



**CODE OF CONDUCT  
OF THE  
FAR NORTH DISTRICT COUNCIL**

**FOR:**

**ELECTED MEMBERS OF COUNCIL  
&  
COMMUNITY BOARD MEMBERS  
&  
STAFF  
&  
CONSULTANTS  
&  
CONTRACTORS**



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## 1. Introduction

### 1.1. Why do we have a Code of Conduct?

The Code of Conduct sets out the values, understandings and expectations agreed amongst the elected members, staff, contractors and consultants of the Far North District Council about the manner in which they conduct themselves. It includes understandings on behaviour towards one another and towards the public.

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a Code of Conduct for its elected members. Once adopted, all elected members are required to comply with the Code. While there is no statutory rule requiring there to be a staff Code of Conduct, Council has decided that it will promote a shared sense of purpose and vision if all people engaged in Council business at all levels are covered by the Code. All participants to this Code acknowledge there are inherent differences between elected membership and salaried or contracted services performed by staff and consultants, and acknowledge that this unique approach by Council does not replace or diminish employment law or established Human Resources processes and procedures.

A summary of this Code of Conduct, for easy reference, appears as Appendix 1 to this document.

### 1.2. Terminology used in this Code

- **Staff** includes all employees, casual labourers, consultants, and contractors who perform work for or on behalf of Council.
- **Elected member** means the Mayor, Councillors and Community Board members elected to the Far North District Council and any of its Community Boards
- **'GMT'** means the General Management Team, comprised of the Chief Executive, General Managers, and HR Manager
- **Senior manager** means the Chief Executive, General Managers and Group Managers of the Far North District Council
- **Middle manager** means any staff member with 'manager' in their title, who reports to a Group or General Manager
- **Parties to this Code** – means all persons listed above
- **Policy** means any articulated statement of position adopted by either Council or GMT. A distinction exists between Council policy, which relates to governance, and GMT policy, which relates to organisation management. Council does not develop or adopt GMT policy, nor vice versa.

### 1.3. What does the Code Do?

The Code sets out responsibilities in the areas of integrity, conduct and performance, and Council's obligations to its employees, and vice versa. It recognises the work environment regularly requires judgements and decisions to be made in difficult and complex situations.

The Code of Conduct is one of several documents that guide elected members, management and staff performance and behaviour. These documents include:



- Professional group code of ethics (i.e. Engineers, Accountants, Planners)
- Council's Policies
- Disciplinary Policy
- Employment contracts
- Performance documentation

#### **1.4. Who is the Code for?**

This Code has been developed for Far North District Council and applies to all persons – elected members, employees, contractors or consultants – working with us.

#### **1.5. Guidance and Objectives**

This Code of Conduct provides guidance on the standards of behaviour that are expected from everyone. The Code applies to elected members, staff, contractors and consultants in their dealings with:

- Each other
- The Chief Executive
- All staff, contractors and consultants employed by the Chief Executive on behalf of Council
- The media
- The general public

The objective of the Code is to enhance:

- The effectiveness of Council with statutory responsibilities for sound local government of the Far North District.
- The credibility and accountability of Council within its community.
- Mutual trust, respect and tolerance between all parties to the Code

This Code of Conduct seeks to achieve its objectives by recording:

- An agreed statement of roles and responsibilities.
- Agreed general principles of conduct.
- Specific codes of conduct applying to particular circumstances or matters.

Elected members are primarily accountable to the electors of the district through the democratic process. However members must note that the Auditor-General may hold them to account for unlawful actions or expenditure, or for breaches of the Local Authorities (Members' Interests) Act 1968.



## 2. Roles and Conduct

This part of the Code describes the roles and responsibilities of elected members, the additional roles of the Mayor, Deputy Mayor, Committee Chair, Chief Executive and the staff and contracted consultants of the Far North District Council.

### 2.1. Elected Member's Roles and Conduct

Elected members of Council are responsible for:

- The development and adoption of Council policy.
- Monitoring the performance of Council against its stated objectives and policies.
- Prudent stewardship of Council resources.
- Employment of the Chief Executive.
- Representing the interests of the residents and ratepayers of the Far North District

Unless otherwise provided in the Local Government Act 2002 or in standing orders, Council can only act by majority decisions at meetings. Each member has one vote (and, in the case of a chairperson, a casting vote). Any individual member (including the Mayor) has no authority to act on behalf of Council unless Council has expressly delegated such authority.

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer and to abide by the current Code of Conduct and standing orders.
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards that could be seen to influence their actions in a particular way.
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All elected members of Council are required to adhere to a code of conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted, the code may only be amended by at least a 75% supporting vote of Councillors.

