

***Methven Community Board
Code of Conduct***



Ashburton
DISTRICT COUNCIL

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INTRODUCTION

This Code of Conduct provides guidance on the standards of behaviour that are expected from members of the Methven Community Board. It applies to Board members in their dealings with:

- Other Board members
- Council staff
- Media
- The general public

Objectives

The objectives of the Methven Community Board Code of Conduct are to:

- Enhance the effectiveness of the Methven Community Board as an incorporated body with statutory and delegated responsibilities
- Maintain the credibility and accountability of the Board within the Methven community
- Promote mutual trust, respect and tolerance between members of the Board and any person that members deal with in the course of their duties
- Ensure Board members undertake their role in ways that minimise any potential for risk or loss to Council or the Methven Community Board

Outline

The Methven Community Board Code of Conduct contains the following sections:

- **Part One - Roles and Responsibilities**

Describes the roles and responsibilities of the Chairperson and other board members.

- **Part Two - Relationships and Behaviours**

Sets out guidelines for relationships between Board members, Council staff and the community. Conflicts of interest, media relations and the management of confidential information are also outlined in this section of the Code of Conduct.

- **Part Three – Compliance and Review**

Outlines how alleged breaches of the Code of Conduct are managed, how the document is reviewed, and potential consequences for breaching the Code.

Methven Community Board Principles of Good Governance:

- **Public interest** Board members should serve the interests of the Methven community and the wider district and should never improperly confer an advantage or disadvantage on any one person or group.
- **Honesty and integrity** Board members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity** Board members should make decisions on merit.
- **Accountability** Board members should be accountable to the community for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness** Board members should be as open as possible about their actions and those of the Methven Community Board, and should be prepared to justify their actions.
- **Personal judgment** Board members should take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others** Board members should promote equality by not discriminating against any person or group and treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability.
- **Lawfulness** Board members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship** Board members must ensure that the Methven Community Board uses resources prudently and for lawful purposes.
- **Leadership** Board members should promote and support these principles by example, and should always endeavour to act in the best interests of the Methven community.
- **Democratic Process** Board members must uphold the principles of democratic process.

PART ONE: ROLES AND RESPONSIBILITIES

1.1 Community Board Members

The role of the Methven Community Board is detailed in Section 52 of the Local Government Act 2002. Board members, collectively acting as the Methven Community Board, are responsible for:

- Representing and advocating for the interests of the Methven community
- Considering and reporting on all matters referred to it by Council, or any matter of interest or concern to the Community Board
- Maintaining an overview of services provided by Council within the Methven community
- Preparing an annual submission to Council for expenditure within the Methven community
- Communicating with community organisations and special interest groups within the Methven community
- Undertaking any other responsibilities delegated by Council

Unless otherwise provided in the Local Government Act 2002 or in standing orders, Methven Community Board can only act by majority decisions at meetings. Each member has one vote.

An individual member has no authority to act on behalf of the Methven Community Board unless the Board has expressly delegated such authority.

1.2 Chairperson

The Chairperson is elected by the Methven Community Board at the first meeting of each triennium and shares the same responsibilities as other Board members. The Chairperson also has the following roles:

- The presiding member at Methven Community Board meetings
- Ensuring the orderly conduct of business during meetings (in accordance with standing orders)
- An advocate on behalf of the community - promoting the community and representing its interests (advocacy is most effective where it is carried out with the knowledge and support of the Board)
- Providing leadership and feedback to other Board members
- Promoting teamwork

1.3 Deputy Chairperson

The Deputy Chairperson is elected by board members at the first meeting of each triennium of the Methven Community Board. The Deputy Chairperson exercises the same roles as other Board members. If the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers, of the Chairperson.

PART TWO: RELATIONSHIPS AND BEHAVIOURS

This part of the Code of Conduct sets out the Board's agreed standards of behaviour. Some of the matters described in this part reflect legislation such as the Local Authorities (Members Interests) Act 1968.

2.1 Relationships with Other Board Members

Teamwork is a critical element in the success of any democratically elected body. No team will be effective unless mutual respect exists between members.

