



*Western Bay of Plenty
District Council*

CODE OF CONDUCT

- ELECTED MEMBERS -



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1. Purpose

This Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The basis of this Code is prescribed by legislation (Local Government Act 2002 Schedule 7 Section 15) and sets out the values, understandings and expectations agreed amongst members of the Western Bay of Plenty District Council about the manner in which they conduct themselves while acting in their capacity as elected members. It includes understandings on behaviour towards one another, towards staff and towards the public.

As well as being used to promote ethical behaviours, encourage teamwork and facilitate effective local democracy, the code will be of value to the Council as:

- an orientation tool for new councillors;
- a guide to prospective candidates;
- a resource and information guide for existing councillors;
- an aid to the public—enabling the public to evaluate behaviour.

2. Western Bay of Plenty District Council Key Principles

2.1 District Vision:

The District's 20 Year Vision reflects the wishes of the people living in the Western Bay of Plenty District.

The Vision was originally developed in 1998 when Council consulted widely with the community. Consultation included public meetings, community workshops and a formal submission process to establish what the community's future vision for the District was.

The Vision was reviewed in 2005 following further consultation and was revalidated by the community.

The key elements of the District Vision are:

- We can all enjoy a healthy and safe lifestyle
- Our communities are vibrant and welcoming
- Leaders are effective, informed and inclusive
- Our environment is clean, green and valued
- Our economy is thriving

2.2 Council Mission:

The Mission describes what the Council is doing to contribute to the District Vision.

Our Mission is to provide people with best value service by implementing plans that deliver social, cultural, environmental and economic progress across the Western Bay of Plenty District.

2.3 Our Values:

The Values that underpin our Mission – *the western bay way* – *we know what we do, we do what we say*

The *western bay way* is all about 'knowing what we do' and 'doing what we say'.

'Knowing what we do' is about the skills and expertise we have to do our jobs well.

'Doing what we say' is about the way we work with each other and our customers when doing our job.

The *western bay way* is underpinned by five organizational values that are aligned with our Customer Charter.

Our Customer Charter further defines how we act as an organisation and as individuals to deliver our Mission.

Our Values are:

Customer Care

As an organisation we:

- Have an adaptable approach to the needs of the customer.
- Treat all our customers equally, in a respectful, courteous, and professional manner.
- Fix the customer experience when things go wrong and communicate back to our customers.

As an individual I:

- Understand the needs of the customer and adapt my personal approach to consider those needs.
- Treat my customer in such a way that no customer will feel they are just a 'number' when they interact with me.
- Might get a complaint about the message I am delivering, but I will never get a complaint about how I delivered the message.
- Practice active listening skills and customers feel they are being listened to.
- Am sympathetic, reassuring, and willing to help customers.
- Will contribute to corrective action that fixes the customer experience.

Working Together

As an organisation we:

- Deliver a seamless experience of service from the customer's point of view.
- Conduct business in an open and transparent manner.

As an individual I:

- Contribute in a way that there are no silo effects experienced by the customer, whether that is interdepartmental, interteam, contractual, or personal.
- Am clear, unambiguous, and easily understood in my communications and interactions with customers.
- Apply confidentiality and privacy rules at all times.

Professionalism and integrity

As an organisation we:

- Have staff that are competent in their jobs.
- Value our failures as learning experiences.
- Trust our staff to act appropriately within delegations.

As an individual I:

3. Am knowledgeable in all of my tasks and I understand how my tasks contribute to the customer's service experience.
4. Carry out my tasks promptly.
5. Seek help if I am unsure about the information I am communicating.
6. Act in accordance with my delegation and exercise sound judgement.
7. Admit and take ownership of my mistakes.
8. Ensure that I understand the failure and learn from the experience.

Creating Value

As an organisation we:

- Make it easy for our customers to transact business with us, our services are cost effective, and are aligned to what is important to our customers.
- Are mindful to our ratepayers.
- Are encouraged to 'go the extra mile' in our interactions with customers.

As an individual I:

- Continuously make improvements to the customer's service experience that I contribute to, and I propose improvements that have a wider impact.
- Willingly implement improvements proposed by others.
- Consider costs as an impact to our ratepayers.
- Recognise and act on opportunities to 'go the extra mile'.

High Achievement

As an organisation we:

- Provide timely responses in our interactions with customers.
- Make commitments to our customers and every commitment made will be followed through.

As an individual I:

- Will meet or better the organizational response times when interacting with customers.
- Follow-through so that no customer will be able to say that I failed to do what I said I would do.
- Will complete what ever I promised, do it promptly and accurately.
- Will give equal attention and effort to commitments made by the organisation, and not just my personal commitments.

3. The Role of an Elected Member

3.1 Introduction

The overall aim of the Code of Conduct is to set out agreed values, understandings and expectations about the manner in which members of the Western Bay of Plenty District Council conduct themselves while acting in their capacity as elected members.

This section provides guidance for “how to act in the capacity of an elected member” by setting out the broad role and functions of Councils and the role that elected members take in undertaking those functions.

The principles of how elected members conduct themselves while acting in their capacity as elected members are dealt with later in this code.

3.2 Purpose of Local Government and Role of Local Authorities

The purpose of Local Government, as set out in Section 10 of the Local Government Act 2002, is:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.*

(*This second bullet point sets out the “aspects of well-being” that are referred to elsewhere in the Local Government Act 2002, and in the “Principles relating to local authorities” below).

The Local Government Act 2002 (Section 11) also states that the role of local authorities (Councils) is to:

- give effect, in relation to its district or region, to the purpose of local government; and
- perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

3.3 Principles Relating to Local Authorities

The Local Government Act 2002 (Section 14) sets out principles guiding local authorities in the way that they perform their roles. The Act states:

1. In performing its role, a local authority must act in accordance with the following principles:

A local authority should:

- i. conduct its business in an open, transparent, and democratically accountable manner; and
- ii. give effect to its identified priorities and desired outcomes in an efficient and effective manner.

A local authority should make itself aware of, and should have regard to, the views of all of its communities; and

When making a decision, a local authority should take account of:

- i. the diversity of the community, and the community's interests, within its district or region; and
- ii. the interests of future as well as current communities; and
- iii. the likely impact of any decision on each of the social, economic, environmental and cultural aspects of well-being of the community.

A local authority should provide opportunities for Maori to contribute to its decision-making processes.

A local authority should collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and

A local authority should undertake any commercial transactions in accordance with sound business practices; and

A local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and

In taking a sustainable development approach, a local authority should take into account:

- i. the social, economic and cultural well-being of people and communities; and
- ii. the need to maintain and enhance the quality of the environment; and
- iii. the reasonably foreseeable needs of future generations.

2. If any of these principles, or any aspects of well-being referred to in the purpose of Local Government above, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i). This principle is to "conduct its business in an open, transparent, and democratically accountable manner".

3.4 Statutory Declarations

Each person elected to a Council has to make their statutory declaration, and have that declaration attested, before they can act as an elected member of a Council.

Although elected from wards, once elected a Councillor's overriding duty is to the Western Bay of Plenty District Council as a whole. This duty is set out in the form of the statutory declaration made by elected members, which is:

I, (name) declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Western Bay of Plenty District Council, the powers, authorities and duties vested in or imposed upon, me as a member of the Western Bay of Plenty District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

3.5 Definition of the Role of an Elected Member

There is no statement in the Local Government Act that prescribes what the role of an elected member is. The role of an elected member has to be inferred from the legislation.

"Elected members are expected to make important decisions about the governance of the local authority—dealing with a wide range of policy matters that are often complex, subjective, or unfamiliar—requiring careful judgment. These tasks pose a significant challenge for individual members and for Councils as governing bodies."
(Extract from the Controller and Auditor General "Managing the Relationship between a Local Authority's Elected Members and its Chief Executive" dated July 2002.)

"Governance is the means for collective action in society, responding to and guiding change that is beyond the capacity of private action. '... It enables values to be realized... Governance involves the notion of a collective voice, an avenue for resolving questions of competing priorities and determining the 'public interest'".
(Extract from Hamilton 'Reflecting on Urban Governance in the USA', Policy and Politics, Volume 21 No 4 (1993).)