### 2.2. Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council.

The Mayor also has the following additional roles as a:



- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders).
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of Council.
- Ceremonial head of Council.
- Providing leadership and feedback to other elected members on teamwork and chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing Council to a particular course of action, unless acting in accordance with a delegation of authority from Council.

### **2.3. The Deputy Mayor**

The Deputy Mayor must be elected by the members of Council at the first meeting after the local body election. The Deputy Mayor exercises the same roles as other elected members and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of, the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

### **2.4. Committee Chairpersons**

Council may create one or more committees of Council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council. Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

### **2.5. The Chief Executive**

The Chief Executive is appointed by Council in accordance with Section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing Council policies and objectives within the budgetary constraints established by Council. The Chief Executive employs all other staff on behalf of the local authority

In terms of Section 42 of the Act, the responsibilities of the Chief Executive are:

- Implementing the decisions of Council
- Providing advice to Council and community boards
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive, (and thence from the Chief Executive to other staff) are properly performed or exercised
- Managing the activities of Council effectively and efficiently
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council



- Providing leadership for staff
- Employing staff (including negotiation of the terms of employment).

## **2.6. Staff, Contractors & Consultants**

Staff, contractors and consultants are required to serve the Council of the day. They must act professionally and impartially, and ensure that the fulfilment of their duties maintains the confidence of Council.

Staff, whether salaried or contracted, have a role in assisting with development as well as implementation of policy. Staff are responsible for providing honest, impartial, and comprehensive advice to Council, for alerting Council to the possible consequences of a particular action, and where possible for offering alternative ways of achieving Council's objectives. Officers should understand this vital role, and provide advice whether or not such advice accords with Council's views. Officers must also realise that elected members often need to take into account other factors before reaching a decision.

Final decisions on policy are the prerogative of Council, and staff may not withhold relevant information from Council, nor seek to obstruct or delay a decision, nor attempt nor undermine or improperly influence Council policy (for example, by the unauthorised release of information by a staff member).

Once the Council has made a decision, it is the duty of the staff member to implement that decision within the law, whether or not they agree with it.

If staff find themselves in a situation where their conscience constrains them from carrying out a lawful instruction, they should discuss their circumstances and options with their immediate manager. They must not do anything to circumvent or undermine the Council's policies or decisions.

## **3. Responsibilities**

### **3.1. Decision Making**

The business of Council is done every day by making decisions. Some are made by elected members, meeting as Council. Others are delegated to the Chief Executive, who in turn sub-delegates to staff at various levels of the organisation. Effective governance occurs when an organisation's structure and operating principles recognise, through effective delegation, the need to empower elected members and staff to make decisions at strategic and operational levels, as appropriate to their role. While the nature of those decisions is different, the process and the principles to be applied are the same.

#### **3.1.1. Council Decision-Making**

Council may only make decisions at Council meetings, and then should only make decisions on those matters that are accompanied by management staff reports. This is a necessary step in transparency and accountability. It is needed to fulfil Council's obligations for decision-making requirements of the Local Government Act 2002, and is an important safeguard for every member in terms of personal liability for those decisions.



Council may hear submissions and delegations, and, within the limits of the legislation, discuss matters raised from the floor of the meeting, however decisions should not be made unless the matter is properly considered as an item on the agenda accompanied by a written management report, unless there are compelling and urgent reasons to consider the matter immediately.

The Local Government Official Information and Meetings Act 1987 recognises that urgent items, that is, matters not on the agenda, cannot always be avoided. Sections 46A(7) or (7A) allow **minor** matters relating to the general business of the Council to be discussed but not acted upon (other than by reference to a subsequent meeting) where the presiding member explains at the beginning of the meeting that the item will be discussed. **Major** items may only be dealt with at a meeting if the Council resolves accordingly and the presiding member explains at the meeting the reason why the item is not on the agenda and the reason why discussion cannot be delayed until a subsequent meeting. In either case the presiding member's explanation must be made at a time when the meeting is open to the public.

Where an item of urgency arises which legitimately can be decided, and the timing precludes the preparation of a management report, the presiding member will call for a verbal report from the relevant manager, which will address the significant implications arising from any proposed recommendations, such as fiscal, environmental and/or social implications. Staff will strive to ensure that advice meets relevant quality standards in all cases.

### **3.1.2. Staff Decision-Making**

Staff make decisions every day in the course of doing their jobs. Not all are recorded, but staff should be aware that the decision-making requirements under sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 still apply.

