Any sign, banner or flag must not contravene the Wairarapa Combined District Plan, or other plans, bylaws or guidelines. The community board reserves the right to refuse design requests at its discretion.

6. Considerations

6.1 Policy considerations

The board should consider the guidelines outlined on the Street Banners and Flags which can be found on the Council website at <u>https://swdc.govt.nz/street-banners-and-flags/</u>

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6.2 Legal considerations

There are no additional legal considerations.

6.3 Financial considerations

There are no financial considerations.

7. Significance and Engagement

7.1 Degree of significance

As this is a process that follows guidelines outlined by Council, the matter has a low level of significance.

8. Appendices

Appendix 1 – Street Flag Application and Design for Jazz in Martinborough

Appendix 2 - Street Flag Application and Design for Toast Martinborough

Contact Officer:Nicki Ansell, Lead Advisor – Community GovernanceReviewed By:Amanda Bradley, General Manager, Policy and Governance

Appendix 1 – Street Flag Application and Design

Left Hanging



Right Hanging







Kia Reretahi Tātau

7 September 2023 Agenda Item 9.5

Income & Expenditure Report

1. Purpose

To present the Community Board with the most recent income and expenditure reports.

2. Executive Summary

The Draft Income and Expenditure Statement for the period ending 31 May 2023 is attached in Appendix 1. The Draft Income and Expenditure Statement for Pain Farm for the period ending Quarter Three 2023 is attached in Appendix 2.

The Chair may ask Council officers for comment and all members may ask the Council officers for clarification and information through the Chair.

3. Appendices

Appendix 1 – Draft Income & Expenditure Statement for the period ending 31 May 2023

Appendix 2 – Draft Pain Farm Income & Expenditure Statement for Quarter Three.

Contact Officer:Hayley McDonald, Assistant AccountantReviewed By:Karon Ashforth, General Manager Finance

Appendix 1 – Income and Expenditure Statement for the Period Ending 31 May 2023

Income & Expenditure for the Period Ended 31 May 2023

Personnel & Operating Costs			
Budget			
Members' salaries			28,043.00
Mileage reimbursements			1,000.00
Operating expenses			7,400.00
Total Personnel & Operating Costs Budget 2022-2023		-	36,443.00
Expenses			
Personnel Costs			
Members' Salaries			33,803.10
Mileage reimbursements		-	-
Total Personnel Costs to 31 May 2023			33,803.10
Operating Expenses			
28/09/2022 Local Governmen Community Board Levy 2022/23			275.00
2/11/2022 Expenses x Payroll Oct 22 Student Rep MBO - A Mason			50.00
22/12/2022 Lamb Peters Business cards			146.00
Total Operating Expenses to 31 May 2023		-	471.00
Committed funds			
Resolution date	Original commitment	Spent to date	Remaining commitment
Members' Salaries	28,043.00	33,803.10	(5,760.10)
Mileage reimbursements	1,000.00	-	1,000.00
Honorarium payment to student rep (\$50 per meeting)	200.00	50.00	150.00
Total Commitments		-	(4,610.10)
TOTAL OPERATING EXPENSE BUDGET AVAILABLE*		-	6,779.00
* remaining budget for personnel and operating expenses does not carry over into subsequent financial years			

<u>Grants</u>

Income		
Annual Plan 2022-23 grant alloca	tion	4,700.00
Other miscellaneous income		
Total Income for 2022-2023		4,700.00
LESS: Grants paid out		
23/09/2022 Wairarapa Reap	Martinborough Community Board Grant	1,000.00
23/09/2022 Martinborough Squash Club	Martinborough Community Board Grant	1,050.00
21/11/2022 Martinborough Youth Trust	Community fireworks	435.00
29/09/2022 Martinborough School	Get Set Go Programme	1,260.00
5/12/2022 C Harding	Costs toward MBO Xmas Parade	150.00
13/02/2023 MBO Community garden	Seed purchase & maintainence	1,100.00
13/02/2023 MBO Netball club	Junior uniforms	500.00
21/02/2023 Featherston Community centre	support MBO star advertising	632.50

