



WESTERN BAY OF PLENTY
DISTRICT COUNCIL

Community Board Members Code of Conduct

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Purpose

The Code of Conduct sets out the values, understandings and expectations agreed amongst the Community Board members. It addresses the manner in which they conduct themselves while acting in their capacity as elected members. It includes understandings on behaviour towards one another, towards staff and towards the public.

As well as being used to promote ethical behaviours, encourage teamwork and facilitate effective local democracy, the code will be of value to the Community Boards as:

- an orientation tool for new members;
- a guide to prospective candidates;
- a resource and information guide for existing members;
- an aid to the public – enabling the public to evaluate behaviour.

The Code is divided into the following sections:

- The Role of Community Board Members
- Principles of Behaviour
- General Protocols
- Support Services
- Compliance and Review
- Legislative Responsibilities

Role of Community Board Members

Introduction

The overall aim of the Code of Conduct is to set out agreed values, understandings and expectations about the manner in which members of the Community Boards conduct themselves while acting in their capacity as Board members.

This section provides guidance on how to act in the capacity of a Board member by setting out the role and powers of Community Boards.

Purpose of Community Boards

It is the purpose of Local Government, as set out in section 10 of the Local Government Act 2002:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.

It is the purpose of a Community Board to aid Council in this purpose by acting as an advocate on behalf of its respective community.

***The Community Board is an advocate
of its respective community***

Objectives of Community Boards

- The consideration of and reporting on all matters referred to it by Council.
- The overview of road works, water supply, sewerage, stormwater drainage, parks, recreational facilities, community activities and traffic management within the community.
- The preparation of annual submissions to the budgetary process.
- Communication with community organisations and special interest groups within the community.

Role of Community Boards

The role of Community Boards is set out in section 52 of the Local Government Act 2002:

- Represent and act as an advocate for the interests of its community.
- Consider and report on all matters referred to it by Council, or a matter of interest or concern to the Community Board.
- Maintain an overview of services provided by Council within the community.
- Prepare an annual submission to Council for expenditure within the community.
- Communicate with community organisations and special interest groups within the community.
- Undertake any other responsibilities that are delegated to it by Council.

Delegated Functions of Community Boards

The Western Bay of Plenty District Council has allocated the following specific functions to each Community Board within its region:

- Recommend, control and expend the respective community "Cost of Democracy Budget".
- Control, expenditure and control of funds allocated by Council.
- Control, manage and monitor Community Board reserve contingency funds.
- Provide input into Council's plans and policies.

Powers of the Community Boards

The powers of the Community Board are set out in section 53 of the Local Government Act 2002.

A Community Board has the powers that are:

- delegated to it by the relevant territorial authority;
- prescribed by an Order in Council constituting its community; these powers expire 6 years after the order comes into force.

A Community Board must not:

- acquire, hold or dispose of property; or
- appoint, suspend or remove staff.

The following powers have been delegated by the Western Bay of Plenty District Council to Community Boards in its region:

- Maintain an overview of road works, water supply, sewage, stormwater drainage, parks, recreational facilities, community activities and traffic management within the community and make recommendations to Council and its Committees in accordance with their delegated functions
- Report and make recommendations to Council and its Committees in accordance with their delegated functions on issues facing respective communities to promote public participation and communication within respective communities
- Undertake tasks, powers and functions as may be delegated by Council or its Committees in accordance with their delegated functions from time to time.
- Control, expend and monitor funds as allocated by Council
- Allocate Community Board reserve funds to matters of a capital or non-recurring expenditure (e.g. studies, plans, investigations, community projects) which benefit the community subject to the following parameters:
 - Allocations have been approved through the annual plan process, or
 - Any other allocations to be approved by way of Council resolution
- To have input into Council and its Committees on issues and plans affecting the respective communities
- To provide an effective mechanism for community feedback to Council
- To receive reports from Council appointees on Council matters relevant to the Community Boards

Guiding principles for Community Boards

Section 14 of the Local Government Act 2002 sets out principles, which guide a local authority in the way it perform its roles. Many of these principles are also relevant for Community Boards.

Therefore in performing its role a Community Board should act in accordance with the following principles:

- conduct its business in an open, transparent and democratically accountable manner; and
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- the Board should make itself aware of and should have regard to, the views of its community;
- the Board should consider both the current and future interests of the community;
- the Board should consider the likely impact of any recommendation on the social, economic, environmental and cultural wellbeing of the community;
- the Board should provide opportunities for Maori to contribute to its decision-making processes.

Statutory Declarations

Each person elected to a Community Board has to make their statutory declaration and have that declaration attested, before they can act as an elected member of the Community Board.

Board members act faithfully, impartially and in the best interests of their community

"I (name) declare that I will faithfully and impartially and according to the best of my skill and judgment, execute and perform, in the best interests of the..... Community Board, the powers, authorities and duties vested in or imposed upon, me as a member of the Community Board, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 2002, or any other Act."

Disqualification from Office

Community Board members are automatically disqualified from office if:

- they are convicted of a criminal offence punishable by two or more years imprisonment; or
- they cease to be or lose their status as an elector; or
- they commit certain breaches of the Local Authorities (Member's Interests) Act 1968.

Board members can also be disqualified from office if they are absent without leave of the Community Board from four consecutive ordinary meetings of the Community Board (Schedule 7, Part 1, Clause 5(1)(d) Local Government Act 2002).

Principles of Behaviour

Introduction

This section of the Code of Conduct provides guidance on the standards of behaviour expected of Community Board members.

The framework of personal conduct outlined in this section will help to promote effective teamwork between Board members.

