

Waikato Regional Council

Code of Conduct for external members appointed by Waikato Regional Council to Standing Committees and Subcommittees

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Part One : Introduction

Waikato Regional Council (Council) has adopted a committee and subcommittee structure that provides for external membership which may include:

- other councils' representatives
- key stakeholder representatives

External members are appointed by Council via public nomination or a ballot process. They are accountable to Council and the regional community. This Code sets out the standards of behaviour expected of external members in their dealings with:

- other members of Council's committees and subcommittees
- Councillors
- Council Chief Executive and staff
- the public
- iwi
- the media.

Objectives of this Code of Conduct

The objectives of this Code of Conduct are to enhance mutual trust, respect, and tolerance among the committee and subcommittee members, and between members and those people with whom they interact in the course of their duties. This Code of Conduct aims to improve the effectiveness of the committees and subcommittees to support Council in its responsibility to provide good governance of the Waikato region.

This Code of Conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (Part Two of the Code)
- agreed general principles of conduct (Part Three of the Code)
- compliance requirements and procedures to manage complaints
- sanctions that may be imposed if this Code is breached.

Adoption of the Code

This Code of Conduct is intended to provide guidance to external members in their relationships and the exercising of their functions and duties. It reflects the requirements of the Code of Conduct for Elected Members of Waikato Regional Council and provisions contained in the Local Government Act, the Local Government Official Information and Meetings Act 1987 and other relevant legislation and Council Standing Orders.

Compliance with this Code of Conduct is mandatory for all external members.

Review of the Code

Once adopted, this Code of Conduct for external members appointed by Waikato Regional Council continues in force until amended by Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code.

General principles of good governance

This Code of Conduct is based on the following general principles of good governance:

Public interest: External members serve the relevant sector interests of the Waikato region or the zone or area covered by the committee or subcommittee. They must never improperly confer an advantage or disadvantage on any one person or organisation.

Honesty and integrity: External members must not place themselves in situations where their honesty and integrity is in question.

Objectivity: External members must make decisions based on merit.

Accountability: External members are accountable for their actions and the manner in which they carry out their responsibilities.

Personal judgement: External members must take account of the views of others but reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others: External members must promote equality and must not discriminate unlawfully against any person. They must treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They must respect the impartiality and integrity of Council staff.

Duty to uphold the law: External members must uphold the law and, on all occasions, act in accordance with the trust the Council and public place in them.

Part Two : Roles and responsibilities

This part of this Code describes the roles and responsibilities of external members, and the additional roles of the committee or subcommittee chair and deputy chair.

External members

Members, acting as the committee or subcommittee, are responsible for:

- representing the relevant sector interests of the residents and ratepayers of the Waikato region or the zone or area covered by the committee or subcommittee
- recommendations to committee or Council that relate to development of work programmes and budgets, asset management plans, strategies, planning studies, submissions, and proposed new policy or policy amendments
- general oversight and monitoring of work programmes and activities in nominated areas
- assisting as appropriate in the implementation of programmes
- providing committees and Council with advice and assistance
- being a local contact for issues relating to the committee or subcommittee, including involvement with local groups to facilitate the flow of information between ratepayers and staff.

No individual member (including the chair) has authority to act on behalf of the committee or subcommittee unless the Council has expressly delegated such authority. No member may exceed or purport that they have the power to exceed their given authority.

External members, as individuals, must take responsibility for complying with the requirements of this Code of Conduct.

Committee or subcommittee chair

The appointment of a committee or subcommittee chair is recommended by the committee or subcommittee and confirmed by Council. The chair shares the same responsibilities as other members of the committee or subcommittee. In addition, the chair has the following roles:

- Presiding member at meetings. The chair is responsible for ensuring the orderly conduct of business during meetings (as determined in Standing Orders) and that the committee or subcommittee acts within the powers delegated by Council (as set out in the committee's or subcommittee's terms of reference).
- An advocate for the community. This role involves promoting the community and representing its interests with the support of the committee or subcommittee.
- A leader and provider of feedback to other members with regard to teamwork, and monitoring of members' compliance with this Code.