The governance model under the Act is representative democracy. The community elects individuals to make judgements on behalf of the community about what will promote community well-being. Although the model is one of representative democracy, there are strong elements of citizen participation.

There are three elements to governance under the Act. They are:

- *representing the community;*
- *setting policy;*

- *monitoring and review.*"

(Extract from the Local Government New Zealand Know How Guide to Governance)

"Based on the legislative provisions our understanding of the role of an elected member is that it is to:

- *represent residents and other members of the local community;*
- *set the strategic direction for the local authority and determine policies consistent with that strategic direction;*
- *delegate the management and administration of the local authority to the chief executive; and*
- *monitor and evaluate the performance of the local authority against Council policies and plans."*

(Extract from the report of the Controller and Auditor General "Managing the Relationship between a Local Authority's Elected Members and its Chief Executive")

"Representation might involve any or all of the following:

- *making decisions on the promotion of community well-being;*
- *keeping in contact with the community, ascertaining their views and putting these to Council*
- *advocating for the community with other bodies such as central government or private sector bodies (e.g. the major employer in the district)*
- *explaining Council decisions to affected parties. "*

(Extract from the Local Government New Zealand Know How Guide to Governance)

A description of positions of additional responsibilities developed by the Remuneration Authority is attached as **Appendix A**.

3.6 Disqualification from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector, or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Elected members can also be disqualified from office if they are absent without leave of the local authority from four consecutive ordinary meetings of the local authority (Schedule 7, Part 1, Clause 5(1)(d) Local Government Act 2002).

3.7 Declaration of Bankruptcy

In terms of Paragraph 15(5) of Schedule 7 of the Local Government Act 2002 Council is required to consider whether it must require a member/newly elected member to

declare whether or not they are an undischarged bankrupt. When a person is declared bankrupt it can raise questions about the soundness of that person's financial management skills, and their judgement in general. Therefore whenever an elected member is declared bankrupt, they must notify the Mayor and Council of this as soon as practicable after being declared bankrupt.

3.8 Declaration of Non-Financial Interest

Elected members must declare any non-financial interests they may have in any matters before the Council. They are also required under law to declare any pecuniary interests, and this is covered in detail in Section 3, Legislative Responsibilities, under "The Local Authorities (Members' Interests) Act 1968".

By declaring any non-financial interests in matters before Council, elected members will ensure that an impression is not created that they are using their position to promote a private or personal interest.

For example, interests can arise through the involvement of family or friends in organisations that deal with the Council and through membership of clubs, societies and voluntary bodies.

Elected members should also consider actions they may have taken before becoming elected; or during the election campaign, that could create the impression of predetermination or bias. For example, accepting campaign contributions from a person or organisation that later enters into business with the Council would require the elected members concerned to declare an interest and take no part in the matter before the Council. Similarly, taking a strong position or campaigning against an issue would later rule out an elected member from acting in a decision-making role relating to that matter.

4. Conduct Obligations

4.1 Introduction

This section of the Code of Conduct sets out the conduct obligations required of elected members. These are enforceable standards of conduct.

4.2 General conduct

You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the Vision, Mission and Values (including the Customer Charter) of Council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community.

You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act.

You must treat others with respect at all times.

4.3 Fairness and Equity

You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

4.4 Harassment and discrimination

You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

4.5 Binding Caucus Votes

You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

For this purpose, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

This does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.

This does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

4.6 Resource Management Hearings

An important activity for elected members is participation as members of Hearings Committees under the Resource Management Act 1991.

These hearings are in essence an aspect of administration, which aims to ensure that Council's resource management and planning policies are put into effect. The District Plan outlines Council's objectives, policies and rules governing resource management, and it is a responsibility of Council to promote and uphold these within the context of the principles and requirements of the Resource Management Act 1991.

As a member of a Hearings Committee, Councillors are essentially involved in "administration" of Council policy, as expressed in the District Plan, rather than the more usual role of establishing Council policy. A resource consent hearing is considered to be an independent assessment of an application for resource consent. These take place when land use activities and subdivision proposals are not permitted as of right by the District Plan and accordingly require resource consent.

The Resource Management Amendment Act 2005 introduced new requirements for the accreditation of panel members at local hearings. All chairs of hearing panels and a majority of the members of any hearings panel must be accredited.

Any concerns that an elected member has with aspects of the District Plan need to be addressed through a separate process (e.g. through a Plan Change) rather than during a resource consent application hearing.

When acting as members of the Hearings Committee there is an obligation on Councillors to:

- complete any necessary preparatory work and read pre-circulated material;
- listen attentively at the public hearing;
- act fairly to all parties;
- ask questions for clarification and refrain from expressing personal views or making statements that could indicate predetermination or bias. (Debate on an issue occurs during the decision process which may be held in “public excluded” session at the conclusion of the hearing);
- refrain from discussing the application with any affected party before the hearing; or discussing the hearing issues with any affected party during the hearing.
- ensure that formal site inspections are just that and provide no opportunity for parties to present evidence or submissions.

To preserve the integrity of the process, elected members who are not part of a Hearings Committee must not express views or try to influence the outcome of any application that the Hearings Committee is considering (other than as private citizens making submissions).

The conduct of a Hearings Committee is part of a statutory process conducted under the Resource Management Act and elected members should, at all times, act in a manner that brings credit to the Council and respects the principles of fairness and judicial responsibility. Guidelines for hearing procedures under the Resource Management Act 1991 are provided to elected members who are part of a Hearings Committee.

These principles of fairness and judicial responsibility should also be used with other hearings that elected members may be involved with under the Reserves Act 1977, Sale of Liquor Act 1989 and Dog Control Act 1996.

4.7 Relationship between Council Officials

Obligations of councillors

Each council is a body politic. The councillors are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations.

Councillors must not:

- a) direct council staff other than by giving appropriate direction to the chief executive officer in the performance of council’s functions by way of council or committee resolution.
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate.

- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the chief executive officer.
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers. This does not apply to council's external auditors who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations during meetings

You must act in accordance with council's Standing Orders during council and committee meetings.

You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

You must not engage in any of the following inappropriate interactions:

- a) Councillors approaching staff and staff organisations to discuss individual staff matters.
- b) Councillors who have lodged any development applications with council, discussing the matter with council staff in staff-only areas of the council.
- c) Councillors being overbearing or threatening to council staff.
- d) Councillors making personal attacks on council staff in a public forum.
- e) Councillors directing or pressuring council staff in the performance of their work, or recommendations they should make.
- f) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's chief executive officer.

4.8 Dress Code

Elected members should maintain an appropriate standard of dress at meetings of Committees and the Council. It is recognised that the standard of dress will be in accordance with the level of formality of the meeting they are attending. Some principles for guidance are:

- casual dress is appropriate at workshops;
- committee meetings involve engaging with members of the public, therefore a neat and tidy standard of dress is appropriate;
- Council meetings are a formal occasion therefore a more formal standard of dress is appropriate.

4.9 Maintaining the Integrity of this Code

You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Compliance

The Local Government Act 2002 requires elected members to comply with the provisions of this Code of Conduct (Schedule 7, Clause 15(4)):

"A member of a local authority must comply with the code of conduct of that local authority."

However, the Act also states (Schedule 7, Clause 15(7)):

"To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act."

Complaints made for an improper purpose

You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

A complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass a council official
- b) to damage a council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

Detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.

You must comply with a reasonable and lawful request made by a person exercising a function under this code.

Where you are a councillor or the chief executive officer, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

You must report breaches of this code in accordance with the reporting requirements under this code.

You must not make allegations of suspected breaches of this code at council meetings or in other public forums.

You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

Complaints alleging a breach of this Part by the Mayor, are to be made to the Deputy Mayor.

Complaints alleging a breach of this Part by a Councillor, or the Chief Executive Officer are to be made to the Mayor.

Complaints alleging a breach of this Part by other council officials are to be made to the Chief Executive Officer

Where you are an Elected Member and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions, for example breaches relating to declaration of members' interests, the Council may refer the issue to the relevant body, any member of the public may make a complaint or the body itself may take action of its own initiative.

Where a member breaches the Code of Conduct and the breach involves no offence against any statute, the Council may take the following action:

- censure;
- removal of the elected member from Council committees and/or other representative type bodies;
- dismissal of the elected member from a position such as Deputy Mayor or Chairperson of a committee;
- a Mayor cannot be asked to resign.