This in turn will enhance the credibility and reputation of the Community Board within the community.

Teamwork

When the Board members work as a team, rather than as a group of individuals, the community benefits. Not only is the reputation of the Community Board enhanced; the members of the community have more confidence in the decisions made by the Community Board. This is because people working as a team are more likely to come up with the best solutions, by accessing the diverse points of view of each of its members.

The difference between a group and a team is that a group will have some common goals and will interact with other members of the group in pursuit of those goals, whereas a team is a group of people that work together to achieve the common goal, i.e. the Board's mission.

A member of a group may often operate from the position of "I must win support for my position" whereas a member of a team may often operate from the position of "We must find the best solution."

Working as a team is not about conformity and uniformity of viewpoints. It's about listening to and valuing the different positions and opinions of its individual members. This is an important part of working effectively as a team to make the best decisions on behalf of the community. An effective team interacts in ways that help members understand each other's positions and to be understood themselves.

A team that is performing well will have good structured discussions about issues, with all members encouraged to participate and share their points of view. The members of the team will listen carefully to competing advice and weigh up the pros and cons before making their decision. All members will show respect for the opinions of the other team members.

***Board Members work well with others to achieve goals
and have relationships of mutual trust and
understanding with each other***

Declaration of Non-financial Interests

It is important that in conducting the affairs of the Community Board, the Board members act faithfully, impartially and in the best interests of the community. To ensure impartially Board members must declare any non-financial interests they may have in any matters before the Board. By declaring any non-financial interests in matters before the Board, Board members will ensure that an impression is not created that they are using their position to promote a private or personal interest.

Board Members act in a manner that ensures there is no impression created of predetermination or bias

Such a non-financial interest could arise through the involvement of family or friends in organisations that deal with the Board or through membership of clubs, societies and other voluntary bodies. Board members should also consider actions they may have taken before becoming elected, or during the election campaign, that could create the impression of predetermination or bias. For example, accepting campaign contributions from a person or organisation that later enters into discussions with the Board would require the member concerned to declare an interest and take no part in the matter before the Board. Similarly, taking a strong position or campaigning against an issue would later rule out a member from acting in a decision-making role relating to that matter.

Board members are also required by law to declare any pecuniary interests that exist under the Local Authorities (Members' Interest) Act 1968.

Declaration of Bankruptcy

When a person is declared bankrupt it can raise questions about the soundness of that person's financial management skills and their judgement in general. Therefore whenever a Board member is declared bankrupt they must notify the Board of this as soon as practicable after being declared bankrupt.

Conduct of Meetings

Each Community Board, when setting the date and time of Board meetings, should take into account the availability of members, staff and representatives of the news media.

Board Members must abide by Council's standing orders

Council staff value the two-way communication opportunities with Community Boards and will attend Community Board meetings as appropriate when matters of a technical nature are to be raised.

Such attendance may be for part only of the Board's meeting and the agenda should be arranged accordingly.

The way that meetings are run in New Zealand originates from the long-standing practices of the British Parliament. For that reason our meeting rules are known as "Westminster" parliamentary procedure. They have been accepted in New Zealand as a result of regular common usage. In extreme cases people go to the Courts when they are dissatisfied with the way that a meeting is run.

The customary rules and conventions of the Westminster parliamentary procedure can be modified by any relevant New Zealand Acts of Parliament, such as the Local Government Act 2002, Local Government Official Information and Meetings Act 1987, Local Authorities (Members' Interests) Act 1986 and by any adopted standing orders.

Standing Orders are a set of rules of debate that provide greater formality in the way that an organisation conducts its meetings. Standing Orders are also a means of recording an organisation's agreed principles of behaviour for within meetings.

Using Standing Orders as a guide to the way that the Board conducts its meetings helps to promote teamwork by:

- allowing structured discussion of topics;
- ensuring respect for the opinions of others;
- ensuring tact and appropriate language is used in resolving conflict;
- promoting the use of persuasion and influencing skills to gain a team outcome.

All Community Boards are required, by Clause 27 of Schedule 7 of the Local Government Act 2002, to adopt a set of Standing Orders that control the way the Board's meetings are conducted. The Standing Orders that are adopted by the Board must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act.

Dress Code

Elected members should maintain an appropriate standard of dress at meetings of the Community Board. It is recognized that member's standard of dress will be in accordance with the level of formality of the meeting they are attending. Some principles for guidance are:

- casual dress is appropriate at workshops;
- Board meetings involve engaging with members of the public, therefore a neat and tidy standard of dress is appropriate.

Relationships

Interaction with the Public

Many residents see Community Board members as a type of ombudsman to whom they can make complaints. Others are unaware of the distinction between the Community Board, Council and Council employees and believe that Board members can issue instructions to Council and Council staff. As a result Board members are likely to be contacted at any time by residents who want to make a suggestions, share information and air complaints.

Board Members show a willingness to listen and represent the Board's collective position accurately

Sometimes members of the public will contact Board members with routine service requests, e.g. leaking water tobies, trees that need trimming. These service requests need to be forwarded to the Council office as service requests rather than being placed on the Board's meeting agenda. The main telephone number of the Council is answered 24 hours a day, seven days a week.

Council Officers recognize that when a Board member has been asked by a member of the public to deal with a matter that the outcome of the matter needs to be reported back to the Board member. This is so that the Board member is aware of what action has been taken when next approached by the member of the public concerned.

