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**REPORT 5**  
(1215/12/IM)

## **TAWA COMMUNITY BOARD CODE OF CONDUCT**

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### **1. Purpose of Report**

To submit a proposed Code of Conduct, that provides guidance on the standards of behaviour expected of Community Board members, to the Tawa Community Board for its approval.

### **2. Executive Summary**

The proposed Code is based on the Code previously adopted by the Tawa Community Board. It sets out standards of behaviour expected of members in a number of areas, including towards other members, council staff and the general public.

### **3. Recommendations**

It is recommended that the Tawa Community Board:

- 1. Receive the information.*
- 2. Agree to adopt the Code of Conduct attached as Appendix One to this report.*

### **4. Background**

Community Boards are not required under the Local Government Act 2002 to adopt a Code of Conduct. However, at its meeting on 12 February 2004, the Board adopted a Code of Conduct which has remained in place since that date. Once a code has been adopted, it remains in force until amended. It can be amended at any time, but cannot be revoked. Any amendments require a resolution supported by 75% of members present.

### **5. Discussion**

A Code is a document which sets out the standards of behaviour expected from individual elected members in the exercise of their duties. It should promote effective local governance by helping elected members establish and maintain working relationships built on trust and respect.

A proposed Code of Conduct for the Board, based on the one adopted previously adopted, is attached as Appendix One to this report.

### ***5.1 Requirements relating to the Code of Conduct***

Under the Local Government Act 2002, a Code must set out understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members. This includes behaviour towards other members, staff and the general public. It also covers issues around the disclosure of information. A Code must also include a general explanation of the Local Government Official Information and Meetings Act 1987, and other legislation applicable to elected members. The proposed Code for Board members incorporates these requirements.

The only other requirement is that each local authority must specifically consider whether its code of conduct should require elected members, who are undischarged bankrupts, to declare that fact. Local Government New Zealand's advice is that elected members should be asked to declare this through the Code, as bankruptcy does raise valid questions about a person's financial management skills and judgement. The proposed Code for Board members includes a disclosure requirement in relation to bankruptcy.

### ***5.2 Compliance with the Code of Conduct***

Although a Code is not intended to be a heavy-handed document, there may be occasions when:

- someone breaches a provision of the Code, but does not breach a statutory provision and some form of response is appropriate;
- someone breaches a statutory provision (e.g. the Local Authorities (Members' Interests) Act 1968), and statutory sanctions for that breach apply.

The Board can, if it wishes, include a section in its Code on possible action in response to an allegation of a breach of the non-statutory provisions. The proposed Code does include such a section.

### ***5.3 Content of a Code of Conduct***

A Code should not repeat information that is already contained – more appropriately - in other guidance documents. For example, some Councils have included in their Codes commentary on provision of communication and IT equipment, and use of meeting rooms, or how Councillors can ask for a report on a particular policy matter to be prepared. In our case, such matters are much more appropriately covered in publications like the Elected Members' Handbook and Standing Orders.

The Code is not a “catch-all”; from time to time, specific, detailed guidance will be issued in response to particular issues.

## **6. Conclusion**

The proposed Code is based on that previously adopted by the Tawa Community Board. It sets out standards of behaviour expected of members in a number of areas, including towards other members, staff and the general public.

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