4.10 Review of the Code of Conduct

Once adopted, the Code of Conduct 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. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Council present.

5. Operations

5.1 Interaction with the Public

Many residents see Councillors as a type of “ombudsman” to whom they can make complaints. Others are unaware of the distinction between governance and management and believe individual Councillors can issue instructions to Council staff.

As a result Councillors are likely to receive telephone calls at all hours of the day or night and to be contacted at any time by residents who want to make a suggestion, share information or air complaints.

When interacting with members of the public, elected members should:

- show a willingness to listen;
- represent Council’s collective position accurately, i.e. personal opinions should be clearly stated as such and should not undermine Council, individuals or existing policies or decisions;
- remember that individual elected members have no personal power or legal authority to commit the Council or Committee to any policy, course of action or expenditure.

In the first instance residents of the public should be directed to Council’s many feedback avenues:

Telephone 0800 WBOPDC (926 732)
Email customerservice@westernbay.govt.nz
Website <http://www.westernbay.govt.nz>

and in particular their ability, through these avenues, to make a request for service or to make a complaint. Elected Members should not, as a principle, be the conduit for these requests, but rather should direct people to use these tools and avenues of interaction.

A more valid role that Elected Members would have is where residents are dissatisfied with the results and then the Elected Member would justifiably query the Chief Executive Officer or Group Manager concerned.

5.2 Collective Responsibility and Public Comment

Councils are corporate bodies that have the authority to make decisions and set direction in the best long-term interests of the community.

An elected member as a member of a corporate body does not have any specific authority to act or make decisions as an individual. It is the corporate body that has

the authority. However every elected member has a role and responsibility in the exercise of that authority.

When a decision is in the process of deliberation by the elected body, each individual member represents the community. When a decision has been made by that body and the decision is contrary to a particular member's point of view, that person's public statements should make it clear that they represent a minority view. The decision has been made democratically by a majority representing the community and the focus should move to effective implementation rather than publicly attacking the democratic process and effectiveness of Council as a whole.

Once Council has made a decision continued criticism of that decision by an elected member is not helpful to the ongoing governance relationships within Council. Good governance requires the ability of the Council to move forward rather than to continually look back. Elected members should therefore exercise restraint in expressing opposition to past decisions made by Council. Equally it is accepted that elected members seeking re-election may, in the period leading up to an election, wish to remind the public of their personal opposition to past decisions of Council as part of their re-election campaign. Again this is a perfectly normal and acceptable part of the democratic process at work.

5.3 Interaction with the Media

The media plays an important role in informing members of the public of the opinions of elected members on issues of public interest. Accordingly elected members must feel free to use the media to disseminate their views on matters that they consider important. However, elected members should clearly distinguish in any statement they make to the media between their personal views and views that they purport to express on behalf of Council as a whole. The following guidelines have been adopted by Council having regard to advice issued by the Controller and Auditor General.

1. The Chief Executive has the authority to approve the content of all Council material (which will include press releases) being issued on behalf of Council or through the use of Council resources, even if that material is being attributed to an elected member or members. The Chief Executive has the authority to further delegate this authority.
2. Material paid for by Council will represent the position of Council, if Council has formally adopted a position.
3. If a response to a matter is urgent, or it is desirable to publicise an issue that Council is about to consider, then either the Mayor, the Deputy Mayor if the Mayor is unavailable, or the appropriate committee chairperson, may in consultation with the Chief Executive make statements on behalf of Council.

This does not preclude those office holders from making personal statements to the media where their position differs from that of the official Council position. However, where those office holders wish to make such a statement they should clearly indicate that their position is a personal one and not an official Council position.

5.4 Confidentiality

Elected members may acquire information not generally known to the public or other businesses, such as trade secrets and tender information, processes, methods, advertising or promotional programmes, sales and statistics affecting financial results. In addition, there will be specific agenda items that are determined to be 'confidential'. This information is the property of the company or organisation concerned and should not be disclosed to any other person unless the disclosure has first been authorised by that company or organisation. It is also improper for elected members to use any such information acquired for their own personal advantage.

From time to time elected members may become aware of personal information about members of the community. It is vital that elected members respect the confidentiality of such information.

Occasionally an elected member may believe that there is genuine public interest in a public excluded item, and therefore that item should be made public. A member holding such a belief should first move at the appropriate Council meeting that the matter be moved into public business. If they are unsuccessful with that motion and still believe that the information should be made public, then the correct process is to seek release under the Local Government Official Information and Meetings Act.

Firstly the elected member makes an official information request to the Chief Executive, seeking the release of that information. If the Chief Executive declines to release the information, then the elected member can apply to the Office of the Ombudsman for a review of that decision.

If the Chief Executive decided to release information at the request of an elected member, the Chief Executive would advise the Mayor and Councillors of the release.

By following this process, elected members will ensure that the rights of all parties potentially affected by the release of confidential information have been given proper consideration.

5.5 Representation of Council on Other Organisations

From time to time other organisations ask Council to appoint a representative to their governing body. Usually this will be some form of committee or in some cases some

form of community trust. Sometimes the motive of the group seeking the appointment is to try and obtain a representative around the Council table to lobby on the group's behalf. In some of these cases the members of the group are also confused about the governance role of elected members and are really seeking a representative with the executive authority to commit the Council to courses of action in relation to that group.

There are implications in the Local Government Act 2002 for appointing elected members to other organisations. This arises from Part 1 of the Act, which creates two types of organisations for which the Council has governance responsibilities. These are:

- Council organisations—organisations in which the Council controls any proportion of the voting rights, or rights to appoint directors.
- Council-controlled organisations—organisations in which the Council controls 50 per cent or more of the voting rights, or has the right to appoint 50 per cent or more of the directors.

Accordingly the outside organisations to which the Council has appointed elected members are deemed to be "Council organisations".

The Council is obliged, in respect of these Council organisations, to have a policy on appointment and remuneration of directors and must monitor the performance of that body.

Appointment of Councillors to Ad-hoc Organisations

Council's current criteria for Council representation on outside organisations, is:

- Does the organisation allocate significant Council funding within the community?
- Does the organisation co-ordinate the activity of particular sectors or groups within the community in an area that is significant to the achievement of Council's own goals?
- Does the organisation have a relevance or potential relevance to the future well-being of the District?
- Are there other ways or initiatives that Council might take to co-ordinate or establish bodies that advance Council's strategic goals and objectives?

Where a Councillor is appointed to an outside organisation, the Councillor needs to be aware that, although they have been appointed in the belief that they will be able to assist the partnership relationship between the Council and the body concerned, once appointed their first responsibility when acting as a member of that body is to that body. Should situations arise where there may be a conflict of interest between Council and the body concerned the elected member may well be disqualified (depending upon the circumstances) from taking part in the decision making process on the matter which causes the conflict.

Elected members therefore are expected to avoid situations where their actions could give rise to a conflict of interest. The Code of Practice for Directors, published by the Institute of Directors in New Zealand Inc, contains guidance to directors to help them carry out their duties and responsibilities effectively and in accordance with the highest professional standards. A copy of this Code can be downloaded from the Institute's website, www.iod.org.nz, or alternatively a copy can be obtained from the Council's Democracy team.

Elected members should also be aware that as a member of the governing body of another organisation they incur the legal liabilities that all members of that governing body are exposed to. Council does not carry insurance that would protect the member of a governing body in this situation should they incur a legal liability as part of that body. Elected members appointed to other bodies will need to satisfy themselves that the body concerned has appropriate risk management strategies in place to protect the governing members of that body from legal liabilities. It should be noted that this is particularly the case with trusts where the trustees may be personally liable for any debts incurred by the trust.

If an elected member appointed to such a body is not satisfied that there are adequate protections in place to them then they should resign from the governing body of that organisation. Council would then have to consider whether it was appropriate to appoint a new representative to the body concerned.

5.6 Internal Relationships

Relationships with the Chief Executive and Staff

Within the organisation, the Chief Executive provides personal leadership and maintains a focus on key strategic issues including:

- LTCCP and other Plans.
- Development and oversight of new policy in response to internal and external needs.
- Organisational structure and whether it is meeting the needs of Council.
- Internal and external communications strategies, public relations and media contact.
- Personnel issues including the employment of staff and contractors.

