



SOUTH WAIRARAPA DISTRICT COUNCIL MEETING

Agenda 15 December 2021

NOTICE OF MEETING

Due to COVID-19 restrictions this meeting will be held via video conference starting at 9am. All members participating via video conference will count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. This meeting will be live-streamed and will be available to view on our [YouTube channel](#).

SWDC Affirmation

We pledge that we will faithfully and impartially use our skill, wisdom and judgement throughout discussions and deliberations ahead of us today in order to make responsible and appropriate decisions for the benefit of the South Wairarapa district at large.

We commit individually and as a Council to the principles of integrity and respect, and to upholding the vision and values we have adopted in our Long Term Plan strategic document in order to energise, unify and enrich our district.

Open Section

- A1.** Apologies
- A2.** Conflicts of interest
- A3.** Acknowledgements and tributes
- A4.** 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.

- A5.** Actions from public participation

- A6.** Confirmation of Minutes

Proposed Resolution: That the minutes of the Council meeting held on 3 November 2021 are a true and correct record.

Pages 1-4

Proposed Resolution: That the minutes of the Council meeting held on 10 November 2021 are a true and correct record.

Pages 5-8

Proposed Resolution: That the minutes of the Council meeting held on 17 November 2021 are a true and correct record.

Pages 9-17

- B. Decision Reports from Chief Executive and Staff**
- B1.** Council Extraordinary Vacancy Page 18-23
- C. Declaration of Cr Colin Olds**
- C1.** Cr Colin Olds to make his declaration (sample attached) Page 24
- B. Decision Reports from Chief Executive and Staff (cont).**
- B2.** Adoption of 2020/2021 Annual Report (extraordinary business)
- B3.** Code of Conduct Review Report Page 25-76
- D. Chairperson's Report**
- D1.** Mayor's Report Page 77-86
- E. Public Excluded Business**
- E1.** Confirmation of Public Excluded Minutes from 17 November 2021 *distributed separately*

Report/General Subject Matter	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
Confirmation of Public Excluded Minutes from 17 November 2021	Good reason to withhold exists under section 7(2)(a), section 7(2)(g), section 7(2)(h) and section 7(2)(i)	Section 48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
The withholding of the information is necessary to maintain legal professional privilege.	Section 7(2)(g)
The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 7(2)(h)
The withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)

SOUTH WAIRARAPA DISTRICT COUNCIL
Minutes from 3 November 2021

Present:	Mayor Alex Beijen, Deputy Mayor Garrick Emms, Councillors Pam Colenso, Rebecca Fox, Leigh Hay, Brian Jephson, Pip Maynard, Alistair Plimmer, and Brenda West.
In Attendance:	Harry Wilson (Chief Executive), Russell O’Leary (Group Manager Planning and Environment), Karen Yates (Policy and Governance Manager), Rick Mead (Manager Environmental Services), Bryce Neems (Amenities and Waste Manager), and Suzanne Clark (Committee Advisor). Wairarapa Trails Action Group: Greg Lang (CDC Mayor), Jo Gillander.
Conduct of Business:	Due to COVID-19 restrictions this meeting was held via video conference and live streamed to Council’s YouTube channel. All members participating via video conference count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. The meeting was held in public under the above provisions from 10:00am to 11:15am except where expressly noted.

Open Section

Cr Jephson read the Council affirmation.

A1. Apologies

There were no apologies.

A2. Conflicts of Interest

Cr West, Cr Plimmer, and Cr Maynard declared a conflict of interest with agenda item C1 Adoption of Proposed Alcohol Control Bylaw and would not participate in debate or decision of the matter.

Cr Emms and Cr Colenso held a manager’s license but did not believe they had a conflict of interest.

A3. Acknowledgements and Tributes

Cr Colenso acknowledged the passing of Martinborough community member Daisy Lake who was in her 100th year. In addition to contributing to the community, she had provided employment within the family’s sheepskin factory.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

A4. Public Participation

There was no public participation.

A5. Actions from public participation

There were no actions from public participation.

A6. Extraordinary Business

There was no extraordinary business.

B Recommendations from Committees

B1. Recommendations from Assets and Services Committee

Mayor Lang and Ms Gillander outlined how the Plan had been developed and answered members' questions on opportunities for business and government funding for development and maintenance of the proposed trails.

Members' discussed safety concerns of trail users, the potential for renaming Tauherenikau, the intention for a trust to be established to oversee trail maintenance, and reporting of progress through the Assets and Services Committee.

Ms Gillander undertook to determine at what point in development the cycle trail would be classified as 'signature' or other significant classification under government definitions.

COUNCIL RESOLVED (DC2021/88):

1. To receive the Recommendations from the Assets and Services Committee Report.

(Moved Cr Hay/Seconded Cr Colenso)

Carried

2. That Council supports the Wairarapa Five Town Trails Master Plan.

(Moved Cr Maynard/Seconded Cr West)

Carried

3. That Council delegates authority to the Chief Executive to work with the three Wairarapa District Councils and Wairarapa Trails Action Group to research and create a suitable legal entity with appropriate and representative governance to deliver the Wairarapa Five Towns Trail Master Plan.

(Moved Cr Maynard/Seconded Cr West)

Carried

C Decision Reports from Chief Executive and Staff

C1. Adoption of Proposed Alcohol Control Bylaw

Councillors Plimmer, West and Maynard did not participate in the following debate or subsequent decision.

Ms Yates advised that the proposed new wording for the bylaw purpose was an outcome of the submissions process and hearings and did not require further consultation.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 2

COUNCIL RESOLVED (DC2021/89):

1. To receive the Adoption of the Alcohol Control Bylaw 2021 Report.
(Moved Cr Hay/Seconded Cr Colenso) Carried
2. Agrees that, in accordance with section 147A of the Local Government Act 2002, the bylaw is justified as a reasonable limitation on people's rights and freedoms.
(Moved Cr Jephson/Seconded Cr Fox) Carried
3. Agrees that, in accordance with section 155 (1) of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problem of crime or disorder caused or made worse by the consumption of alcohol in public places.
(Moved Cr Hay/Seconded Cr Fox) Carried
4. Agrees that, in accordance with section 155(2) of the Local Government Act 2002, the bylaw is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990.
(Moved Cr Jephson/Seconded Cr Colenso) Carried
5. Adopts the Alcohol Control Bylaw 2021 as recommended by the Planning and Regulatory Committee, with the following amendments to the proposed Bylaw:
 - a) **Delete the Purpose stated in the proposed Bylaw and replace it with the following:**
 2. Purpose
 - 2.1 The purpose of this Bylaw is to control the consumption, bringing into, or possession of alcohol in public places to reduce and mitigate crime and disorder that is caused or made worse by the presence or consumption of alcohol in those places. The controls in this Bylaw apply:
 - a) to any public place subject to an alcohol ban, as listed in Schedule 1 to this Bylaw; or
 - b) where a temporary ban for specified events or specified periods is made by Council resolution in accordance with clause 5. Alcohol bans, when applied in accordance with the relevant legislation and supported by the available evidence, mitigate the potential for noise, litter, vandalism, violence, and other forms of crime or disorder which would otherwise occur in the absence of a permanent or temporary ban.
 - 2.2 This Bylaw limits individual rights and the freedom to consume, bring into, or possess alcohol in public places only to the extent that can be reasonably justified. Any such limits imposed under this Bylaw are designed to be appropriate and proportionate to the level of crime and disorder which would otherwise occur in those places, as determined by evidence and proper assessment. Other strategies are also utilised to address alcohol-related crime and disorder, and include existing Police powers to protect public

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 3

safety, Council powers to regulate licensed premises, and public education.

b) Insert new clause 7 Council Permission, below, and renumber clauses 7 to 9 in the proposed Bylaw as clauses 8 to 10:

7. Council Permission

- 7.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this Bylaw. A special licence may be issued under the Sale and Supply of Alcohol Act 2012 in respect of any location or event and may include waivers and dispensations (subject to and in accordance with the terms of that special licence).

(Moved Cr Hay/Seconded Cr Fox)

Carried

6. Notes that following the adoption of the bylaw, the bylaw will come into force on 4 November 2021 and will be operational.

(Moved Cr Fox/Seconded Cr Colenso)

Carried

7. Agrees to support officers' recommendations for investigation into measures to address issues of cyclists' safety and care for tourists in the wider South Wairarapa district.

(Moved Cr Fox/Seconded Cr Jephson)

Carried

C2. Adoption of Proposed 2022 Council Calendar

Members discussed the meeting cycle gap and requested that officers prepare a 2022 calendar with a 6-weekly meeting gap for consideration, with an option for the Finance, Audit and Risk Committee to meet on a monthly basis. Officers should also review spacing of the Wairarapa Library Service Joint Committee meetings.

Committee and subcommittee delegations and integrating them and community boards in the cycle to achieve feedback and meeting time and day was discussed.

COUNCIL RESOLVED (DC2021/90):

1. To receive the Adoption of the 2022 Schedule of Ordinary Meetings Report.

(Moved Cr Maynard/Seconded Cr Fox)

Carried

Confirmed as a true and correct record

.....(Mayor)

.....(Date)

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 4



**SOUTH WAIRARAPA DISTRICT COUNCIL
Minutes from 10 November 2021**

Present:	Mayor Alex Beijen. Via audio-visual conference: Deputy Mayor Garrick Emms, Councillors Pam Colenso, Rebecca Fox, Leigh Hay, Brian Jephson, Alistair Plimmer, and Brenda West.
In Attendance:	Russell O’Leary (Group Manager Planning and Environment), Harry Wilson (Chief Executive), Kendyll Harper (Intermediate Planner), James Witham (Planning Manager) and Suzanne Clark (Committee Advisor).
Conduct of Business:	The meeting was held between 1:30pm and 4:21pm in the Supper Room, Waihinga Centre, Texas Street, Martinborough and was livestreamed to Council’s Youtube channel.

Open Section

Cr Plimmer read the Council affirmation.

A1. Apologies

*COUNCIL RESOLVED (DC2021/91) to accept apologies from Cr Pip Maynard.
(Moved Cr Colenso/Seconded Cr Hay)*

Carried

A2. Conflicts of Interest

No conflicts of interest were declared.

A3. Acknowledgements and Tributes

Cr Hay acknowledged the passing of Philip Maynard and sent her sympathies to his children; Cr Pip Maynard, Mel Maynard and Nathan Maynard.

Mayor Beijen congratulated the Tauherenikau Events Centre for winning the Trust House Supreme Award for 2021 at the Wairarapa Awards event.

A4. Public Participation

There was no public participation.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

B Decision Reports of Chief Executive and Staff

B1. Adoption of Spatial Plan Growth Areas

Mr O'Leary provided the background and progress made on the project to date and outlined reassessments and work undertaken as instructed by Council.

Members noted that the areas identified for future growth during the spatial plan project could be incorporated into the Combined District Plan at a high level.

When an area had been identified for growth a master plan was required.

Martinborough

- Members noted that if the minimum section size was reduced to 350sqm then the majority of the larger sections in the ME block could be subdivided.
- Members agreed not to include ME in any growth framework arrangements so the look and feel of the inner town could remain unchanged.
- That a master plan was required before rural zoned land (MA, MF) could be changed to residential and that plan development could take two years.
- Sections of Roberts and Regent Streets had been included in the MD growth area.
- MF only had two landowners, would be a greenfields development, and had designated paper roads that allowed inclusion into sections of town.
- That the District Plan review process included a high-level assessment of mixed-use zones and that this work was being undertaken now.

Featherston

- As Featherston was being master planned as a transport oriented development, commercial and industrial areas would be identified within stage 1 of the project. For the other towns, commercial and industrial areas would be considered as part of the stage 2 project.
- With regards to growth area FB, should floodplain maps change a review could be undertaken to square the eastern side of Donald Street.

The meeting adjourned at 2:50pm.

The meeting reconvened at 3:05pm.

