

# CODE OF CONDUCT WORKSHOP – 10 March 2021

Talking notes



# A Brief History

- Process before LGNZ – Mayor run / heavy internal resource
- 2016 LGNZ model – removes ‘political’ element / uses external resource
- 2017 – HCC makes refinements following backlash
- 2019 LGNZ updates – not yet adopted by HCC

# HCC Refinements

- Mayor to determine if the complaint can be resolved through informal dispute resolution, prior to any further action.
- Requirements for a valid complaint, including that all evidence relied on needed to be submitted with a complaint and in defense of a complaint.
- The ability for the complaint to be dismissed before going to an external investigator.

# HCC Refinements

- A restricted instruction for any external investigator (to limit the cost to Council of this part of the process).
- The addition of a “substantial” breach category, which was lesser than the “material” threshold previously required.
- Member addition of costs as a potential penalty.

# HCC departure – CEO

- CEO ability to lay a complaint taken out “ad hoc”, without advice, when other HCC refinements added
- Not in line with LGNZ template
- Leads to complications when CEO most appropriate person to lay complaint
- Recommend reinstating this ability

# LGNZ updates

- Primarily uncontroversial grammatical or minor changes.
- Some beefing up of social media guidelines (worth reading and considering but not a focus of this Workshop).
- Substantial change – the Mayor as preliminary investigator. Recommend not adopting this due to our refinements.

# Further changes for clarity

- Clarifying the wording around more than one penalty. Interpretation of only one penalty not intended and not in anyone's interest – reduced flexibility for Council and potentially harsher single penalty for member.
- Further clarity to role of investigator vs Council (decision on breach vs decision on penalties).

# Costs

- Consider leaving 'as is' for now and working this through in the new triennium. It will likely be impossible to objectively separate any discussion from the live issue of non-payment of imposed costs from the recent code of conduct hearing.



# Any amendments?

- On the fly Code amendments can have serious implications.
- Unlikely to be comfortable giving on the spot legal advice so proposed amendments may delay the process.
- Please let staff know as far in advance as possible if you do have suggested amendments you wish to make.

# Thanks

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