The Chief Executive delegates tasks and authority to other Council officers. An elected member will often work closely with Council officers on specific committees or projects. The officers will provide services as agreed with the Chief Executive. These services may include information, advice and secretarial services.

Officers that provide advice to the Council must ensure that their advice is unbiased and professional and, where possible, offer alternative ways of achieving the

Council's objectives. Officers should understand that elected members often need to take into account other factors before reaching a decision.

An effective working relationship between elected members and officers is critical to the success of the Council.

If elected members have concerns about the performance of any officer or contractor, these concerns must be directed to the Chief Executive. It is not appropriate to approach staff and contractors directly, nor is it appropriate for elected members to comment publicly on the management or staff of Western Bay of Plenty District Council.

A distinction needs to be drawn between the effectiveness of any policy and the management or implementation of that policy.

Elected members should feel free to comment publicly on the effectiveness of any policy, while concerns about the management or implementation of that policy should be discussed in the first instance with the Chief Executive. For example, where an individual private development is approved by Council officers, in accordance with provisions of the District Plan, it is reasonable for an elected member to express reservations about the District Plan rules and whether those rules should be reviewed. It is not acceptable for the elected member to criticise the staff member for approving the individual application.

An elected member not satisfied with the Chief Executive's response, depending on the nature of the concern they have, can seek a review of officers' decisions by Parliamentary offices such as the Office of the Auditor General, the Ombudsman and the Parliamentary Commissioner for the Environment.

Likewise, Council officers are expected to show respect for the office of the elected members and ensure that their comments enhance the reputation of the Council as a whole.

The Role of the Chief Executive

Based on the Local Government Act 2002 (Part 4, Section 42) the Chief Executive's responsibilities to the Council are as follows:

- implementing the Council's decisions; and
- providing advice to the elected members; and
- ensuring that all responsibilities, duties and powers delegated to them or to a staff member, or imposed or conferred by an Act, regulation, or bylaw, are properly undertaken; and
- ensuring the effective and efficient management of the Council's activities; and
- maintaining systems to enable effective planning and accurate reporting of the Council's financial and service performance; and
- providing leadership for the Council staff; and

- employing the staff on behalf of the Council; and
- negotiating the staff members' terms of employment.

Procedures for Raising Operational Matters or Queries

From time to time elected members may become aware of operational matters that need action, or questions requiring an answer.

The approved avenue is for the Elected Member to direct their query to the Chief Executive Officer or relevant Group Manager.

Procedures for Raising Policy Matters

There are two options for raising a policy matter for consideration by the Council.

One method is for the elected member to liaise with the Mayor or with the Chairperson of the appropriate committee. If it is agreed that the matter is one for political decision, then the Mayor or Chairperson will request the Chief Executive to have the appropriate report compiled.

Another method is to follow the procedure for submitting a Notice of Motion. The procedure is outlined in the Council's Standing Orders.

Joint Chairs/Executive Meeting

Regular short meetings between the Mayor, Committee Chairs, and executive staff will occur with the purpose of:

- to focus on the forward direction of the Western Bay of Plenty District Council
- to raise and/or identify the "big" issues of concern to Council
- ensure information is openly shared between the Mayor, Chairs and Executive.

The Mayor will be responsible for keeping the Elected Members, in general, informed.

Employment of the Chief Executive

The Council is responsible for hiring the Chief Executive. The Chief Executive is responsible for hiring all other Council staff on behalf of the Council. The terms of the Chief Executive's employment are contained within the employment contract between the Chief Executive and the Council.

When the Council reviews the Chief Executive's performance, it is effectively reviewing the performance of the whole organisation. The Council's expectations of the Chief Executive should be expressed as written policies, statements and performance targets.

Any concerns about the performance of the Chief Executive must be addressed in accordance with the procedures contained in the Chief Executive's Employment Contract.

5.7 Responding to Ratepayer Approaches Regarding Potential or Actual Litigation against the Council

This protocol aims to provide elected members with guidelines on how to deal with approaches on matters of litigation.

When responding to approaches from citizens or the media on such matters, elected members should:

- Listen to concerns.
- Seek clarification.
- Refer person to appropriate agency, e.g. Chief Executive, Solicitor, Consultants, Disputes Tribunal, etc.
- Relay information to the Chief Executive or appropriate Group Manager of the Council.
- Notify the Chief Executive where notice of intention to make a claim against the Council is given or there are facts present that involve the assertion of action against the Council.

Elected members should take care not to:

- Admit liability.
- Settle or make or promise any payment.
- Do anything that may prejudice the insurer's defence of litigation.
- Disclose any information that the elected member has received by way of confidential briefings on the litigation matter.

The Council has to notify its insurers of any occurrence that may give rise to a claim. Elected members should notify the Chief Executive when they are given notice of intention by a citizen to make a claim against the Council; or an elected member is made aware of the presence of facts that directly or indirectly involve the assertion of a claim against the Council.

The Council is not permitted under the conditions of indemnity to admit liability or to settle a claim. Therefore elected members need to be aware that when engaging in conversation where a claim has been made or threatened, they should not give any undertaking, promise or opinion that may be construed as an admission of liability, nor make any offer to settle or do any act that may prejudice in any way the insurer's later defence of the claim in litigation.

5.8 Remuneration of Elected Members

Elected members will be remunerated in terms of the Local Government Elected Members' Determination made under the Local Government Act 2002 and the Remuneration Authority Act 1977.

Rules for Reimbursement of Travel and Other Expenses

These are provided for in the latest version of Council's Sensitive Expenditure Policy. The current policy at the time of publication of this Code is attached as **Appendix B**, however, Elected Members are subject to the most current version.

Claims for reimbursement for business travel and other business expenses are to be made on the appropriate Elected Members Expenses Claim sheet, available from Democracy Services.

5.9 Support Services

Typing/Letter Writing

Councillors may wish to have some correspondence typed on a formal letterhead in an official capacity. The Mayor's assistant will provide this service to Councillors on request. Councillors should note that as they have no individual executive authority, unless that is delegated to them by Council by resolution, that it is inappropriate for them to make written commitments to future action on behalf of Council.

Councillors should also note that when they act in their elected capacity any information they generate or hold is subject to disclosure under the Local Government Official Information and Meetings Act. This includes information contained in emails. Accordingly when Councillors request correspondence to be typed on their behalf, file copies will be taken and held within Council's record system. The most common situation where such a service might be provided to an elected member is where the member wishes to formally acknowledge receipt of correspondence from a constituent or to acknowledge invitations to attend an event.

Council will not provide typing and postage services for bulk mail-outs from individual elected members. It is not envisaged that such a situation would arise where the responsibility for such a bulk mail-out would be the responsibility of an individual Councillor. Normally bulk mail-outs would arise from Council's operational activity and would be managed by staff.

Provision of Communication Equipment

Council will provide individual elected members with necessary equipment for effective communication and functioning as elected members. This code does not

prescribe what that equipment is. That is better determined by Council from time to time as communications technologies evolve.

However, each year the Council must make a recommendation to the Remuneration Authority, for the basis of remuneration and reimbursement of expenses for its elected members.

That recommendation can include a policy for the reimbursement of expenses related to communications equipment, as considered necessary by the Council.

Elected Members provided with communications equipment will be required to follow any relevant Council policy on the use or misuse of that equipment.

Access to Information

To assist elected members in their governance role, elected members are provided with the information they need to support their decision making.

If an elected member feels that insufficient information has been provided on which to make a decision, the elected member should feel free to request the Chief Executive to provide that information.

The Chief Executive, in considering whether to provide that information, has to consider whether or not the information is relevant to the governance role of the elected members. The "need to know" principle is also applied. If the information requested is not relevant to the governance role of the elected member, then the provisions of the Local Government Official Information and Meetings Act 1987 are applied and the status of the elected member is the same as any member of the public.

In the event that the Chief Executive declines to provide the information, the elected member can choose to apply to the Office of the Ombudsman for a review of that decision.

Another option is to raise the matter as a Notice of Motion to gain the support of the Council in releasing the information.