Greytown

- Engineers were confident that flood risk within a larger sized GB could be mitigated.
- Members noted that as GA was rural, District Plan conditions allowed a minor dwelling to be constructed without resource consent.
- GA was a new development and further development would rely on land owners wanting to subdivide.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 2

- Squaring up of boundaries on the western side of Greytown was not included as the soil was classified as class 1 and the land was large enough to be considered productive. This was in line with the draft National Policy Statement for Highly Productive Land.
- GC development was dependant on a change to floodplain management maps and the Waiohine Action Plan implementation.
- Master planning would begin in 23/24. Master planning for Martinborough and Featherston had been prioritised as Greytown had existing potential for 250 lots to be developed.
- That according to statistical findings only 25% of residents moving to a retirement village within a town, free up land and houses from within that same town.
- Opening up GD on an earlier schedule was discussed.

Cr West left the meeting at 4:10pm.

Cr West returned to the meeting at 4:13pm.

Councillors requested more information on design guides and did not resolve to support the development of an infill design guide at this time.

COUNCIL RESOLVED (DC2021/92):

1. To receive the Adoption of Spatial Plan Growth Areas Report.
(Moved Cr Plimmer/Seconded Cr Fox) Carried
2. To adopt the combined growth area for Martinborough being:
 - a. MA – Oxford Outer Residential
 - b. MF – Ferry Road Mid Residential
 - c. MD – Existing Mid Residential
 (Moved Cr Jephson/Seconded Cr Colenso) Carried
3. To adopt the combined growth area for Featherston being:
 - a. FA – Featherston Growth Node
 - b. FB – Featherston Outer Residential South
 - c. FC – Featherston Outer Residential North
 (Moved Cr Plimmer/Seconded Cr Emms) Carried
4. To adopt the combined growth area for Greytown to include:
 - a. GB option 1 (Jellicoe to Papawai Mid Residential) subject to successful water attenuation pre-engineering;
 - b. GC (North Street extension) subject to adoption of the Waiohine Flood Management Plan and its implementation; and
 - c. To advance GD (Woodside Station) to a shorter timeframe than 20 years.
 (Moved Cr Hay/Seconded Cr Plimmer) Carried

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

5. To note that master planning and structure planning will proceed to implement the Spatial Plan.

(Moved Cr Colenso/Seconded Cr Hay)

Carried

6. Action 534: Distribute information on infill design guides with a view to a future decision report being presented to Council; R O'Leary.

Confirmed as a true and correct record

.....(Mayor)

.....(Date)

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

**SOUTH WAIRARAPA DISTRICT COUNCIL
Minutes from 17 November 2021**

Present:	Mayor Alex Beijen, Deputy Mayor Garrick Emms, Councillors Pam Colenso, Rebecca Fox, Leigh Hay, Brian Jephson, Alistair Plimmer, and Brenda West.
In Attendance:	Harry Wilson (Chief Executive), Russell O’Leary (Group Manager Planning and Environment), Katrina Neems (Chief Financial Officer), Stefan Corbett (Group Manager Partnerships and Operations), Bryce Neems (Amenities and Waste Manager), Olivia Stevens (Property Portfolio Advisor), Paul Gardiner (Human Resources Manager), Melanie Barthe (Climate Change Advisor), and Suzanne Clark (Committee Advisor). Community Boards: Ann Rainford (Greytown Community Board Chair).
Conduct of Business:	Due to COVID-19 restrictions this meeting was held via video conference and live streamed to Council’s YouTube channel. All members participating via video conference count for the purpose of the meeting quorum in accordance with clause 25B of Schedule 7 to the Local Government Act 2002. The meeting was held in public under the above provisions from 10:00am to 4:40pm except where expressly noted.
Public Forum:	Trinity Shaw, and Jim Hedley.

Open Section

Cr Emms read the Council affirmation.

A1. Apologies

COUNCIL RESOLVED (DC2021/93) to accept apologies from Cr Pip Maynard.

(Moved Cr Fox/Seconded Cr Colenso)

Carried

A2. Conflicts of Interest

There were no conflicts of interest declared.

A3. Acknowledgements and Tributes

Cr Jephson acknowledged the passing of Phillip Maynard. Phillip had done a lot for the district and all his children have had an input into Council business.

Mayor Beijen acknowledged the passing of Wendy Cameron.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

A4. Public Participation

Ms Shaw had researched the flood risk of the Te Awaiti Campsite, and data from Greater Wellington Regional Council (GWRC) showed that a 1:100 year flood had never happened. GWRC had suggested that a flood warning monitoring system be put in place in addition to a gate with a barrier arm and that the system could be run by volunteers.

Mr Hedley was not in favour of moving to a capital value rating system due to inequalities and disincentivising investment in the district. Other methods of targeted rating could be put in place to ensure that those that received the benefit of the expenditure paid for the service. Mr Hedley did support a rating review. Mr Hedley did not believe the rates increase for the current year was explained at all and that the words used in Council communications was carefully selected.

A5. Actions from public participation

Mayor Beijen noted that a rating review was a planned project that would consider all options and that an outcome could not be predetermined.

Mr Wilson advised that a report on the Te Awaiti Campsite would be going to the Martinborough Community Board meeting on the 25 November 2021.

A6. Extraordinary Business

COUNCIL RESOLVED (DC2021/94) to consider the Options for Reducing Budget and Rates for 2021/22 Report. It was late as the last public meeting was the 11 November and it had taken time to consider information put forward by the public. It can't wait until the next meeting as the public are expecting a report to be presented at this meeting.

(Moved Cr Jephson/Seconded Cr Hay)

Carried

C1 Options for Reducing Budget and Rates for 2021/22 Report

Mr Wilson advised that Council officers preferred position had not changed, but suggestions from the community had been incorporated into advice.

Members' discussed the potential savings areas as identified by the community.

Elected members sought assurances that all leases were providing the best returns possible.

Members noted key infrastructure areas were subject to contractual obligations and alliances with other Wairarapa councils.

Members noted cost inefficiencies and overruns within the Wellington Water shareholding. Concerns regarding the Wellington Water tendering process for contracts and removal of responsibility areas from Wellington Water was discussed (e.g. Featherston Wastewater and water races). Members requested some analysis of all water project deliverables against timeline and budget.

Members discussed the uncertainties regarding the three waters reform, money budgeted for wastewater and the GWRC consent requirements.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 2

The meeting adjourned at 11:35am.

The meeting reconvened at 11:50am.

Officers gave assurance that software license contracts were needs dependant and required.

Councillors noted the climate change effects of using hybrid vehicles and that the vehicles were fitted with tracking software for health and safety purposes. Private cars were not suitable alternatives to company cars for this reason.

Members noted that there would be a marginal effect on rates if land assets were found to not be required for Featherston wastewater.

Members discussed the impact of extending borrowing beyond the asset life, regular asset revaluation, and the yearly cost of the 1.5m loan.

COUNCIL RESOLVED (DC2021/95):

1. To receive the Options for Reducing Budget and Rates for 2021/22 Report.
(Moved Cr Jephson/Seconded Cr Fox) Carried
2. To agree that Option 3 (to make reductions in costs that do not significantly reduce levels of service and carrying over savings to the next financial year) is the preferred option with regards to the balance of the 21/22 year.
3. To note that a full review of options including a full LTP review or an LTP variation will be presented at the first Council meeting of the 2022 year.
(Moved Cr Jephson/Seconded Cr Plimmer) Carried
Cr West abstained.
4. Action 549: Provide financial return information on Council's commercial lease properties to the Assets and Services Committee; S Corbett
5. Action 550: Setup a workshop with Colin Crampton and Wellington Water to discuss cost efficiencies; H Wilson
6. Action 551: Consider the budgetary impact of removing Featherston wastewater and water races away from Wellington Water as the provider; K Neems
7. Action 552: Advise councillors of the outstanding loan amount for the Featherston golf course; K Neems
8. Action 553: At the first Council meeting of 2022 provide options and costs for councillors to consider with regards to a full LTP review, undertaking a variation to the LTP or preparing an Annual Plan; K Neems

A7. Community Board/Māori Standing Committee Report from Meetings

Mrs Rainford thanked officers for the 85-87 West Street briefing, requested that the Greytown Community Board be permitted to move forward with preparing entrance signs for Greytown, and wanted to know the process for requesting a report on the future use of the land behind the Greytown Pensioner Housing units.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 3

A8. Minutes for Confirmation

COUNCIL RESOLVED (DC2021/96) that the minutes of the Council meeting held on 15 September 2021 are a true and correct record.

(Moved Cr Plimmer/Seconded Cr Fox)

Carried

COUNCIL RESOLVED (DC2021/97) that the minutes of the Council meeting held on 27 October 2021 are a true and correct record.

(Moved Cr Hay/Seconded Cr Jephson)

Carried

B Recommendations from Committees and Community Boards

B1. Minutes of Council Committees and Community Boards

COUNCIL RESOLVED (DC2021/98):

1. To receive the information.

(Moved Cr Colenso/Seconded Cr West)

Carried

2. To receive the minutes of the Greytown Community Board meeting 22 September 2021.

3. To receive the minutes of the Māori Standing Committee meeting 28 September 2021.

4. To receive the minutes of the Featherston Community Board meeting 5 October 2021.

5. To receive the minutes of the Finance, Audit and Risk Committee meeting 6 October 2021.

6. To receive the minutes of the Martinborough Community Board meeting 7 October 2021.

7. To receive the minutes of the Martinborough Community Board meeting 13 October 2021.

8. To receive the minutes of the Assets and Services Committee meeting 27 October 2021.

9. To receive the minutes of the Planning and Regulatory Committee meeting 3 November 2021.

(Moved Cr Plimmer/Seconded Cr Fox)

Carried

C2. Council Extraordinary Vacancy

Members were in agreement that the councillor extraordinary vacancy in Featherston should be filled so all communities were equally represented and to help share the overall load. Criteria and candidate selection was discussed.

COUNCIL RESOLVED (DC2021/88):

1. To receive the Council Extraordinary Vacancy Report.

(Moved Cr Fox/Seconded Cr Plimmer)

Carried

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 4

2. To note that the Council has an extraordinary vacancy that has been created pursuant to clause 5 Schedule 7 of the Local Government Act 2002 effective from 18 October 2021.
(Moved Cr Plimmer/Seconded Cr Colenso) Carried
3. That the extraordinary vacancy will be filled by the appointment of Colin Olds, and the process and criteria by which Colin Olds was selected for appointment are:
 - a. He was a Featherston ward candidate that stood for election for the 2019-2022 triennium but was not successfully elected.
 - b. He is considered to have the necessary skills and experience to undertake the role.
 - c. He represents a sector of the community that is not well represented around the Council table to better achieve equality of representation (i.e. the Featherston community)
 (Moved Cr Fox/Seconded Cr Plimmer) Carried
4. To note that the decision of Council will be publicly notified in accordance with the requirements of the Local Electoral Act 2001.
(Moved Cr Fox/Seconded Cr Plimmer) Carried

The meeting adjourned at 1:16pm.

The meeting reconvened at 1:30pm.

C3. Central Greytown Property: Project Plan

Mr Wilson noted Council's prior decision on the West Street land and that the work required to undertake an investigation was not within this year's budget and that the difference between the options was the start date and whether parts of the project process could be integrated within another project to save costs.

Members' discussed future demographics, ensuring that the potential future use of the land was understood before a decision was made, decision significance of a decision on use, the effect of the local government elections on the timeline, whether wider community consultation was required, current use of the land, alternative ways of funding the project, and that the cost between starting the work in July versus starting in October was not significant.

COUNCIL RESOLVED (DC2021/99):

1. To receive the Central Greytown Property: Project Plan Report.
(Moved Cr Fox/Seconded Cr Plimmer) Carried
2. To agree that the proposed project plan to consider the future use of 85-87 West Street commences next financial year subject to confirmation of a budget including consultation in the 22/23 Annual Plan.
(Moved Cr Plimmer/Seconded Cr Hay) Carried

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 5

C4. Revoking Council Resolution Permitting Subdivision of Council Owned Land in Greytown

Members noted that any future decision on the land and subsequent use would follow Council processes and policy.

