

Relevant emails

From: Andrew Dalziel
Sent: Friday, 23 May 2014 2:37 p.m.
To: 'sam.sherwood@fairfaxmedia.co.nz'
Subject: Request for Information - Tinwald Bridge

Dear Sam,

Earlier this year you made a request for a copy of all communication between myself and the Mayor with Cr Urquhart regarding his stepping down from the motion to revoke the Ashburton second urban bridge process last year. At the time I informed you I was withholding this information under a number of Local Government Official Information and Meetings Act 1987 grounds. At yesterday's Extraordinary Council meeting which considered the independent commissioner's recommendations on the Ashburton second bridge Notice of Requirement, Cr Urquhart requested the Mayor read out an e-mail sent from Cr McLeod, the day before the 28 November 2013 Council meeting, which the Mayor then did. As such, there is no longer any valid reason for me to withhold this particular piece of information. Below please find a copy of Cr McLeod's e-mail and my reply to it.

Regards
Andrew

From	Don and Denise	Date Wednesday, 27 November 2013 3:41:27 p.m.
To	Andrew Dalziel; Mayor	
Cc	Alan Totty; Darryl Nelson	
Subject	Conflicts of Interest	

Hi Andrew and Angus,

Three people have raised the issue that there may be a conflict of interest tomorrow - some Councillors may still be members of the Bridge Action Group, and/or may own land adjoining the proposed route, which could mean a pecuniary interest if their land value is affected. I request that you seek clarification of these matters before we have the meeting, so we are all in clear territory when the discussion takes place.

Thanks
Don

From Andrew Dalziel **Date** Wednesday, 27 November 2013 4:52:00 p.m.
To Don and Denise; Mayor; Mayor Home
Cc Councillor Members
Subject RE: Conflicts of Interest

Hi Don,

Thanks for your enquiry below. I am circulating my reply to the Mayor and all councillors as per your request in your last sentence.

If any elected member has a pecuniary or a non-pecuniary interest in any matter being discussed tomorrow (be it at the extraordinary Council meeting or the Finance and Business Support Committee meeting) they should declare it and remove themselves from the discussion and decision making for that matter.

A comprehensive induction workshop for elected members was recently held on 22 and 23 October, where Johnathan Salter from Simpson Grierson explained what elected members obligations were in relation to conflicts of interest.

The onus is on the elected member themselves to declare the conflict and then manage the conflict.

No elected member has approached me for any advice concerning their possible personal conflict of interest in relation to tomorrow's meetings. If an elected member does approach me I will provide them with my advice or arrange for a Council lawyer to provide them with advice or request they seek their own legal advice.

If somebody has a concern about an elected member's participation in a matter they can either raise the matter with the elected member directly (before/ during (if they are an elected member themselves)/ or after the meeting) and seek a response from that member; or formally complain to me, the Mayor or the Controller and Auditor General. I will refer any formal complaint I receive onto the Controller and Auditor General's office for investigation. In respect of a pecuniary interest a member should ask themselves whether their participation in the matter could reasonably give rise to an expectation of a gain or loss of money for themselves personally (or a spouse or partner or company).

In respect of a non-pecuniary interest a member should ask themselves whether a fair-minded observer would think that they might not bring an impartial mind to the decision, in the sense that they might unfairly regard with favour or disfavour the case in question. Bias, predetermination, and relationships with other persons or organisations need to be considered.

Neither the Council itself or I can prevent an elected member from participating in a Council meeting on the basis that they have a conflict of interest. The onus is on the elected member themselves to reach this decision before participating in discussion or decision making. Unless I receive a formal complaint before a meeting or have the opportunity to talk one on one with an elected member to establish the facts I am reluctant to try and second guess which if any elected members may or may not have a conflict of interest.

Regards
Andrew