



Report 08.42  
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Committee Council  
Author Francis Ryan Manager, Secretariat

## Code of Conduct

### 1. Purpose

To enable the Council to adopt a new Code of Conduct for Elected Members (Code of Conduct).

### 2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### 3. Background

#### 3.1 Statutory context

Clause 15 of Schedule 7 to the Local Government Act 2002 requires a local authority to adopt a code of conduct for members of the local authority as soon as practicable after the commencement of the Act.

The Code of Conduct must set out:

- (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
  - (i) behaviour toward one another, staff, and the public; and
  - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
    - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
    - (B) relates to the ability of the local authority to give effect to any provision of this Act; and

- (b) a general explanation of—
- (i) the Local Government Official Information and Meetings Act 1987; and
  - (ii) any other enactment or rule of law applicable to members.

A local authority may amend or replace its Code of Conduct, but may not revoke it without replacement. Any change or amendment requires a vote in support of not less than 75% of the members present.

Members must comply with the Code of Conduct of their local authority.

### **3.2 Existing Code of Conduct**

Greater Wellington adopted its current Code of Conduct on 9 March 2004 and reconfirmed the Code of Conduct at its meeting on 16 December 2004.

## **4. Comment**

The Controller and Auditor-General recommends that local authorities review their Code of Conduct early in each triennium.

In 2006 the Controller and Auditor-General undertook an examination of local authority Codes of Conduct and published a report *Local Authority Codes of Conduct*, which set out his conclusions and recommendations. A copy of the report is available in the Councillors Lounge.

Officers have assessed the existing Code of Conduct against the conclusions and recommendations contained in the Controller and Auditor-General's report. As a result, officers propose that the Council adopt a new Code of Conduct, included as **Attachment 1** to this report. The significant new elements of the proposed Code of Conduct are:

- a new section on non-financial conflicts of interest
- an emphasis on seeking to resolve alleged breaches at the lowest possible informal level, while providing the opportunity for independent expertise to be brought in to assist with the investigation of unresolved alleged breaches
- a more expansive commentary on rules relating to the disclosure of information.

Changes to the existing Code of Conduct are shown in *underlined italics*.

## **5. Communication**

No communication is required as a result of this report. The Code of Conduct will be available on the Council's website and copies will be provided on request. Copies of the Code of Conduct will be provided to all appointees to Council's committees, subcommittees and Council-controlled organisations.

## 6. Recommendations

*That the Council:*

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Notes*** that any amendment to an existing Code of Conduct or the adoption of a new Code of Conduct requires a vote in support of not less than 75% of the members present.
4. ***Adopts*** the Code of Conduct for Elected Members included as Attachment 1 to this report.

Report prepared by:

Report approved by:

Report approved by:

**Francis Ryan**  
Manager, Secretariat

**Jane Bradbury**  
Divisional Manager,  
Corporate and Strategy

**David Benham**  
Chief Executive

**Attachment 1: Proposed Code of Conduct for Elected Members**