Use of Meeting Rooms

From time to time elected members may ask to use the meeting rooms and associated equipment in the Council Offices. Generally meeting rooms are not available for meetings other than meetings sponsored directly by the Council.

6. Legislative Responsibilities

6.1 The Local Authorities (Members' Interests) Act 1968

This Act deals with the positions of elected members who may have an interest in contracts to be let by the Council.

It also prohibits elected members from voting or taking part in any matter in which they have a direct or indirect financial interest.

The essence of the Act is to ensure that elected members follow high ethical standards in their public obligations so that the public can have confidence that their decisions are taken entirely properly, without any suspicion of improper interests influencing elected members' actions.

Details of these requirements are given in the guide to the legislation published by the Office of the Controller and Auditor General. An outline of the requirements of the Act is as follows:

6.2 Contracting

You are allowed to be concerned or interested in contracts made by the Council when the payments under them do not exceed \$25,000 including GST in a financial year.

You can be concerned or interested in contracts when the payments exceed \$25,000 including GST in a financial year provided you have the prior approval of the Audit Office.

If the payments exceed \$25,000 including GST, or any other amount approved by the Audit Office you are automatically disqualified from office as a member of the Council, and you will commit an offence if you continue to act as a member.

Disqualification may be overcome in special circumstances by obtaining a retrospective approval from the Audit Office.

6.3 Discussing and Voting

You must not discuss or vote on a matter in which you have a pecuniary interest when the matter is being considered by the Council or by a committee of the Council.

If you do not observe that prohibition, you will commit an offence and could be prosecuted. Conviction leads to disqualification from office.

When you are at a meeting and a matter is to be considered in which you have a pecuniary interest, you must declare to the meeting that you have an interest in the

matter (but you do not have to say why your interest exists). You should subsequently ensure that the minutes of the meeting record the facts of the declaration and the abstention from discussion and voting.

A key principle that elected members should reflect on, and be guided by, is that regardless of actual impropriety, elected members should at all times avoid any suspicion or appearance of improper conduct.

The Council has adopted the suggestion of the Office of the Controller and Auditor General and requested all elected members to make a written declaration of their personal and financial interests that may at times conflict with their roles. This information is kept in a "Register of Interests" and regularly updated.

6.4 Advice from the Office of the Controller and Auditor General

The safest course of action to protect your position is—"When in doubt, don't"—whether the situation relates to a contract proposed to be entered into or a matter on the meeting agenda.

Sometimes the existence of an interest in a contract or a matter on the agenda will be quite obvious; at other times it might not.

When it comes to discussing and voting, remember that the Act includes both direct and indirect pecuniary interests.

Elected members should seek advice from the Chief Executive or directly from the Office of the Controller and Auditor General (phone 04 917 1500, email reception@oag.govt.nz, website www.oag.govt.nz).

6.5 Liability of Elected Members under the Public Audit Act 2001

This Act makes Councils and elected members individually accountable for:

- any unlawful expenditure;
- any liability incurred illegally; or
- when a Council "wilfully or negligently" fails to collect money it is entitled to receive.

The Office of the Controller and Auditor General is authorised to jointly and severally surcharge every member of a local authority for offences under this Act. If any elected member is bankrupted, then that member's share of the charge is divided amongst the other members.

6.6 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 or fined up to \$1,000 or both. A conviction would therefore trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

6.7 Securities Act 1978

This legislation governs the raising of money by the offer to the public of the opportunity to invest through shares in an enterprise or to lend money to an organisation. Its application to Council would arise if Council wished to borrow money by public stock issues. In such a case, Council would be required to publish an investment statement and a prospectus.

Where published documents relating to an issue of securities are found to contain untrue statements the directors (in this case Councillors) of the issuer may be held both criminally liable and civilly liable.

6.8 The 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;
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Disclosures to which this Act applies:

- (1) An employee of an organisation may disclose information in [accordance with] this Act if—
 - (a) the information is about serious wrongdoing in or by that organisation; and
 - (b) the employee believes on reasonable grounds that the information is true or likely to be true; and
 - (c) the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
 - (d) the employee wishes the disclosure to be protected.

- (2) Any disclosure made in accordance with subsection (1) is a protected disclosure of information for the purposes of this Act.
- (3) If an employee of an organisation believes on reasonable grounds that the information he or she discloses is about serious wrongdoing in or by that organisation but the belief is mistaken, the information must be treated as complying with subsection (1)(a) for the purposes of the protections conferred by this Act and by section 66(1)(a) of the Human Rights Act 1993.]

6.9 Local Government Official Information and Meetings Act 1987

This Act deals with the provision of official information and the conduct of local authority meetings.

6.10 Official Information

This Act requires Council to make all information relating to its operation public unless there is a good reason for withholding it. Good reasons for withholding information may include privacy of an individual, commercial sensitivity of a company, damage to the public interest, safety of an individual or that the maintenance of law may be prejudiced.

The decision on whether to withhold or release such information lies with the Chief Executive. Members of the public may challenge any decision to withhold information, by making an Official Information Request to the Chief Executive. If the Chief Executive declines to release the information, then the member of the public can apply to the Office of the Ombudsman for a review of that decision.

6.11 Meetings

This part of the Act establishes procedures to provide for the admission of the public to meetings of Councils while providing for the protection of deliberations of Councils to the extent consistent with the public interest.

The Act requires Councils to publish a list of all their meetings, their time and place in advance each month. Councils must also make the agendas and reports to be considered available for inspection by the public before the meeting.

All of the Council's meetings are required to be open to the public, unless the public is expressly excluded. The public can only be excluded from a meeting on the grounds and in the manner outlined in Section 48 of the Local Government Official Information and Meetings Act 1987.

Appendix A - Descriptions of Positions of Additional Responsibilities

Committee Chair/Portfolio holder

Responsibilities in addition to those of a councillor:

- Chairing meetings of the committees in the areas of council activity and business within their area of responsibility
- Representing the council to a high standard in the areas of council activity and business within their area of responsibility, recognising that conduct in the role of CC/PH reflects on council as a whole
- Promoting and supporting good governance by the council
- Developing a clear understanding of the terms of reference of their committees, and of the scope and range of the specific areas of council activities and business within their area of responsibility to allow them to carry out their role as CC/PH
- Ensuring sufficient familiarity with council Standing Orders and procedures to be able to chair council committee meetings and any other sessions of council for which they have responsibility
- Undertaking sufficient preparation before meetings they are chairing to effectively carry out their role as CC/PH
- Ensuring any meetings they chair act within the powers delegated by the council as set out in the council Delegation Manual
- Managing the progress of business during meetings, including ensuring adherence to the council Code of Conduct, Standing Orders and any other statutory obligations and requirements
- Ensuring that all meeting participants have an opportunity to make an appropriate contribution within the bounds of Standing Orders and due process
- Maintaining and ensuring due order and decorum throughout meetings they chair
- Commenting to the media (or other agencies) as the council spokesperson on issues arising that pertain to their committee or that are on the agenda in the areas of council activity and business within their area of responsibility, but only if delegated to do so by council
- Liaising with appropriate council staff in respect of the areas of council activity and business within the CC/PH area of responsibility

- Providing political leadership in building a political consensus around council issues in the areas of council activity and business that are within their area of responsibility
- Recognising and contributing to issues that cut across specific areas of council activity and business within the CC/PH area of responsibility
- Working closely with other elected members of council to ensure smooth council decision-making
- Keeping abreast of all issues concerning council activity and business within their area of responsibility.

Deputy Mayor

Responsibilities in addition to those of a councillor:

- Supporting the Mayor in his/her role and deputising for him/her in his/her absence
- Keeping abreast of all issues facing council, to allow for relative ease when deputising for the Mayor, should that need arise
- Representing the council to a high standard, recognising that conduct in the role of Deputy Mayor reflects on council as a whole
- Representing the council in a strong, competent and articulate manner in the council area and to any external agencies or groups
- Ensuring sufficient familiarity with council Standing Orders and procedures to be able to deputise competently for the Mayor in chairing council meetings and other sessions of council
- Representing the council in various local, regional and/or national settings, both formal and informal, as appropriate
- Working closely with other elected members of council to ensure smooth council decision-making
- Ensuring sufficient familiarity with the processes and procedures of various civic functions to be able to correctly follow the obligations of such civic functions in the event of deputising for the Mayor, should that need arise.