Staff must be mindful of especially those requirements concerning compliance with community outcomes and consultation with the community. Notice should be taken of the discretionary nature of compliance afforded to Council under section 79 of the Act in terms of the above provisions. Any decisions deemed "significant" under the Council's Policy on Significance may need to be subject to the special consultative procedure set out in section 83 of the Act.

Decisions made on day-to-day matters should wherever possible be evidenced by a written report, the detail of which is in proportion to the decision being made, and signed by the person with delegated authority to make it.

### **3.2. Predetermination or Bias**

Elected members making decisions and staff exercising delegated authority are expected to approach decision making with an open mind, faithfully and impartially. This process requires the person making the decision to listen carefully to competing advice and to weigh up the pros and cons before making it. Where Council or a Standing Committee is hearing formal submissions on a particular issue, elected members should carefully avoid prior public comments which show a predetermined bias or inflexible attitude.





### **3.3. Confidential Information**

In the course of their duties the parties to this Code will occasionally receive information that may need to be treated confidentially. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Parties to this Code must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Parties to this Code should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

### **3.4. Conflicts of Interest**

Parties to this Code must be careful that they maintain a clear separation between their personal interests and their duties. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived).

Elected members need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest. Other parties to this Code should be familiar with the spirit of this Act.

The Act 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.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary 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 pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- Any employment, trade or profession carried on by the member or the member's spouse for profit or gain;
- Any company, trust, partnership etc. for which the member or their spouse is a director, partner, trustee or beneficiary;
- The address of any land in which the member has a beneficial interest and which is in the Far North District Council;
- The address of any land where the landlord is the Far North District Council and;
- The member or their spouse is a tenant, or



- The land is tenanted by a firm in which the 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 member's actions during the course of their duties as a member.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive *immediately*.

Parties to this Code must also guard against the impression that they are using their position to promote a private or personal interest (i.e. family and friends, or an interest arising from membership of clubs, societies, freemasons, trade unions, and voluntary bodies). They should disclose any such non-pecuniary interests in a matter arising at a Council or Committee or Community Board meeting, unless it is insignificant or common to the public as a whole

Members may also contact the Audit Office for guidance as to whether that member has a disqualifying pecuniary or non-pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. This 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 the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

### **3.5. Staff Conflict of Interest**

Staff (including contracted consultants) should perform their duties honestly and impartially, and avoid situations which might compromise their integrity or otherwise lead to conflicts of interest.

The impartiality and integrity of staff is central to the maintenance of good governance and confidence in Council.

Staff should not only avoid circumstances in which their personal interests conflict with the interests of the Council, but should also avoid those circumstances in which there could be the appearance of such conflict.

The public must have no basis on which to believe that decisions are made or policies are applied unevenly. Staff must observe the principles of fairness and impartiality in all aspects of their work.

In addition, staff should avoid any interest or undertaking that could directly or indirectly compromise the performance of their duties, or the standing of their department or the Council in its relationships with the public, clients or customers.



Staff should inform the Chief Executive where any actual or potential conflict of interest arises that impairs the full, effective, and impartial discharge of their staff member duties. The Chief Executive will then determine the nature and degree of the conflict as it relates to their staff member duties, and decide upon the best course of action to resolve it. Staff should not be in a management or supervisory role over a partner or family member. Staff need to ensure that any personal relationships in the workplace do not affect their work or that of others.

### **3.6. Examples of Conflict of Interest**

The following examples illustrate the avoidance of conflict of interest but are not an exhaustive list.

#### **Being a client and incurring debt**

If a staff or elected member is a client of the Council, he/she must ensure that his/her personal dealings with the Council as a client are beyond reproach.

This means that it is his/her responsibility to make every effort to ensure that he/she receives no overpayments and that he/she incurs no debt. If a debt is incurred through an overpayment, he/she must inform his/her manager or the Chief Executive immediately.

#### **Offers of gifts or gratuities**

Elected members and staff must not abuse their position for personal gain. They must not solicit or accept gifts, rewards or benefits which might compromise, or be seen to compromise, their integrity and the integrity of their department and the Council.

As a general rule, a Councillor or staff member should not accept a gift (whatever its nature or value) if the gift could be seen by others as either an inducement or a reward which might place the employee under an obligation to a third party.

There will be certain occasions (e.g. at a hui) where the differing cultural traditions of the Council staff or clients require an exchange of gifts. The Council is committed to meeting the needs of different cultures. If a gift is offered in these situations, it should be accepted. Each situation must be judged on its own merits and with cultural sensitivity. If a staff member is in this situation, it should be discussed with his/her manager to ensure that the decision is open to the closest scrutiny.