When interacting with members of the public, elected members should:

- show a willingness to listen;
- represent the Board's collective position accurately, i.e. personal opinions should be clearly stated as such and should not undermine the Board, individuals or existing policies or decisions;
- remember that individual Board members have no personal power or legal authority to commit the Board or Council to any policy, course of action or expenditure.

Board Members value community involvement in local democracy

Interaction with the Media

The media plays an important role in informing members of the public of the opinions of Board members on issues of public interest. Accordingly Board members must feel free to use the media to disseminate their views on matters that they consider important. However, Board members should clearly distinguish in any statement they make to the media between their personal views and views they purport to express on behalf of the Board as a whole.

Board Members clearly indicate when their statements are their personal views rather than the official Board position

Collective Responsibility and Public Comment

Community Boards are unincorporated bodies that have the authority to consult with the community and make recommendations to Council.

Board Members support the democratic process

A Board member as a member of that unincorporated body does not have any specific authority to act or make decisions as an individual. It is the Board that has the authority. However, every Board member has a role and responsibility in the exercise of that authority.

When a decision is in the process of deliberation by the Board, each member represents the community. When the Board has made a decision and the decision is contrary to a particular member's point of view, that person's public statements should make it clear that they represent the minority view. A majority representing the community has made the decision democratically and the focus should move to effective implementation rather than publicly attacking the democratic process and effectiveness of the Board as a whole.

Once the Board has made a decision, continued criticism of that decision by a Board member is unhelpful to the ongoing relationships within the Board. Board members should therefore exercise restraint in expressing opposition to past decisions made by the Board.

It is accepted that Board members seeking re-election may, as part of their re-election campaign, in the period leading up to an election wish to remind the public of their personal opposition to past decisions of the Board. This is perfectly normal and an acceptable part of the democratic process.

Confidentiality

Community Board members may acquire information not generally known to the public or other businesses, such as trade secrets and tender information, processes, methods, advertising or promotional programmes, sales and statistics affecting financial results. This information is the property of the company or organisation concerned and should not be disclosed to any other person unless the disclosure has first been authorised by that company or organisation. It is also improper for Board members to use any such information for their own personal use.

Elected Members respect the confidentiality of public-excluded information

From time to time Board members may become aware of personal information about members of the community. It is vital that members respect the confidentiality of such information.

Occasionally a Board member may believe that there is a genuine public interest in a public-excluded item and, therefore, that item should be made public. A member holding such a belief should first move at the appropriate Board meeting that the matter be moved into public business. If they are unsuccessful with that motion and still believe that the information should be made public, then the correct process is to seek release under the Local Government Official Information and Meetings Act 1987.

Firstly the Board member makes an official information request to the Chief Executive of Council seeking release of the information. If the Chief Executive declines the request then the Board member can apply to the Office of the Ombudsman for a review of that decision.

If the Chief Executive decided to release information at the request of a Board member the Chief Executive will advise the Board of that decision.

By following this process Community Board members will ensure that the rights of all parties potentially affected by the release of confidential information have been given proper consideration.

Representation of Community Board on Other Organisations

From time to time other organisations may ask a Community Board to appoint a representative to their governing body. Usually this will be some form of committee or in some cases a community trust.

Board Members recognise their responsibilities to organizations that they are appointed to

It is possible that the motive of the group seeking the appointment is to try and obtain a representative around the Board table to lobby on the group's behalf.

When considering whether to appoint a representative to outside organisations the Community Board should consider the following:

- does the organisation co-ordinate the activity of particular sectors or groups within the community in an area that is significant to the achievement of the Board's own goals?
- does the organisation have a relevance or potential relevance to the future well-being of the community?

When a Board member is appointed to an outside organisation, the member needs to be aware that, although they have been appointed to the organisation as a representative of the Community Board, once appointed their first responsibility when acting as a member of that body is to that body. Should situations arise where there may be a conflict of interest between the Community Board and the body concerned, the Community Board member may well be disqualified (depending on the circumstances) from taking any part in the decision-making process on the matter which causes the conflict.

Board members are expected to avoid situations where their actions could give rise to an actual or perceived conflict of interest. The Code of Practice for directors, published by the Institute of Directors in New Zealand Inc. contains guidance to directors to help them carry out their duties and responsibilities effectively and in accordance with the highest professional standards. This code may be of use to Board members. A copy of the Code can be downloaded from the Institute's website, www.iod.org.nz, or alternatively a copy can be obtained from the Council's Democracy team.

Community Board members should also be aware that as a member of the governing body of another organisation they incur the legal liabilities that all members of that governing body are exposed to. Council does not carry insurance that would protect the member of a Community Board should they incur a legal liability as part of that body. Board members appointed to other bodies will need to satisfy themselves that the body concerned has appropriate risk management strategies in place to protect the governing members of that body from legal liabilities. It should be noted that this is particularly the case with trusts where the trustees may be personally liable for any debts incurred by the trust.

If a Community Board member appointed to such a body is not satisfied that there are adequate protections in place then they should resign from the governing body of that organisation. The Board would then have to consider whether it was appropriate to appoint a new representative to the body concerned.

Relationship with Council

The Council will communicate key policy issues and decisions to Community Boards. In general such communications will use a workshop format and will be supported by committee chairpersons and staff where appropriate.

Councillors are free to attend any meeting of any Community Board as an observer and Community Board members are welcome to observe at Council or committee meetings. Agendas, reports and minutes, with the exception of confidential material, will be circulated to all Community Board members. The Chairperson or Councillor who is a member of the Board should channel feedback regarding these.

Board members are encouraged to attend meetings of committees where major issues or policies are being discussed.