Some subcommittee chairs are voting members of Council's relevant standing committee (for example Integrated Catchment Management Committee). In the event that they are unable to attend the standing committee meeting, they must advise their deputy chair as soon as possible so the deputy can attend in their place.

The Chair follows the same rules as other members with respect to making public statements and committing the committee or subcommittee to a particular course of action.

Deputy chair

The deputy chair is recommended by the committee or subcommittee and confirmed by Council. The deputy chair exercises the same roles as other members. If the chair is absent or incapacitated, the deputy chair performs all of the responsibilities of, has the same duties as, and exercises the same powers as, the chair (as summarised above).

Meeting attendance

All external members are expected to attend and participate in all meetings and workshops, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance. From time to time, working parties may be established by the committee or subcommittee to achieve specific outcomes.

External members will also attend community meetings and public forums as members and must behave in accordance with this Code during those attendances.

If an external member is absent from three consecutive committee or subcommittee meetings without an approved leave of absence or accepted apology, the member is deemed to have abandoned or vacated the position. Having noted this 'resignation' Council may then determine an appropriate course of action with respect to the vacancy. What is appropriate will depend on the particular committee or subcommittee, the point in the term of office cycle, the knowledge, expertise and stakeholder linkages involved, and other case by case considerations. It could involve:

- leaving the position vacant until the next appointment process
- calling for nominations to fill the vacancy
- appointing the next most preferred person from the most recent nomination process
- appointing a person identified by Council as meeting the position profile and requirements.

Part Three : General principles of conduct

This part of this Code sets out standards of behaviour.

Relationships with other members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. With this in mind, committee and subcommittee members must conduct their dealings with each other in ways that:

- maintain confidence in the role to which they have been appointed
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.

Every member must act in good faith in relation to other members. Member must not make frivolous, partisan or political complaints. Nor should any member communicate to the media the existence or details of a complaint made under this Code unless a decision to do so has been made by Council.

Relationships with councillors

A successful relationship between members of committees and subcommittees and all regional councillors, including those who are not members of the committee or subcommittee, enhances the credibility and accountability of Council within its region. The relationship requires mutual respect and consideration. External members must not compromise the integrity of councillors or attempt to undermine their credibility.

Relationships with staff

The effective performance of a committee or subcommittee requires a high level of co-operation and mutual respect between members and staff. External members must:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with Council's Chair or Deputy Chair.

Failure to observe this portion of this Code of Conduct may compromise the Council's obligations to act as a good employer, and may expose the Council to civil litigation and audit sanctions.

Relationships with the regional community

Effective Council, committee and subcommittee decision-making depends on productive relationships between members and the community at large and as such, external members must act

in a manner that encourages and values community involvement. External members must ensure that community members are accorded respect in their dealings with committees and subcommittees and have their concerns listened to.

External members must:

- deal with members of the community in a fair, equitable and honest manner
- be available to listen and respond to community concerns, but avoid promising things the member cannot deliver
- strive to understand different points of view within the community
- bring concerns expressed by the community to the attention of the designated committee or subcommittee staff or to the committee or subcommittee as appropriate.
- consider all relevant interests.

Contact with the media

The media plays an important part in local democracy. To fulfil this role the media needs access to accurate, timely information about the activities of Council and its committees and subcommittees. Members may be approached to comment on a particular issue. This part of this Code deals with the rights and duties of external members when speaking to the media.

The following rules apply to contact with the media on behalf of Council and its committees and subcommittee:

- Council's Chair or Chief Executive are the first points of contact for official views on any issue. Where the Chair is absent, matters may be referred to Council's Deputy Chair or relevant standing committee chair.
- Council's Chair or Chief Executive may refer any matter to the relevant committee or subcommittee chair for comment.
- No external member may comment on behalf of the committee or subcommittee without having first obtained the Council Chair's approval.

