

## Agenda

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### Notice of Meeting

An ordinary meeting will be held at the Featherston Community Centre, 14 Wakefield Street, Featherston on Wednesday 9 August 2023 starting at 7:00pm.

### Membership of the Community Board

Tui Rutherford (Chair), John Dennison (Deputy Chair), Warren Maxwell, Annelise Schroeder, Cr Colin Olds and Cr Rebecca Gray

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### Public Business

1. **Extraordinary Business**
2. **Apologies**
3. **Conflicts of Interest**
4. **Acknowledgments and Tributes**
5. **Public Participation**
  - 5.1 Greytown Trails Trust
  - 5.2 Claire Bleakley – Featherston Christmas Parade 2023
  - 5.3 Julie Lewis – Fareham Creative Space
  - 5.4 Daniel Millar – Predator Free Featherston
6. **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.*

## **7. Community Board Minutes**

- 7.1 Minutes for Approval: Minutes of the Featherston Community Board meeting held on 17 May 2023. Pages 3-7

***Proposed Resolution:** That the minutes of the Featherston Community Board meeting held on 17 May 2023 be confirmed as a true and correct record.*

## **8. Chairperson Report**

- 8.1 Chairperson Report Pages 8-9

## **9. Reports from Chief Executive and Staff**

- 9.1 Representation Review Pages 10-17
- 9.2 Code of Conduct Pages 18-58
- 9.3 Income & Expenditure Report Pages 59-62
- 9.4 Financial Assistance Report Pages 63-65
- 9.5 Action Items Report Pages 66-69

## **10. Member Reports**

- 10.1 John Dennison Pages 70-71



**17 May 2023**

<b>Present:</b>	Tui Rutherford (Chair), John Dennison (Deputy Chair), Warren Maxwell, Councillor Melissa Sadler-Futter and Councillor Rebecca Gray
<b>In Attendance:</b>	Russell O’Leary (Group Manager, Planning & Environment) and Kaity Carmichael (Lead Policy Advisor)
<b>Public Participation:</b>	Anne Hynds, Ed Harcourt, Tanja Schubert-McArthur and Joanna Baldwin
<b>Conduct of Business:</b>	The meeting was conducted in public in the Featherston Community Centre, 14 Wakefield Street, Featherston, between 7.00pm and 9:49pm.

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Members opened with a karakia.

**1. EXTRAORDINARY BUSINESS**

*FCB RESOLVED (FCB 2023/10)* to add the application from Featherston Phoenix to be considered under item 9.4, the Financial Assistance Report. It was not included in the agenda as it was received late and cannot be delayed as the funding request is time sensitive.

*(Moved Cr Sadler-Futter/Seconded Cr Gray)* Carried

**2. APOLOGIES**

*FCB RESOLVED (FCB 2023/11)* to accept apologies from Annelise Schroeder.

*(Moved Rutherford/Seconded Cr Gray)* Carried

**3. CONFLICTS OF INTEREST**

Mr Rutherford declared a conflict of interest with the Featherston Pae Tū Mōkai Community Garden grant application.

**4. ACKNOWLEDGMENTS AND TRIBUTES**

Mr Rutherford welcomed Cr Sadler-Futter to the Featherston Community Board and thanked Ms Carmichael for her work as Committee Advisor. Cr Gray acknowledged the success of the 2023 Booktown Festival and thanked the organisers for their work on the event.

**5. PUBLIC PARTICIPATION**

Anne Hynds – Naming of Featherston Playground

Ms Hynds spoke on behalf of the Featherston Connect Group and the Featherston Booktown board and proposed the renaming of the Featherston

Playground to the Joy Cowley Playground. Ms Hynds requested the boards support in the process.

Ed Harcourt – DOC Campground on Bucks Road

Mr Harcourt provided the board with an update on the Bucks Road Campground toilet and noted that the Department of Conservation has indicated there will be a delay on the project due to Cyclone Gabrielle.

Tanja Schubert-McArthur – Community Garden Grant Application

Ms Schubert-McArthur spoke in support of the Community Garden grant application and requested financial support from the board to start the project.

Joanna Baldwin – Featherston Phoenix Grant Application

Ms Baldwin spoke in support of the grant application from the Featherston Phoenix and requested financial support from the board to support increased distribution of the paper.