Community Board chairpersons may invite, from time to time, committee chairpersons or individual Council members to brief the Board on specific issues.

Specific training will be provided for the chairperson and members of each Community Board on matters of council policy and meeting procedure.

Role of the Chief Executive Officer

It is the role of the Chief Executive Officer to provide advice to members of Council's Community Boards. The Chief Executive Officer will also arrange presentations to each Community Board on major issues of local significance.

General Protocols

Accepting Gifts/Hospitality/Expenses

As is the case for Councillors, Council officers and staff, Board Members may, in the course of their duties, be offered gifts or personal benefits from an individual or organisation that has or seeks to have business with Council. Where the donor expects a Board Member to take or refrain from taking action, the gift would be considered a bribe.

Board Members demonstrate high ethical standards

The following criteria have been developed as guidelines for the acceptance of gifts and presentations for Board Members.

- Board Members are expected, through the course of their term with Council, to acquire inexpensive and infrequent gifts, specifically such as pens, notepads, badges and calendars distributed by suppliers and clients, given, for example, during workshops, presentations or around Christmas-time. These very low-value items are not expected to be declared.
- Where a gift or presentation is offered or given to a Board Member because of their official position, the gift belongs to the Council and its disposal is at Council's discretion. All such gifts must be declared and recorded in the Gifts Register. The Mayor's Assistant holds the Gifts Register for Elected Members.
- Gifts received by Board Members acting as representatives of Council (especially those received around Christmas) are to be declared as above.

Gifts may not be offered by Elected Members on Council's behalf except for a justified business purpose, under the principles of moderate and conservative expenditure, with integrity and preserving impartiality being particularly relevant, nor without the prior approval of the Chief Executive Officer.

Gifts may not be offered or given in substitution for legitimate payment or remuneration.

Note: Gifts (including donations) to elected members for election purposes do not fall under this policy.

Procedures for Raising Operational Matters

From time to time Community Board members may become aware of operational matters that need action. For example, sometimes members of the public will contact Board members with routine service requests; these requests should be forwarded to the council office. The main telephone number of the Council is answered 24 hours a day, seven days a week.

Alternatively the Board member could relay operational matters directly to the Chief Executive Officer or relevant Group Manager.

The use of the service request system or elected members' request system will usually result in the operational matter being dealt with quickly and efficiently.

Board Members recognise the distinction between their governance role and the management role of the Chief Executive Officer and staff

Procedures for Raising Policy Matters

Community Board

The Chief Executive Officer is responsible for meeting agenda items. Individual Board members cannot, with two exceptions include items on the agenda of a Community Board meeting.

The two exceptions are:

- with the permission of the Chairperson, the item the member wishes to raise can be added to the Chairperson's report;
- the Board member can file a Notice of Motion. It is then up to the Board as a whole to decide whether to accept the Notice of Motion and include the business on that or a subsequent agenda. The procedure for filing a Notice of Motion is contained within Standing Orders.

Council

Individual Community Board members cannot bring policy issues before Council. It is, however, open for the Board to have policy issues placed before Council by making a recommendation to Council through the Community Board's report.

Responding to Approaches Regarding Potential or Actual Litigation Against the Community Board

This protocol aims to provide Community Board members with guidelines on how to deal with approaches on matters of litigation.

Board Members take care not to prejudice Council's insurers' defence of litigation

When responding to approaches from citizens or the media on such matters, Board member should:

- listen to concerns;
- seek clarification;
- refer the person to the appropriate agency, e.g. Chief Executive Officer, Solicitor, Consultants, Disputes Tribunal, etc
- relay the information to the Chief Executive Officer
- notify the Chief Executive Officer where notice of intention to make a claim against the Community Board is given, or there are facts present that involve the assertion of action against the Board.

Community Board members should take care not to:

- admit liability;
- settle or make or promise any payment;
- do anything that may prejudice the insurers' defence of litigation;
- disclose any information that the member has received by way of confidential briefings on the litigation matter.

The Council indemnifies the members of Community Boards against civil actions if they were acting in good faith and in pursuance of the responsibilities or powers of the Community Board (s43 Local Government Act 2002).

The Council has to notify its insurers of any occurrence that may give rise to a claim. Therefore Board members should notify the Chief Executive Officer when they are given notice of intention by a citizen to make a claim against the Community Board, or a member is made aware of the presence of facts that directly or indirectly involve the assertion of a claim against the Board.

The Board is not permitted under the conditions of indemnity to admit liability or to settle a claim. Therefore the Board members need to be aware that when engaging in conversation where a claim has been made or threatened, they should not give any undertaking, promise or opinion that may be construed as an admission of liability, nor make any offer to settle or do any act that may prejudice in any way the insurers' later defence of the claim in litigation.

Remuneration of Community Board Members

Community Board Members are remunerated in terms of the Local Government Elected Members Determination made under the Local Government Act 2002 and the Remuneration Authority Act 1977.

Rules for the Reimbursement of Travel and other Expenses

These are provided for in Council's Sensitive Expenditure Policy (page 21).

Claims for reimbursement for business travel and other business expenses are to be made on the appropriate Elected Members Expenses Claim sheet, available from Democracy Services.

Sensitive Expenditure Policy

Relevant legislation

- Local Government Act 2002
- NZ International Financial Reporting Standards
- Goods & Services Tax
- Fringe Benefits Tax

Policy Objective

In accordance with sections 100 and 101 of the Local Government Act 2002 (financial prudence); and, with due regard to the Controller & Auditor-General's good practice guide, "Controlling sensitive expenditure: Guidelines for public entities" (February 2007).

