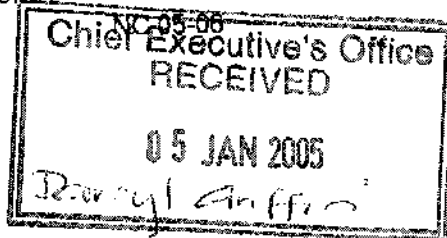




Local Government New Zealand

te pūtahi matakōkiri

24 December 2004



- MEMORANDUM -

TO: All Zone 1 Community Board Chairs

FROM: Eugene Bowen

SUBJECT: Zone 1 Appointment to New Zealand Community Boards' Executive Committee: *Revised Announcement*

As Returning Officer it has come to my attention that, due to an administrative oversight, we have a further nomination for the position of Zone 1 Representative.

Please accept my sincerest apologies for this error. I confirm that there will be an election for the Zone 1 Deputy Representative appointment, and for the Zone 1 Representative appointment.

Voting papers will be available at the ARFNCA meeting on the 19th February and can be either placed in the secure ballot box on the day, or mailed to Gilly Fiford at Local Government New Zealand, P O Box 1214, Wellington, and should arrive no later than 5:00pm Wednesday 23 February 2005.

Eugene Bowen
Chief Executive
Local Government New Zealand

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effective local governance

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Waitakere City Council
Te Taiao o Waitakere



WAITAKERE CITY

COMMUNITY BOARDS CODE OF CONDUCT

Adopted by Waitakere Community Board 30 September 2003
(Minute Number 1960/2003)

WAITAKERE CITY COUNCIL
COMMUNITY BOARDS
CODE OF CONDUCT

INTRODUCTION

This code of conduct provides guidance on the standards of behaviour that are expected from elected members (together and individually referred to in this code as "member") of the Community Boards of Waitakere City; namely Henderson Community Board, Massey Community Board, New Lynn Community Board and Waitakere Community Board, subject to the adoption of the code by each Board, in their dealings with:

- each other
- the Council
- the Chief Executive
- staff employed by the Chief Executive on behalf of Council
- the media
- the general public

The objectives of this code are to enhance:

- The effectiveness of the Community Board as an unincorporated body with statutory and delegated responsibilities for communicating community interest to the Council in respect of the Community for which they are established
- the credibility of the Community Board within its Community
- mutual trust, respect and tolerance among members as a group and between members and those people with whom members may deal in the course of their duties as members

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

- **Honesty and integrity.** Members must not place themselves in situations where their honesty and integrity may be questioned
- **Objectivity.** Members must make decisions on merit, including decisions making appointments, awarding contracts, or recommending individuals for rewards or benefits
- **Accountability.** Members must be accountable to the public for their actions and the manner in which they carry out their responsibilities
- **Openness.** Members must be open about their actions and those of the Community Board, and be prepared to justify their actions
- **Personal judgment.** Members can and will take account of the views of others, but must reach their own conclusions on the issues before them
- **Respect for others.** Members must promote equality by treating people with respect, regardless of ethnicity, nationality, age, religion, gender, sexual orientation, or disability
- **Duty to uphold the law.** Members must uphold the law, and on all occasions act in accordance with the trust the public places in them
- **Stewardship.** Members must ensure that the Community Board uses any resources allocated to it prudently and for lawful purposes
- **Leadership.** Members are leaders in their Community and must at all times provide leadership by example

Scope of this Code

This code applies to:

- all elected members of the Community Board
- all persons appointed to any Subcommittee, or joint Subcommittee
- Councillors appointed to the Community Board

ROLES AND RESPONSIBILITIES

Members

Members, acting as the Community Board, are responsible for:

- representing, and acting as advocates for the interests of the Community
- considering and reporting on all matters referred to it by the Council, or any matter of interest or concern to the Community Board
- maintaining an overview of the services provided by the Council within the Community
- preparing an annual submission to Council, for expenditure within the Community
- communicating with community organisations and special interest groups within the community
- undertaking any other responsibilities delegated to it by Council.

Members, as individuals, must comply with:

- the requirements of this code
- those enactments and other rules of law applicable to the conduct of Members. Extracts from, or brief explanations of, those enactments are set out in Appendix B.

Chairperson

The Chairperson is elected by the Members of the Community Board and shares the same responsibilities as other Members of the Community Board. The Chairperson is responsible for:

- presiding at Community Board meetings and ensuring the conduct of meetings in accordance with Standing Orders
- advocacy on behalf of the Community, with the knowledge and support of the Council
- providing leadership to members

Deputy Chairperson

The Deputy Chairperson exercises the same role as any other Members but if the Chairperson is absent or incapacitated the Deputy Chairperson must perform all of the responsibilities and duties of the Chairperson.

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Subcommittee Chairpersons

A Subcommittee chairperson exercises the same role as any other member but has responsibility to preside over all meetings of the relevant Subcommittee and to ensure that the Subcommittee acts within the powers delegated to it by the Community Board (as set out in the Council's Delegations Manual).