Total Grants paid out to 31 May 2023

LESS: Committed Funds

Resolution date

11/08/2022 Martinborough Youth Trust	2022 Community fireworks Events	500.00	435.00	65.00
22/09/2022 South Wairarapa Community	Covid Essential Survival kits	1,000.00	1,000.00	-
22/09/2022 Martinborough School	Get Set Go	1,260.00	1,260.00	-
22/09/2022 Martinborough Squash Club	Uniform & tournament entry fees	1,050.00	1,050.00	-
22/09/2022 Martinborough JAB	Tournament attendance	750.00		750.00
30/11/2022 Charlotte Harding	Christmas Events	150.00	150.00	-
13/02/2023 MBO Community garden	Seed purchase & maintainence	1,100.00	1,100.00	-
13/02/2023 MBO Netball club	Junior uniforms	500.00	500.00	-
21/02/2023 Featherston Community centre	support MBO star advertising	632.50	632.50	-

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Total Commitments

PLUS: Balance Carried forward from previous year*

• excludes Swimming Pool funds
TOTAL GRANTS FUNDS AVAILABLE

6,127.50

Original Spent to date Remaining commitment

815.00

4,919.23

2,676.73

Community Development Fund for the Period Ended 31 May 2023

Income Annual Plan 2022-2023 allocation		11,500.00
Total Income 2022-2023		11,500.00
Community Development Fund - operating		
25/10/2022 MBO Business Association	Xmas Decorations For Martinborough	1,000.00
Total Community Development Fund - operati	ng to 31 May 2023	1,000.00
Community Development Fund - capital		
Total Community Development Fund - capital t	o 31 May 2023	

LESS: Committed Funds Resolution date 11/08/2022 Martinborough Business Association Christmas Garland decorations	Original commitment 1,000.00	Spent to date 1,000.00	Remaining commitment -
Total Commitments			-
PLUS: Balance Carried forward from previous year			13,429.57
TOTAL COMMUNITY DEVELOPMENT FUNDS AVAILABLE			23,929.57

* An adjustment was made to record this spend in the final accounts of June 2020 after the August report had already been completed.

** There are further fountain invoices to be accounted for but will need to manually collate these in the year end process.

Appendix 2 – Pain Farm Income and Expenditure Statement for Quarter 3

Pain Farm - Statement of Financial Performance

For the Period Ended 31 March 2023

	2022/23 YTD	2022/23 YTD	2022/23 YTD	2022/2 Fi
	Actuals	Budgets	۲۱D Variance	F Ye
Description	March	March	March	Budg
loome	IVIAICI	Widi Ch	IVIAICII	Duug
Rent received*		82 502	6 740	110.00
Interest income	75,754	82,503	6,749 0	110,00
interest income	-	-	0	
Total Income 2022-23 to date	75,754	82,503	6,749	110,00
xpenditure				
Consultants	-	-	0	
General expenses	75	_	(75)	3,00
Interest expense	-	_	0	5,00
Depreciation expense		_	0	
Legal expenses	_	_	0	1,00
Repairs & maintenance (other)	6,110	3,319	(2,791)	10,00
Grounds maintenance	7,029	941	(6,088)	3,00
	2,434	-	2,566	
Repairs & maintenance (Buildings)	2,434	5,000		5,00
Telephone expenses		-	(100)	2.00
Insurance	2,856	2,900	44	2,90
Overhead allocation	20,976	19,791	(1,185)	26,39
Rates payable	9,916	11,500	1,584	11,50
Personnel costs	16,459	17,270	811	23,62
Total Expenditure 2022-23 to date	65,955	60,721	(5,234)	86,42
Net Surplus/(Deficit) Year to Date	9,800	21,782	(11,982)	23,57
Pain Farm - Statement of Accumulated F As at 31 March 2023	unds			
Opening balance 1 July 2022	103,301			
Total surplus/(deficit) year to date	9,800			
Transfers from reserves (capital spend)	27,491			
Transfers from reserves (capital spend)	27,491 85,610			

* Please note Insurance claim Income of \$36,106.19 received in December has not been included in report.