**6. ACTIONS FROM PUBLIC PARTICIPATION**

Members requested that Ms Hynds confirm Joy Cowley’s support for the proposed naming of the Featherston Playground.

*FCB RESOLVED (FCB 2023/12) to support the renaming of the Featherston Playground the Joy Cowley Playground, subject to approval by Joy Cowley.*

*(Moved Cr Gray/Seconded Maxwell)*

Carried

Members request further information from Council on the process for renaming the Featherston Playground.

Members thanked Mr Harcourt for his ongoing work on the Bucks Road Campground.

Members noted that the Community Garden and Featherston Phoenix grant applications will be considered under item 9.5, the Financial Assistance Report.

**7. FEATHERSTON COMMUNITY BOARD MINUTES – 22 FEBRUARY 2023**

*FCB RESOLVED (FCB 2023/13) that the minutes of the Featherston Community Board meeting held on 22 February 2023 be confirmed as a true and correct record.*

*(Moved Maxwell/Seconded Dennison)*

Carried

Cr Sadler-Futter abstained

**8. CHAIRPERSON REPORT**

**8.1 Chairperson Report**

*FCB RESOLVED (FCB 2023/14) to receive the Chairperson Report.*

*(Moved Maxwell/Seconded Dennison)*

Carried

Mr Rutherford spoke to items outlined in his report. Members discussed levels of services and Mr Rutherford provided an update from officers on the mowing at Clifford Square. Mr Rutherford undertook providing feedback to the resident who raised concerns.

*FCB NOTED:*

Action 191: To request from Council the timeline for the next opportunity to input into City Care levels of service.

*FCB NOTED:*

Action 192: To request an update on the tender process and request the applications be provided to the board for consideration.

*FCB RESOLVED (FCB 2023/15)* to delegate Tui Rutherford to make a submission to the 2023/2024 Annual Plan on behalf of the Featherston Community Board.

*(Moved Cr Gray/Seconded Maxwell)*

Carried

## **9. REPORTS FROM CHIEF EXECUTIVE AND STAFF**

### **9.1 Welcoming Communities Report**

*FCB RESOLVED (FCB 2023/16)* to receive the Welcoming Communities Report.

*(Moved Cr Gray/Seconded Maxwell)*

Carried

Members discussed opportunities for the Welcoming Communities Programme and how the programme aligns with the three pou of the Featherston Community Board Plan. Members noted possible community connections for Ms Lloyd and undertook providing further feedback.

### **9.2 Road Naming Report**

*FCB RESOLVED (FCB 2023/17)* to:

1. Receive the Road Naming Report.

*(Moved Cr Gray/Seconded Dennison)*

Carried

2. Approve the proposed naming of 'Lyttle Way' for the new private road at 34 Harrison Street West Featherston.

*(Moved Rutherford/Seconded Maxwell)*

Carried

Members debated the suitability of the name and queried why there were no further options provided for consideration.

Members discussed the process for the naming of roads and whether the board could consider criteria for suitable names moving forward.

*FCB NOTED:*

Action 196: For the board to work with planning officers to develop criteria for suitable road names in the Featherston ward.

### 9.3 **Income & Expenditure Report**

FCB RESOLVED (FCB 2023/18) to receive the Income and Expenditure Report.

(Moved Maxwell/Seconded Cr Gray) Carried

FCB NOTED:

Action 198: To request clarification on why the value recorded against member salaries in the Income and Expenditure Report is higher than expected.

### 9.4 **Financial Assistance Report**

FCB RESOLVED (FCB 2023/19) to:

1. Receive the Financial Assistance Report.  
(Moved Cr Sadler-Futter/Seconded Maxwell) Carried

2. Approve \$300 to the Wairarapa Winter Jackets to support advertising to for the Winter Coat Drive from the community development fund.  
(Moved Maxwell/Seconded Cr Sadler-Futter) Carried

3. Approve \$500 to South Wairarapa Pipe Band to support equipment from the grants fund, with the stipulation that they apply to other community boards for future funding.  
(Moved Cr Gray/Seconded Cr Sadler-Futter) Carried

4. Approve \$500 to the Time Travellers Ball to support the event from the grants fund and invite them to use the funds towards subsidizing tickets for community members who would not otherwise be able to afford the event if they are able to do so.  
(Moved Maxwell/Seconded Cr Sadler-Futter) Carried

Dennison voted against

5. Approve \$750 to Featherston Pae Tū Mōkai Community Garden to support the establishment of a community garden from the community development fund.  
(Moved Maxwell/Seconded Dennison) Carried

Rutherford abstained

6. Approve \$295 per month for 6 months to the Featherston Phoenix to provide a full-page advertisement to be funded from the operational budget (50%) and community development fund (50%).