Where gifts are offered or offers of inducement are made they should be reported by the Councillor or staff member to the appropriate manager or Chief Executive, who will determine the appropriate response. A Councillor or staff member who accepts a gift should declare the gift for a decision on final disposal.

#### **Other work or services – participation in Public Bodies or Voluntary Associations**

Elected members and staff are encouraged to participate in the activities of professional bodies and to hold office in such bodies. However, they should first inform the Mayor and/or the chief executive of their intentions, to ensure that no conflict exists between such participation and their duties and responsibilities for Council.

Any undertaking of other work or services, whether paid or unpaid, may create a conflict of interest or compromise the Councillor's or staff member's work at the Council. The



member or officer needs to consider whether the other work or service could conflict with his/her Council duties, affect his/her efficiency or performance, or intrude on normal working hours. This may include:

- Another job.
- Sitting on a board, public body or voluntary committee.
- Serving on other local bodies such as the District Health Board.
- Working for an advocacy group.
- Working as a volunteer for a community organisation.

If a staff member is planning to commence other paid work or is considering other work (including voluntary work) or services that may conflict with his/her Council duties, he/she must discuss the matter with his/her manager and obtain agreement in writing before commencing the work.

### **3.7. Standing Orders**

Parties to this Code must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

### **3.8. Ethics**

Far North District Council seeks to promote the highest standards of ethical conduct amongst Parties to this Code. Accordingly, they will:

- Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination.
- Not influence, or attempt to influence, any other party to this Code to take actions that may benefit the person, or the person's family or business interests.
- Not use Council resources for personal business (including campaigning).
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position.
- Act in accordance with current Council policy in respect of the receipt or offering of gifts.

### **3.9. Dress Code**

When attending meetings of the Council, its standing committees and civic functions, or when representing the Council at any event, parties to this Code should maintain an appropriate high standard of dress.

### **3.10. Disqualification of Members 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 are guilty of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a Code of Conduct, must consider whether or not they will require members to declare whether



they are an un-discharged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

### **3.11. Handling Council information**

All information created or used in the course of business (electronic or hard copy) belongs to the Council and therefore, parties to this Code have a responsibility to adhere to any information management policies and standards.

Most information created and/or received at the Council is public information. This means that members of the public have the right to request that files be made available for viewing, or copies of documents provided. The Local Government Official Information and Meetings Act 1987 sets out our responsibilities in relation to the release of information, including what information may be withheld.

However, some of Council's information is confidential or sensitive. The Privacy Act 1993 specifies restrictions applying to the collection and maintenance of personal information about any individual. Parties to this Code should take proper care with the use, exchange, storage and release of any information (whether electronic or written) for which they are responsible, to ensure it remains secure at all times and is only used for its intended purpose.

Council's Legal Services team can help with queries.

Parties to this Code have the responsibility to see that whenever possible business is conducted in 'open' meeting. Powers to exclude the public should be used only where prudent and necessary and for the reasons permitted by law.

Business conducted where the public is lawfully excluded remains confidential and should not be disclosed to the public until either Council decides by resolution to make it public or the Chief Executive determines, in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993, that there is no longer good reason to withhold it under the Act.

Subject to these Acts, parties to this Code will not communicate any information of a confidential nature. It is a grave betrayal of trust to disclose information while it is confidential or use such confidential information for private gain, or improper purpose. Should the release of politically sensitive material be required, parties to this Code should ensure that the Chief Executive is notified well in advance of any information release.

Parties to this Code should be aware that failure to observe these provisions could impede the performance of Council by undermining public confidence in the Council. It may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation. It may be a disciplinary matter for staff.

### **3.12. Responsibility for Public Funds**

All persons engaged in Council business must ensure that public funds or resources are used prudently, with integrity, honesty, and trustworthiness and should reflect:



- Behaviour that is sensible and reasonable for the particular circumstances.
- Striking the right balance between initiative and retaining a level of responsibility consistent with the values and standards.
- Encouraging a culture and style of work that provides an excellent standard of service to the public.

### **3.13. Personal Behaviour**

All persons involved in Council business should avoid any activity (work related or private) that could reflect badly on the Council or jeopardise its relationship with stakeholders or the general public. Whether any such activity constitutes misconduct for staff will depend on the circumstances of the case and may vary according to:

- The likely impact on the ability to carry out the role or employment
- The nature and overall consequences of the activity
- The effect or consequences of the activity on Council relationships with residents, customers or the general public.

Minor offences against the law in a private capacity may be of no concern to Council where they do not involve breaches of trust or acts of violence, or otherwise impair the ability to carry out duties. However, each case will be considered on its merits.

