



ROTORUA
LAKES COUNCIL

CODE OF CONDUCT
2022-25

Council 8 February 2023

COVER TODAY

- Legal basis
- Objective
- Relevance
- Intent
- Why adopt a new code?
- Guiding principles
- The complaints process



LEGAL BASIS

- Required by Local Government Act 2002
- Schedule 7 section 15

- Part of the “house rules” that govern good relationships and behaviour
- Complement other corporate documents ie - standing orders, Governance Statement



OBJECTIVE

- Enhance:
 - effectiveness of the Council with statutory responsibilities for good governance of, and decision making for Rotorua District
 - the credibility and accountability of Council within the community
 - mutual trust, respect and tolerance between the elected members and management



RELEVANCE

- Applies to all elected members (mayor, councillors and community board members) in regard to dealings with:
 - each other
 - the Chief Executive
 - all staff employed by CE
 - the media
 - the general public



INTENT

- Set boundaries on standards of behaviour in expressing and promoting the views of elected members and the means for resolving situations when it may be perceived that a breach of the code has occurred.
- Code of conduct are not a means of preventing elected members from expressing their views
- A code should promote free and frank debate which should in turn result in good decision making



WHY: ADOPT A NEW CODE

- Undertook commitment to:
 - set values and behaviours
 - show how council will conduct themselves in fulfilling the leadership role for Rotorua – trusted leaders
 - display ownership for the mutual agreement on standards of behaviour for elected members
 - advice from LGNZ & sector on the need for councils' to strengthen the robustness and transparency of a complaints process (if need arises) – driven by growing instances of poor conduct being expressed in the last three years



GUIDING PRINCIPLES:

- Councillor induction programme principles of good governance established
 - Our Governance Role – 25 October
 - Our Leadership Role – 4 November
- **Wairua/Respect**
- **Ngākau pono/Integrity**
- **Kotahitanga/Unity**
- Code then sets out how these principles are displayed in the ongoing relationships and engagements required by elected members



COMPLAINTS PROCESS:

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“Less formal methods of addressing “breaches is preferred

.....a formal complaint being the last resort

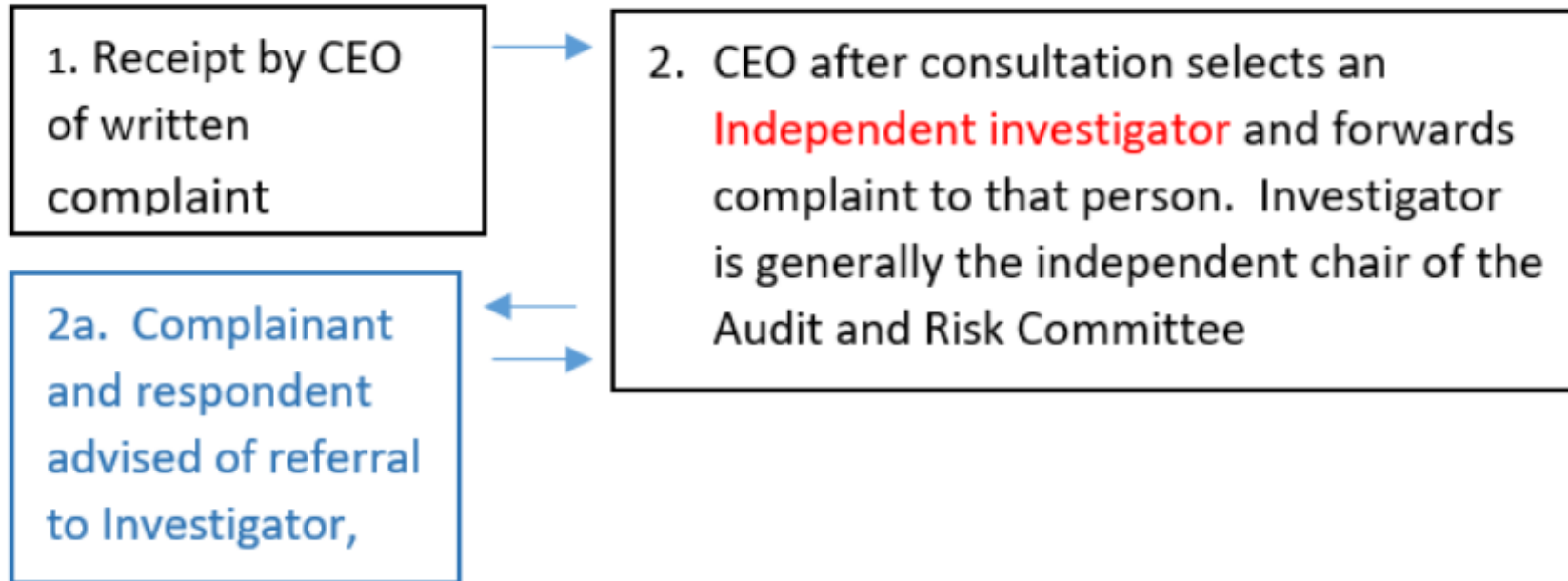


INVESTIGATING AND DETERMINING A BREACH - PRINCIPLES

- investigation and an assessment of a complaint will be proportionate to the apparent seriousness of the alleged breach
- concepts of **natural justice** and **fairness** will apply in the determination of any complaints. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway
 - are given due notice and are provided with an opportunity to be heard
 - have a right to seek legal advice



LODGE A FORMAL COMPLAINT



INITIAL ASSESSMENT

3. The **Investigator** determines whether the complaint is a breach of the code of conduct and whether it appears to be 'material' or 'non-material'.



4. The **Investigator** reports to CEO that a breach has been identified.

No



3a. CEO notifies complainant and respondent that complaint has been dismissed



INVESTIGATION

5. CEO then provides a report to A&R committee that either:
Lists recommendations for the **approval** of a **Conduct Commissioner** to undertake a full investigation in case of "material breach"
OR
Provides recommendations on a non-binding course of action that can be presented to the complainant. (non material breach)

6. Complainant advised and further information sought

6. **Conduct Commissioner** undertakes a full investigation.

6b. Respondant advised and further information sought

7. **Conduct Commissioner** provides report findings/sanctions to CEO or if mediation successful, CEO informed.

7a. Report/mediation result provided to complainant, respondent and A & R Committee for information purposes only.

DECISION MAKING

8. CEO adds the findings & sanctions report to a meeting of the full Council to impose, or not the sanctions.



9. Council considers in open, unless some aspect of the matter necessitates treating the matter "in public excluded".



Breach confirmed

10. Council

No breach

10a. Respondent and complaint informed

10b. Complainant advised
Respondent advised



SUMMARY

- Code another tool to guide good governance of, and decision making for the Rotorua District
- the credibility and accountability of Council within the community
- mutual trust, respect and tolerance between the elected members and management
- through the guiding principles of:
 - **Wairua/Respect**
 - **Ngākau pono/Integrity**
 - **Kotahitanga/Unity**



QUESTIONS?



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