COUNCIL RESOLVED (DC2021/107):

1. To receive the Revoking Council Resolution Permitting Subdivision of Council Owned Land in Greytown.
(Moved Cr Fox/Seconded Cr Plimmer) Carried
2. That pursuant to Standing Order 23.6 Council revoke resolution DC2000/9 (4) bullet points one and three within the General Manager's Monthly Report dated 16 February 2000, being:
 - a. Council approve the sub-division of Lot 1 DP29958 at the Greytown Flats, West Street, Greytown.
 - b. The necessary notice under section 230 of the Local government Act 1974 be advertised to allow for the possible sale of the Greytown sections.
3. To note that should an advertisement dating from this period be discovered, then it was placed at the authority of the Council at the time.
(Moved Cr Plimmer/Seconded Cr Colenso) Carried

C5. Adoption of the 2022 Schedule of Ordinary meetings

Harry noted the staffing implications of moving to an eight-weekly cycle and that the quality of officer reports had been lifted over the past year.

Members discussed the levels of service and current staffing numbers, the importance of reporting to the right committee and not relitigating discussion or decisions, and ensuring the right number of Finance, Audit and Risk meetings to maintain a high level financial overview.

COUNCIL RESOLVED (DC2021/100):

1. To receive the Adoption of the 2022 Schedule of Ordinary Meetings Report.
(Moved Cr Jephson/Seconded Cr Fox) Carried
2. To revoke resolution DC2020/124 endorsing an eight-week schedule of meetings.
(Moved Cr West/Seconded Cr Emms) Carried
3. To delegate to the Chief Executive, or the Mayor, the ability to alter the schedule of ordinary meetings in consultation with each other or the committee chair as required.
(Moved Cr West/Seconded Cr Emms) Carried

The meeting adjourned at 2:40pm.

Mayor Beijen vacated the Chair and left the meeting.

The meeting reconvened at 2:52pm.

Deputy Mayor Emms assumed the Chair.

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

C6. Climate Change

Ms Barthe advised the submission needed to be lodged by the 24 November 2021 and outlined the nature of the consultation and answered questions on government planting incentives, soil recovery time following pine plantation harvesting, public transport in a rural environment, and nature based climate change solutions such as reestablishment of wetlands.

COUNCIL RESOLVED (DC2021/101):

1. To receive the Climate Change Report.
(*Moved Cr Jephson/Seconded Cr West*) Carried
2. To receive the Te hau Mārohi ki anamata Transitioning to a low-emissions and climate-resilient future discussion document.
3. To receive the summary of the Te hau mārohi ki anamata Transitioning to a low-emissions and climate-resilient future discussion document.
4. To receive the joint submission to Te hau mārohi ki anamata Transitioning to a low-emissions and climate-resilient future.
5. To adopt the joint submission.
(*Moved Cr Jephson/Seconded Cr Fox*) Carried

C7. Pedestrian Improvements to Bidwills Cutting Road

Members' discussed the incorporated feedback, the proposed budget, carpark safety, and the proposed footpath location.

COUNCIL RESOLVED (DC2021/102):

1. To receive the Pedestrian Improvements to Bidwills Cutting Road Report.
(*Moved Cr West/Seconded Cr Plimmer*) Carried
2. To approve the option shown on the amended Plan C01 Bidwills Cutting Road Improvements-Pedestrian access and safety improvements to Five Rivers Hospital.
(*Moved Cr Jephson/Seconded Cr Fox*) Carried

C8. Māori Standing Committee Appointments Report

Members agreed that Council should write to Suzanne Murphy and Teresa Aporo in appreciation of their work and effort over the years on the Māori Standing Committee.

COUNCIL RESOLVED (DC2021/103):

1. To receive the Māori Standing Committee Appointment Report.
(*Moved Cr Colenso/Seconded Cr Hay*) Carried
2. To make the following external appointment to the Māori Standing Committee: Violet Edwards (Kohunui Marae).
(*Moved Cr Jephson/Seconded Cr Fox*) Carried
3. To make the following external appointment to the Māori Standing Committee: Lee Flutey (Kohunui Marae).
(*Moved Cr Jephson/Seconded Cr Fox*) Carried

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Page 7

4. Action 555: Write to Suzanne Murphy and Teresa Aporo and thank them for their contribution and time while representing their marae on the Māori Standing Committee; Mayor Beijen

Cr Plimmer left the meeting at 3:23pm.

Mayor Beijen returned to the meeting at 3:23pm.

D Information Reports

D1. Action Items Report

COUNCIL RESOLVED (DC2021/104) to receive the Action Items Report.

(Moved Cr Jephson/Seconded Cr Fox)

Carried

E Chairperson's Report

E1. Report from His Worship the Mayor

There was no Mayoral report.

F Appointments Reports

Cr Emms spoke to reports as submitted and the potential establishment of a governance group to coordinate equitable health outcomes for rural South Wairarapa and Māori.

Members' agreed in principal to establish a governance group with details to be confirmed at the next meeting.

Cr Plimmer rejoined the meeting at 3:31pm.

COUNCIL RESOLVED (DC2021/105) to receive reports from appointments.

(Moved Cr Colenso/Seconded Mayor Beijen)

Carried

G Public Excluded Business

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Report/General Subject Matter	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
New Lease of Martinborough Golf Course	Good reason to withhold exists under section 7(2)(h) and section 7(2)(i)	Section 48(1)(a)
Committee minutes – publicly excluded	Good reason to withhold exists under section 7(2)(a), and section 7(2)(g), section 7(2)(h) and section 7(2)(i)	Section 48(1)(a)

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

Lake Ferry Holiday Park Update and Options Review	Good reason to withhold exists under section 7(2)(a), and section 7(2)(g), section 7(2)(h) and section 7(2)(i)	Section 48(1)(a)
---	--	------------------

This resolution (DC2021/106) is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	Section 7(2)(a)
The withholding of the information is necessary to maintain legal professional privilege	Section 7(2)(g)
The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 7(2)(h)
The withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)

(Moved Cr Jephson/Seconded Cr Colenso)

Carried

Confirmed as a true and correct record

.....(Mayor)

.....(Date)

DISCLAIMER

Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness

SOUTH WAIRARAPA DISTRICT COUNCIL

15 DECEMBER 2021

AGENDA ITEM B1

COUNCIL EXTRAORDINARY VACANCY

Purpose of Report

To confirm the appointment of Colin Olds to fill the Council extraordinary vacancy.

Recommendations

Officers recommend that the Council:

1. Receive the Council Extraordinary Vacancy Report.
2. Confirm the appointment of Colin Olds to fill the extraordinary vacancy on Council.

1. Background

An extraordinary vacancy had been created on Council due to the resignation of Cr Ross Vickery. At the Council meeting on 17 November 2021, Council was given the option to either not fill the extraordinary vacancy or to fill the vacancy by appointment. Council decided to fill the vacancy by appointment and the following resolution was passed:

COUNCIL RESOLVED (DC2021/88):

1. To receive the Council Extraordinary Vacancy Report.
(Moved Cr Fox/Seconded Cr Plimmer) Carried
2. To note that the Council has an extraordinary vacancy that has been created pursuant to clause 5 Schedule 7 of the Local Government Act 2002 effective from 18 October 2021.
(Moved Cr Plimmer/Seconded Cr Colenso) Carried
3. That the extraordinary vacancy will be filled by the appointment of Colin Olds, and the process and criteria by which Colin Olds was selected for appointment are:
 - a. He was a Featherston ward candidate that stood for election for the 2019-2022 triennium but was not successfully elected.
 - b. He is considered to have the necessary skills and experience to undertake the role.
 - c. He represents a sector of the community that is not well represented around the Council table to better achieve

equality of representation (i.e. the Featherston community)

(Moved Cr Fox/Seconded Cr Plimmer)

Carried

4. To note that the decision of Council will be publicly notified in accordance with the requirements of the Local Electoral Act 2001.

(Moved Cr Fox/Seconded Cr Plimmer)

Carried

Note: The this resolution is in draft format at the time of writing this report and is due to be confirmed on the 15 December 2021.

There is a legal requirement that Council meets within 30 days of the public notice and confirms the appointment by resolution.

The relevant extracts from the Act are included in Appendix 1.

2. Discussion

2.1 Notice of decision

Section 118(1) of the Local Electoral Act 2001 states that if a Local Authority resolves that a vacancy will be filled by appointment, the Local Authority must immediately give public notice of:

- The resolution; and
- The process or criteria by which the person named in the resolution was selected for appointment.

The public notice was published in the Wairarapa Times Age on the 20 November 2021.

2.2 Confirmation of appointment

Section 118(2) and (3) of the Local Electoral Act state the local authority must, at a meeting no later than 30 days after the public notice was published, confirm the appointment by resolution.

2.3 Inability to Confirm

If, for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.

2.4 Commencement date

The person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which the resolution is made to confirm the appointment.

3. Appendices

Appendix 1 - Extracts from Local Government Act 2002, & Local Electoral Act 2001

Prepared by: Suzanne Clark, Committee Advisor
Review by: Harry Wilson, Chief Executive

Appendix 1 – Extracts from Local Government Act 2002, & Local Electoral Act 2001

Extracts from relevant legislation

Local Government Act 2002, Schedule 7

4 Member's right to resign

- (1) A member of a local authority may resign office by notice in writing addressed and delivered to the chief executive of the local authority.
- (2) The notice takes effect on the day on which it is delivered to the chief executive of the local authority.

5 Extraordinary vacancies

- (1) The office of a member of a local authority becomes vacant, and the vacancy that is created is an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or
 - (c) is disqualified from, or is ousted from, office; or
 - (d) is absent without leave of the local authority from 4 consecutive meetings (other than extraordinary meetings) of the local authority; or
 - (e) resigns under clause 4.
- (2) Sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies. [...]

29 Proceedings not invalidated by vacancies, irregularities, etc

An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by—

- (a) a vacancy in the membership of the local authority or committee at the time of that act or proceeding; or
- (b) the subsequent discovery—
 - (i) of some defect in the election or appointment of the person acting as a member of the local authority or committee; or
 - (ii) that that person was or is incapable of being a member.

Local Electoral Act 2001

58 Candidacy for both regional council and constituent authority prohibited

- (1) In this section,—

constituent authority, in relation to any region, means—

 - (a) a territorial authority having jurisdiction over a constituent district; or
 - (aa) a local board for a local board area that is wholly or partly within the region; or
 - (b) a community board for a community that is wholly or partly within the region

member, in relation to a constituent authority, includes a mayor.

- (2) No person may, at the same time, be both a candidate for election to a regional council for a region and a candidate for election to a constituent authority of that region.
- (3) No member of a constituent authority of a region may be a candidate for election to the regional council for the region.
- (4) No member of a regional council for a region may be a candidate for election to a constituent authority of that region.
- (5) Subsections (3) and (4) do not apply if a general election of members of the regional council of a region is to be held concurrently with a general election of members of a constituent authority of that region.

117 Extraordinary vacancy in local authority or [local board or] community board

- (1) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under this Act.
- (2) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board 12 months or less than 12 months before the next triennial general election, the [chief executive] of the local authority concerned must notify the local authority or local board or community board of the vacancy immediately.
- (3) On receiving notice under subsection (2), the local authority or local board or] community board must, at its next meeting (other than an extraordinary meeting)] or, if that is not practicable, at its next subsequent [meeting (other than an extraordinary meeting)], determine by resolution—
 - (a) that the vacancy will be filled by the appointment by the local authority or local board or community board of a person named in the resolution who is qualified to be elected as a member; or
 - (b) that the vacancy is not to be filled.
- (4) If for any reason the person specified in the resolution is unavailable, or otherwise unable to be notified of the appointment, a further vacancy occurs in that office.
- (5) Despite subsection (3), if the vacancy is for the office of Mayor, the vacancy must not be left unfilled but must be filled by appointment of 1 of the other members of the local authority as Mayor.
- (6) If any member is appointed or elected to fill a vacancy in the office of Mayor,—
 - (a) the person is to be treated as having vacated the office of a member; and
 - (b) the vacancy in the office of a member is an extraordinary vacancy and this section and sections 118 to 120 apply.

[...]

118 Notice of intention to fill vacancy by appointment

- (1) If, under section 117(3)(a) or section 117A, a local authority or local board or community board resolves that a vacancy will be filled by the appointment of a person by the local authority or [local board or] community board, it must immediately, unless the vacancy is for the office of Mayor, give public notice of—
 - (a) the resolution; and

- (b) the process or criteria by which the person named in the resolution was selected for appointment.
- (2) The local authority or [local board or] community board must, at a meeting held not later than the expiry of the prescribed period, by resolution confirm the appointment described in the resolution under subsection (1); and the person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which that resolution is made.
- (3) For the purposes of subsection (2), the **expiry of the prescribed period** is 30 days after the date of notification of the resolution under subsection (1).
- (4) If for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.