Council and its staff or agents are required to spend public funds subject to the standards of probity and financial prudence, such that all expenditure withstands public scrutiny.

General approach

The standards of probity and financial prudence apply the principles that expenditure decisions:

- have a justifiable business purpose;
- preserve impartiality;
- are made with integrity;
- are moderate and conservative, having due regard to the circumstances;
- are made transparently; and
- are appropriate in all respects.

Policy criteria and conditions

- Travel and Accommodation Expenditure
- Entertainment and Hospitality Expenditure
- Goods and Services Expenditure
- Staff Support and Welfare Expenditure
- Other Types of Expenditure

Travel and Accommodation Expenditure

- General
- Air travel
- Car travel
- Taxis
- Travel arrangements
- Airline lounge membership
- Accommodation and meals
- Overseas travel – cash advances

Business Travel is any travel that an elected member or employee is required to undertake during their term or employment in order to carry out Council business and includes travel undertaken for education and development purposes, such as attendances at conferences or courses.

When elected members or employees must travel on Council business, Council aims to provide for their comfort and well being, while at the same time receiving the best value for the money spent on business travel expenses.

Generally, Council will pay for accommodation, meals and other reasonable business travel expenses. Elected members and employees are expected to live normally while on Council business without experiencing any personal financial loss. At the same time, elected members and employees are asked to spend public money with the same care and judgment that they would use with their own funds.

A spouse or partner may accompany the Mayor, Chief Executive Officer, Elected Member or Group Manager to a business conference or event only when required to represent Council in an official capacity and where their attendance contributes to a clear business purpose. Council shall pay for the conference registration (where applicable) and the cost of their spouse/partner attending the official conference dinner. This is restricted to the Chief Executive Officer, the Mayor, elected members and Group Managers' spouse/partner only and does not include any other extra activities, airfares or meals. Such attendance requires prior approval from the Chief Executive officer or, in the case of the Chief Executive Officer's spouse/partner, the Mayor.

Employees are permitted to undertake private travel before, during or at the end of business travel that is paid for by Council provided that there is no additional cost to Council and the private travel is only incidental to the business purpose.

In respect of tipping, individuals must have due regard for the principles of moderate and conservative expenditure. Council shall not reimburse for costs incurred for tipping while on Council business in New Zealand. Tipping expenses incurred during international business travel may be reimbursed providing they are not extravagant and only in places where tipping is local practice.

Air Travel

Domestic

Economy class shall be used for all flights within New Zealand.

International

International travel requires prior written approval from the Chief Executive Officer.

Economy class shall be used for all flights except in special or certain circumstances, for example, longhaul flights (7-8 hours) where, with the prior approval of the Chief Executive Officer, business class or Pacific class may be appropriate.

Council will pay for stop-overs only when there is a clear business purpose and with prior approval of the Chief Executive Officer.

Car Travel

Vehicle Use

When driving is the most convenient and economical means of transportation, employees must, in the first instance, use a Council Vehicle to reach their destination or for use during the business trip.

Council expects employees to hire the most economical type and size of rental car for use on Council business, taking into account the distance and number of people. Rental cars shall be arranged by Group PAs who will obtain at least two quotes and ensure best value for money.

Employees who wish to, or those without access to a Council vehicle, may use their personal vehicle for a business trip provided that:

- they obtain their Supervisors/ Managers approval in advance;
- use of their vehicle is the most economical and convenient form of transportation to the business site; and,
- their vehicle is legally compliant and they carry insurance for business use to cover liabilities to third parties.

Reimbursement of expenses associated with the use of a personal vehicle is calculated at a rate per kilometre. The maximum amount the Council will pay for a trip during which an elected member or employee uses a personal vehicle will be the amount that would have been reimbursed if they had taken an economy class flight.

The current rate per/km reimbursed for use of a personal car is shown on the Expenses Claim Form.

Elected members and employees shall be responsible for any fines incurred (parking or traffic offences) whilst using a vehicle for Council business. Employees may not be required to pay fines relating to an aspect of the condition of a vehicle being used for Council business that is outside their control.

Taxis

3.1.4.1 Elected members and staff will be issued with and use the taxi voucher system when on Council business. Staff issuing taxi vouchers will record the name of the recipient and purpose for which each voucher is issued.

Travel Arrangements

Elected members' travel shall be booked through the Democracy team or Mayor's personal assistant. Employees' travel shall be booked through Group PAs. The most economical prices for airfares, car rentals, hotels and other related expenses shall be obtained, with two quotes being obtained for international travel from TANZ accredited travel agents.

Airline Lounge Membership

Council will meet the full annual cost of airline lounge club membership for the Chief Executive Officer and the Mayor, for those airlines used for travel on official Council business.

The cost of airline lounge club membership may be fully or partially met by Council as approved by the Chief Executive Officer on a case-by-case basis for elected members and senior staff (third tier managers and above), or as agreed per individual employment package.

Accommodation and Meals

Elected members and employees will be expected to demonstrate prudence in their selection of hotel accommodation in order to minimise costs without compromising the business/education investment or their personal safety/security. This means that individuals may not necessarily stay at the course/conference venue. A comparison of accommodation should be undertaken and a final assessment be made, taking into consideration best value, commuting costs, etc.

Elected members arrangements shall be made through the Democracy team or the Mayor's PA and employees' arrangements shall be made through Group PAs who will check corporate rates and availability.

Elected members and employees may choose to make private accommodation arrangements and stay with friends or family.

