



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

WHANGANUI RURAL COMMUNITY BOARD

Code of Conduct

2017

Adopted on this 2nd day of August 2017

1. Introduction

The Code of Conduct (“the Code”) applies to the members of the Wanganui Rural Community Board.

The Code sets out the standards of behaviour expected from members in the exercise of their duties. The purpose of the Code is to:

- **Enhance** the effectiveness of the Board;
- **Enhance** the provision of good local government of the rural community;
- **Enhance** the credibility and accountability of the Board to its community;
- **Promote** effective decision-making and community engagement; and
- **Develop** a culture of mutual trust, respect and tolerance between members and between members and management.

The purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the Code.

2. Scope

The Code is designed to deal with the behaviour of members towards:

- each other;
- the Chief Executive and staff;
- the media; and
- the general public.

The Code 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 Council to give effect to its statutory responsibilities.

3. Values

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

1. **Public interest:** members will serve the best interests of the Community and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on their merit.

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. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this 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 ensure they 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 Board operates, including a regular review and assessment of the Board's collective performance.

These values complement, and work in conjunction with, the principles of s 14 of the Local Government Act (LGA) 2002 and the governance principles of s 39 of the LGA 2002.

4. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public.

4.1 Relationships with 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 and honest;
- is 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, offensive or abusive conduct, including the use of disrespectful or malicious language.

4.2 Relationships with staff

An important element of good governance involves the relationship between the community board and its Chief Executive. Members will respect arrangements put in place to facilitate this relationship. These arrangements are set out in the Council Code of Conduct 2017.

4.3 Relationship with the public

Given that the performance of the community board requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

5. Contact with the media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of community board.

Individual members may be approached to comment on a particular issue either on behalf of the Board, or as a member in their own right. When responding to the media members must be mindful that operational questions should be referred to the Chief Executive and policy-related questions referred to the mayor or the member with the appropriate delegated authority.

6. Information

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

6.1 Confidential information

In the course of their duties members will occasionally receive information 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.

7. Conflicts of Interest

Members will maintain a clear separation between their personal interests and their duties as 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 community board 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 contracts with the authority or has a pecuniary interest. 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.

8. Register of Interests

Members shall annually make a declaration of interest. These declarations are recorded in a Register of Interests maintained by the council. The declaration must include information on the nature and extent of any interest.

NB: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

9. Ethical behaviour

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

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

10. 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 community board for the purpose of facilitating agreement on the community board's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Board's overall performance and operating style during the triennium.¹
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the city, district or region.

11. Breaches of the Code

Members are encouraged to comply with the provisions of this 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.

11.1 Principles:

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

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that 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 a right to seek appropriate advice and be represented; and
 - have their privacy respected.

¹ A self assessment template is provided in the Guidance to this Code.

11.2 Complaints

All complaints made under this Code must be made in writing and forwarded to the Chief Executive.

11.3 Restorative Practice Overview

A guiding principle of restorative practice is recognising that when people and relationships are harmed, needs are created and there is an obligation to meet those needs, heal and put right the harms².

Traditional investigations into breaches of the Code of Conduct are determiners of fact and fault, however they do not address the resulting harm to relationships.

The formal restorative practice conference brings together those most affected by the breach and its aftermath, and in a very safe forum, allows each person to tell their stories in an honest and open way. The extent of the harm to relationships is explored.

The process does not seek to lay blame or decide whether anyone is good or bad, but enables people to speak in constructive ways about the breach. These people are then in a position to decide what needs to be done to repair the harm and to put plans in place to minimise the chance of further harm.

11.4 Investigation, Advice and Decision

On receipt of a complaint the Chief Executive will follow the steps outlined in Appendix A.

12. Penalties and actions

Where a complaint is determined to be material and referred to the Board the nature of any penalty or action will depend on the seriousness of the breach. Refer to Council's Code of Conduct for procedural details.

13. Review

The Code of Conduct continues in force until it is either amended, replaced, or revoked by the Board. The Code can be amended, replaced, or revoked at any time at a Board meeting by a vote of 75 per cent of the members of the Board present.

² Howard Zehr

Appendix A

Process for the determination and investigation of complaints

Chief Executive receives complaint

If the Chief Executive receives a written complaint alleging that a member has breached the values of this Code of Conduct then the Chief Executive will deal with the complaint under the procedure detailed in the Wanganui Rural Community Board's Code of Conduct.