

Council Briefing Meeting Minutes

Date: Thursday, 15 March, 2018
Time: 1:00 p.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie (1.10pm)
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Not in Attendance

Cr Phil Halse

Scribe C Brindle (Senior Democracy Adviser)

Her Worship convened the meeting.

Prior to discussions commencing Cr Shelley Deeming sought clarification on whether her involvement in a current complaint would preclude her from taking part in today's discussion. Her Worship advised that there would be no decisions made at today's meeting therefore there was no reason for Cr Deeming to refrain from discussion on the code.

Apologies:

Cr Phil Halse (absent on Council business) and Cr Crichton Christie (late arrival).

2. Reports

2.1 Elected Member Code of Conduct Review

Jason Marris (Governance Manager) gave a brief account of the review of the Code of Conduct to date. Mr Marris and Kathryn Candy (Senior Legal Adviser) then presented an overview of the complaint characteristics of both the current WDC Code and the LGNZ template. Presentation attached.

Council's guidance was sought on replacing Part 4 of the current code with section 12, 13 and Appendix B of the LGNZ template.

- The LGNZ template includes the appointment of independent investigators to assess alleged breaches. It proposes the Chief Executive, in consultation with the Mayor, set up a list of investigators for this purpose.

There was some support for removing the role of the Mayor from this process to ensure a clear demarcation of elected member involvement in the complaint process.

- The LGNZ template provides for only Elected Members and the Chief Executive to make a complaint. The current code allows the public to make a complaint about an elected member.

Does council wish to allow the public to make a complaint under the code?

There was some concern expressed that frivolous complaints (from the public) might increase and thus financial costs would increase. Mr Marris brought attention to Appendix B (LGNZ template), the process for the determination and investigation of complaints, specifically the ability of the investigator to dismiss any complaint, which in their view, fails to meet the test of materiality.

- Complaints found to be more than minor. The current code of conduct has the full Council as the decision-maker, the LGNZ template provides the option for full Council or a Committee to be the decision-maker. What is Councils' preference - that the Council or a Committee make the decision on material breaches?

There was general support for full Council to be the decision-maker rather than delegating this function to a Committee.

- The LGNZ template requires all complaints to go to an external independent investigator who is selected from a pool of investigators. After each triennium the Chief Executive, in consultation with the Mayor or Chairperson, determine the list of investigators.

Some support for the Chief Executive only to be involved in this process – this would be consistent with the ‘demarcation’ of elected member involvement in the process approach.

- The LGNZ template does not allow for an independent investigator to be called upon from outside of the pool if circumstances require.

Specific skills may be required in certain circumstances, there was some support for including provision for this eventuality.

Conclusion

Mr Marris confirmed the Elected Member Code will be updated and presented to the 29 March council meeting for adoption.

The updated Code will include:

- the ability for the public to make a complaint;
- material breaches of the code be reported to Council for decision-making;
- provision to allow the Chief Executive to choose an investigator outside of the pool where circumstances require it; and
- the Chief Executive to prepare a list of investigators post each triennium;
- the complaint process from the LGNZ template included in Part 4 of the current code.

The agenda report will highlight the proposed changes to the code.

The code can only be amended (or substituted by a replacement code) by a vote of at least 75% of members present.

Ms Candy also advised that the code would be updated to reflect the renaming of the Securities Act 1978 (by legislation) to the Financial Markets Conduct Act 2013

The meeting concluded at 2.05pm