External members may express a personal view in the media at any time, provided:

- media comments do not expressly or by implication purport to represent the Council or a committee or subcommittee's view
- confidential information is not disclosed or the impartiality or integrity of fellow members, councillors or staff compromised
- Council, committee or subcommittee's policy is not undermined.

Meeting decisions

Every external member who has the right to speak can lawfully express his or her opinion at any committee or subcommittee meeting within the limits imposed by Standing Orders. These meetings are open to the media and the comments may be reported.

Confidential information

In the course of their duties external members may receive reports containing information that is confidential. This will generally be committee or subcommittee information that is either commercially sensitive or is personal to a particular individual or organisation. External members must not use confidential information for any purpose other than the purpose for which the information was supplied to the member.

Committee or subcommittee business conducted where the public is excluded remains confidential and must not be disclosed to anyone outside the committee or subcommittee until either the

committee or subcommittee decides by resolution to make it public or the Chief Executive determines (in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993), that there is no longer good reason to withhold it under the legislation.

Conflicts of interest

External members must be careful that they maintain a clear separation between their personal interests and their duties as members. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived).

Conflicts of interest include:

- a pecuniary interest in the matter before the committee or subcommittee, which gives rise to a presumption that there is a conflict with the member's duties. The pecuniary interest may be direct or indirect and involve either financial gain or financial loss.
- non-pecuniary interests that may give rise to an actual or perceived conflict between personal interests and the member's duties. These may be interests or relationships arising out of kinship, marriage, domestic relationships, wider family relationships, employment or membership of community, professional or industry sector organisations.

External members must take a precautionary approach to all conflicts of interest. In a case of doubt a member should withdraw. Members withdrawing must (to protect of their own and the committee or subcommittee's interests) ensure that their actions are appropriately recorded.

The issue of conflicts of interest is a difficult one for members. Issues may arise at short notice. Matters which seem straightforward at the outset can become less clear as a matter progresses. Vigilance by members is required. While the decision to withdraw from debate or voting is ultimately a matter for the member alone, members should seek guidance and assistance from their colleagues.

Standing Orders

External members must adhere to the Standing Orders adopted by Council. At meetings members may use the provision of Standing Orders to raise a point of order to draw attention to and get a ruling on issues at the meeting that this Code covers, including the behaviour of members. Matters of behaviour in relation to meeting conduct may be the subject of a complaint under the Code.

Ethics

Council promotes the highest standards of ethical conduct amongst its members. Accordingly, external members must:

- claim only for legitimate expenses as set out in Council policy
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of substantial gifts, including special occasion goodwill gifts, must be reported to the Chief Executive. Working meals and social occasions should be undertaken in an appropriate and reasonable manner.

To ensure that external members meet and are seen to be meeting their ethical obligations, the following principles apply to the receipt of gifts:

External members may:

- accept any gifts, hospitality or benefits that have an estimated value of less than \$100 (including GST) provided that acceptance could not be perceived as a means of influencing a committee, subcommittee or Council decision making process
- take part in committee or subcommittee working meals and social occasions as part of their duties as a member and in compliance with the requirements of this Code.

External Members must not:

- solicit, demand or request, by any means, gifts, hospitality or benefits by virtue of their position
- accept gifts, hospitality or benefits that have an estimated value of more than \$100 (including GST), without recording the acceptance in the Council's publicly available Gifts and Invitations Register
- accept any offer of money under any circumstance
- abuse the advantages of their position for personal gain.

Gifts that fall outside this policy must either to be refused, or where they can be, accepted and given to Council. The Council's Chair and Deputy Chair may jointly authorise that gifts be accepted where they fall outside this policy and where it is reasonable in their view to do so.

Part 4: Compliance and complaints

Compliance with the Code is mandatory for all external members of committees and subcommittees. Complaints under the Code may only be made by members of committees and subcommittees or by regional Councillors.