It is recognised that, in this situation, Council will not incur any accommodation costs and, accordingly, reasonable claims will be approved for expenditure incurred in return for hospitality received by individuals staying privately. The reimbursement shall not exceed \$65.00 per night.

Council may reimburse the Chief Executive Officer, the Mayor, Elected Members, Group Managers and Third Tier Managers for meals and alcohol consumed with meals whilst on Council business. Council may reimburse all other employees for meals but not alcohol whilst on Council business. Such expenditure shall be moderate and conservative and must be supported by itemised tax receipts and details of the circumstances of the expenditure. At the Chief Executive Officer's discretion, reimbursement may be denied in the event expense claims are deemed unreasonable in the circumstances. Council shall not reimburse costs incurred for mini-bar or in-room entertainment (e.g. pay-per-view televised sports events). Council shall not reimburse separate meal expenses where meals are included in the education/conference package paid for by Council.

Overseas travel – cash advances

In instances where an elected member or employee does not have a corporate credit card and is required to travel overseas on Council business, it may be necessary to provide a cash advance.

The amount of any cash advance shall be determined in consideration of the nature and duration of the business travel being undertaken.

Original receipts and invoices are to be submitted with all remaining cash from the advance upon return. These are to be reconciled to the original amount of cash advances. Any shortfalls must be reimbursed to Council by the individual to whom the cash was advanced.

Entertainment and Hospitality Expenditure

Council's Entertainment and Hospitality Expenditure can be defined as for the purposes of:

- building relationships;
- representing the organisation;
- reciprocating hospitality where this has a clear business purpose and is within normal bounds – acceptance of hospitality is expected to be consistent with the principles and guidance for the provision of hospitality; and
- recognising significant business achievement.

It is Council's policy to reimburse elected members and employees for expenses incurred in business entertainment according to the following:

Management personnel will conduct entertainment of business associates. On occasions where circumstances justify business entertainment by elected members or employees other than management, prior approval must be obtained from the Chief Executive Officer or the employee's Group Manager.

Entertainment expenses will be reimbursed only for business meals or where these are related to a justified business purpose. The principles of moderate and conservative expenditure and appropriateness are particularly relevant and, accordingly, Council shall reimburse entertainment expenses incurred, including for the provision of alcohol, only where these principles and the integrity of the organisation remain uncompromised. Expenses for entertainment of a personal nature are ineligible for reimbursement.

Requests for reimbursement of entertainment expenses must be approved by the Chief Executive Officer or appropriate Group Manager and submitted to Accounts Payable on an Expenses Claim Form. Claims must contain detailed itemisation of expenses and the date, place and business reason for the entertainment, in addition to the names of those present (including the relationships to the Council). Claims must include itemised tax receipts for all expenditure. Unsupported expenses claims will not be reimbursed.

Entertainment expenses must be moderate, conservative and reasonable and will not be reimbursed if they are extravagant or lavish. An unusual or large expenditure for entertainment must be approved by the Chief Executive Officer before the event.

Reimbursement of expenses for entertainment of Council employees must have prior approval of the Chief Executive Officer or Group Manager.

Entertainment expenses are subject to controls for monitoring and reporting purposes.

Goods and Services Expenditure

- Sale of Surplus Council Assets
- Private Use of Council Assets
- Council Use of Private Assets
- Private Use of Council Suppliers

Sale of Surplus Council Assets

The principles of impartiality and integrity are particularly relevant. Council assets shall be sold with prior approval of the Chief Executive Officer and for the maximum possible price.

Two valuations are to be obtained prior to sale. If Council assets are being sold to an elected member or staff member, three valuations are required.

Asset reserve prices are to be approved by two of the following:

- Chief Executive Officer

- Group Manager Corporate & Planning Services
- Group Manager Engineering
- Strategic Property Manager

Any method of sale that allows Council to meet the authorised reserve is permissible.

The Strategic Property Manager has authority to alter the reserve by 10%.

Private Use of Council Assets

Unauthorised private use of Council assets is theft and therefore Council assets may not be used for private purposes unless such use is approved by the Chief Executive Officer or otherwise as specifically provided for in the employee's contract of employment. This includes but is not limited to, private use of Council vehicles, stationery, photocopiers, telephones, mobile telephones, email and internet services. Refer also to Communications Technology (below).

Parking permits issued in connection with official Council business may not be used for private purposes.

Route K toll cards issued in connection with official Council business may not be used for private purposes.

Council Use of Private Assets

Reimbursement for Council use of personal assets may, from time to time, be approved for reasons such as cost, convenience and availability and where Council would not fully use such an asset if it was acquired directly. For example, business use of private motor vehicle, private mobile telephone, home telephones and computers.

Individuals may not approve or administer payment to themselves for use of their assets; managers approving such payments must ensure the principles of justified business purpose, impartiality, integrity and appropriateness are applied.

Reimbursement of Council use of private assets is subject to scrutiny, monitoring and reporting.

Private Use of Council Suppliers

Managers are responsible for ensuring the selection of suppliers is in Council's best interests and is not influenced by purchasing privileges available to staff.

Access to staff-preferential purchases from Council suppliers is subject to:

- use of such privileges being moderate;

- personal purchases not being made on behalf of third parties (such as family members, friends, etc.);
- cash payment being made in full at time of purchase;
- Council not being used as a source of credit.

Other Types of Expenditure

- Corporate boxes – acquisition and use
- Donations
- Koha
- Communications technology
- Gifts

Council shall not, as a general principle, acquire corporate boxes.

Donations

Where payment (in money or provision of goods or services) is made without expectation of receiving goods or services in return, it is a donation.

As a general principle Council does not make donations.