Chief Executive

The Chief Executive is responsible for:

- employing staff on behalf of the Council (including negotiation of the terms of employment for the staff of the local authority) and providing leadership to that staff
- providing advice to the Council and Community Boards
- implementing the decisions of the Council
- ensuring that all responsibilities, duties and powers delegated to, or imposed or conferred upon, the Chief Executive are properly performed or exercised
- managing the Council's activities effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- ensuring overall compliance by the Council with its obligations and responsibilities at law.

RELATIONSHIPS AND BEHAVIOURS

Relationships with Other Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between Members. Members must 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 conduct which is aggressive, offensive or abusive or which may constitute unlawful or inappropriate harassment.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between Members and staff. To ensure that the required level of cooperation and trust is maintained Members must:

- recognise that the Chief Executive is the employer (on behalf of Council) of all staff. Only the Chief Executive may hire or dismiss, or instruct or censure, an employee
- Members must comply with Council's anti-harassment policies
- treat all staff with courtesy and respect, avoiding conduct which is aggressive offensive or abusive or may constitute unlawful or inappropriate harassment
- observe any guidelines which the Chief Executive has put in place regarding contact with employees

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- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising a staff member in any way, including criticism that reflects on the competence and integrity of the staff member
- raise concerns about staff only with the Chief Executive
- raise concerns about the Chief Executive only with the Mayor or the Performance Review Committee

Members must be aware that any failure to observe this portion of the code may compromise the Council's obligations to act as a good employer, resulting in the Council being exposed to civil litigation.

Relationships with the Community

Members must act in a manner that encourages and values community involvement in local democracy. The views of members of the public must be accorded respect with Members listening to and deliberating on concerns carefully and patiently. Members must avoid aggressive or abusive behaviour towards members of the public.

Contact with the Media

The media plays an important role in the effective operation of local government. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Community Boards.

The following rules apply for media contact on behalf of Community Boards:

- no Member may speak to the media on behalf of the Community Board unless first approved to do so by resolution of the Community Board, or of a Subcommittee of the Council, or by the Chairperson as set out below
- the Chairperson is the first point of contact for the Community Board view on any issue. If the Chairperson is absent, or unable to act, a matter may be referred to the Deputy Chairperson or to the relevant committee chairperson (in that order) for a response
- the Chairperson may refer any matter to the relevant Subcommittee chairperson, a Member or to the Chief Executive for comment

Elected Members remain free to express a personal view in the media at any time but any comments made must observe all requirements of this code and must state that the comments represent a personal view only, and (if the comment is contrary to a Community Board decision or policy) that the comment is a minority view.

Confidential Information

In the course of their duties Members will receive information that is confidential. This will generally be Council information that is either commercially sensitive or is personal to a particular individual or organisation. Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member. Any failure to observe these provisions may affect the Council's performance, by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act 1993 or civil litigation.

For the purpose of this part of the code "disclose confidential information":

- in relation to information disclosed from outside the Council to the member in his or her capacity as an elected member on a confidential basis, means "disclose confidential information to any other person". (These circumstances will arise only very rarely. See also the section on "Information Sharing" below)
- in relation to information disclosed to the member in a public excluded meeting of the Community Board or a Subcommittee, means "disclose confidential information to any person who was not present at that publicly excluded meeting"
- in relation to any other information disclosed to the member in his or her capacity as an elected member, means "disclose confidential information to any other person who is not a member or employee of the Council (but with any disclosure to a member or employee being made on a "need to know" basis)

Information Sharing

The purpose of this part of the code is not only to ensure a co-operative sharing of information among Members but also to enable the Council to fulfil its obligations under Local Government Official Information Meetings Act 1987 (LGOIMA) generally in respect to Community Boards, and under s.44A Local Government Official Information Meetings Act 1987 (LGOIMA) (Land Information Memorandum) and s.31 of the Building Act 1991 (Project Information Memorandum).

A Member may occasionally be offered information, including documents, in his or her capacity as an elected Member which relate to the ability of the Council to give effect to the provisions of the Act, or any other legislation for which the Council is responsible (for example, without limitation, Resource Management Act, Building Act or Dog Control Act). Such information, when received, must be shared with all other Members and, in an appropriate case, the Chief Executive.

If information of that nature is offered on a confidential basis the Member must:

- inform the supplier of the information that the Member may have a disclosure obligation under this code
- inform the supplier that public disclosure of information received by the Council is governed by the LGOIMA and that under LGOIMA public disclosure may occur without the supplier's consent
- decline to receive the information if the supplier insists upon absolute confidentiality

The only exception to the requirement of this part of the code arise where the information in question would, once received, be exempt from disclosure upon a request for disclosure made under LGOIMA. Determination of the availability of an exemption under LGOIMA is delegated to the Chief Executive, and all such matters must be referred to the Chief Executive (or his delegate) before the information or document is received.

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