With this in mind Board members will conduct their dealings with each other in ways that:

- Maintain public confidence in the office to which they have been elected
- Are open and honest
- Focus on issues rather than personalities
- Avoid aggressive, offensive or abusive conduct

2.2 Relationships with Council Staff

The effective performance of the Methven Community Board requires cooperation and mutual respect between Community Board members, Councillors, and Council staff.

To ensure the desired level of cooperation and trust is maintained, Board members will:

- Treat all Council employees with courtesy and respect
- Recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee
- Make themselves aware of the obligations that Council and the Chief Executive have as employers and observe those requirements at all times
- Observe any guidelines that the Chief Executive puts in place regarding contact with employees

Board members will not:

- Compromise, or be seen as compromising, the impartiality of a Council employee
- Publicly criticise any employee in any way

Any concerns or complaints about the conduct or performance of a Council staff member or the Chief Executive are treated seriously and should not be brought lightly or without appropriate supporting evidence.

- If a Board member has concerns about an employee's conduct or performance, those concerns should be directed to the Chief Executive, through the Methven Community Board Chairperson, who will investigate as appropriate.
- If a Board member has concerns about the conduct or performance of the Chief Executive, these concerns are to be directed to the Mayor, through the Methven Community Board Chairperson.

2.3 Relationships with the Community

Effective representation depends on quality relationships between Board members and the Methven community.

Board members should ensure that community members are treated with respect in their dealings with the Methven Community Board and have their concerns listened to. Board members should act in a manner that encourages and values community involvement in local democracy.

Any comments made in the public arena should be considered in the same light as comments made to the media and the guidelines detailed in Part 2.4 should be applied when speaking to community groups, at community meetings and in other public situations.

2.4 Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council and the Methven Community Board.

From time to time, individual Board members may be approached to comment on a particular issue either on behalf of the Board, or in their own right.

- The Chairperson is generally the first point of contact regarding Methven Community Board decisions or community advocacy issues. If the Chairperson is unavailable, matters will be referred to the Deputy Chairperson or the Community Relations Manager.
- The Chairperson may refer any matter to another Board member or to the Community Relations Manager for comment.
- No other Board member may comment *on behalf of Methven Community Board* without having first obtained the approval of the Chairperson.

Elected members are free to express a *personal view* in the media, at any time, provided the following is observed:

- Media comments must not state or imply that they represent the majority view of Methven Community Board and care should be taken to ensure the credibility and reputation of Methven Community Board as an entity is not compromised.
- This is particularly important when an elected member is making a statement that is contrary to a Council decision or Council policy or an adopted position of the Methven Community Board.
- Media comments must observe all other requirements of the Code of Conduct, particularly regarding confidential information and relationships with staff.

Further guidelines for dealing with the media can be found in the *Ashburton District Council Media Relations Policy*.

2.5 Confidential Information

Board members may receive or be privy to information that needs to be treated as confidential. Confidential information is information made available in the course of Methven Community Board business that is commercially sensitive or is personal to a particular individual or organisation. Board members must not use or disclose confidential information for any purpose other than that for which the information was supplied.

Board members should be aware that failure to observe these provisions may:

- Impede the performance of the Methven Community Board and/or Council
- Undermine public confidence in the Methven Community Board and/or Council
- Expose Methven Community Board and/or Council to prosecution under the Privacy Act 1993 and/or civil litigation

2.6 Conflicts of Interest

Board members must be careful that they maintain an appropriate separation between their personal interests and their duties as a Methven Community Board member.

This is to ensure that Board members carry out their duties free from bias (real or perceived).

Financial conflicts of interest

The Local Authorities (Members' Interests) Act 1968 provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which

payments made by or on behalf of the local authority exceed \$25,000 in any financial year, unless prior approval has been sought from the Office of the Auditor General.

If, during the Council term, a tender is to be entered into, or contractual payment is to be made which might exceed the \$25,000 limit referred to above, the Chief Executive must seek approval from the Office of the Auditor General.

Additionally, Board members are prohibited from participating in any Board discussion or vote on any matter in which they have a financial interest greater than that of the general public. The same rules also apply where a Board member's spouse or close family member contracts with the authority or has a financial interest. Board members must declare their interests at Board meetings where matters in which they have a financial interest arise.