7. Approve \$709.50 to the Featherston Phoenix to support administration cost coverage, to be funded through the grants fund.  
(Moved Cr Gray/Seconded Rutherford) Carried

8. Approve \$1,230.00 + GST to support the purchase of new flags for Featherston Booktown, to be funded through the grants fund.  
(Moved Rutherford/Seconded Dennison) Carried

Members debated the benefit of the Time Travellers Ball to the community and discussed how the board could best support and promote the community garden moving forward.

Members discussed the options for supporting the Featherston Phoenix and noted the large funding amount requested. Members requested that a stipulation to Ms Baldwin’s funding includes her to share the Phoenix situation more actively with the Featherston community to gather support.

**9.5 Action Items Report**

FCB RESOLVED (FCB 2023/20) to receive the Action Items Report.

*(Moved Cr Sadler-Futter/Seconded Maxwell)*

Carried

Members discussed open actions and noted further updates.

Action 083: Request clarification on if the ringfenced funds for the sign will be carried over to the new financial year. Mr Maxwell undertook working with officers on this project.

Action 522: Further information requested following Anne Hynds public presentation on the playground naming.

FCB RESOLVED (FCB 2023/21) to increase the funds available for the Community Board Sign (FCB 2023/09) to \$410, to be funded through the boards operational funds.

*(Moved Cr Gray/Seconded Dennison)*

Carried

Action 076: Update requested, priority noted.

Action 088: To prioritize painting the Featherston gazebo first, W Maxwell to take lead on action.

Action 089: To be closed – related to Action 080.

Members closed with a karakia

The meeting closed at 9:49pm.

**Confirmed as a true and correct record**

.....Chairperson

.....Date

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## CHAIRPERSON REPORT

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### Recommendations

The Chairperson recommends that the Community Board:

1. *Receive the Chairperson Report.*
2. Resolve to fund \$1000 for the Matariki celebrations out of the operations budget.
3. Resolve to submit a proposal to Council on the Featherston Fund, and to delegate this submission to the Chair.

### Topic 1- Ratification of expenditure for Matariki Hangi

The Featherston Community Board agreed informally at the previous FCB informal meeting, to financial support the Matariki celebrations in Featherston, in the form of a \$1000 payment towards the food for the community hangi.

This decision was made on the basis that the Matariki celebration is a significant community event for the local community, and a celebration that is benefiting the profile of Featherston.

This item is to ratify that decision to fund this \$1000 toward the celebration formally, under Standing Orders.

### Topic 2 – Supporting the refurbishment and improvement of the community playground.

The FCB have discussed and endorsed the idea of financially supporting the refurbishment of the playground adjacent to Clifford Square in support of the proposed adoption of the name “The Joy Cowley Playground” or similar, of up to \$70,000.



The intent of this funding is not to provide the entire funds required, but to provide commitment and support for this project to secure further funding for a comprehensive refurbishment (anticipated to be potentially substantially more than the \$70,000 proposed).

Noting that this funding as discussed is purely for the purpose of funding the playground refurbishment and is not intended to fund the fundraising activity.

This item proposes the Featherston Community Board delegating authority and responsibility to the Chair of the FCB, to submit a proposal and request to SWDC to release up to \$70,000 for this purpose, from the "Featherston Fund" (the retained funds from the sale of the property adjacent Supervalu).

Compiled by Tui Rutherford  
Featherston Community Board Chairperson

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## Representation Review Report

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### 1. Purpose

To provide the Featherston Community Board with a brief update on the representation review taking place through to 11 April 2025. 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 July 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 March 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 15 January 2025. 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.<sup>1</sup>

The Representation Review will consider the following:

- Whether to include a Māori 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 22 July 2020, Council resolved to use First Past the Post (FPP) for the 2022 election. This resolution continues to be in effect.