Donations may only be approved by the Chief Executive Officer and must be:

- disclosed;
- consistent with Council business;
- lawful;
- unpolitical;
- appropriate in size to the circumstances; and
- shall not result in any counterparty obligation.

Approved donations shall be made only to recognised organisations (rather than an individual) and be by normal commercial means, i.e. by cheque rather than cash.

Koha

Koha is acknowledged as a gift, token or contribution given on appropriate occasions.

Issuing koha shall have a justified business purpose and be in accordance with Council's Koha Policy which defines appropriate occasions, size of koha and approval requirements.

Communications Technology

Council endeavours to provide its elected members and employees with appropriate equipment to undertake their work, including telephones, fax machines, mobile telephones, email and other internet access. Whilst acknowledging that some personal use of these

technologies may be unavoidable, e.g. dealing with a family emergency during work hours, Council regards excessive use to be a diversion of public money from business purposes and, therefore, unacceptable. Such costs include lost productivity (including from incoming personal emails and telephone calls) and the direct cost of the technology. Refer to HR policies for information regarding reimbursement to Council the costs of personal use of Council assets.

Gifts

Gifts usually take the form of a tangible object, given as a token of recognition of something provided by the recipient but may also include discounted goods or services or entry to an event.

Council may offer gifts to employees for long or outstanding service or in international relations when giving of gifts is customary. Gifts may be offered by another organisation to Council or a staff member.

Gifts may not be offered by staff except for a justified business purpose, under the principles of moderate and conservative expenditure, with integrity and preserving impartiality being particularly relevant, nor without prior approval of the Chief Executive Officer.

Gifts may not be offered or given in substitution for legitimate payment or remuneration.

Staff shall take measures to avoid any risk of a gift being excessive or inappropriate, involving an expectation of favour in return or being a substitute for legitimate payment of remuneration.

Gifts and gratuities or personal benefits offered to Elected members and Council employees must be declared and are subject to public scrutiny.

Criteria and conditions that apply to the giving and receiving of gifts are specified for staff in HR206 and in the Code of Conduct for Elected Members.

Policy procedures

The Chief Executive Officer's and Mayor's expenses will be presented to the Risk Management Sub-Committee for approval on a regular basis.

Elected members expenses will be approved and authorised for payment by the Group Manager Business Services or, in their absence, the Group Manager Corporate and Planning Services

Associated Policies

- Fraud Prevention Policy
- Protected Disclosures (Whistle-blowing) Policy
- Koha Policy

Associated Procedures

- Code of Conduct Elected Members
- Declaration of Interests (Elected Members)
- Declaration of Interests (Management Staff)
- HR206 Giving and Receiving Gifts (Council officers and staff)
- [Expenses claim form]
- [Petty cash voucher]
- [Cash Refund Slip]
- [Refund Payment Voucher]
- [Request for Overseas Travel]
- [Declaration of Gifts received/offered] (Elected Members)
- [Declaration of Gifts given/offered] (Elected Members)
- [Declaration of Gifts received/offered] (Employees)
- [Declaration of Gifts given/offered] (Employees)

Support Services

Typing/Letter Writing

Board members may wish to have some correspondence typed on a formal letterhead in an official capacity. The Democracy Support Officer assigned to the Board will provide this service to Board members on request. Board members should note that, as they have no individual executive authority, unless it is delegated to them by Council resolution, it is inappropriate for them to make written commitments to future action on behalf of the Community Board.

Board members should also note that when they act in their elected capacity any information they generate or hold is subject to disclosure under the Local Government Official Information and Meetings Act. This includes information contained in e-mails. Accordingly, when members request correspondence to be typed on their behalf, file copies will be taken and held within Council's record system.

The most common situation where this service might be provided to a Board member is where the member wished to formally acknowledge receipt of correspondence from a constituent or to acknowledge invitations to attend an event.

Council will not provide typing and postage services for bulk mail-outs from individual Board members. It is not envisaged that a situation would arise where the responsibility for such a bulk mail-out would be the responsibility of an individual member. Normally bulk mail-outs would arise from the Board's activity and would be managed by staff on an executive basis.

Access to Information

To assist Board members in their role members are provided with the information they need to support their decision-making. If a Board member feels that insufficient information has been provided on which to make a decision, the member should feel free to request the Chief Executive Officer to provide that information. The Chief Executive Officer, in considering whether to provide the information, has to consider whether or not the information is relevant to the role of the Board member. The 'need to know' principle is also applied. If the information requested is not relevant to the role of the Board member, then the provisions of the Local Government Official Information and Meetings Act 1987 are applied and the status of the Board member is the same as any member of the public.

In the event that the Chief Executive Officer declines to provide the information, the Board member can choose to apply to the Office of the Ombudsman for a review of that decision.

Compliance and Review

This section deals with the provisions for adhering to the Code of Conduct and mechanisms for the review of the Code of conduct.

Responses to Breaches of the Code of Conduct

The exact nature of the action the Board may take depends on the nature of the breach and whether there are statutory provisions for dealing with the breach.

If the breach of conduct is a statutory breach it will be dealt with subject to the provisions of the relevant Act.

The Board or members of the public may make complaints to the relevant body in relation to the breach of statutory obligations. The relevant statutory body can also take action on its own initiative.

Where a Board member breaches the Code of Conduct and the breach involves no offence against any statute, the Board may take the following action:

- a motion of censure;
- removal of the Board member from representing the Board on the governing body of another organisation.

A decision to apply any of these actions requires a Community Board resolution to that effect.