Appendix B – Sensitive Expenditure Policy

Relevant Legislation

Local Government Act 2002
NZ International Financial Reporting Standards
Goods & Services Tax
Fringe Benefits Tax
Income Tax Act

1. Policy Objective

In accordance with the financial management sections 100 and 101 of the Local Government Act 2002 (financial prudence); and, with due regard to the Controller & Auditor-General's good practice guide, "Controlling sensitive expenditure: Guidelines for public entities" (February 2007).

Council and its staff or agents are required to spend public funds subject to the standards of probity and financial prudence, such that all expenditure withstands public scrutiny.

2. General approach

The standards of probity and financial prudence apply the principles that expenditure decisions:

- have a justifiable business purpose;
- preserve impartiality;
- are made with integrity;
- are moderate and conservative, having due regard to the circumstances;
- are made transparently; and
- are appropriate in all respects.

3. Policy criteria and conditions

- [3.1 Travel and Accommodation Expenditure](#)
- [3.2 Entertainment and Hospitality Expenditure](#)
- [3.3 Goods and Services Expenditure](#)
- [3.4 Staff Support and Welfare Expenditure](#)
- [3.5 Other Types of Expenditure](#)

3.1 Travel and Accommodation Expenditure

- [3.1.1 General](#)
- [3.1.2 Air Travel](#)
- [3.1.3 Car Travel](#)
- [3.1.4 Taxis](#)
- [3.1.5 Travel Arrangements](#)
- [3.1.6 Airline Lounge Membership](#)
- [3.1.7 Accommodation and Meals](#)
- [3.1.8 Overseas Travel – Cash Advances](#)

3.1.1 General

- 3.1.1.1 Business Travel is any travel that an elected member or employee is required to undertake during their term or employment in order to carry out Council business and includes travel undertaken for education and development purposes, such as attendances at conferences or courses.
- 3.1.1.2 When elected members or employees must travel on Council business, Council aims to provide for their comfort and well being, while at the same time receiving the best value for the money spent on business travel expenses.
- 3.1.1.3 Generally, Council will pay for accommodation, meals and other reasonable business travel expenses. Elected members and employees are expected to live normally while on Council business without experiencing any personal financial loss. At the same time, elected members and employees are asked to spend public money with the same care and judgment that they would use with their own funds.
- 3.1.1.4 A spouse or partner may accompany the Mayor, Chief Executive Officer, Deputy Chief Executive Officer, Elected Member, Chief Financial Officer or Group Manager to a business conference or event only when required to represent Council in an official capacity and where their attendance contributes to a clear business purpose. Council shall pay for the conference registration (where applicable) and the cost of their spouse/partner attending the official conference dinner. This is restricted to the Chief Executive Officer, Deputy Chief Executive Officer the Mayor, elected members, Chief Financial Officer and Group Managers' spouse/partner only and does not include any other extra activities, airfares or meals. Such attendance requires prior approval from the Chief Executive Officer or, in the case of the Chief Executive Officer's spouse/partner, the Mayor.
- 3.1.1.5 Employees are permitted to undertake private travel before, during or at the end of business travel that is paid for by Council provided that there is no additional cost to Council and the private travel is only incidental to the business purpose.
- 3.1.1.6 In respect of tipping, individuals must have due regard for the principles of moderate and conservative expenditure. Council shall not reimburse for costs incurred for tipping while on Council business in New Zealand. Tipping expenses incurred during international business travel may be reimbursed providing they are not extravagant and only in places where tipping is local practice.

3.1.2 Air Travel

3.1.2.1 Domestic

Economy class shall be used for all flights within New Zealand.

3.1.2.2 International

International travel requires prior written approval from the Chief Executive Officer.

Economy class shall be used for all flights except in special or certain circumstances, for example, long-haul flights (7-8 hours) where, with the prior approval of the Chief Executive Officer, business class or Pacific class may be appropriate.

Council will pay for stop-overs only when there is a clear business purpose and with prior approval of the Chief Executive Officer.

3.1.3 Car Travel

3.1.3.1 Vehicle Use

3.1.3.1.1 When driving is the most convenient and economical means of transportation, employees must, in the first instance, use a Council Vehicle to reach their destination or for use during the business trip.

3.1.3.1.2 Council expects employees to hire the most economical type and size of rental car for use on Council business, taking into account the distance and number of people. Rental cars shall be arranged by the Executive Assistants who will obtain at least two quotes and ensure best value for money.

3.1.3.1.3 Employees who wish to, or those without access to a Council vehicle, may use their personal vehicle for a business trip provided that:

- they obtain their Supervisors/ Managers approval in advance;
- use of their vehicle is the most economical and convenient form of transportation to the business site; and,
- their vehicle is legally compliant and they carry insurance for business use to cover liabilities to third parties.

3.1.3.1.4 Reimbursement of expenses associated with the use of a personal vehicle is calculated at a rate per kilometre. The maximum amount the Council will pay for a trip during which an elected member or employee uses a personal vehicle will be the amount that would have been reimbursed if they had taken an economy class flight.

The current rate per/km reimbursed for use of a personal car is shown on the Expenses Claim Form.

3.1.3.1.5 Elected members and employees shall be responsible for any fines incurred (parking or traffic offences) whilst using a vehicle for Council business. Employees may not be required to pay fines relating to an aspect of the condition of a vehicle being used for Council business that is outside their control.

3.1.4 Taxis

- 3.1.4.1 Elected members and staff will be issued with and use the taxi voucher system when on Council business or if the travel is part of a full itinerary including flights and accommodation the Executive Assistant can use Council's travel company Orbit who will organise a taxi. The Executive Assistants issuing taxi vouchers will record the name of the recipient and purpose for which each voucher is issued.

3.1.5 Travel Arrangements

- 3.1.5.1 Elected members' travel shall be booked through the Democracy team or Mayor's Executive Assistant and employees' travel shall be booked through their respective Executive Assistant. All flights are to be booked via the AOG Air New Zealand portal unless a full itinerary is required that includes flights and accommodation. The booking for a full itinerary should be made with Council's travel company Orbit via their online booking system. Accommodation can be booked separately adhering to Council's travel guidelines. Purchase orders are required before any travel arrangements are booked. In all cases the most economical prices for airfares, car rentals, hotels and other related expenses shall be obtained, with two quotes being obtained for international travel from TANZ accredited travel agents.

3.1.6 Airline Lounge Membership

- 3.1.6.1 Council will meet the full annual cost of airline lounge club membership for the Chief Executive Officer and the Mayor, for those airlines used for travel on official Council business.
- 3.1.6.2 The cost of airline lounge club membership may be fully or partially met by Council as approved by the Chief Executive Officer on a case-by-case basis for elected members and senior staff (third tier managers and above), or as agreed per individual employment package.

3.1.7 Accommodation and Meals

- 3.1.7.1 Elected members and employees will be expected to demonstrate prudence in their selection of hotel accommodation in order to minimise costs without compromising the business/education investment or their personal safety/security. This means that individuals may not necessarily stay at the course/conference venue. A comparison of accommodation should be undertaken and a final assessment be made, taking into consideration best value, commuting costs, etc.
- 3.1.7.2 Elected members arrangements shall be made through the Democracy team or the Mayor's EA and employees' arrangements shall be made through Group EAs who will check corporate rates and availability.
- 3.1.7.3 Elected members and employees may choose to make private accommodation arrangements and stay with friends or family. It is recognised that, in this situation, Council will not incur any accommodation costs and, accordingly, reasonable claims will be approved for expenditure incurred in return for hospitality received by individuals staying privately. The reimbursement shall not exceed \$65.00 per night.
- 3.1.7.4 Council may reimburse the Chief Executive Officer, Deputy Chief Executive Officer, the Mayor, Elected Members, Chief Financial Officer, Group Managers and Third Tier Managers for meals and alcohol consumed with meals whilst on Council business.