* Total shown as information is sensitive to the tenants. Could be included in a publicly excluded report if requested.

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* Rates include the full year costs, this will be amended to quarterly for 2023/24

* Income for the Landfill Lease will be included in Q4 report for the prior year adjustments.



Martinborough Community Board Kia Reretahi Tātau

> 7 September 2023 Agenda Item 9.6

Financial Assistance Report

1. Purpose

To present the Martinborough Community Board with applications received requesting financial assistance.

2. Recommendations

Officers recommend that the Community Board

- 1. Receive the Financial Assistance Report.
- 2. Consider the application from The Martinborough Playcentre for \$600 to support indoor soft play area.
- 3. Consider the application from Wairarapa Mathematics Association for \$300 to support Wairarapa Maths in Schools.
- 4. Consider the application from Martinborough Business Association for \$500 to support Christmas Decorations.
- 5. Consider the application from Charlotte Harding for \$500 to support Community Fireworks.
- 6. Consider the application from Martinborough Women Football Team for up to \$2,000 to support the formation of a Martinborough women's team.

3. Executive Summary

The Martinborough Community Board has received 5 funding applications for consideration in the current funding round. This report presents the board with applications received requesting financial assistance.

4. Background

The Board has delegated authority to make financial decisions within the confines of the allocated and available budget and the Board operates its grant fund in accordance with the Council's <u>Grants Policy</u>.

Community boards are allocated funding for grants through the Long Term Plan/ Annual Plan. The current funding amount is available on the Income & Expenditure Statement.

5. Prioritisation

5.1 Te Tiriti obligations

Engagement considered not required in this case.

5.2 Strategic alignment

- □Spatial Plan
- ⊠Long Term Plan
- ⊠Annual Plan

Allocation for Grant funding is approved through the Annual Plan/Long Term Plan and supports the social, environmental, economic, and cultural outcomes.

6. Discussion

Under the current <u>Grants Policy</u> the key eligibility criteria for Community Board grants are as follows:

- Non-profit community organisations with a formed legal structure or a group of individuals who have come together for a common purpose but who do not have a legal structure may apply.
- The applicant does not need to be based in the South Wairarapa or the ward from where the funds are being sought but the applicant must be able to demonstrate that the activity benefits the ward where the funds are being sought.

The Grants Policy sets out further criteria.

6.1 Application from Martinborough Playcentre

The application Martinborough Playcentre meets the criteria for funding. The organisation has no outstanding grant accountability forms. The application will be provided to members in confidence.

6.2 Application from Wairarapa Mathematics Association

The application from Wairarapa Mathematics Association meets the criteria for funding. The organisation has no outstanding grant accountability forms and has been given support by Featherston Community Board. The application will be provided to members in confidence.

6.3 Application from Martinborough Business Association

The application from Martinborough Business Association meets the criteria for funding. The organisation has no outstanding grant accountability forms. The application will be provided to members in confidence.

6.4 Application from Charlotte Harding

The application from Charlotte Harding meets the criteria for funding. The organisation has no outstanding grant accountability forms. The application will be provided to members in confidence.

6.5 Application from Martinborough Women Football Team

The application from Martinborough Women Football Team meet the criteria for funding, although the amount exceeds the typical grant limit. The organisation has no outstanding grant accountability forms. The application will be provided to members in confidence.

7. Options

	Option 1	Option 2
Description	Approve a/the funding applications for the amount requested or a lesser amount.	Decline a/the funding applications.
Advantages	Support community organisations and align with the social, environmental, economic and/or cultural outcomes of Council.	Maintain the available fund for allocation to future applications.
Disadvantages	Decrease the available fund for allocation to future applications.	Does not support community organisations.