## 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.**
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.**

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<sup>1</sup> 1 LEA Section 4(1) (principles) makes it clear that fairness and effectiveness are equally important. [Representation Review Guidelines 2021 \(lgc.govt.nz\)](https://www.lgc.govt.nz/Representation-Review-Guidelines-2021)

## 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.

## 5.2 Timeframe

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	
21 February 2024	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	
1 March – 31 August 2024 <i>Suggested July 2024</i>	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 September 2024 <i>Suggested late July 2024</i>	public notice of initial proposal. required within 14 days of initial proposed resolution.	Public notification	19M,52
No later than 8 October 2024 <i>Suggested end of August 2024</i>	close of public submissions on initial proposal (not less than one month after public notice)	Public notification	19N

<i>Suggested end of August</i>	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
19 November 2024	last date for public notice of final rep review proposal	Public notification	19N
20 December 2024	last date for close of public appeals on rep review proposal (one month after public notice)	Public notification	19P
15 January 2025	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 key points for consideration as part of the Representation Review are:

- Whether to include an **optional Council resolution by 12 September 2023** on staying with the current electoral system of FPP, or to change to STV for the 2025 elections, or to hold a poll (by 21 February 2024).
- Whether or not to establishment a Māori Ward for South Wairarapa in the 2025 local elections, **optional Council resolution by 23 November 2023.**

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.**

The next step for FPP & STV is public notice. The public notice will include the option for a poll on this. If 5% of the voting population request a poll, and it is in favor of STV, that would overturn the above.

## 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.<sup>2</sup>

## 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 of 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.
- 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: <sup>3</sup>	
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

<sup>2</sup> [He piki tūranga, he piki kōtuku – The future for local government pg 87](#)

<sup>3</sup> [MEP-and-GEP-statistics-2022-estimates.xls \(live.com\)](#)

## 8. Options

Representation options will be offered from March 2024 onwards.

## 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
- 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 - [Section A \(swdc.govt.nz\)](https://www.swdc.govt.nz/section-a)

## 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



## Code of Conduct - Te Tikanga Whanonga - for Members

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### 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.
2. 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: <https://swdc.govt.nz/wp-content/uploads/PI-GLS-003-Elected-Member-Code-of-Conduct-Aug23-2.pdf>

Local Government New Zealand (NZ) has undertaken a review for the 2022-2025 triennium and Community Boards are 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

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 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 [UK Government's Committee on Standards in Public Life](#) 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).<sup>1</sup>

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

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

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 Governance

Reviewed By: Paul Gardner, Interim Chief Executive Officer

# **Appendix 1 – Code of Conduct Te Tikanga Whanonga**



**SOUTH WAIRARAPA  
DISTRICT COUNCIL**

*Kia Reretahi Tātau*

# CODE OF CONDUCT

## TE TIKANGA WHANONGA

Policy Number	PI-GLS-003
Council Date of Approval	2 August 2023
Martinborough Community Board Date of Approval	(TBC)
Featherston Community Board Date of Approval	(TBC)
Greytown Community Board Date of Approval	(TBC)
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 self-determination 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.<sup>1</sup>

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".

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<sup>1</sup> 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 behaviour<sup>2</sup>,
- » 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

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<sup>2</sup> 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 following<sup>3</sup>:

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.<sup>4</sup>

## 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.

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

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



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 <https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf>

## 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 **not publicly criticise individual staff**.

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 tiroiro 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 resolution<sup>5</sup>.

### 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.

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

## **Role of the initial assessor<sup>6</sup>**

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

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<sup>6</sup> 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 investigator<sup>7</sup>**

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?

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<sup>7</sup> 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 tiroiro 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

1. 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 and the name of 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:



- » 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 kōwhiri i te tangata motuhake me te kaitiro tiro 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 investigator<sup>8</sup>,
- » 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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<sup>8</sup> Full list of approved New Zealand Institute of Private Investigators: <https://nzipi.org.nz/>

## 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
3. 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:

- » 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,
- » 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,
- » 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 [Netsafe](#).

## 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 or 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
- » 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 Cllrs 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

<b>Initial Assessors</b>	Independent Chair of Audit and Risk Committee or other person TBC
<b>Investigators</b>	<p>SWDC uses Business Central, consultancy for employment relations. <a href="https://www.businesscentral.org.nz/consultancy/employment-relations">https://www.businesscentral.org.nz/consultancy/employment-relations</a></p> <p>SWDC also uses the approved list from New Zealand Institute of Private Investigators. <a href="https://nzipi.org.nz/">https://nzipi.org.nz/</a></p>
<b>Mediators</b>	<p>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. <a href="https://www.aminz.org.nz/about-us">https://www.aminz.org.nz/about-us</a></p>

## Income & Expenditure Report

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### 1. Purpose

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

### 2. Recommendations

Officers recommend that the Community Board:

1. *Receive the Income & Expenditure Report.*

### 3. Executive Summary

The Income and Expenditure Statement for the period ending 31 May 2023 is attached in Appendix 1.