Staff, consultants and contractors must inform their manager/team leader/supervisor immediately of any criminal charge(s) laid against them and any conviction(s) received.

Elected members must be aware that as well as reflecting badly on Council as a whole, serious misconduct can result in criminal charges that could disqualify them from office. The Local Government Act 2002 states that a member's position on Council is vacated if he or she is convicted of an offence punishable by a term of imprisonment of 2 years or more. (Ceasing to be, or losing status as an elector, and certain breaches under the Local Authorities (Members' Interests) Act 1968 will also disqualify a member from office.)

## **4. Relationships and Behaviours**

This part of the code sets out the Council's agreed standards of behaviour. Some of the matters described in this part of the Code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The balance of the Code is material that the Council has decided to include of its own initiative.

### **4.1. Relationships with Elected 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. With this in mind elected members will conduct their dealings with each other in ways that:

- Maintain public confidence in the office to which they have been elected.



Elected members are servants of the public and they are indispensable to one another. Mutual respect between elected members is essential to good local government.

A distinction needs to be drawn between the effectiveness of any policy and the management or implementation of that policy. Elected members may comment publicly on the effectiveness of any policy, but concerns about the management or implementation of that policy should be discussed in the first instance with the Chief Executive<sup>1</sup>.

If elected members have concerns about the performance of another elected member, these concerns should be directed to the Mayor or, in the case of Community Board members, to the relevant Board chairperson.

- Are open and honest, and focus on issues rather than personalities.

It is important that in any dealings elected members should observe reasonable standards of courtesy, and that neither party should seek to take unfair advantage of their position.

- Respect the focus and functions of various offices.

Community Boards represent, and act as advocates for, the interests of their communities. They advise the Council on local needs, community views, and Council proposals affecting their wards. They are also able to make decisions on some projects at a local level. On other issues, they make recommendations to the Council.

Councillors have a wider leadership role focussed on policy, budgets strategies and planning. Their role is to participate constructively in the good governance of the District, to represent effectively the interests of the District and to champion the causes which best progress the interests and sustainability of the community, economy and environment.

In practice the distinction between roles is less clear. Overlaps are inevitable, particularly on significant local issues. In such cases Councillors and Board members should work carefully to ensure other relevant elected members are kept advised of events, and ensure that – differences of opinion notwithstanding – a professional and courteous demeanour is maintained.

## 4.2. Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

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<sup>1</sup> E.g. Where an individual private development is approved (or not) 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 (or not) the individual application.



- 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 the Council and the Chief Executive have as employers and observe those requirements at all times.
- Treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees).
- Observe any guidelines that the Chief Executive puts in place regarding contact with employees
- Not do anything which compromises, or could be seen as compromising, the impartiality of an employee.
- Avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee.
- Raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor.

It is not appropriate for elected members to approach staff and contractors directly regarding their performance, nor is it appropriate for elected members to comment publicly on the individual management or staff.

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.

If a staff member feels that he or she has not been properly treated with respect and courtesy, he or she should raise the matter with his or her line manager. The line manager shall refer the matter to the group manager who will take appropriate action, either by approaching the individual member or the CEO.

Elected members should be aware that failure to observe this portion of the Code of Conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

### **4.3. Relationships with the Community**

Effective Council decision-making depends on productive relationships between elected members and the community at large. Parties to this Code should ensure that individual citizens are accorded respect in their dealings with the Council and have their concerns listened to and deliberated on in accordance with the requirements of the Act. Parties to this Code should act in a manner that encourages and values community involvement in local democracy.

### **4.4. Communications Protocol**

#### **4.4.1. Objectives**

Good communication, mutual courtesy and respect are critical in establishing and maintaining effective relationships throughout the Council. The Council's expectation is that the Mayor, Councillors and managers will lead by example.





#### 4.4.2. Guiding Principles

- It is important that there is good communication between the Mayor, Councillors and staff.
- Parties to this Code are entitled to be treated with respect and with reasonable standards of politeness.
- Subject to operational imperatives staff will at all times aim to respond effectively to communications from the Mayor and Councillors.
- The Mayor and Councillors can expect staff to:
  - maintain confidentiality;
  - perform their duties effectively, efficiently and with political neutrality;
  - behave in a professional and courteous manner;
  - be helpful to the Mayor and Councillors and respect their roles;
  - avoid personal close familiarity with the Mayor and Councillors and not use their relationship with elected members to advance their personal interests or to influence decisions improperly;
  - demonstrate an understanding of and support for the respective roles, workload and pressures of the Mayor and Councillors.
- Staff can expect from the Mayor / Councillors:
  - political leadership and direction;
  - to be treated with respect, dignity and courtesy;
  - an understanding of and support for respective staff roles, workload and pressures;
  - not to be subject to bullying or undue pressure;
  - not to be pressurised to deal with a matter outside of Council procedure or policy;
  - not to have the Mayor or Councillors use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- All involved in communicating within the organisation and externally will take care in statements made not to use profanities, immoderate or insensitive language nor inadvertently to become liable for defamation