119 Notice of intention to leave vacancy unfilled

If, under section 117(3)(b), a local authority or [local board or] community board resolves not to fill a vacancy, it must immediately give public notice of its decision.



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

DECLARATION

I, **Colin Olds**, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the South Wairarapa district the powers, authorities, and duties vested in or imposed upon me as a member of the South Wairarapa District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act.

Dated at Martinborough this 15th day of December 2021

Signature.....

Signed in the Presence of:

.....
Alex Beijen, Mayor

SOUTH WAIRARAPA DISTRICT COUNCIL

15 DECEMBER 2021

AGENDA ITEM B3

ELECTED MEMBER CODE OF CONDUCT

Purpose of Report

To provide a draft Elected Member Code of Conduct for consideration and adoption by Council.

Recommendations

Officers recommend that the Council:

1. *Receive the Elected Member Code of Conduct Report.*
2. *Consider whether to include a clause in the Code of Conduct that requires a newly elected member or member to declare whether they are an undischarged bankrupt (clause 12).*
3. *Adopts the draft Code of Conduct (Appendix 1).*
4. *Delegates to the Chief Executive the authority to make minor grammatical amendments that do not alter the intent of the Code of Conduct.*

1. Background

Under the Local Government Act 2002, councils are required to have a Code of Conduct (the “Code”). The Code sets out the expected standard of behaviour for elected members in relation to how they work and engage with other elected members, Council staff, and the public.

The Code remains in force until Council amends it. The Code can be amended at any time, but cannot be repealed, unless the Council replaces it with another Code.

Local Government New Zealand (“LGNZ”) developed a Code template in consultation with the local and central government sectors, sector best practice, and legislative or regulatory introductions or amendments in 2016. An updated template was released in 2019. A high majority of councils around New Zealand use the LGNZ Code template.

2. Discussion

The current Code of Conduct was last adopted on 19 October 2016 and will remain active until a new Code has been adopted. It is believed that the existing Code was based on a historical template developed by LGNZ, and modified by Council over a number of years. The Code of Conduct was incorporated into the induction process in

2019 but not specifically adopted by the incoming 2019 Council. A review of the Code of Conduct was planned for early in the triennium, however due to COVID and other work priorities this review was delayed.

After engagement with councillors and community board members, the Code that is being presented for adoption uses the 2019 LGNZ template as the base and includes sections of the existing Code that were identified by elected members as having continuing value. The LGNZ template is comprehensive and reflects current standards and best practice. Although a specific template is available for community boards, as there is very little difference between the templates, for ease of application and management, officers are proposing that the one Code is used across Council and community boards.

2.1 Key differences between the existing and new Code

The proposed Code of Conduct (Appendix 1):

- Clearly outlines values that elected members agree to abide by.
- Includes a process for reporting, investigating and assessing complaints.
- Includes guidance on penalties and sanctions.
- Provides modern media engagement guidance for elected members, including a section on the use of social media.
- Includes a section on review of the Code.
- Includes an undischarged bankrupt clause for members to consider.
- Includes principles that highlights the importance of elected members “pulling their weight”.

LGNZ has provided a guide to be read in conjunction with the template Code. The guide provides information on the requirements, application, and legal contexts of any future adopted Code (Appendix 2).

2.2 Points Requiring Clarification

LGNZ developed two templates, one for local authorities and regional councils and the other for community boards. The ‘chair’ reference in the template refers to the chair of the regional council. Reference to the ‘chair’ has been deleted.

The process and guidance for community board members to make complaints is the same as elected members of Council (i.e. via the Chief Executive to the Mayor in the first instance).

2.3 Options

Elected members may adopt the proposed Code of Conduct as it is presented, adopt the proposed Code of Conduct with minor amendments, or retain the existing Code of Conduct in the meantime as more than minor amendments to the proposed Code are considered necessary.

2.4 Consultation

Councillors and community board members have had an opportunity to provide input into the draft Code of Conduct in workshop settings.

2.5 Legal Implications

Council is required to have a Code of Conduct. Amendments to the Code require a resolution supported by 75% or more of the elected members of the Council present at that meeting. If a new Code of Conduct is not adopted, then the existing Code of Conduct will remain in force until such time that a new Code has been adopted.

Clause 15(5) of the Local Government Act requires the local authority to consider whether it will require a member or newly elected member to declare whether or not they are an undischarged bankrupt. Clause 12 of the proposed Code requires disclosure, and members should consider whether they want to retain this clause.

2.6 Financial Considerations

There are no financial considerations.

2.7 Other Considerations

The Code does not replace other protocols put in place by the CEO or terms of reference documents adopted by Council and the community boards.

For example, clause 5.2 of the Code 'Relationships with Staff' requires staff to adhere to protocols put in place by the CEO for contact between elected members and staff. At the 2019 elected member induction, elected members were advised that their first point of contact for operational matters was via the Chief Executive (the exception to this are matters within the scope of the Committee Advisors). Members can log work requests in the normal manner.

3. Conclusion

If adopted, the proposed Elected Member Code of Conduct will replace the existing Code for Council and all Council appointments. The new Code will be distributed electronically to those affected and be made available on Council's website.

Community Boards will continue to be accountable under the existing Code of Conduct until they have had the opportunity to consider adopting the new proposed Code.

4. Appendices

Appendix 1 – draft Code of Conduct

Appendix 2 – LGNZ Code of Conduct Guidelines

Contact Officer: Suzanne Clark, Committee Advisor

Reviewed By: Harry Wilson, Chief Executive

Appendix 1 – draft Code of Conduct



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

Draft Code of Conduct

Council Date of Approval	xx month 2021
Martinborough Community Board Date of Approval	xx month 2021
Featherston Community Board Date of Approval	xx month 2021
Greytown Community Board Date of Approval	xx month 2021
Next Review	30 November 2022

Contents

1.	Introduction	3
2.	Scope	3
3.	Values	4
4.	Role and responsibilities.....	4
4.1	Members of Council.....	5
4.2	Community Board Members.....	5
4.3	Appointments	5
4.4	Chief Executive.....	5
5.	Relationships.....	6
5.1	Relationships between members	6
5.2	Relationships with staff.....	7
5.3	Relationship with the public	7
5.4	Public Duty	7
5.5	Representing the Council.....	8
5.6	Media and social media	8
5.7	Media contact on behalf of the Council.....	9
6.	Information	9
6.1	Confidential information.....	9
6.2	Information received in capacity as an elected member	9
7.	Conflicts of Interest	10
8.	Predetermination	10
9.	Register of Interests.....	11
10.	Ethical behaviour	11
11.	Creating a supportive and inclusive environment.....	12
12.	Undischarged bankrupt	12
13.	Breaches of the Code.....	12
13.1	Principles.....	13
13.2	Complaints	13
13.3	Materiality.....	14
13.4	Penalties and actions	14
13.5	Material breaches	14
13.6	Statutory breaches.....	16
13.7	Review	16
	Appendix A: Guidelines on the personal use of social media	17
	Appendix B: Legislation bearing on the role and conduct of elected members.....	18
	Appendix C: Process where a complaint is referred to an independent investigator	22
	Appendix D: Mayor, Deputy Mayor and Chair Roles	24

1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected 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, town/city, district or region;
- » Promote effective decision-making and community engagement;
- » Enhance the credibility and accountability of the local authority to its communities; and
- » Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

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

2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any Community Boards that have agreed to adopt it. The Code is designed to guide the behaviour of members towards:

- » Each other;
- » The Chief Executive and staff;
- » The media; and
- » The general public.

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

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner;
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials;
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.¹

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

4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of your city, district or region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected.

A summary of the roles of the Mayor, Deputy Mayor, Community Board and Standing Committee Chairs is provided in Appendix D.

¹ See Code of Conduct Guide for examples.

4.1 Members of Council

The role of the governing body includes:

- » Representing the interests of the people of the city, district or region;
- » Developing and adopting plans, policies and budgets;
- » Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- » Providing prudent stewardship of the Council's resources;
- » Employing and monitoring the performance of the Chief Executive; and
- » Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

4.2 Community Board Members

The role of a Community Board member is, but is not limited to:

- » Representing, and acting as an advocate for the interests of the community; and
- » Contributing to decision making and discussion on matters referred to the Community Board by the territorial authority; and
- » Maintaining an overview of services provided by the territorial authority within the community; and
- » Contributing to the preparation of an annual submission to the territorial authority for expenditure within the community; and
- » Engaging with community organisations and special interest groups within the community.

4.3 Appointments

The terms, obligations and provisions of this Code of Conduct as they apply to elected members of Council, Community Boards and committees, are deemed to apply to all non-elected members of committees and non-elected members appointed to outside organisations.

4.4 Chief Executive

The role of the Chief Executive includes:

- » Implementing the decisions of the Council;
- » Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- » Ensuring the effective and efficient management of the activities of the local authority;

- » Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- » Providing leadership for the staff of the Council; and
- » Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.1 Relationships between members

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

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

Please note, nothing in this section of the Code is intended to limit robust debate.

The Mayor, Community Board Chairs and the Chief Executive Officer will meet informally from time to time to maintain and promote effective communication and for the purpose of ensuring that all parties are familiar with the work being carried out by each; and to improve coordination; and to ensure the business of the Council, its Committees and the Community Boards is conducted in a timely and effective manner.

5.2 Relationships with staff

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

- » Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- » Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- » Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- » Treat all employees with courtesy and respect and not publicly criticise any employee; and
- » Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with the public

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- » Ensure their interactions with citizens are fair, honest and respectful;
- » Be available to listen and respond openly and honestly to citizens' concerns;
- » Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- » Ensure their interactions with citizens and communities uphold the reputation of the local authority.

5.4 Public Duty

Elected Council members have a responsibility to the whole community of the South Wairarapa district.

Council members are elected on a ward basis and have a special interest in that ward but their prime responsibility is to the district as a whole.

Community Board members are responsible to the electors of the community from which they are elected. They are, however, bound by the decisions of the Council who ultimately carry the responsibility for each Community Board's actions and decisions.

Actions of all elected members may need to be justified to the public. The reputation of the Council is dependent on elected members' conduct, and the public perception of this conduct.

At every ordinary meeting of the Council, the Mayor will provide a report (preferably written) outlining activities undertaken in the capacity of Mayor. This will include activities in the community and in his/her leadership/advocacy role since the date of the last ordinary meeting.

Elected members will provide reports (preferably written) from their Council appointments.

5.5 Representing the Council

Elected members who are invited or appointed to represent the Council at an event such as a seminar or conference, should meet the following conditions:

- » The Council/Community Board must approve any requests for travel outside the Wairarapa area at Council expense.
- » The cost of representation must be within the annual budgeted figure for such activities unless the Council makes specific authorisation for additional expenditure.
- » Following his/her attendance, the member must present a report to the Council, or appropriate Committee or Community Board which summarises the event including its potential significance to the business of the South Wairarapa District Council. Where the Council is represented by a delegation, one member of the party will report back on their behalf.

These requirements apply to situations where members will be participating as representatives of the South Wairarapa District Council. They do not apply to situations where members attend in a private capacity. In such cases the member may wish to report to the Council on items of interest or general value.

5.6 Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

5.7 Media contact on behalf of the Council

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, Committee or Community Board, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided the following rules are observed:
 - » Comments must not state or imply that they represent the views of the Council or the Community Board.
 - » Comments which are contrary to a formal decision or policy must clearly state that they do not represent the views of the majority of members;
 - » Comments shall be consistent with this Code;
 - » Comments must not purposefully misrepresent the views of the Council, Community Boards, or the views of other members;
 - » Social media pages controlled by members and used for making observations relevant to their role as an elected members should be openly attributed to the member. Public comment should be moderated (comments removed) for abusive or inflammatory comment to ensure transparency in the views expressed;
 - » Social media posts about other members, Council staff or the public must be consistent with section five of this Code. (See Appendix A for guidelines on the personal use of social media).

6. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

6.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

6.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information

does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the Chief Executive as soon as practicable.