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

### 4. Appendices

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

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

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

## Featherston Community Board

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
<b>Total Personnel &amp; Operating Costs Budget 2022-2023</b>	<b>36,443.00</b>

#### Expenses

##### Personnel Costs

Members' Salaries	33,463.34
Mileage reimbursements	-
<b>Total Personnel Costs to 31 May 2023</b>	<b>33,463.34</b>

##### Operating Expenses

Local Government Community Board Levy 2022/23	275.00
Officemax stationery	233.55
Community centre room hire	43.48
Community centre room hire	34.78
Community centre room hire	34.78
Community centre room hire	34.78
Community centre room hire	34.78
Community centre room hire	34.78
<b>Total Operating Expenses to 31 May 2023</b>	<b>725.93</b>

#### Committed funds

Resolution date		Original commitment	Spent to date	Remaining commitment
	Members' Salaries	28,043.00	33,463.34	(5,420.34)
	Mileage reimbursements	1,000.00	-	1,000.00
30/11/2022	Venue Hire	960.00	217.38	742.62
22/02/2023	Featherston community board sign	200.00		200.00
22/02/2023	Refreshments - meetings	150.00		150.00
17/05/2023	Featherston Phoenix \$147.50 per month for 6 months	885.00		885.00
				-
<b>Total Commitments</b>				<b>(2,442.72)</b>

#### TOTAL OPERATING EXPENSE BUDGET AVAILABLE\*

**4,696.45**

\* remaining budget for personnel and operating expenses does not carry over into subsequent financial years

### Grants

#### Income

Annual Plan 2022-23 grant allocation	4,700.00
<b>Total Income for 2022-2023</b>	<b>4,700.00</b>

#### LESS: Grants paid out

1/08/2022	Wai Wheels Featherston	Fundraiser for Featherston School	229.00
28/10/2022	Featherston Community Ctr	Wisdom & wellbeing Christmas Event	488.00
30/10/2022	Featherston Phoenix	Christmas Parade advertising	69.57
11/12/2022	FSTN Community Board Grant	FSTN Community Board Grant	500.00
10/08/2022	CA Bleakley	C A Bleakley Remaining Funds For Fstn Parade	380.00
8/12/2022	Featherston Com FCB Grant	First Fridays	500.00
6/12/2022	Featherston Phoenix -	Fstn Christmas Parade Advert	34.78
8/12/2022	Sth Wai Communi	Covid Essential Survival Kits	1,000.00
24/02/2023	Mulled Wine Concert	Mulled wine Concert	500.00
15/03/2023	Booktown	Flags for Booktown Festival	1,230.00
23/05/2023	K L Shaw	Time Travelers Ball	500.00
23/05/2023	South Wairarapa Pipe Band	Pipe band	500.00
<b>Total Grants paid out to 31 May 2023</b>			<b>5,931.35</b>

#### LESS: Committed Funds

Resolution date			Original commitment	Spent to date	Remaining commitment
19/05/2020	Wairarapa Maths Association	Annual maths competition 2019-20	300.00	400.00	(100.00)
22/02/2022	Featherston School	Wai-Wheels Fundraiser	229.00	229.00	-
3/08/2022	Featherston Christmas Parade	Christmas Parade	500.00	484.35	15.65
29/09/2022	Christmas Event	Wisdom & Wellbeing	488.00	488.00	-
30/11/2022	South Wairarapa Community	Covid essential survival kits	1,000.00	1,000.00	-
30/11/2022	Featherston RSA	scalfolding	500.00	500.00	-
30/11/2022	Featherston First Fridays	First Fridays community events	500.00	500.00	-
22/02/2023	Mulled Wine Concert	Mulled Wine Concert	500.00	500.00	-
17/05/2023	South Wairarapa Pipe Band	Pipe band equipment	500.00	500.00	-
17/05/2023	K L Shaw	Time Travelers Ball tickets	500.00	500.00	-
17/05/2023	Featherston Phoenix	administration costs	709.50	-	709.50
17/05/2023	Booktown	Flags for Booktown Festival	1,230.00	1,230.00	-
<b>Total Commitments</b>					<b>625.15</b>