Council may reimburse all other employees for meals but not alcohol whilst on Council business. Such expenditure shall be moderate and conservative and must be supported by itemised tax receipts and details of the circumstances of the expenditure. At the Chief Executive Officer's discretion, reimbursement may be denied in the event expense claims are deemed unreasonable in the circumstances. Council shall not reimburse costs incurred for mini-bar or in-room entertainment (e.g. pay-per-view televised sports events). Council shall not reimburse separate meal expenses where meals are included in the education/conference package paid for by Council.

Please Note: Overseas expense claims for meals, accommodation, taxis and any other expenses incurred while overseas are GST exempt and should not be claimed on an expense claim form.

3.1.8 Overseas travel – cash advances

- 3.1.8.1 In instances where an elected member or employee does not have a corporate credit card and is required to travel overseas on Council business, it may be necessary to provide a cash advance.
- 3.1.8.2 The amount of any cash advance shall be determined in consideration of the nature and duration of the business travel being undertaken.
- 3.1.8.3 Original receipts and invoices are to be submitted with all remaining cash from the advance upon return. These are to be reconciled to the original amount of cash advances. Any shortfalls must be reimbursed to Council by the individual to whom the cash was advanced.

3.2 Entertainment and Hospitality Expenditure

- 3.2.1 Council's Entertainment and Hospitality Expenditure can be defined as for the purposes of:
 - building relationships;
 - representing the organisation;
 - reciprocating hospitality where this has a clear business purpose and is within normal bounds – acceptance of hospitality is expected to be consistent with the principles and guidance for the provision of hospitality; and
 - recognising significant business achievement.
- 3.2.2 It is Council's policy to reimburse elected members and employees for expenses incurred in business entertainment according to the following:
 - 3.2.2.1 Management personnel will conduct entertainment of business associates. On occasions where circumstances justify business entertainment by elected members or employees other than management, prior approval must be obtained from the Chief Executive Officer or the employee's Group Manager.
 - 3.2.2.2 Entertainment expenses will be reimbursed only for business meals or where these are related to a justified business purpose. The principles of moderate and conservative expenditure and appropriateness are particularly relevant and, accordingly, Council shall reimburse entertainment expenses incurred, including for the provision of alcohol, only where these principles and the integrity of the organisation remain uncompromised. Expenses for entertainment of a personal nature are ineligible for reimbursement.

- 3.2.2.3 Requests for reimbursement of entertainment expenses must be approved by the Chief Executive Officer, Deputy Chief Executive Officer, Chief Financial Officer or appropriate Group Manager and submitted to Accounts Payable on an Expenses Claim Form. Claims must contain detailed itemisation of expenses and the date, place and business reason for the entertainment, in addition to the names of those present (including the relationships to the Council). Claims must include itemised tax receipts for all expenditure. Unsupported expenses claims will not be reimbursed.
- 3.2.2.4 Entertainment expenses must be moderate, conservative and reasonable and will not be reimbursed if they are extravagant or lavish. An unusual or large expenditure for entertainment must be approved by the Chief Executive Officer, before the event.
- 3.2.2.5 Reimbursement of expenses for entertainment of Council employees must have prior approval of the Chief Executive Officer, Deputy Chief Executive Officer, Chief Financial Officer or Group Manager.
- 3.2.2.6 Entertainment expenses are subject to controls for monitoring and reporting purposes.

3.3 Goods and Services Expenditure

- [3.3.1 Sale of Surplus Council Assets](#)
- [3.3.2 Private Use of Council Assets](#)
- [3.3.3 Council Use of Private Assets](#)
- [3.3.4 Private Use of Council Suppliers](#)

3.3.1 Sale of Surplus Council Assets

- 3.3.1.1 The principles of impartiality and integrity are particularly relevant. Council assets shall be sold with prior approval of the Chief Executive Officer and for the maximum possible price.
- 3.3.1.2 Two valuations are to be obtained prior to sale. If Council assets are being sold to an elected member or staff member, three valuations are required.
- 3.3.1.3 As Asset reserve prices are to be approved by two of the following:
- Chief Executive Officer
 - Deputy Chief Executive Officer/Group Manager Infrastructure Services
 - Chief Financial Officer
 - Group Manager Policy Planning and Regulatory Services
 - Group Manager Customer and Community Services
 - Strategic Property Manager
- 3.3.1.4 Any method of sale that allows Council to meet the authorised reserve is permissible.
- 3.3.1.5 The Strategic Property Manager has authority to alter the reserve by 10%.

3.3.2 Private Use of Council Assets

- 3.3.2.1 Unauthorised private use of Council assets is theft and therefore Council assets may not be used for private purposes unless such use is approved by the Chief Executive Officer or otherwise as specifically provided for in the employee's contract of employment. This includes but is not limited to, private use of Council vehicles, stationery, photocopiers,

telephones, mobile telephones, email and internet services. Refer also to Communications Technology (below).

3.3.2.2 Parking permits issued in connection with official Council business may not be used for private purposes.

3.3.2.3 Route K toll cards issued in connection with official Council business may not be used for private purposes.

3.3.3 Council Use of Private Assets

3.3.3.1 Reimbursement for Council use of personal assets may, from time to time, be approved for reasons such as cost, convenience and availability and where Council would not fully use such an asset if it was acquired directly. For example, business use of private motor vehicle, private mobile telephone, home telephones and computers.

3.3.3.2 Individuals may not approve or administer payment to themselves for use of their assets; managers approving such payments must ensure the principles of justified business purpose, impartiality, integrity and appropriateness are applied.

3.3.3.3 Reimbursement of Council use of private assets is subject to scrutiny, monitoring and reporting.

3.3.4 Private Use of Council Suppliers

3.3.4.1 Managers are responsible for ensuring the selection of suppliers is in Council's best interests and is not influenced by purchasing privileges available to staff. Council's Procurement Policy and Manual details the requirement to use approved suppliers as listed on the intranet and the process for requesting a new supplier.

3.3.4.2 Access to staff-preferential purchases from Council suppliers is subject to:

- use of such privileges being moderate;
- personal purchases not being made on behalf of third parties (such as family members, friends, etc.);
- cash payment being made in full at time of purchase;
- Council not being used as a source of credit.

3.4 Staff Support and Welfare Expenditure

[3.4.1 Clothing and Grooming](#)

[3.4.2 Financing Activities of the Staff Social Club](#)

[3.4.3 Farewells and Retirements](#)

[3.4.4 Sponsorship of Staff or Others](#)

3.4.1 Clothing and Grooming

3.4.1.1 Other than where uniforms or health and safety clothing/equipment are supplied, staff shall not normally be entitled to expenses for clothing or grooming (e.g. dry cleaning, hairdressing, etc.) for normal business activity.

3.4.2 Financing Activities of the Staff Social Club

3.4.2.1 Council will support the Staff Social Club and will assist by way of salary deductions and other activities as approved by the Chief Executive Officer.

3.4.3 Farewells and Retirements

3.4.3.1 Expenditure on farewells (including the cost of functions and gifts) shall be moderate and relevant and with prior approval of the Chief Executive Officer. The Chief Financial Officer will be advised of all costs for FBT purposes.

3.4.4 Sponsorship of Events and Teams

3.4.4.1 Staff taking part in an activity that is not part of their job, e.g. a sporting event, may receive sponsorship from Council through provision of, or payment for, specified goods or services, e.g. T-shirts or tournament entry fees. This policy is intended to cover sponsorship of events such as Business House relays, Business House golf, indoor netball, touch rugby, etc.

3.4.4.2 Sponsorship shall be moderate and conservative and have a justified business purpose, e.g. publishing Council activities and objectives or organisational development. Payments made without a justified business purpose are deemed "donations", see below.

3.4.4.3 A maximum of \$600.00 per annum covering all sponsorship events shall be budgeted in the Staff Welfare Account, which is to be administered by the Chief Executive Officer.

3.4.4.4 All applications from staff for sponsorship shall be in writing to the Chief Executive Officer. All proposals must include specific details on how the acknowledgement of the sponsorship from the Western Bay of Plenty District Council will be shown, e.g. this could be by acknowledging on T-shirts, naming the team, etc.

3.4.4.5 Once the annual budget has been allocated, there shall be no further sponsorship for that financial year.

3.4.4.6 The Chief Executive Officer's decisions shall be final.

3.4.4.7 Team/Project Leaders for each sponsored event are required to submit a written report to the Chief Executive Officer detailing how the event went and how the team was placed.