7. Conflicts of Interest

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

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

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

Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix B). In the event of a conviction elected members can be ousted from office.

8. Predetermination

Predetermination is a special type of interest and may arise when a decision-maker makes comments that suggest he/she made up his/her mind prior to considering all relevant views or considerations.

1. Elected members will not make comments that suggest he/she made up his/her mind prior to considering all relevant views. Any public statements that suggest the decision-maker made up his/her mind in advance, or took into account something they should not have, may lead to allegations of predetermination or bias.
2. Elected members must remain open to persuasion and not commit to a decision until after hearing all the evidence.
3. Elected members will carefully consider whether a public comment made before or after a decision would give rise to allegations of predetermination and act accordingly.

- » When making quasi-judicial decisions, decision-makers are required to meet a higher standard of impartiality and objectivity. (Generally, regulatory decisions are more likely to be quasi-judicial decisions.)
- » In other contexts, e.g. when elected members are making policy decisions, it will normally be more acceptable for the decision-maker to express a preliminary view in public and even express strong personal views about the matter.

9. Register of Interests

Members shall, at least annually, make a declaration of interest. These declarations are recorded in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

1. Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
2. Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
3. A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
4. A description of any land owned by the local authority in which the member or their spouse/partner is:
 - » A tenant; or
 - » The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
5. Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

10. Ethical behaviour

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

1. Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
2. Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families, personal or business interests;

3. Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
4. Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

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

11. Creating a supportive and inclusive environment

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

These include:

- » Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- » Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium.²
- » Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the district.

12. Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 of the LGA 2002, any member who is an undischarged bankrupt shall notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt.

Note: This clause is relevant to all elected members and those appointed members who will in the course of their duties be making governance decisions on the expenditure of public money.

13. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

² A self-assessment template is provided in the Guidance to the code.

13.1 Principles

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

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

13.2 Complaints

All complaints made under the Code of Conduct must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Mayor or, where the Mayor is a party to the complaint, to an independent investigator.

Please note, only members and the Chief Executive may make a complaint under the Code.

Complaint referred to Mayor

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Mayor will, as the situation allows:

- » Interview the complainant to assess the full extent of the complaint.
- » Interview the member(s) subject to the complaint.
- » Assess the complaint to determine materiality.
- » Where a complaint is assessed by the Mayor to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- » Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor, to the Council or an

adjudicative body established by the Council to assess and rule on complaints made under the Code.³

- » In the situation where a Council appointment is the subject of a material complaint, or where no mutually agreed solution can be reached, the Chief Executive will prepare a report to Council requesting a decision on whether the appointed member should be discharged.

If the Mayor chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to the independent investigator, via the Chief Executive.

Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Mayor, or from the Mayor after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.⁴ The process, following receipt of a complaint, will follow the steps outlined in Appendix C.

13.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Mayor or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Mayor or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

13.4 Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

13.5 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

- » A letter of censure to the member;
- » A request (made either privately or publicly) for an apology;

³ Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

⁴ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her Council, prepare a list jointly with neighbouring Councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

- » Removal of certain Council-funded privileges (such as attendance at conferences);
- » Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
- » Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- » Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
- » A vote of no confidence in the member;
- » Suspension from committees or other bodies to which the member has been appointed; or
- » Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- » Attend a relevant training course; and/or
- » Work with a mentor for a period of time; and/or
- » Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- » Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.6 Statutory breaches

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

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

13.7 Review

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

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.

Appendix A

Guidelines on the personal use of social media⁵

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

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

⁵ Based on the Ruapehu District Council Code of Conduct.

Appendix B

Legislation bearing on the role and conduct of elected members

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

The Local Authorities (Members' Interests) Act 1968

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

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

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

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

There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.

Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote.

When determining if this is the case or not the following test is applied:

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

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

- » What is the nature of the decision being made?
- » Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?

- » Is my financial interest one that is in common with the public?
- » Do any of the exceptions in the LAMIA apply to me?
- » Could I apply to the Auditor-General for approval to participate?

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

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

The contracting rule

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

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

Non-pecuniary conflicts of interest

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

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

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

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

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

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

Local Government Official Information and Meetings Act 1987

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

- » Create a disturbance or a distraction while another Councillor is speaking;
- » Be disrespectful when they refer to each other or other people; or
- » Use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

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

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

Crimes Act 1961

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

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

Elected members convicted of these offences will automatically cease to be members.

Financial Markets Conduct Act 2013

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

The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

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

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

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

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

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

Appendix C

Process where a complaint is referred to an independent investigator

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor) or from the Mayor after an initial assessment, the Chief Executive will refer the complaint to an independent investigator. The Chief Executive will also:

- » Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- » Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

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

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- » That the respondent is referred to the Mayor/Chair for guidance; and/or
- » That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

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

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- » Consult with the complainant, respondent and any directly affected parties; and/or
- » Undertake a hearing with relevant parties; and/or
- » Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

Appendix D

Mayor, Deputy Mayor and Chair Roles

13.8 The Mayor

The Mayor is an elected member, and shares the same collective responsibilities as Councillors. The Mayor is elected by the district at large and is the presiding member at meetings of the Council, and as such is responsible under Standing Orders for the orderly conduct of Council business at meetings.

The Mayor has no power to commit the Council to any particular course of action except where specifically authorised by the Local Government Act 2002 under duly delegated authority.

The Office of Mayor carries with it an element of community leadership in addition to the statutory role as presiding member of the Council. The leadership role frequently requires the Mayor to act as community advocate, promoting the attributes of the community and representing its interests. Community leadership and advocacy will be more effective where it is carried out with the knowledge and support of the Council.

The Mayor is a Justice of the Peace while holding office as Mayor.

13.9 The Deputy Mayor

In addition to the responsibilities of Councillor, the Deputy Mayor is authorised to chair meetings of the Council in the Mayor's absence, and generally to perform the functions and duties of the Mayor:

- » With the Mayor's consent at any time during the Mayor's temporary absence; or
- » Without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.

In the absence of both the Mayor and Deputy Mayor, the Council must elect one of its members to Chair a Council meeting.

13.10 Community Board and Standing Committee Chairs

The chairs of Community Boards and Standing Committees are responsible for the efficient and proper control and conduct of their respective meetings and for the provision of leadership in the areas for which a Community Board or Standing Committee has responsibility.

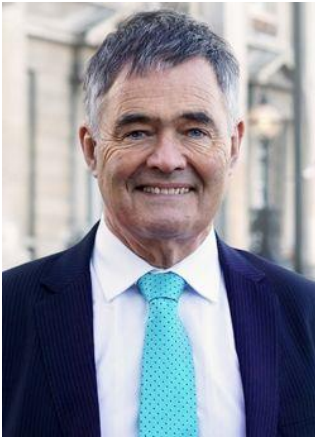
The business of Community Boards and Standing Committees shall be consistent with the powers delegated by the Council and the respective chairs are responsible for ensuring compliance.

Appendix 2 – LGNZ Code of Conduct Guidelines

LGNZ Code of Conduct Guidelines



< Good local governance requires us to ensure that the way in which we undertake public decision-making is open, transparent and fair. >



Preface

Dave Cull, President, LGNZ

Like many public bodies around the world, councils in New Zealand are required to adopt a Code of Conduct. Codes of Conduct are designed to enhance trust in our public institutions by building the respect of citizens. There is nothing like conflict at the governance level to turn people off, feed negative journalism and undermine the morale and the good will of staff.

In 2016, LGNZ updated the Code of Conduct template that was unchanged since 2002 to incorporate recent legislative change, and new approaches to good governance, and to provide better advice for councils having to deal with alleged breaches. In addition, the changes were designed to shift the focus from just controlling poor behaviour to promoting an inclusive and positive governance culture, thereby removing some of the factors that can result in behavioural issues.

Based on the experience of councils applying the Code over the last three years, we have made further changes to the template. One of those changes is intended to more easily address minor and frivolous complaints by allowing Mayors and Chairs to make an initial assessment of complaints that they are not involved in. The second change concerns the addition of a section on social media.

Getting our governance cultures right is important and makes good economic sense. Councils that are trusted and respected are more likely to be able to enlist the support of their communities and other agencies in the goal of improving outcomes and meeting their strategic goals.

I hope you will find the Code helpful in strengthening your governance culture, building the mandate of your local authority and developing a great team.

Dave Cull
President
LGNZ

Contents

Contents.....	3
Introduction	5
Why a Code of Conduct?.....	5
Content	6
Considerations when designing a Code.....	7
The media	8
Information received in capacity as an elected member	8
Register of Interests	9
Promoting a supportive governance culture	9
Creating an inclusive council.....	9
Breaches of the Code	10
Who can make a complaint?.....	10
Decision-making options.....	10
Investigating complaints	10
Creating a panel of investigators.....	11
The role of investigators	11
Determining materiality	12
Process upon receiving a complaint.....	12
Process for non-material breaches	13
Process for managing material breaches	13
Hearing by council or committee	13
Possible penalties and actions in response to a material breach	14
Process to be followed in the case of statutory breaches.....	14
Possible penalties for statutory breaches	15
References	15
Appendix A: Register of interests template.....	16
Appendix B: Self Assessment Template.....	17
Appendix C: Code of Conduct Committee terms of reference	19
The powers of a Code of Conduct Committee	19

Draft terms of reference 19

Membership..... 20

Appendix D: Examples 21

 Example One 21

 Example Two..... 21

 Example Three 21

Appendix E: Complaints Procedure – Flow Diagram 23

Introduction

The LGNZ Code of Conduct template 2019 updates the 2016 template which was published as part of the suite of KnowHow products following the passage of the LGA 2002. The LGA 2002 made the adoption of a Code of Conduct (the Code) mandatory. The 2016 template included a range of new features and draws on good practice introduced by councils over the past decade, particularly Gore District Council and Northland Regional Council. New features are:

- Refinement of the principles including a new principle that highlights the importance of elected members “pulling their weight”;
- Simplification of the roles and responsibilities section;
- Encouragement for members to participate in activities to build and maintain collaborative and cooperative cultures within the council;
- A new process for investigating and assessing complaints, including a ‘materiality’ test;
- Additional guidance on penalties or sanctions;
- Clarification that complaints can only be made by members and chief executives; and
- A more empowering and less prescriptive approach.

The 2019 template includes a section on social media and has a new process for dealing with trivial, minor and frivolous complaints.

Why a Code of Conduct?

Codes of conduct are common features in local government systems in many parts of the world. In New Zealand the Code complements specific statutes, such as the Local Government and Meetings Act 1987, which are designed to ensure openness and transparency. Codes are an important part of the framework for building citizen confidence in our governmental processes. The template has four objectives:

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

The four objectives highlight the importance of achieving ‘good local government’, effective and inclusive decision-making, strengthened community credibility, and a culture of trust and mutual respect within the local authority.

They also contribute to making councils a more rewarding and satisfying place for elected members.

Content

Codes of Conduct vary from place to place, and especially between jurisdictions, but there are certain critical elements a good Code should contain. In addition to the minimum requirements set out in the LGA 2002 (see cl.15 Schedule 7, LGA 2002), an effective Code of Conduct should include:

- Guidance for managing relationships and ensuring constructive behaviour, including processes for ensuring these are adhered to. This will ideally cover relationships with other members, staff, the media and (relationships with) the public;
- A statement of the different roles and responsibilities of governance and management. The Code should complement and reinforce the rules and statutory provisions set out in a council's standing orders;
- Provisions dealing with confidentiality of information received during the course of a members' duties, as well as situations when members are required to disclose information to the local authority and each other;
- Provisions dealing with conflicts of interest;
- Provisions dealing with ethical conduct, such as the way in which expenses may be claimed and soliciting or accepting gifts, rewards, or benefits;
- An explanation of the importance of adhering to the Code of Conduct and details of the procedures for investigating and resolving alleged breaches;
- Provisions designed to encourage courteous and constructive behaviours and so reduce the risk of poor behaviour and alleged breaches;
- Details of penalties or sanctions, such as what they are, when they might be applied, and the processes for their application (where these processes are within the control of council); and
- Provisions for the review of a Code of Conduct (both in terms of the statutory requirements and any processes the local authority has put in place).

All efforts have been made to ensure that these matters have been incorporated in the LGNZ Code of Conduct template.