Where such a complaint is received, the response must accord with the principals of natural justice. This means that Council must act in a manner that is fair to the parties involved. The process that is to be followed and outcome will be determined by Council's Chair (or Council's Deputy Chair in the Chair's absence) taking into account the nature of the complaint, but will meet the following requirements unless exceptional circumstances demand otherwise:

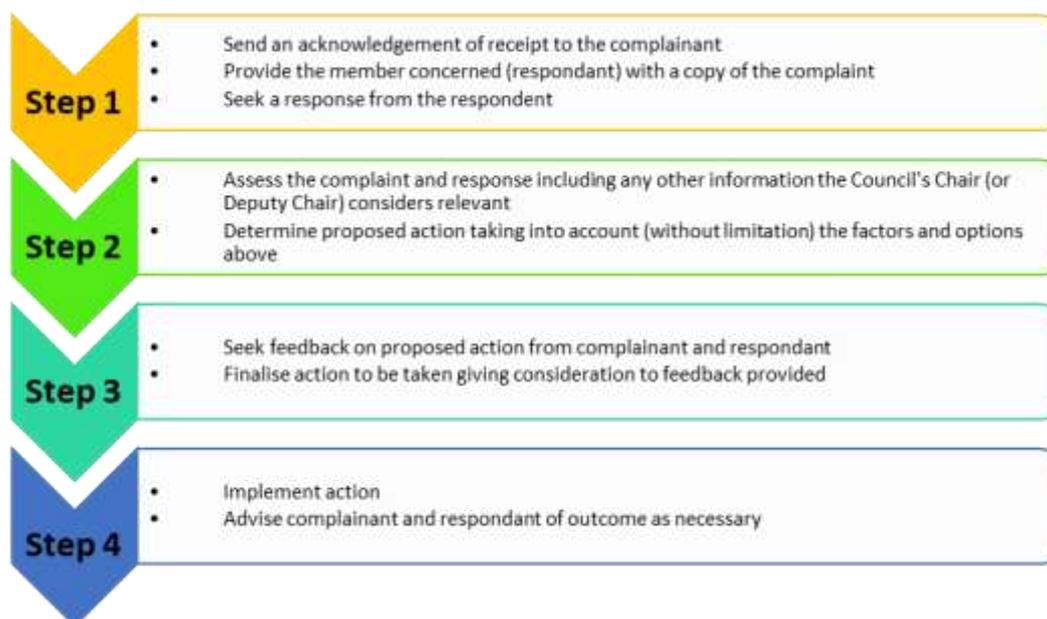
- The complaint must be:
 - taken seriously and acted on promptly to achieve a resolution as a priority
 - treated with the level of privacy and confidentiality appropriate in the circumstances
 - provided to the member who is alleged to have breached the Code (respondent)
- Enquiries must be made to establish the facts:
 - The respondent must be given the opportunity to respond.
 - All enquiries must be relevant to the complaint and its resolution.

Where possible, complaints must be resolved as informally and privately as possible taking into account Council's responsibility to ensure that:

- the principles of risk management are considered in its response;
- the response is proportional to the issues raised in the complaint; and
- issues are resolved at the lowest possible level.

Council's Chair may refer the complaint to the appropriate authority if the complaint concerns a breach of law.

Where possible the following process will apply, except if Council's Chair determines there are circumstances which require a different process be followed.



Having considered the complaint, Council's Chair will determine what action is required which may include, without limitation, the following options:

- dismissal of a member from a position as a chair or deputy chair
- an invitation for the member to consider resigning from the committee or subcommittee
- censure
- removal of the member from committees, subcommittees or other bodies to which they have been appointed
- a vote of no confidence in the member
- removal of certain council-funded privileges
- restricted entry to council offices
- suspension (rather than removal) from committees, subcommittees or other bodies
- education
- mentoring
- request or requirement for an apology.