Board members are asked to make a general declaration of interests annually, which is recorded in a register of interests maintained by the Chief Executive. Having made a declaration, Board members should keep this register updated with any other interests as soon as practicable after becoming aware of them. Board members have the onus to identify and declare potential financial interests.

Declarations of financial interest must detail for Council the nature and extent of any interest potentially related to Council business, including:

- Any employment, trade or profession undertaken by the Board member or the Board member's spouse for profit or gain
- Any company, trust, partnership or similar structure for which the Board member or their spouse is a director, partner, trustee or beneficiary
- The address of any land in which the Board member has a beneficial interest and which is in the Ashburton District
- The address of any land where the landlord is the Ashburton District Council and:
 - the Board member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the Board member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- Any other matters which the public might reasonably regard as likely to influence the board member's actions during the course of their duties as a Board member

If a Board member is in any doubt as to whether a particular course of action (including a decision to take no action) would be in breach of these conditions, then the elected member should seek guidance immediately, from the Chief Executive or other appropriate person. An elected member may also contact the Office of the Auditor General for guidance as to whether there is a financial interest.

If there is a financial interest, Board members may seek an exemption from the Office of the Auditor General to be allowed to participate or vote on a particular issue. This must occur before the discussion or vote takes place.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate a decision made, or action taken, by the Methven Community Board and/or Council.

Failure to observe these requirements could open the elected member to prosecution under the Local Authorities (Members' Interests) Act 1968. If convicted, elected members can be ousted from office.

Non-financial conflicts of interest

Non-financial conflicts of interest, or the perception of a conflict of interest, may impair (or be seen to impair) a board members' ability to act faithfully, impartially and in the best interests of the Methven community.

Potential conflicts of interest are to be declared at the beginning of any Methven Community Board meeting or at the earliest opportunity in a decision-making process. Board members have the onus to identify and declare potential conflicts of interest.

Board members must declare any non-financial interests they may have in any matters before the Board. Open declaration of any potential conflict of interest, actual or perceived, promotes greater transparency in Methven Community Board decision-making. The Board member may:

- a) Exclude themselves from the vote and/or discussion; or
- b) Provide clear reasons why they do not believe exclusion is appropriate; or
- c) Explain the circumstances of the potential conflict of interest and ask that Methven Community Board resolve whether a conflict exists

A board member who is in any doubt as to whether a conflict of interest exists should approach the Chief Executive or other appropriate person for advice.

2.7 Standing Orders

Methven Community Board members must adhere to the Ashburton District Council Standing Orders, adopted by Council under the Local Government Act 2002 (Schedule 7, clause 27(1)).

These standing orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

2.8 Remuneration, Expenses and Gifts

Methven Community Board members must abide by the *Elected Members Remuneration and Expenses Policy*. This policy contains details of remuneration, allowances and expense rules for Board and Council members.

In addition, Community Board members must:

- Not solicit, demand, or request any gift, reward or benefit by virtue of their position
- Notify the Chief Executive if any gifts with a value of over \$50 are accepted
- Immediately disclose any gifts with a value of over \$50 which are *offered* to the elected member, to the Chief Executive. This will be included in the publicly available register of interests.

2.9 Disqualification of Members from Office

Community Board members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment or of certain breaches of the Local Authorities (Members' Interests) Act 1968. Members are also automatically disqualified from office if they cease to be an elector or become disqualified for registration as an elector.

2.10 Bankruptcy

Board members who are undischarged bankrupts when elected or are declared bankrupt during the term of office are to notify the Chairperson, the Mayor and the Chief Executive as soon as practicable.

PART THREE: COMPLIANCE AND REVIEW

3.1 Compliance

Board members are bound to comply with the provisions of this Code of Conduct by the Local Government Act 2002, schedule 7, section 15(4).

Members are also bound by the Local Authorities (Members' Interests) Act 1968, the Local Government

Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961, the Securities Act 1978 and all other relevant legislation.

The Chief Executive or designate will ensure that relevant legislative requirements are explained at the first Board meeting of each triennium, and that copies of these Acts are freely available to Board members. Short explanations of the relevant provisions of the above Acts are attached in Appendix 1.