#### PLUS: Balance Carried forward from previous year

**4,832.06**

#### TOTAL GRANTS FUNDS AVAILABLE

**2,975.56**

## Featherston Community Board

### 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

1/07/2022 The Sandbag Store

Sandbags for flooding

359.95

8/07/2022 NZ Box Ltd

General purpose container

7,990.16

**Total Community Development Fund - operating to 31 May 2023**

**8,350.11**

#### Community Development Fund - capital

Local Government Community Board Levy  
2022/23

**Total Community Development Fund - capital to 31 May 2023**

-

#### LESS: Committed Funds

Resolution date			Original commitment	Spent to date	Remaining commitment
28/06/2022	Flooding Events	400 Sandbags for flooding	500.00	359.95	140.05
3/08/2022	NZ Storage Box	NZ Storage Box	7,845.00	7,990.16	(145.16)
	Beautification Group			-	4,200.00
22/02/2023	Design & guidelines for berm planting		500.00	-	500.00
22/02/2023	Intiate building painting		500.00	-	500.00
17/05/2023	Featherston Pheonix	\$147.50 per month for 6 months	885.00	-	885.00
17/05/2023	Winter Coat drive	Advertising support	300.00	-	300.00
17/05/2023	Pae Tū Mōkai Community Garden	Community Garden establishment	750.00	-	750.00
					-
	<b>Total Commitments</b>				<b>7,129.89</b>

**PLUS: Balance Carried forward from previous year**

**26,429.05**

**TOTAL COMMUNITY DEVELOPMENT FUNDS AVAILABLE**

**22,449.05**

## Financial Assistance Report

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### 1. Purpose

To present the Featherston 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 Wairarapa Maths for \$300 to support Maths week competitions.*
3. *Consider the application from Featherston Christmas Parade for \$1,000 to support the Christmas Parade community event.*
4. *Consider the application from Fareham Creative Space for \$740 to support materials and equipment.*
5. *Consider the application from Predator Free Featherston for \$1,000 to support eliminating introduced pests from the urban environment.*

### 3. Executive Summary

The Featherston Community Board has received three 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 [Grants Policy](#).

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

How does this align with strategic outcomes?

- 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 [Grants Policy](#) 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 Featherston Community Board has a maximum grant limit of \$500 unless special circumstances are considered to exist (GST will be added to grants approved for GST registered applicant).

The Grants Policy sets out further criteria.

### **6.1.1. Application from Wairarapa Maths**

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

### **6.1.2. Application from Featherston Christmas Parade**

The application from Wairarapa Christmas Parade meets the criteria for funding, although the requested amount is above the maximum grant limit of \$500. The Featherston Community Board can extend the limit of \$500 if special circumstances are considered to exist. The organisation has no outstanding grant accountability forms. The application will be provided to members in confidence.

### **6.1.3. Application from Fareham Creative Space**

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

### **6.1.4. Application from Predator Free Featherston**

The application from Predator Free Featherston meets the criteria for funding, although the requested amount is above the maximum grant limit of \$500. The



Featherston Community Board can extend the limit of \$500 if special circumstances are considered to exist. 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](#).

### 8.3 Communications and engagement

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

### 8.4 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

## 9. 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.

Contact Officer: Nicki Ansell, Committee Advisor

Reviewed By: Amanda Bradley, General Manager, Policy & Governance

## Action Items Report

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### 1. Purpose

To present the Featherston 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 Featherston 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 4 August 2023