3.5 Other Types of Expenditure

[3.5.1 Corporate boxes – acquisition and use](#)

[3.5.2 Donations](#)

[3.5.3 Koha](#)

[3.5.4 Communications Technology](#)

[3.5.5 Gifts](#)

3.5.1 Corporate Boxes – acquisition and use

3.5.1.1 Council shall not, as a general principle, acquire corporate boxes.

3.5.2 Donations

- 3.5.2.1 Where payment (in money or provision of goods or services) is made without expectation of receiving goods or services in return, it is a donation.
- 3.5.2.2 As a general principle Council does not make donations.
- 3.5.2.3 Donations may only be approved by the Chief Executive Officer and must be:
- disclosed;
 - consistent with Council business;
 - lawful;
 - unpolitical;
 - appropriate in size to the circumstances; and
 - shall not result in any counterparty obligation.
- 3.5.2.4 Approved donations shall be made only to recognised organisations (rather than an individual) and be by normal commercial means, i.e. by cheque rather than cash.

3.5.3 Koha

- 3.5.3.1 Koha is acknowledged as a gift, token or contribution given on appropriate occasions.
- 3.5.3.2 Issuing koha shall have a justified business purpose and be in accordance with Council's Koha and Kuia-Kaumatua Payments Policy which defines appropriate occasions, size of koha and approval requirements.

3.5.4 Communications Technology

- 3.5.4.1 Council endeavours to provide its elected members and employees with appropriate equipment to undertake their work, including telephones, printers, mobile telephones, email and other internet access. Whilst acknowledging that some personal use of these technologies may be unavoidable, e.g. dealing with a family emergency during work hours, Council regards excessive use to be a diversion of public money from business purposes and, therefore, unacceptable. Such costs include lost productivity (including from incoming personal emails and telephone calls) and the direct cost of the technology. Refer to HR policies for information regarding reimbursement to Council the costs of personal use of Council assets.

3.5.5 Gifts

- 3.5.5.1 Gifts usually take the form of a tangible object, given as a token of recognition of something provided by the recipient but may also include discounted goods or services or entry to an event.
- 3.5.5.2 Council may offer gifts to employees for long or outstanding service or in international relations when giving of gifts is customary. Gifts may be offered by another organisation to Council or a staff member.
- 3.5.5.3 Gifts may not be offered by staff except for a justified business purpose, under the principles of moderate and conservative expenditure, with integrity and preserving impartiality being particularly relevant, nor without prior approval of the Chief Executive Officer.

- 3.5.5.4 Gifts may not be offered or given in substitution for legitimate payment or remuneration.
- 3.5.5.5 Staff shall take measures to avoid any risk of a gift being excessive or inappropriate, involving an expectation of favour in return or being a substitute for legitimate payment of remuneration.
- 3.5.5.6 Gifts and gratuities or personal benefits offered to Elected members and Council employees must be declared for inclusion in Council's Gift Register and are subject to public scrutiny.
- 3.5.5.7 Criteria and conditions that apply to the giving and receiving of gifts are specified for staff in HRP200-205 and in the Code of Conduct for Elected Members.

4. Policy procedures

- 4.1 The Chief Executive Officer's expenses are to be approved by the Mayor and Deputy Mayor.
- 4.2 The Mayor's expenses are to be approved by the Chief Executive Officer and the Deputy Mayor.
- 4.3 The Deputy Mayor's expenses are to be approved by the Mayor and Chief Executive.
- 4.4 Elected members expenses will be approved and authorised for payment by the Group Manager Customer and Community Services or, in their absence, the Chief Financial Officer.

Associated Policies

Fraud Prevention Policy
 Protected Disclosures (Whistle-blowing) Policy
 Koha and Kuia-Kaumatua Payments Policy
 Procurement Policy
 Credit Card Policy

Associated Procedures

Code of Conduct Elected Members
 Declaration of Interests (Elected Members)
 Declaration of Interests (Management Staff)
 HRP200-205 Giving and Receiving Gifts (Council officers and staff)
 [Expenses claim form]
 [Petty cash voucher]
 [Cash Refund Slip]

 [Refund Payment Voucher]
 [Request for Overseas Travel]
 [Declaration of Gifts received/offered] (Elected Members)
 [Declaration of Gifts given/offered] (Elected Members)
 [Declaration of Gifts received/offered] (Employees)
 [Declaration of Gifts given/offered] (Employees)
 Code of Conduct for Elected Members

Revised January 2014

Group	Financial Services	Contact (3rd Tier Manager)	Finance Manager
Supersedes	HR806, HR807		
Creation Date	June 2009	Resolution Reference	MT09.07 / C32.5
Last Review Date	25 February 2016	Resolution Reference	SMT15.11.09/PP26
Review Cycle	Three yearly/legislative revisions, not later than	Date	February 2019
Authorised by	Management Team/Council	Date	30 November 2015 / 25 February

Appendix C - Definition of Terms

Introduction

Elected members and people who are familiar with local government terminology will have a good understanding of the terms used in this document.

However, it is envisaged that members of the public, prospective candidates at election time and newly elected Councillors will also refer to the Code of Conduct. Therefore, the following glossary of terms used in the Code of Conduct has been put together to ensure that the document is as widely understood as possible.

Term	Definition
Advocate	State a position in such a way that others are encouraged to respond. For example, making your thinking clear to others and explaining how you arrived at your conclusions.
Annual Plan	The Annual Plan is a statutory document that shows what Council's plans and priorities are for the next year and how they will contribute to the long-term goals set down in the Long Term Council Community Plan. The Annual Plan also sets the level of rates for the year.
Annual Report	The Annual Report details Council's performance against the Annual Plan. It includes audited financial and non-financial results and reports achievement against the Long Term Council Community Plan.
Democracy	A system of government by the people or their elected representatives, that provides local solutions for local issues, taking into account such things as the environment, economic opportunities, health, social wellbeing and ethnic makeup of the community.
Democratic process	The process by which decisions are made by the elected members.
District Plan	The Western Bay of Plenty District Council District Plan is a document that provides for change, development and use of the environment, while protecting and safeguarding it for future generations. It sets a framework of rights to using the environment and imposes obligations to protect it.
Elected member	Mayor or Councillor.
Governance role	Policy making, direction setting. Concerned with the "ends" of the Council's operations. It is "hands off".
Indemnity	Security against loss.
Litigation	Lawsuit/or proposed legal action.
LTCCP	Long Term Council Community Plan.
Management role	Achieving planned goals in accordance with stated policies. Concerned with the "means" of the Council's operations. Is "hands on".

Term	Definition
Office of the Controller and Auditor General	Also known as the "Audit Office or OAG". The OAG is Parliament's "watchdog" on all agencies that use public money or that have powers and duties delegated to them by Parliament. The OAG reports to Parliament each year on whether the Council is complying with legislation and whether financial and other accountability statements are a true and fair record of the Council.
Office of the Ombudsman	The Ombudsmen are appointed by the New Zealand Parliament. Their primary purpose is to inquire into complaints raised against New Zealand central, regional and local government organisations or agencies. They are independent review authorities and are <u>accountable to Parliament, not the Government of the day.</u>
Pecuniary interest	A financial interest. The Audit Office says pecuniary interest arises "where the matter would, if dealt with in a particular way, give rise to an expectation of a gain or loss of money".
Predetermination and bias	The impression that an elected member has already made up his or her mind on something and will allow that mindset to influence their decision.
Quasi-judicial	Where Council is sitting in judgement on a matter in accordance with statutory requirements.
Regulatory	Council's role in setting and enforcing regulations and by-laws.
Standing Orders	A set of standards and rules of debate that govern the way that Council's meetings are conducted.
Statutory requirement	Something that an Act of Parliament says the Council has to do.
Strategic Plan	The Strategic Plan outlines major strategic goals for the Council that resulted from a process of participation by the people of Western Bay of Plenty District, facilitated by the Western Bay of Plenty District Council.
Surcharge	A charge levied by the Auditor General on elected members or officials who have committed acts that are contrary to the law or lay outside Council's legal powers, and where those actions result in loss.
Triennium	Three year term of office held by elected members.