Considerations when designing a Code

Codes of Conduct are part of the “house rules” that govern relationships and behaviour and complement other corporate documents, such as Standing Orders and the Council’s Governance Statement. While some high level principles may be desirable in order to “set the scene”, a document that talks in vague generalities will be difficult both to adhere to, and to enforce.

- Codes of Conduct are not a means of preventing elected members from expressing their views.
- Codes of Conduct should promote effective working relationships within a local authority and between the local authority and its community. Among other things, a Code should promote free and frank debate which should in turn result in good decision making. Codes of Conduct should not be used in such a way as to stifle robust debate.
- Provided that an elected member does not attempt to present a personal view as anything other than their own view (and does not contravene other parts of the Code) they should be able to do so. Codes of Conduct are ideally designed to provide rules of conduct that promote debate and make it clear that personal views, and the rights of *all* members to express personal views, are to be respected.
- What a Code of Conduct does is set boundaries on standards of behaviour in expressing and promoting those views, and means of resolving situations when elected members breach those standards.
- Elected members should “own” the Code.
- Nothing is more likely to promote non-compliance with a Code than elected members being invited to “rubber stamp” a Code that others have prepared.
- It may be useful for elected members to “workshop” the Code template as soon as practicable after each triennial election; for example, at the Council’s induction workshop. Given that the Code deals with the relationship between elected members, the Chief Executive and staff, it may be desirable to have the workshop facilitated by an independent person.¹
- Processes need to be put in place for investigating and resolving breaches of the Code.
- Applying a penalty or sanction under the Code should ideally be the last, rather than the first response. Most situations can be resolved without the need for sanctions. Often something as simple as an apology will resolve the issue. The original Code of Conduct template created difficulties for some councils as it provided little guidance on how to distinguish between minor and material breaches. This template has been specifically designed to enable non-material breaches to be dealt with outside the formal process of a full investigation by the Council or Committee.
- Most of all, the principles of natural justice must apply to the investigation, assessment and resolution of complaints made under the Code.
- Codes of Conduct cannot stand alone.
- Codes of Conduct work best when they are supported by other mechanisms.

¹ Equip, LGNZ’s business arm, may be able to help with such sessions or advise on suitable facilitators.

The most obvious supporting mechanism is training. A good Code will remind members of their obligations under the LGA 2002, the Members' Interests Act and the Local Government Official Information and Meetings Act 1987. However, a Code that replicated all of the relevant provisions would probably be of a size where no one person (either member or staff) could remember it all. All elected members should receive training in their obligations under these Acts at the beginning of each triennium. Other provisions of the Code should be covered during such training.

Codes of Conduct should also be linked to other procedural documents adopted by councils, such as Standing Orders. Standing Orders provide rules that set out processes and standards of conduct for meetings while the Code governs day-to-day and less formal relationships.

The media

When designing the Code it is important to recognise the legitimacy of political debate and open discussion and ensure that provisions do not become an instrument to diminish this. It is important to note that the Declaration of Office, sworn by members, states:

"I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the **best interests** of [name of region, district, locality, community]"

Under the declaration, members must act in what they believe is the best interests of the community, district or region. It is up to individual members, in consultation with residents and on the basis of advice and research, to determine what 'best interests' for their regions or district means.

The Code must respect the spirit and intent of the New Zealand Bill of Rights Act and ability of members to express dissent. However, in doing so, members must act in accordance with the standards set out in the Code. Consequently the new template has not made any substantive changes to the 'dealing with the media' provisions from those set out in the original template.

Information received in capacity as an elected member

Section 7.2 of the Code has been amended from the original version to place an obligation on members to disclose information received in their capacity as elected members which is relevant to the ability of a local authority to give effect to its responsibilities. The Code states that disclosure should be to "other members and, where appropriate the Chief Executive".

When applying this requirement, it is important that the process for disclosing information is appropriate in the circumstances of each council. The purpose of the disclosure is to add to the stock of information held by a council in order to strengthen the ability of members to make informed decisions, and diminish risks that might arise if the information on which a decision has been made is incomplete.

Appropriate disclosure in particular circumstances may be to the Mayor, to the Chief Executive or in the course of a meeting, depending on the public nature of the information. In some cases a council may have a specific officer, such as a council ombudsman, charged with that responsibility.

Register of Interests

The Code requires that members maintain a register of interests. A template register is set out in **Appendix A** of this guide. The register is limited to disclosures affecting members and their spouses or partners. It is important that members update their details when circumstances change. We recommend that staff regularly remind members to check that the register is up to date and relevant.

Promoting a supportive governance culture

One important difference between the new and old templates is the addition of commitments designed to promote a supportive and inclusive governing environment and strengthen relationships at the governance level.

These provisions are intended to diminish the risk of conflict between members and between members and the public, and thereby avoid the likelihood of breaches. The new Code encourages members to review their collective performance and governance style in order to assess the degree to which their culture is both inclusive and supportive.

The reference to “equitable contribution” in the Values section has been added to encourage members to take all reasonable steps to fulfill the duties and responsibilities of office, such as attending meetings and workshops, undertaking relevant reading, preparing for meetings and taking part in relevant training workshops or seminars.

The intention is to provide councils with leverage to encourage members to do ‘their fair share’ of the tasks necessary to provide effective governance and representation and take part in exercises designed to improve relationships and teamwork.

Creating an inclusive council

A proactive focus on building a positive culture is the subject of section 11, “Creating a supportive and inclusive environment”. The key parts of this section are designed to encourage members to:

- Take part in council induction workshops;
- Contribute to activities designed to seek agreement on vision, goals, objectives and operating values;
- Participate in processes for assessing the governing body’s performance (see **Appendix B** for a self-assessment form for consideration); and
- Undertake, where necessary, training to improve their knowledge of how the council works and being an effective elected member.

The provisions require that members should take “all reasonable steps” to fulfill their responsibilities as elected members. As a result of these commitments the possibility exists that a complaint could be laid against a member for having consistently refused to participate in council organised activities designed to build a better culture.

Breaches of the Code

One of the ongoing problems with many of the Codes in use is the way they deal with the process of making, investigating and ruling on complaints. In its report on Codes of Conduct (OAG 2006) the Office of the Auditor General noted that many councils lacked a process for distinguishing between trivial and serious breaches of the Code and consequently spent considerable energy and resources hearing complaints on what are in effect matters of no concern. 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 councils 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.

This section of the guide discusses the process set out in the new template for investigating, assessing and making decisions about complaints.

Who can make a complaint?

The Code is designed to be a self-regulatory instrument and as a result complaints can only be made by members themselves and the Chief Executive. All complaints must be made in writing to the Chief Executive who is obliged to forward them to the Mayor/Chair or an independent investigator for a preliminary assessment.

Decision-making options

Where a complaint is found to be material, the investigator will provide a report to the Council setting out the reasons why the allegation has been upheld and is material. The Council needs to have a process in place for discussing and making a decision on the investigator's recommendations. In some cases the governing body, or some of its members, may be interested parties in the complaint and should therefore not take part in discussions on the matter nor determine penalties.

To avoid such situations, the Council might consider establishing a Code of Conduct Committee (see **Appendix C** for Code of Conduct Committee terms of reference). The purpose of the Committee would be to consider any reports from an independent investigator and determine appropriate responses. An appropriate Code of Conduct Committee might consist of three members (a member of the governing body and two community representatives) chosen for their knowledge and experience, either by invitation or as a result of a call for expressions of interest.

The Council will need to decide whether the Code of Conduct Committee should have delegated decision making or recommendatory powers.

Investigating complaints

One of the issues with the original template was the lack of detail about the process for investigating complaints and determining their materiality. Another issue involved the need to ensure processes are free of bias, especially when all councillors might be seen to be interested parties.

In order to address these concerns, the Code provides two pathways for dealing with complaints. On receiving a complaint the Chief Executive will forward it to the Mayor/Chair for an initial assessment or, if the complaint involves the Mayor/Chair, forward it to the independent investigator.

1. Forward the complaint to the Mayor/Chair for an initial assessment

On receipt of a complaint made under the provisions of the Council's Code of Conduct, the Mayor/Chair will assess whether it is material or not. As the situation allows:

- Interview the complainant to assess the full extent of the complaint.
- Interview the member(s) subject to the complaint.
- Where a complaint is assessed by the Mayor/Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution.
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Mayor/Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Mayor/Chair, to the adjudication body established by the Council to assess and rule on complaints made under the Code.
- If the Mayor/Chair chooses, they may instead refer the complaint to the independent investigator, via the Chief Executive

2. Forward the complaint referred to Independent Investigator

On receipt of a complaint that involves a Mayor/Chair, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council's adjudication body for assessing and ruling on complaints.

In some cases, an investigator may choose to make non-binding recommendations, for example, where a pattern of non-material complaints has emerged that highlight a need for changes in council processes or an investment in capacity building.

Creating a panel of investigators

At the beginning of each triennium, the Chief Executive will prepare a panel of investigators in consultation with the Mayor, Chairperson or Council. Investigators may be drawn from inside or outside the district or region. In putting together the list, the Chief Executive may call for nominations, invite members of the public with appropriate skills (for example retired judges who may live within the district) to be investigators, or contract with an external, such as Equip, to provide the service.

Councils may wish to develop a joint list of investigators.

The role of investigators

The process set out in the Code gives an investigator responsibility to determine, without challenge, whether a complaint is material or not. The rationale for giving the investigator this degree of authority is to ensure the process is free of any suggestion of bias. It is also intended to reduce the cost of the complaints process, by reducing the time spent by members and officials. It also ensures that the Code process itself is less likely to be brought into disrepute.

In adopting the Code, members of the governing body agree to abide by an investigator's preliminary assessment. Under the process set out in the Code, members are informed of the result of a preliminary assessment and only if the finding is material will members have any involvement (and then only if there is no conflict of interest).

Determining materiality

The complaints procedure is underpinned by the principle that councils (or committees) should only be involved in ruling on possible breaches of the Code when they are material (see **Appendix D** for flow chart). Consequently a level of clarity is required about how materiality should be determined. In the case of non-statutory breaches, the Code states that a breach is material if:

“...it would, if proven, bring the council into disrepute or reflect adversely on the local authority if not addressed.”

The notion of disrepute involves the local authority's reputation and the risk that specific behaviours will, in the mind of the public, undermine that reputation. Only if there is a real risk that reputation will be undermined should a breach be determined as material (see **Appendix E** for examples).

Other factors that might be considered when determining the level of materiality include whether complaints are intended to:

1. Intimidate or harass another member or employee;
2. Damage another member's reputation;
3. Obtain a political advantage;
4. Influence the Council in the exercise of its functions or prevent or disrupt the exercise of those functions;
5. Avoid disciplinary action under this Code; or
6. Prevent or disrupt the effective administration of this code.

Other factors include whether complaints are vexatious and have not been made in good faith. The investigator may take whatever actions they need in order to determine the materiality of a complaint, although investigations will need to be within whatever budgetary constraints have been set in their contract for service or approved by the Chief Executive.

Process upon receiving a complaint

Having received a complaint in writing, the Chief Executive will:

- Notify the complainant and the respondent(s) that the complaint has been received and the name of the selected investigator (including information on the process that will be followed); and
- Provide ongoing updates to members on progress with the resolution of complaints received. This could be through a chairperson or Chief Executive's report.

Process for non-material breaches

In the case of complaints that are non-material, an investigator can, if required, discuss the matter with the complainant and the respondent and may:

- Dismiss the complaint with no further action taken;
- Uphold the complaint but rule that, as it is minor and non-material, no action is required; or
- Uphold the complaint, noting its minor and non-material nature, and make a non-binding recommendation to the council, such as, that the respondent consider attending a relevant course or that a policy or practice is reviewed.

The investigator will present their findings to the Chief Executive, who will inform the complainant and the respondent at the earliest opportunity.

Process for managing material breaches

Where an investigator finds that a breach is material, the following steps will apply:

- The investigator will inform the Chief Executive, who will in turn inform both the complainant and the respondent that the breach has been determined as material and outline the process to be followed.
- The 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/or appropriate penalties.
- On receipt of a report, the Chief Executive will send a copy of the investigator's findings to the complainant and the respondent(s) inviting them to reply in writing as to whether or not they agree to the findings and whether they wish to make a written submission for consideration by the Council or Committee.
- The Chief Executive will then prepare a paper, including the investigator's report and any submissions from affected parties, for a forthcoming meeting of the Council, or Committee with delegated responsibility, to consider complaints and determine penalties.