Contact Officer: Nicki Ansell, Committee Advisor

Reviewed By: Amanda Bradley, General Manager, Policy & Governance

# **Appendix 1 – Action Items to 4 August 2023**

Number	Raised Date	Action Type	Responsible Manager	Action or Task details	Status	Notes
83	25-Feb-20	Action	S Corbett	Investigate a solution for the "Welcome to Featherston" signs on State Highway 2 following notification that the location of these signs presents a risk to motorists and keep the community informed through communications.	Open	<p>Signs removed 16th/17th March due to unresolved safety concerns. Meeting onsite on 23rd March with SWDC/NZTA/FCB/Featherston Beautification Group to agree location, materials and design of supports for the signs.</p> <p>30/06/20: Progress is being made on a licence to occupy the proposed location of the signs.</p> <p>30/07/20: This is still with NZTA for a licence to occupy.</p> <p>15/10/20: Still working through the solution with NZTA.</p> <p>8/12/20: Awaiting final drawings from FBG to proceed.</p> <p>15/02/21: Progress made as per chairs report to FCB 23 Feb 21</p> <p>16/04/21: SWDC to pay for reinstatement of signs. We also need to allow for ongoing maintenance in our plans. NZTA have been provided all the info and are asking us to agree an MOU rather than a licence to occupy. Awaiting draft from them, which we'll share with the Beautification Group. Also now have approval we can reinstall the signs under the existing Resource Consent from the Planning team.</p> <p>04/06/2021: Agreement reached with NZTA, awaiting counter signing it. Quotes being sought for reinstall through FBG.</p> <p>15/06/21: Members requested an update of when the signs would be completed.</p> <p>23/07/21: The agreement with NZTA has been counter signed. Featherston Beautification Group is still seeking quotes which is taking time due to the availability of tradesmen.</p> <p>24/9/21: To be picked up by Stefan Corbett, new Group Manager Partnerships and Operations, once he starts 27/9/21.</p> <p>24/11/21: To be picked up in the New Year due to competing priorities.</p> <p>23/03/22: Council officers are in dialogue with FCB and FBS about a prompt resolution to this longstanding issue.</p> <p>13/06/22: Council is actively working with FBS and FCB on the reinstatement of the Welcome to Featherston signs and they are in the process of being reinstalled - action closed</p> <p>28/06/22: Action re-opened at the request of FCB as project is not yet complete.</p> <p>30/11/22: Mr Maxwell undertook to liaise with Stefan Corbett (SWDC, Group Manager Partnerships and Operations) Mark Shepherd (2019-22 Featherston Community Board Chair) and Rhonda Jones (Featherston Beautification Group) for updates in relation to action 83 - Welcome to Featherston signage.</p> <p><b>8/4/23: (reported to ICSC):</b></p> <ul style="list-style-type: none"> <li>New resource consent has been lodged with the Planning Team who will liaise with Waka Kotahi</li> <li>Discussions with engineer on frangibility options for the northern sign to then advise Waka Kotahi</li> <li>Once resource consent has been provided the community group will project manage the build</li> </ul>
522	29-Sept-22	Action	A Bradley	For the new community board to consider the re-naming of the Featherston Public Playground to Joy Cowley Children's Playground.	Open	<p>30/11/22: Further exploration required.</p> <p>5/5/2023 Naming and/or renaming of parks and other assets across the district is being explored through the development of a Naming and Sponsorship of Council Assets Policy. This policy will ensure consistency across the district but will take several months to develop.</p>
550	30-Nov-22	Action	A Bradley	a) To write a letter to the Department of Conservation regarding the conditions at Bucks Road Reserve in support of upgrades to the campground and include an invite to present on this subject at the next FCB meeting to be held on 22 February 2023; and b) invite mana whenua to be involved in this presentation.	Open	5/5/2023 Letter sent 5 May, waiting for a response.