#### 4.4.3. Asking for information

The following process should be used:

- The Mayor and Councillors will only seek information from staff that relates to the business of the Council and enables them to properly perform their functions.
- Routine operational information requests (e.g. an update regarding a particular asset or the timing of scheduled works) may be directed to relevant activity managers.
- Requests for service (e.g. to report damage to a Council asset) must be lodged via the 'Request for Service' system, by phoning 0800-920-029 (for urgent issues) or via council's website at [www.fndc.govt.nz/contact/request-for-service](http://www.fndc.govt.nz/contact/request-for-service).
- For all other information requests, e.g. queries about Council policy or processes, should be directed to the Chief Executive, the relevant GMT member, or the Governance Services unit.



- When staff receive requests for information they should first ensure that they are the appropriate person to deal with the request. If the request is redirected then the Mayor or Councillor concerned should be informed quickly. (Staff support cannot extend beyond providing information and advice in relation to matters of Council business or beyond the bounds of whatever authority they have been given by their senior officer).
- If the information requested is sensitive then the matter should be dealt with at GMT level.
- When dealing with a request staff should try to respond promptly, taking account of the priority given by the Mayor / Councillor and their own service priorities.

Priority given by Mayor / Councillor	Usual timescale for response
Emergency (this only applies in extreme cases such as public safety, noise etc)	Within a working hour from receipt of the request
Important (this would be information needed for a particular time limit)	Within 2 working days from receipt of request
Normal	Within 5 working days from receipt of request

- If a member of staff cannot reasonably deal with the request within these time limits, they will contact the Mayor or Councillor concerned to seek an agreed extended time period. If agreement cannot be reached then the matter will be referred to a senior manager, or the chief executive.
- Most correspondence will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. The Mayor and Councillors may, from time to time, raise matters confidentially with staff and such confidences shall be respected. Staff will not, without the agreement of the author, copy a letter marked as 'private' or 'confidential' or both from the Mayor or a Councillor to anybody else.
- The Mayor and Councillors have rights to see most council information, but they do not have the right to see everything. If a member of staff feels that there is a legal reason not to supply the information they will first consult the Chief Executive.

#### 4.4.4. Wider communications

- Official communications letters and decision documents on behalf of the Council in relation to the Council's functions should be made by the relevant member of staff. In some circumstances it may be appropriate for an official communication to be made by the Mayor or a Councillor and this should be undertaken in liaison with the relevant member of staff.
- The Mayor and Councillors should not, within their communications, purport to make, or have made, decisions on behalf of the Council where they have no authority to do so.



#### **4.4.5. Use of email**

- The use of e-mail and other electronic facilities is encouraged. Whilst electronic communications will tend to involve less formality than written communication, parties to this Code should avoid an inappropriate level of informality.
- In using e-mail facilities for Council business, senders should address communications only to the appropriate named recipients and should avoid the use of wider or general circulation lists.
- Parties to this Code must not use to their advantage information that has been communicated to them in error.

#### **4.4.6. Complaints about staff**

Staff are entitled to be treated with respect and not to be the subject of unreasonable, unwarranted, or defamatory public criticism by the Mayor or Councillors. The following procedure sets out what the Mayor and Councillors should do if they have a concern about the conduct or competence of any member of staff:

- First of all the Mayor / Councillor should consider discussing their concern with the member of staff concerned. This is not always appropriate but it is often a good way of resolving issues.
- If these discussions are not appropriate or successful then the Mayor or Councillor should raise the matter formally with the member of staff's manager.
- If the manager and the Mayor or Councillor are unable to resolve the issues then the matter is to be referred to the Group Manager and ultimately to the Chief Executive.
- Concerns about the Chief Executive should be directed to the Mayor.
- The outcome of any formal complaint will be reported to the Mayor / Councillor who made it.
- Action against Officers is governed by employment law and the council's employment procedures.

#### **4.4.7. Chief Executive's Forum**

In order to assist communications within Council the CEO will organise an informal monthly forum to enable the Mayor and Councillors to raise issues of concern in an informal and confidential setting.