8. Strategic Drivers and Legislative Requirements

8.1 Significant risk register

There are no significant risks identified.

8.2 Policy implications

Allocation decisions are made in accordance with Councils Grants Policy.

9. Consultation

9.1 Communications and engagement

The decisions are considered as low significance as determined by the Councils Significance and Engagement Policy.

9.2 Partnerships

Have you completed a communications plan for the work described/project to engage/communicate with partners/key stakeholders e.g. Waka Kotahi, Kainga Ora, community groups, particular individuals etc?

□Yes ⊠No

If no, is a communications plan required?

□Yes ⊠No

10. Financial Considerations

The available funding amounts are provided in the Income & Expenditure Report. In accordance with the Financial Delegations Policy, a resolution is required to allocate this fund.

	Grant Funding 2023/2024 budget \$4,700	Community Development Budget 2023/2024 \$11,500
27 July 2023		Martinborough Tree Group \$1000 (MCB2023/39)
		Agreement in principle for up to \$3000 for sign at Bidwell's Cutting (MCB2023/40)
7 September 2023		

Contact Officer:	Nicki Ansell, Lead Advisor – Community Governance
Reviewed By:	Amanda Bradley, General Manager, Policy & Governance



Kia Reretahi Tātau

7 September 2023 Agenda Item 9.7

Action Items Report

1. Purpose

To present the Martinborough Community Board with updates on actions and resolutions.

2. Recommendations

Officers recommend that the Community Board:

1. Receive the Action Items Report.

3. Executive Summary

Action items from recent meetings are presented to the Martinborough Community Board for information. The Chair may ask Council officers for comment and all members may ask Council officers for clarification and information through the Chair.

If the action has been completed between meetings it will be shown as 'actioned' for one meeting and then will be remain in a master register but no longer reported on.

4. Appendices

Appendix 1 – Action Items to 1 September 2023

Contact Officer:Nicki Ansell, Lead Advisor – Community GovernanceReviewed By:Amanda Bradley, General Manager, Policy & Governance

Appendix 1 – Action Items to 21 July

Number	Raised Date	Responsible Manager	Action or Task details	Status	Notes
497	24-Sep-20	МСВ	To continuing working with mana whenua on a Martinborough town sign entrance	Open	19/05/22: MCB undertook holding a workshop to progress this. 23/3/23: MCB to follow up on status of this with previous board membe
731	17-Dec-20	МСВ	Investigate who originally designed the historical information sign at Bidwill's Cutting	Open	 29/4/21: Still work in progress 08/7/21: Local graphic designer, Andy Shaw, expressed interest in design Automotive Ltd would fund the design drafting costs which would then 25/11/21: Ongoing 24/02/22: Project undertaken by N Fenwick 7/04/22: Mr Fenwick provided an update on the Bidwill's Cutting sign ar Māori Standing Committee. 23/3/23: MCB to follow up on status of this with previous board member 15/6/23: Cr Maynard to speak at the next MSC Meting. Discussion arou sign. 27/7/23: Cr Maynard provided an update on the progress of the sign and
502	22-Sept-22	S Corbett	To request an update be provided to the board and Māori Standing Committee on the status of restorative planting along the Rumahunga River, committed from the waste water overflow in Martinborough (Wellington Water)	Open	09/02/23: Mr Corbett provided an update and noted that the planting h 06/3/23: Paul Clarke from WWL Ltd to update MSC once the project has 14/6/23: Adam Mattsen met with MSC on Who is WWL, Background & O Planting day suggested to be symbolic undertaking to restore balance to wanted time to discuss and had a number of wider issues. 20/7/23: Adam Mattsen asked to present at the next MCB meeting to p
565	30-Nov-22	МСВ	MCB RESOLVED (MCB 2022/48) to make a submission to the Combined District Plan asking that the Oak Trees in Huangarua Park be listed on the Notable Tree Register. (Moved Cr Ellims/Seconded Robertson) Carried	Open	
030	9-Feb-23	S Corbett	Action 030: Request a workshop with officers to discuss the process of reviewing the Memorial Square Development Plan, S Corbett.	Open	 23/3/23: S Corbett provided an update on the process for review of the 15/6/23: Update the Action to meet with James to discuss further. 27/7/23: Request update of meeting 23/8/23: Officers had included budget in the draft AP for a full review of plans across the district. As a result of cost pressures, this was subseque not progress with these plans and it will be considered again in the LTP.
168	4-May-23	K Ashforth	Request clarification on whether Council can hold and distribute donated funds for the Martinborough Tree Group	Actioned	15/6/23 Officers confirmed during MCB meeting that SWDC cannot hold found through existing group connections.
253	15-June-23	A Bradley	Action 253: To get details of the approval from council meeting to a 100% increase of Pain Farm overhead.	Open	7/6/2023 Further information around court ruling and action iter 27/7/23: Members requested clarification on the email provided
254	15-June-23	A Bradley	Action 254: To organise a workshop of LTP & AP, with an outcome on MCB AP for 2023/2024 with clear focus on priorities.	Open	10/8/23 Zoom session with CB and MSC and further information sent th involves.