3.2 Breaches of the Code

Any suspected breach of the Code of Conduct should first be verbally directed to the Chairperson or Chief Executive, who will investigate further and offer advice as to whether a written statement should be made. If a suspected breach involves the Chairperson or the Chief Executive, enquiries are to be directed to the Deputy Chairperson or Chief Executive.

The Mayor and/or Chief Executive may be consulted for advice at any point if this is necessary or appropriate.

Following this, any person who considers that the provisions of this Code have been breached by a Methven Community Board member shall submit a written statement to the Chairperson and/or Chief Executive. Written statements detailing the alleged breach of the Code of Conduct must include any corroborating evidence.

The Chairperson and/or Chief Executive shall determine whether the matter is appropriately dealt with under the Code of Conduct and if considered appropriate, shall first attempt to resolve the matter through discussion with the relevant parties.

If the matter is resolved by discussion, it is considered that the matter has been successfully concluded upon written notification by both the complainant and respondent. If it is not resolved in this way, the matter will be referred to the Methven Community Board Code of Conduct Committee for further consideration.

The Chairperson and/or Chief Executive have the discretion to determine whether any report will be initially considered in open or closed meeting of Methven Community Board. Where the alleged breach could impinge on the privacy of a member of Council staff or of the general public, or the complaint relates to the misuse of confidential information, the report will be considered in closed meeting.

Methven Community Board Code of Conduct Committee

This committee will comprise an Ashburton District Council elected member appointee to the Methven Community Board, the Methven Community Board Chairperson (or delegate), and one independent party.

Council and the Methven Community Board will select the independent party as and when necessary. This person may be Council's lawyer, the Mayor or Chief Executive of another local authority, or any other person Council and the Methven Community Board considers appropriate for the individual case.

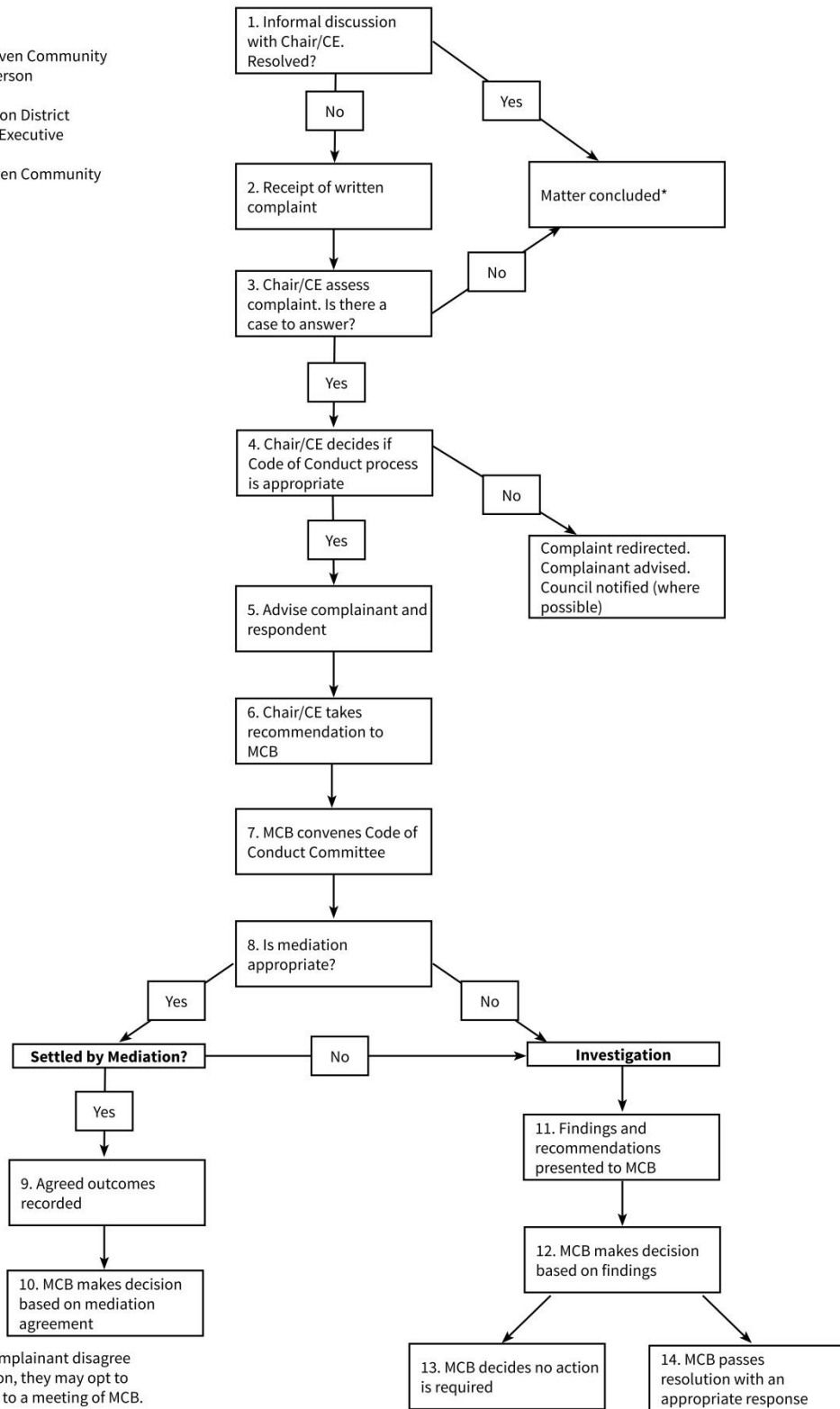
Committee members should be selected on the basis of their ability to behave impartially and equitably to the persons and matter at hand.