#### **4.5. Private Communications between Elected Members and Staff**

Council employees have the same rights of access to elected representatives as do other members of the public, and vice versa. In order to uphold the operational / governance separation, and for Council staff and contractors to remain politically neutral in their work, such communication should be handled with sensitivity.

As a general guide:

- Staff may communicate privately with elected members about any matters outside their employment, and vice versa, but where a staff member occupies a senior position or works closely with elected members, particular care should be exercised with such communications;



- Staff should not attempt to lobby or influence elected members with regard to decisions that fall within Council management, such as priority of work or allocation of resources, and vice versa. These matters should be raised and resolved within the existing business unit management structure;
- Staff should not communicate privately with elected members about matters concerning their employment or their business unit, or vice versa. These matters should be raised and resolved with the Chief Executive or a manager/team leader/supervisor (either personally or through a representative);
- If a staff member is approached privately by a Councillor, or vice versa, they should ensure that any such dealings are addressed, and seen to be addressed, from a basis of strict impartiality. If this situation arises, employees should always make sure that a manager/supervisor is informed. Any approach of this kind should be reported to the Chief Executive.

#### **4.6. Political Neutrality**

Elected members will have strong political views on which they have campaigned and been successful in promoting and getting themselves elected. A certain bias in favour of certain policies, etc., is expected of people who have put themselves in the arena of robust political debate. Elected members need to manage their political views carefully when undertaking Council business to avoid any appearance of bias.

Council staff and contractors on the other hand serve the Council of the day and must also be able to serve successive Councils that may be politically different. Staff are required to maintain the confidence of the current Council and also be able to establish the same relationship with future Councils. To do this staff must be politically neutral in their work, while being aware of the political environment in which they are working. If they do not maintain neutrality in a political environment they are vulnerable to manipulation.

When any staff find themselves in a situation where their personal views on an issue conflict with those of Council, and they are not prepared to carry out an instruction, they should discuss the circumstances and options immediately with their manager/team leader/supervisor.

#### **4.7. Relationships with the Public**

Positive interaction with the public and external agencies or individuals concerned with Council is important to build understanding and appreciation of the work of Council.

In any dealings all persons engaged in Council business should:

- Be professional, courteous and helpful;
- Provide information where appropriate;
- Process any enquiries or complaints promptly and according to relevant procedure;
- If any matter is not the responsibility of a given employee then, it should be passed to the person concerned or directly to someone who can help. Where possible enquiries should be made on behalf of the person concerned and they should be given a name and phone number to contact;



- While elected members may, and are often expected to, take a position on any matter, staff and contractors must maintain the neutrality required of Council employees;
- Value the customer, ratepayer, and resident

#### **4.8. Public Statements and Contacts 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. From time to time, individual staff or elected members will be approached to comment on a particular issue either on behalf of Council, or as a staff or elected member in their own right. This part of the code deals with the rights and duties of staff or elected members when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact and public statements by staff on behalf of Council:

- Only those staff authorised by the Chief Executive, or those who have express delegation as part of their job, can make public statements.
- This applies to responses to all media calls, including:
  - Media enquiries or any other external communication by a member of the media.
  - Media requests for comment on Council policy.
  - Calls from journalists wanting staff to “comment” on a situation.

In cases where a staff member has any doubt about what can be released to the media, the journalist should be referred to the Communications Manager.

The following rules apply for media contact and public statements by elected representatives *on behalf of the Council*:

- The Mayor can speak of behalf of the Council and is generally considered the first point of contact for the official Council view on any issue. Where the Mayor is absent or unavailable, the Deputy Mayor assumes this Council spokesperson role. If the Deputy Mayor is absent or unavailable, matters can be referred to the relevant committee chairperson, who can speak on behalf of his or her committee’s activities.
- The Mayor may choose not to comment, but rather to refer media enquiries to the Deputy Mayor, relevant committee chairperson, other elected representative or the Chief Executive, for comment on behalf of the Council.

Elected members are free to express a *personal view* in the media at any time, provided it is clear they are commenting in a personal capacity, as follows:

- Media comments must not state or imply that they represent the views of Council.
- Where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view.



- Media comments must observe the other requirements of the Code of Conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

#### **4.9. Representing the Far North District Council**

Parties to this Code appointed by Council to serve on other bodies must observe this Code in carrying out their duties on such bodies.

#### **4.10. Defamation**

Defamation is any statement, written or oral, designed to lower the esteem in which another person is held. To be defamatory, the statement must be untrue, must identify a particular person and must be published. "Published" means making the defamatory statement known to someone other than the victim.