Number	Raised Date	Action Type	Responsible Manager	Action or Task details	Status	Notes
553	30-Nov-22	Action	S Corbett	Council Officers to provide further information in relation to the Card Reserve User Group and Market Reserve User Group, prior to their next formal meeting on 22 February 2022 to support appointment of FCB representative.	Open	6/3/23: Council is responsible for maintaining the reserves and does not have resources to run user groups. This responsibility could be taken up by the relevant Community Board.
554	30-Nov-22	Action	S Priest	Council Officers to support the development and promotion of an Expression of interest for the Featherston Community Board's youth advisory position.	Open	18/01/23: Ms Fjaerestad has been in contact with all community boards to discuss the community boards youth advisory position and next steps. 5/5/2023 Ms Fjaerestad is working on a consistent approach for youth representation as part of the adoption of the Wairarapa Rangitahi Strategy. 10/5/23: Workshop with community boards scheduled for 31 May 2023 to discuss this.
076	22-Feb-23	Action	S Corbett	Request that officers respond to Ms Greenberg's request to consider the installation of signage that highlights recommendations for running, walking and cycling safely with traffic.	Open	6/3/23: Request has been logged and will be considered against other priorities.
080	22-Feb-23	Resolution	FCB	FCB RESOLVED (FCB 2023/09) to: 1. Receive the Member Report. 2. Approve up to \$200 to purchase a Featherston Community Board sign, to be funded through the board's operational funds. 3. Approve up to \$150 to be used to purchase refreshments, when meeting with members of the community, to be funded through the boards operational funds, (Moved Maxwell/Seconded Schroeder) Carried	Open	5/8/23: Signs are more expensive than some adverts on the web would have us believe and I'm suggesting we increase the amount for our FCB sign after a SWDC officer and I receiving quotes from suppliers. (J Dennison)
088	22-Feb-23	Action	FCB	To work on prioritization of Mainstreet buildings for painting, T Rutherford.	Open	
089	22-Feb-23	Action	FCB	To work with officers on the development of a community board sign, J Dennison.	Actioned	17/4/23: Action closed, related to 080.
191	19-May-23	Action	J O'Conner	Action 191: To request from Council the timeline for the next opportunity to input into City Care levels of service.	Open	8/4/23 J O'Conner: • The City Care contract expires in October 2026 • If Council chooses to alter levels of service, this would need to be considered as part of the LTP
192	19-May-23	Action	J O'Conner	Action 192: To request an update on the tender process and request the applications be provided to the board for consideration.	Open	8/4/2023: Further clarification requested by J O'Conner, what does this relate to?
196	19-May-23	Action	R O'Leary	Action 196: For the board to work with planning officers to develop criteria for suitable road names in the Featherston ward.	Open	
198	19-May-23	Action	K Ashforth	Action 198: To request clarification on why the value recorded against member salaries in the Income and Expenditure Report is higher than expected.	Open	8/4/2023: – The I&E Report shows there is 28,043.00 in the budget for members salaries. Can you confirm the duration for this? They were trying to do the math on how this would break down and couldn't work it out. This includes Community board salaries, communication allowance and 20% of personnel costs. The budget was set in June before the strategic pay (approved by council) was in place.



## Member Report

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### Members Report from John Dennison 9 August 2023

#### Christmas Parade

I recently approached A&K Traffic Solutions regarding the costs of providing a traffic management plan (TMP) for Featherston's Christmas Parade 2023. Unfortunately, this was refused because money was outstanding from the 2022 parade which was organized by former Community Board Member Claire Bleakly.

August 2022 meeting minutes refer:-

#### 12. ELECTED MEMBER REPORTS (INFORMATION)

##### 12.1 Claire Bleakley Member Report

*Ms Bleakley spoke to items outlined in her report and proposed the date of 10 December for the Featherston Christmas Parade. Members discussed necessity of a traffic management plan and Ms Bleakley undertook following up.*

*FCB RESOLVED (FCB 2022/39) to:*

- 1. Approve \$500 +GST to support the Featherston Christmas Parade.  
(Moved Tahinurua /Seconded Shepherd)*

The costs outstanding are:-

<b>Organisation</b>	<b>Task</b>	<b>Final Cost</b>	<b>Paid</b>	<b>Outstanding Balance</b>
A&K Traffic Solutions	Traffic Management Plan (TMP)	\$1,132.75	\$800.00	\$332.75
Traffic Assist	Actual Traffic Management	\$1,104.00	\$350.00	\$754.00
<b>Total</b>				<b>\$1,086.75</b>

It appears that the Christmas Parade was a FCB initiative and that there was some misunderstanding between the contractors and Ms Bleakley as to the final costs. Some of the balance has been paid by Ms Bleakly herself but this has still left two small local contractors out of pocket and, understandably, reluctant to engage with FCB until their accounts are settled.

I propose that we resolve to:-

1. Settle the accounts of A&K Traffic Solutions and Traffic Assist (\$332.75 and \$754.00, respectively)
2. Request a quote from A&K Solutions and Traffic Assist for a TMP and traffic management for 2023 Featherston Christmas Parade.
3. Route the parade from Anzac Hall, Bell, Johnston, Fox and Birdwood Streets back to Anzac Hall, thus avoiding SH2 and reducing costs.
4. Invite The Men's Shed and Featherston Businesses to organize a Christmas Fete in Anzac Hall/Squirkle/Clifford Square/Johnson Street Green as appropriate.
5. Encourage Cross Creek Railway Society Inc. to run the mini railway.
6. Work with all parties to establish a suitable date for the Parade.