Review of the Code of Conduct

Once adopted, the Code of Conduct continues in force until amended by the Community Board.

The Code can be amended at any time, but cannot be revoked unless the Board replaces it with another Code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75% or more of the members of the Community Board present.

Legislative Responsibility

Local Authorities (Members' Interests) Act 1968

This Act deals with the position of Board members who may have an interest in contracts to be let by Council.

It also prohibits Board members from voting or taking part in any matter in which they have a direct or indirect financial interest.

The essence of the Act is to ensure that Board members follow high ethical standards in their public obligations so that the public can have confidence that their decisions are taken entirely properly, without any suspicion of improper interests influencing elected members' actions.

Details of these requirements are given in the guide to the legislation published by the Office of the Controller and Auditor General. An outline of the requirements of the Act is as follows:

Board Members recognise that high ethical standards in public office ensure public confidence in the decisions of the Board

Council Contracts

You are allowed to be concerned or interested in contracts made by the Council when the payments under them do not exceed \$25,000 including GST in a financial year.

You can be concerned or interested in contracts when the payments exceed \$25,000 including GST in a financial year provided you have the prior approval of the Audit Office.

Without prior approval of the Audit Office, if the payments exceed \$25,000 including GST, or any other amount approved by the Audit Office you are automatically disqualified from office as a member of the Community Board, and you will commit an offence if you continue to act as a member.

Disqualification may be overcome in special circumstances by obtaining a retrospective approval from the Audit Office.

Discussions and Voting

When the Board is considering issues you must not discuss or vote on any matter in which you have a pecuniary interest. If you do not observe that prohibition, you will commit an offence and could be prosecuted. Conviction leads to disqualification from office.

When you are at a meeting and a matter is to be considered in which you have a pecuniary interest, you must declare to the meeting that you have an interest in the matter but you do not have to state what the interest is. You should ensure that the minutes of the meeting record the facts of the declaration and the abstention from discussion and voting.

A key principle that Board members should reflect on and be guided by, is that regardless of actual impropriety, members should at all times avoid any suspicion or appearance of improper conduct.

The Council has adopted the suggestion of the Office of the Controller and Auditor General and requested all Board members to make a written declaration of their personal and financial interests that may at times conflict with their roles. This information is kept in a "Register of Interests" and is regularly updated.

Advice from the Office of the Controller and Auditor General

The safest course of action to protect your position is "When in doubt, don't", whether the situation relates to a contract proposed to be entered into or a matter on the meeting agenda.

Sometimes the existence of an interest in a contract or a matter on the agenda will be quite obvious; at other times it might not.

When it comes to discussing and voting, remember that the Act includes both direct and indirect pecuniary interests.

Board members should seek advice from the Chief Executive Officer or directly from the Office of the Controller and Auditor General. (phone 04 917 1500, e-mail reception@oag.org.nz, website www.oag.org.nz)

Public Audit Act 2001

This Act makes Board members individually accountable for:

- any unlawful expenditure, or
- any liability incurred illegally.

The Office of the Controller and Auditor General is authorised to jointly and severally surcharge every member of a local authority for offences under this Act.

If any Board member is bankrupted, then that member's share of the charge is divided amongst the other members.

Secret Commissions Act 1910

Under this Act it is unlawful for a Board member to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to the Board or Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years or fined up to \$1,000 or both. A conviction would therefore trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a Community Board member to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Board;
- use information gained in the course of their duties for their own or another person's monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Board members convicted of these offences will also be automatically ousted from office.

Protected Disclosures Act 2000

Elected members are considered 'employees' under this Act and are therefore afforded the same protection as other Council employees when considering whether to disclose information.

Disclosures to which this Act applies:

- (1) An employee of an organisation may disclose information in [accordance with] this Act if—
 - (a) the information is about serious wrongdoing in or by that organisation; and
 - (b) the employee believes on reasonable grounds that the information is true or likely to be true; and
 - (c) the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
 - (d) the employee wishes the disclosure to be protected.
- (2) Any disclosure made in accordance with subsection (1) is a protected disclosure of information for the purposes of this Act.

- [(3) If an employee of an organisation believes on reasonable grounds that the information he or she discloses is about serious wrongdoing in or by that organisation but the belief is mistaken, the information must be treated as complying with subsection (1)(a) for the purposes of the protections conferred by this Act and by section 66(1)(a) of the Human Rights Act 1993.]

Local Government Official Information and Meetings Act 1987

This Act deals with the provision of official information and the conduct of local authority meetings.

Board Members conduct the affairs of the community board in a manner that is understandable and open to the public

Official information

The Act requires the Community Board to make all information relating to their operation public unless there is a good reason for withholding it. Good reasons for withholding information may include privacy of an individual, commercial sensitivity of a company, damage to the public interest, safety of an individual or the maintenance of law may be prejudiced.

Members of the public who require access to information make the request to the Board, if this request is denied they may challenge the decision by making an Official Information Request to the Chief Executive Officer. If the Chief Executive Officer declines to release the information, then the member of the public can apply to the Office of the Ombudsman for a review of that decision.

Meetings

This part of the Act establishes procedures to provide for the admission of the public to meetings of Community Boards while providing for the protection of deliberations of Boards to the extent consistent with the public interest.

The Act requires Community Boards to publish a list of their meetings, their time and place in advance each month. Boards must also make the agenda and reports available for inspection by the public before the meeting.

All the Board's meetings are required to be open to the public, unless the public is expressly excluded. The public can only be excluded from a meeting on the grounds and in the manner outlined in section 48 of the Local Government Official Information and Meetings Act 1987.