Rights of the respondent

All Code of Conduct investigations are to be conducted with regard to commonly accepted principles of natural justice, which include the right to a fair hearing, privacy, the right to proceedings free from bias and the right to representation. The respondent is also entitled to the presence of a support person at all hearings and discussions.

3.3 Process for Alleged Code of Conduct Breaches

KEY:
 'Chair' = Methven Community Board Chairperson
 'CE' = Ashburton District Council Chief Executive
 'MCB' = Methven Community Board



3.4 Responses to Breaches of the Code of Conduct

If there are relevant statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- Breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage
- Criminal offences may result in liability for criminal prosecution.

Where there are statutory provisions, Council or a member of the public may refer the issue to the most relevant body or authority, or the body or authority may itself take action of its own initiative.

If there are no relevant statutory provisions:

The Methven Community Board may take the following action:

- Censure of the member
- Dismissal of the board member from a position of Chairperson or Deputy Chairperson

A decision to apply one or more of these actions requires a Methven Community Board resolution to that effect.

3.5 Review

Once adopted, the Code of Conduct remains in force until amended by Methven Community Board. The Code of Conduct cannot be revoked unless the Board replaces it with another code.

The Code of Conduct is formally reviewed within the first year of each triennium.

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

APPENDIX 1: LEGISLATION RELEVANT TO THE ROLE AND CONDUCT OF COMMUNITY BOARD MEMBERS

This is a summary of legislative requirements that have some bearing on the duties and conduct of Community Board members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Government Act 2002

Part 4, sections 49-54 of the Local Government Act 2002, set out the establishment, membership, status, role and powers of community boards. Parts 1 & 2 of Schedule 7 (with some exclusions) also apply to community boards.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where a member's personal interest/s impinges, or could be seen as impinging on their duties as a Community Board member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, board members are prohibited from participating in any Community Board discussion or voting on any matter in which they have a financial interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a financial interest.

Members may also contact the Audit Office for guidance as to whether that member has a financial interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a financial interest. The latter must be done before the discussion or vote.

The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987, sets out requirements and procedures for local government meetings.

Of particular importance for the roles and conduct of board members is the fact that the chair has the responsibility to maintain order at meetings, but all board members should accept a personal responsibility to maintain acceptable standards of address and debate.

No Methven Community Board member should:

- Create a disturbance or a distraction while another board member is speaking
- Be disrespectful when they refer to each other or other people
- Use offensive language about the Methven Community Board, other board members, Ashburton District Council or Councillors, any employee of the Council or any member of the public.

Secret Commissions Act 1910

Under this Act it is unlawful for a Board member 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 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a Board member to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Methven Community Board
- 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 7 years or more. Board members convicted of these offences will also be automatically removed from office.