nbers.

signing the Bidwill's Cutting sign. Martinborough en be presented to the Board.

and undertook presenting the draft to the

nbers.

round putting notice in the local Star around the

and members discussed the funding of the sign. g has been actioned and is on the work plan. has commenced.

& Context of 2020 wastewater overflow. e to Mauri of the Ruamāhanga river. MSC

provide update.

he Reserve Management Plans at MCB meeting.

of reserve management (and development) quently removed from the budget. Work will

old funds. Addition discussion and resolution

items around increase of fee sent to MCB. led, requested action be re-open

t through to members around what is an LTP



Kia Reretahi Tātau

7 September 2023 Agenda Item: 10.1

Members Report

Member Name	Angela Brown
Committee/Working Group/Appointment Name	Martinborough Social Seniors – Wharekaka Coffee Group Met with organiser Matt Wilson and Lisa Matthews Wairarapa Aging Strategist
Meeting Date	29 th August
Key issues from meeting	Matt has been running a coffee group at Wharekaka with support from Masonic. Lisa asked to meet with him and I was invited along as I had been supporting the initiative. They would like to provide an end of year luncheon for the group currently around 10 members. They would also like on going support, they offer small prizes when they play bingo this has been donated individual chocolates but would like to make this maybe a coffee voucher or similar (Lisa suggested contacted with Lions for this and Matt will follow up) To promote the group the Mayor has accepted an invitation to celebrate UN international elders day on 2 nd October to have tea and biscuits other people will be invited to join in and photo op for press.
Specific item(s) for consideration	The organiser does not wish to handle money and there is no bank account set up hence Lions suggestion was made. I would like the MCB to consider hosting a light Christmas luncheon for the group and the organisers at a local venue – I have contacted the Martinborough Bowls Club who are willing to discuss this – (preliminary date Monday 20 th December 1pm) Could the Board please consider spending a maximum of \$200 to host this event. This could be paid directly to the Bowls club
General	This ties in directly with one of our Social Wellbeing objectives in current CB Annual plan.



Kia Reretahi Tātau

7th September 2023 Agenda Item: 10.2

Members Report

Member Name	Karen Krogh
Committee/Working Group/Appointment Name	Martinborough Tree Group
Meeting Date	Tuesday 29 August 2023
Key issues from meeting	The meeting discussed our first planting session on our Golf Club project which will take place on Friday 15th September. It will be from 9am until noon and we decided that we should provide some refreshments to the participants.
Specific item(s) for consideration	Request a sum of \$50 from the Operations budget to be used for refreshments for the planting session at the Gold Course on 15 September 2023.
General	