Hearing by council or committee

On receipt of the Chief Executive's report, the Council or Committee will:

- If necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- Decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- Inform the respondent and complainant of its decision in writing.

No member of the Council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the Council or Committee to speak to their submission.

Note: No appeal right is included in the Code as all members are able to make use of the processes set out in Standing Orders for revoking council decisions. In addition, a council decision can be subject to a judicial review and a committee decision can be subject to an Ombudsman's review.

Possible penalties and actions in response to a material breach

The Code reflects an agreement between elected members about the behaviours they expect from each other and themselves. It is therefore heavily reliant on individual good will and the ability of the Council, as a collective body, to exert moral suasion to either prevent breaches of the Code or promote a positive and constructive culture. However, where a material breach of the Code has been confirmed, a local authority might consider the following penalties and actions:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. A vote of no confidence in the member;
4. Removal of certain council-funded privileges (such as attendance at conferences);
5. Removal of responsibilities, such as Committee Chair, Deputy Committee Chair or portfolio holder;
6. Restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
7. Limitation on any dealings with council staff other than the Chief Executive or identified senior manager;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the council.

A council or committee may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- Attend a relevant training course; and/or
- Work with a mentor for a period of time; and/or
- Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- Tender an apology.

Decisions to apply a non-statutory penalty for material breaches should be made in meetings, open to the public unless some aspect of the matter necessitates treating the matter "in committee".

Process to be followed in the case of statutory breaches

Where an investigator finds, in response to a complaint, that a member has breached provisions set in statute, such as a breach of the Members' Interests Act 1968, the Local Government Official Information and Meetings Act 1987 or the LGA 2002, they will immediately provide their findings to the Chief Executive who will inform the relevant agency, as well as the complainant and the respondent.

Possible penalties for statutory breaches

Although the local authority and its community will play a role in monitoring compliance with these provisions, outside agencies also have a role in monitoring compliance and more particularly in dealing with breaches of law. Penalties that may apply, depending on the type of breach, are:

- Criminal prosecution, conviction, and the resulting consequences (for breaches of the Crimes Act, the Secret Commissions Act or the Securities Act); or
- Prosecution by the Audit Office² under the Member's Interests Act which on conviction leads to the member's ouster from office (where a member votes or discusses a matter in which they are deemed to have an interest); or
- Inviting the Auditor-General to prepare a report on any financial loss or damage suffered by a local authority as the result of a breach (which could potentially lead to the member having to personally make good the loss or damage); or
- Sanctions made under the Privacy Act.

References

OAG (2006) Local Authority Codes of Conduct available from:

<http://www.oag.govt.nz/2006/conduct/docs/conduct.pdf>

² The Audit Office is an avenue for making complaints about breaches of the Members' Interests Act, but also functions as an advisor where there is doubt as to whether a particular course of action constitutes a breach, and can in certain circumstances give approval for members who might have an interest to participate in discussions and/or vote on a particular matter.

Appendix A: Register of interests template

Member name:		
Spouse/partner name:		
Declared employment or business interest	Spouse/partner declared employment or business interest	Council appointment
Address of any land in which a beneficial interest is held within the Council boundaries (member and her/his partner)		
Address of any land owned by the Council rented to the member or spouse, or to a firm or organisation in which the member or spouse is a director or trustee		

Appendix B: Self-Assessment Template

Please rate how you view the performance of the governing body in the following areas:

A rating of 1 indicates an excellent level of performance, through to a rating of 4 indicating that the collective performance of elected members could improve significantly.

1. We act together as a team to deliver value to the people of our district/region.
1 2 3 4 (please circle)
2. We are effective in being part of a coordinated approach to promote the district/region.
1 2 3 4 (please circle)
3. We have effective working relationships with key stakeholder groups.
1 2 3 4 (please circle)
4. We have an effective working relationship with Council staff through members' interactions with the Chief Executive.
1 2 3 4 (please circle)
5. We engage effectively with the community on issues of importance to them.
1 2 3 4 (please circle)
6. We are well prepared and well equipped to make informed decisions in our capacity as elected representatives.
1 2 3 4 (please circle)
7. We participate appropriately in debates and act collectively in the best interests of the district/region.
1 2 3 4 (please circle)
8. Council decisions are made in an open and transparent fashion.
1 2 3 4 (please circle)

9. We treat each other with mutual respect and demonstrate tolerance to different points of view in order to arrive at the best decisions for the district/region as a whole.

1 2 3 4 (please circle)

10. We have a clear sense of direction and understanding

1 2 3 4 (please circle)

The objective of this assessment is not necessarily that all members should agree. It is to provide an indication of areas where we are doing well and areas where we can make improvements. The analysis of results will provide a useful starting point for discussions on the overall performance of the governance functions of the council and provide some insight into areas where action can be taken to raise performance.

Appendix C: Code of Conduct Committee terms of reference

The Code of Conduct template offers two options through which a council may choose to consider a report from an investigator, namely consideration by the full council or consideration by a Code of Conduct Committee established specifically for that purpose. Reasons a council may choose to refer decision-making to a committee include:

- To ensure that members ruling on the complaint have no interest in the nature of the complaint and that the council's process is seen to be free of any suggestion of bias;
- To provide access to additional expertise through the ability to appoint members to the Committee who have experience and knowledge in making judgements on matters involving ethical behaviour;
- To reduce the risk of tension and conflict from a Code of Conduct process that may distract the governing body from its ongoing business.

The powers of a Code of Conduct Committee

There are two ways of giving effect to the findings of a Code of Conduct Committee: binding recommendations or delegations.

- **Binding recommendation approach:** The Code of Conduct Committee described in this Appendix uses the binding recommendation approach whereby the Committee is responsible for providing the council's governing body with a recommendation in response to the findings of an investigator; recommendations that the governing body will adopt without discussion, other than questions of clarification. Appendix B of the LGNZ Code of Conduct states that "in accordance with the code, councils will agree to implement the recommendations of a Code of Conduct Committee without debate".
- **Delegation approach:** As an alternative, a council may prefer to provide a Code of Conduct Committee with specific delegations so that its decisions are final and can be referred to the Chief Executive or appropriate officer for implementation. Depending upon the style in which a council frames its delegations a simple delegation could be to consider the findings of a Code of Conduct investigator and determine the appropriate course of action.

The following draft terms of reference take the binding recommendation approach.

Draft terms of reference

The purpose of the Code of Conduct Committee is to:

- Consider, in relation to a Code of Conduct complaint referred to the Committee, the findings of an investigator and make recommendations to the governing body of the council as to whether or not a penalty or action should be imposed and if so the nature of that penalty or action; and
- Consider any matters relating to the Code of Conduct and/or the behaviour of elected members referred to it by the governing body for advice.

In fulfilling its purpose, the Committee will:

- In considering a report from the Chief Executive, ask, if necessary, the investigator to provide a briefing on their findings and invite the complainant and/or respondent to speak to any submissions that might have been made;
- Conduct its business in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, in which case it will be a closed meeting;
- On consideration of the evidence, decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach;
- Ensure that penalties or actions recommended in response to a serious breach of the Code are proportionate to the breach and consistent with the actions set out in clause 13.1 of the Code.

Membership

The Committee will consist of three members:

- The Mayor or Regional Council Chair who will also be the chair of the Committee (except where there is a potential conflict of interest where the Mayor/Chair will stand aside and the committee will be chaired by another member of the governing body).
- Two non-elected members appointed by the council on the basis of relevant experience, knowledge and/or qualifications.

Appendix D: Examples

Example One

Cr Smith was elected on a platform of stopping the sale of council housing. The council has made a decision to sell the council housing. Cr Smith makes media comments against the decision after it is made. Those same statements suggested that council 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 criticizing a decision after it has been made would probably not in and of themselves 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, 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 has made an allegation that staff advice was based on improper motives and/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’s reputation and the reputation of staff.

Also, there is no qualified privilege attaching 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

Cr Jones is on the Council’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 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 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 as a whole. It not only undermines elected members trust of each other, it also undermines the confidence of suppliers in the Council, which may lead to them not dealing with council in future, or even complaints under the Privacy Act.

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 may be liable for prosecution under the Privacy Act and even to civil litigation.

In the event that the council suffers financial loss, the Council 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

Eastland Regional Council is conducting a performance review of the Chief Executive. It has established a CEO 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 CEO has been unable to meet two of his twenty performance targets that were set and resolves to

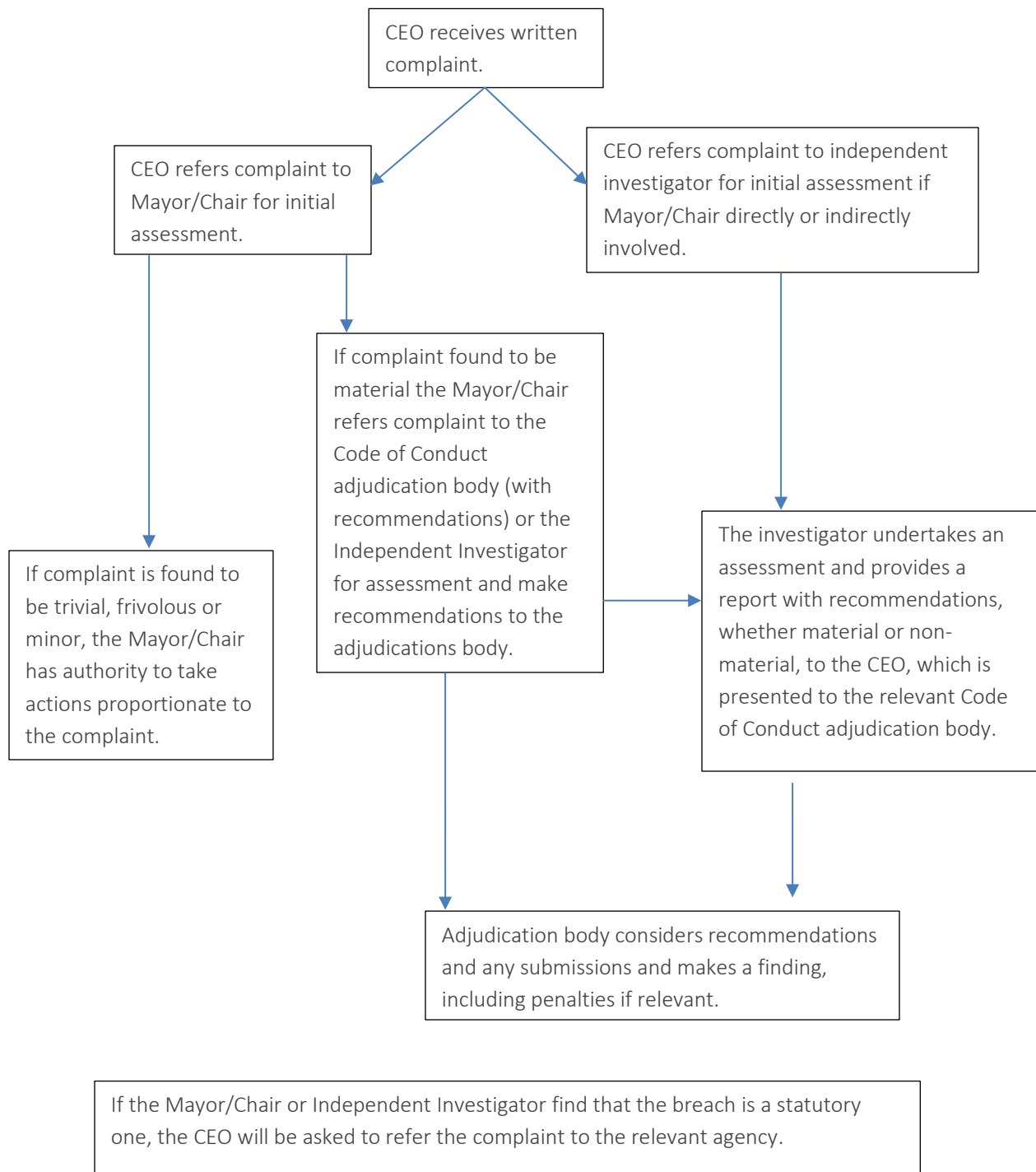
formally report this to the full Council for its consideration. At the conclusion of that meeting Cr Black leaves to find a local reporter waiting outside and makes the comment that “Jack White won’t be getting a pay increase this year because he didn’t meet all his targets”.