However, Clauses 52 and 53 of the Local Government Official Information and Meetings Act 1987 provide "that the publication of defamatory matter contained in a publicly available agenda or minutes is privileged, unless it can be proved that the publisher was predominately motivated by ill will or took improper advantage of the occasion of publication. Any oral statements made at a local authority meeting are privileged, unless it can be proved that the person making the statement was predominately motivated by ill will or took improper advantage of the occasion of publication."

The reason for the existence of this privilege is so that a local authority can conduct its meetings in a way that is open and accountable. In order to perform the duties for which they were elected, members must be able to make statements at meetings without fear of an action for defamation. However, the privilege is qualified to prevent an abuse of the power given to elected members.

Elected members should strive to make no allegations that are improper or derogatory in the performance of their official duties and refrain from any form of conduct that may cause any reasonable person unwarranted offence or embarrassment.

Staff do not have this qualified privilege and should take care at all time that they do not make any statements that are potentially defamatory.

## **5. Compliance and Review of Code of Conduct**

This section of the Code sets out how it will be monitored, implemented, and reviewed.

### **5.1. Compliance**

Elected members must note that they are bound to comply with the provisions of this Code of Conduct (Local Government Act 2002, Schedule 7, section 15(4)). Members are also bound by the:

- Local Government Act 2002
- Local Authorities (Members' Interests) Act 1968
- Local Government Official Information and Meetings Act 1987



- Secret Commissions Act 1910
- Crimes Act 1961
- Securities Act 1978.

The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

## **5.2. Elected Members Monitoring Group**

All alleged breaches of the Code by elected members must be reported to the Monitoring Group. Any allegation of a breach of a Code of Conduct must be in writing to the Principal, make a specific allegation of a breach of the Code of conduct, and provide corroborating evidence.

The group will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the group will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

## **5.3. Responses to Breaches of the Code**

Breaches of this code are dealt with differently, depending on whether an elected member's conduct is in question, or a staff member.

In **all** cases relating to staff (including contracted consultants) complaints **must** be dealt with in accordance with the organisation's Human Resources policies.

In cases relating to elected members, 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:

- 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.
- Breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant agency, e.g. the Auditor-General or Police. Member of the public similarly may make such complaints, or the agency itself may take action on its own initiative.

Where there are no statutory provisions, 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 as Deputy Mayor or Chair of a committee.
- A decision to apply one or more of these actions requires a Council resolution to that effect.

#### **5.4. Review**

Once adopted, a 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.

Council will formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

## **6. Relevant Legislation**

- Local Authorities (Members' Interests) Act 1968.
- Local Government Act 2002
- Secret Commissions Act 1910
- Local Government Official Information and Meetings Act 1987
- Local Authority (Members' Interests) Act 1968
- Securities Act 1978
- Crimes Act 1961
- Privacy Act 1993 and amendments (2000)
- Building Act 2004

## **7. Associated Documentation**

- Disciplinary Matters policy
- Fraud and Corruption policy
- Privacy Policy





# Code of Conduct - Summary

## As elected members, staff and contractors...

We must be:

- Helpful and polite
- Business-like
- Open, honest and transparent
- Well informed

The Far North District Council team is made up of elected members, staff and contractors. Together we work for the ratepayers and residents of our district. We must act with a spirit of service to our communities and demonstrate integrity in everything we do. Our performance is measured by our results and through our conduct.

The Local Government Act 2002, Clause 15, Schedule 7, requires Council to adopt a Code of Conduct. The standards required are applicable to us all – elected members, staff and contractors.

### Our Mission

- To provide effective leadership and responsive, affordable services.
- To value our diverse lifestyles and unique environment. Build Trust within stronger and safer communities.
- To promote the economic, social and cultural advancement of the Far North.

## Helpful and Polite

We must:

- Say please and thank you
- Be courteous and responsive

- Listen to our customers
- Look for solutions
- Have a sense of humour

## Business-like

We must:

- Be results and services focussed
- Be professional and reliable –“we do what we say we’re going to do, when we said we’ll do it, and we do it well”
- Acknowledge that bureaucracy wastes customers’ money and our time
- Be efficient – complete our work on time and within budget
- Work hard
- Be positive

## Open, honest and transparent

We must:

- Tell the truth
- Be factual and upfront
- Outline situations as they really are
- Admit our mistakes – be accountable
- Be honest about delays
- Be reliable
- Be trustworthy

## Well informed

We must:

- Know our stuff
- Answer questions confidently, or offer to find the answers
- Respond to our customers’ needs in a timely manner
- Be concise with our communications
- Speak and write in Plain English
- Use our strengths as a team to gather the information we need
- Be team oriented