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 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, Cr Black’s actions will severely undermine the relationship between the Chief Executive and the Council, which may well constitute grounds for litigation against the Council both in terms of employment and privacy law.

Appendix E: Complaints Procedure – Flow Diagram



SOUTH WAIRARAPA DISTRICT COUNCIL

21 DECEMBER 2021

AGENDA ITEM D1

REPORT FROM HIS WORSHIP THE MAYOR

Purpose of Report

To update Council on activities and issues which have arisen since my last report to Council.

Recommendations

His Worship the Mayor recommends that Council:

1. *Receives the Report from His Worship the Mayor.*
2. *To make appointments to community boards, committees, working groups and outside organisations as per Appendix 4.*

1. West Street Petition

Item Date	04 November 2021
General	My request for clarification on the rationale and signatories of the West Street Land petition by Pip Mackie, has been unanswered (Appendix 1).

2. Wairarapa Regional Leadership Committee

Meeting with	Wairarapa Regional Leadership Committee
Key issues from meeting	Various ways of collaborating on regional growth and collaboration. Letter to Ministers from Chair attached outlining going forward.
Specific item/s for Council consideration	Nil

3. Waihenga Bridge

Item Date	07 July 2021
Topic	Presentation to Transport Minister Wood regarding the need for Waihenga Bridge replacement to be included on the NZTA workplan
General	General notification of direction

4. Wairarapa Moana Governance Group

Item Date	24 November 2021
Topic	Discussion on Ngati Kahanunu Settlement delays
General	Plan for implementation of planting and wetland restoration

5. Proposed Committee Structure for 2022

Topic	Proposed committee structure for 2022 (following appointment of Colin Olds) <ul style="list-style-type: none">- An additional two members need to be appointed to the P&R Committee
--------------	---

6. Appendices

Appendix 1 – Letter of clarification on Petition to Pip Mackie

Appendix 2 – WRLC Chair letter

Appendix 3 – Moana agenda (minutes available when published)

Appendix 4 – Proposed Committee Structure for 2022

Prepared By: His Worship the Mayor, Alex Beijen

Appendix 1

04 Nov 2021

Hi Pip

Thank you for the petition.

I acknowledge receipt of this, and will table it on the 17th Nov in the Mayors Report.

I will advise you, and you may add clarification, that I have looked at the signatories, and deduced the following:

168 people have indicated they are from the South Wairarapa, but have no address or phone number to verify their address

11 people have indicated they are from the South Wairarapa, but postcodes supplied are inconsistent with the Wairarapa

30 people are from the Wairarapa, but not the South Wairarapa

121 have indicated they are from NZ, but not specified where in NZ

497 have specified they are from non-Wairarapa parts of NZ

167 are from Australia

11 from Europe or other countries

Unfortunately, there is no ability for me to contact signatories to verify they are indeed legitimate signatories.

Also, the number of SWDC signatories, I feel, should be our focus – I fail to see the relevance of Oda Jonsberg from Norway's opinion on our local decisions.

So I will present this as a petition from 168 unverified SWDC residents.

Now to the premise of the Petition as stated on the website:

We as Ratepayers, business owners and visitors to Greytown would like the South Wairarapa District Council to reopen the discussions regarding the development of Ratepayer owned land at 85-87 West Street Greytown. We feel the current decision was made without appropriate consultation with locals and without listening to the ideas and concept put forth by Adam Blackwell and investors.

The full potential of this land will only be reached by allowing a vision of this calibre to become reality. It will open opportunities for around 50 full and part time staff, tertiary education opportunities for local Maori, 5 star accommodation, restaurants, movie theatre and bring in much needed cash flow to help with the towns ageing and faulty fresh and waste water treatment plants.

Greytown has a unique opportunity to showcase our region through cycling tourism; promoting our small but mighty local economy and allowing a cycling destination for people traveling the lower North Island by bike.

Pahikara is exactly what our unique little town needs, and if this Resort were to go ahead then it might help to mitigate the 15% rates rise the Council are proposing.

Unfortunately, Local Government is different to running a business. We are bound by process under the Local Government Act 2002.

If we make a decision on something, we need to determine if doing something is a significant action by Council.

If it is, we must consult with the residents of the district. This is not negotiable.

When the idea of utilising the land was raised with Council, we posed the question as to whether the sale or long term lease of the land was a significant decision for Council.

Our Policy Team advised us, and we subsequently resolved, that it definitely was, and we must consult before we either sell or lease. Consultation as to the will of the district is planned for the next LTP or earlier by resolution.

The result of this consultation will then determine our next steps – retain, sell, lease or whatever.

It is at this stage where Pahikara can then, in an open market, negotiate with the SWDC as to access to the land – if the residents wish us to sell or long term lease following having their opinions heard.

So I am confused by what the petition is asking – when you say *We feel the current decision was made without appropriate consultation with locals*, do you mean the decision made by Council that we need to consult with locals before we make a decision?

Taken as read, the petition is asking Council to revoke that decision to consult with residents before deciding what happens with the land, in order to consult with residents as to what they think should happen with the land.

Can you clarify this prior to Wednesday next week?

Kind regards

Alex Beijen

Mayor of the South Wairarapa



South Wairarapa District Council
06 306 9611
PO Box 6 Martinborough 5741
19 Kitchener Street Martinborough 5711
themayor@swdc.govt.nz

Appendix 2

To Ministers Robertson and Wood

g.robertson@ministers.govt.nz and m.wood@ministers.govt.nz

Reference: Lower North Island Rail Integrated Mobility proposal from the Wellington Regional Council.

I write in my capacity as the Independent Chair of the Wellington Regional Leadership Committee (WRLC) to inform you of the Committee's strong support for the above

proposal. Our Committee incorporates the views of all nine councils, the Wellington regional council and six of the seven mana whenua iwi of the Wellington-Wairarapa-Horowhenua region.

Ministers, you are aware that Government has set several tasks for local government in general and our region specifically. One of the localised tasks is that we come together as a region and provide you with a cohesive collegial view on projects and proposals that will allow our region to deliver on its potential for New Zealand.

It is the view of the WRLC that the proposal put forward by our member, Greater Wellington Regional Council, regarding future rail provision helps our region deliver on a number of areas identified by central government and ourselves as imperatives and is an important part of delivering on the Wellington Regional Growth Framework approved by the WRLC - see <https://wrgf.co.nz/wp-content/uploads/2021/08/1320-Wellington-Regional-GrowthFramework-Report-JULY-2021-FINAL-LR.pdf> which includes this project.

The success of this proposal will have flow on affects that will allow our region to positively deliver, amongst other things:

1. Reduced greenhouse gas emissions - a new tri-mode train will emit 8x less carbon than current diesel locomotive hauled trains.
2. Mode shift - it will divert 23.8 million trips from the roads, resulting in 0.6-1.6 million tonnes of avoided carbon emissions.
3. Improved safety by reducing road congestion - it will prevent over 100 crashes resulting in serious injuries or death.
4. Support for economic growth by enabling regional land use plans with transport infrastructure.
5. A critical community link to enable inclusive access to economic, social and health opportunities.

6. Improved overall transport corridor resilience and capacity with improved frequency, less crowding and better reliability.

The Committee is unanimous in its support for this proposal and would welcome any opportunity to collectively provide assistance around the removal of any barriers to its advancement.

Yours sincerely,

Hon. Tracey Martin

Chair Wellington Regional Growth Framework

c.c.m.woods@ministers.govt.nz

Appendix 3

Wairarapa Moana Wetlands Project Governance Group

Agenda

Friday, 26 November 2021 at 9:30am

Membership Governance Group

Cr Adrienne Staples (Chair) Greater Wellington Regional Council

Cr David Lee Greater Wellington Regional Council

Mayor Beijen South Wairarapa District Council

Horipo Rimene Rangitāne o Wairarapa

Paikea Te Whare Rangitāne o Wairarapa

Jack Mace Department of Conservation

Nelson Rangi Ngāti Kahungunu ki Wairarapa

Rawiri Smith Ngāti Kahungunu ki Wairarapa

Vacant Hapū representative

Wayne O'Donnell Ex Officio

Phil Teal Fish and Game (Observer status)

Wairarapa Moana Wetlands Project Governance Group and
Management Team

Agenda Items

1. Apologies
2. Minutes of the previous meeting of Wairarapa Moana
Wetlands Project Governance Group and Management Team held 26 July 2021
3. Ra Smith – Treaty settlement update
ngati-kahungunu-ki-wairarapa-tamaki-nui-a-rua-deed-ofsettlement-summary
4. Wairarapa Moana Wetlands Project MfE PWER Fund
Annual Report 2020-21
5. MfE Deed Variation and finalising of Year 2 Annual Work Plan
6. Wairarapa Moana Wetlands Project 2021/22 Quarter 1
7. Project planning work to guide operations to 2025 –
Appointment of consultancies and process/timeline for planning work
8. Updated terms of reference for the WMGG
9. The Lower Wairarapa Valley Development scheme and all that's ahead
10. Wellington Fish and Game:
 1. Otakura weir resource consent status
 2. Fisheries management planning within Wairarapa Moana
11. General business
12. Development of Plans Workshop – Led by consultancies.

Appendix 4 – Proposed Committee Structure for 2022

Mayor and Councillor Appointments												
Council Structure	Mayor	Olds	Colenso	Emms	Fox	Hay	Jephson	Maynard	Plimmer	West	CB Chairs/MS Chair	Appointments
Council	Chair										MSC Chair	
Deputy Mayor												
Martinborough Community Board												
Featherston Community Board												
Greytown Community Board												
Māori Standing Committee												
Hearings Committee									Chair (dogs)			
CEO Review Committee	Chair											
Finance, Audit and Risk Committee						Chair						Independent Member: Kit Nixon
Assets and Services Committee							Chair				may attend, not vote	
Planning and Regulatory Committee			CHAIR								may attend, not vote	
Water Race Subcommittee												Colin Olds (Chair), Dennis Hodder, Justine Thorpe, Paul Haney
Grants Subcommittee	Chair											
District Licensing Committee												Angela Yeoman(Chair), Damien Pivac, Gregory Arieli, Jessie Hunt, Catherine Roulster-Stead, Bruce Farley, Andrew Beck
Community Awards Working Party												
Community Board Mentor for Chairs												
Joint Wairarapa Committees/Working Groups												
Wairarapa Library Service (with CDC)												
Wairarapa Combined District Plan Committee (CDC, MDC)					Alternate							
Wairarapa Policies Working Group (CDC, MDC)												
Wairarapa Economic Development Task Group (CDC, MDC)												
Wairarapa Trails Action Group												
Wairarapa Councils' Shared Services												
Wairarapa COVID-19 Recovery Joint Committee (CDC, MDC)												
Joint Regional Committees/Groups												
Wellington Region Waste Management and Minimisation Plan Joint Committee												
Wellington Region Waste Forum												
Regional Transport Committee				if Mayor not attending								
Remutaka Hill Road Working Party												
Wellington Water Committee				alternate								
Wellington Regional Leadership Committee				alternate								
GWRC Committees												
Wellington Regional Strategy (Lyn Patterson, alternate Greg Lang)												
Wellington Region Climate Change Working Group			alternate									
Awheia Opouawe Scheme Committee												
Lower Valley Development Scheme Advisory Committee												
Ruamahanga Whaitua Catchment Committee												
Waihohine Floodplain Management Plan Steering Group												Colin Wright
Wairarapa Committee				alternate								
Wairarapa Moana Governance Group												
Appointments												
Destination Wairarapa Board												Allan Hogg
Wairarapa Road Safety Council												
Cobblestones Trust Board												Lucy Cooper
Wairarapa Safer Community Trust Board												
Pukaha to Palliser (P2P)												
Hood Aerodrome Strategic Advisory Group												