

Minutes of the inaugural meeting of the Gore District Council, held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Tuesday 22 November 2022, at 4.03pm

Present: His Worship the Mayor (Mr Ben Bell), Crs Dickson, Gardyne, Highsted, Hovell, MacDonell, P McPhail, R McPhail, McKenzie, Phillips, Reid and Stringer.

In attendance The Chief Executive (Mr Stephen Parry), GM Community and Lifestyle (Mr Rex Capil), GM Critical Services (Mr Jason Domigan), GM Corporate Support (Ms Lornae Straith), GM People and Culture (Mrs Nicky Cooper), GM Communications and Customer Support (Sonia Gerken), Governance Manager (Susan Jones), 3 Waters Asset Manager (Mr Matt Bayliss), Roading Asset Manager (Mr Murray Hasler), 3 Waters Operations Manager (Mr Aaron Green), Aquatic Services Manager (Mr Martin Mackereth), Library Manager (Ms Lorraine Weston-Webb), Facilities Administration Officer (Mr Neil Mair), Digital Communications Specialist (Ms Kaitlyn Wright) and 26 members of the public in the gallery.

His Worship advised he would have either a prayer or karakia for future meetings.

1. MAYOR'S REPORT TO INAUGURAL COUNCIL MEETING (SC3528)

A report from His Worship the Mayor covering the appointment of the Deputy Mayor and the establishment and appointments to Committees and portfolios had been circulated with the agenda.

His Worship advised he wished to hold the report on committee formation and membership until the December Council meeting.

His Worship added that in accordance with s41A(3)(a) of the Local Government Act 2022, he would be exercising his right to appoint Cr Stewart MacDonell as Deputy Mayor.

The balance of the report would be considered in December.

RESOLVED on the motion of Cr Hovell, seconded by Cr Dickson, THAT the statutory requirements for the inaugural meeting relating to the appointment and

establishment of Committees be delayed, pending receipt of a report from the Chief Executive,

AND THAT all matters be considered by the Council at its December meeting.

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2. MEETING SCHEDULE (SC3528)

A memo had been received from the Chief Executive advising that the remaining Council meeting scheduled for 2022 was proposed to be held on Tuesday 13 December, commencing at 4.00pm.

No meetings were proposed to be held in January 2023, although extraordinary meetings may be called if urgent business arose. A full meeting schedule for 2023 would be included on the December agenda for the Council's consideration.

RESOLVED on the motion of Cr Hovell, seconded by Cr McDonell, THAT the information be noted.

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3. STANDING ORDERS (SC3528)

A memo had been received from the Chief Executive advising that it was a requirement of clause 27, schedule 7 of the Local Government Act 2022 that every local authority adopt a set of Standing Orders for the conduct of its meetings and those of its committees. The updated Standing Orders, based on a template provided by Local Government New Zealand had been circulated with the agenda. A list of the minor changes made to the previous Standing Orders document had also been circulated.

The document included the option of participation via audio or audio-visual link and the Chair having, if necessary, both a deliberative and casting vote. The Council had previously adopted the option of the presiding Chair at any meeting having both. The retention of a casting vote had, in the past, been considered preferable in order that important matters such as the adoption of an Annual Plan or setting of rates did not suffer the impasse of an equality of votes. Clause 27(4) of schedule 7 of the Local Government Act 2022 required 75% of elected members to approve the amended Standing Orders for the change to come into effect.

Cr Hovell referred to clause 13.1 about members attending meetings and whether any member could attend any meeting of the authority. He clarified whether members of the Council could attend meetings of the Maitua Community Board and be present during public excluded meetings without any special resolution being required to be passed by the Board.

The Chief Executive believed yes but would like to confirm the definition of member. He expected elected Councillors who had occasion to attend Maitua Community

Board meetings including public excluded business, were entitled to remain and not required to obtain express approval from the Chair.

Cr Hovell referred to clause 20.7 about conflicts of interest and those with conflicts should physically remove themselves from the table and in public excluded they should leave the room. He thought the role of the Chief Executive was to highlight any issue and for the individual member to determine whether they had a conflict. The Chief Executive concurred. It was not for any elected member to say someone had a conflict of interest and to remove themselves. They could seek advice from the Chief Executive but the onus was on the member. The Office of the Auditor-General considered it best practice when it came to pecuniary interests that the member should leave the room.

His Worship referred to appendix 8 and noted it appeared there were missing references to some Standing Orders. The Chief Executive said the document was based on a template by LGNZ and he would take advice as to why some were not referenced by the relevant clause.

His Worship referred to the removal of appendix 9 and questioned whether there was a reason for that. The Chief Executive said it was an LGNZ template that had been amended to reflect current practice. The reference to the Mayor's powers that had previously been contained in appendix 9 was included in the Local Government Act 2002. He would need to speak with the author of the new Standing Orders as to whether it was considered the legislation was sufficient.

RESOLVED on the motion of His Worship, seconded by Cr Gardyne, THAT subject to minor editorial changes, the Council approve the adoption of the Gore District Council Standing Orders effective from 22 November 2022, retaining the provision that allows members to attend by audio or audio visual link (clauses 13.7 and 13.11-13.15) and to provide for a casting vote for the Chairperson (clause 19.3),

AND THAT the Council note that the Standing Orders had been based on a review undertaken by Local Government New Zealand.

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4. GORE DISTRICT COUNCIL CODE OF CONDUCT (SC3528)

A report had been received from the Chief Executive advising that under clause 15, Schedule 7 of the Local Government Act 2002, the Council must adopt a Code of Conduct for its members. Local Government New Zealand (LGNZ) had undertaken a review of Codes of Conduct and an updated version, based on the template provided by LGNZ and tailored to the Gore District Council, had been circulated with the agenda. Also circulated, was a policy for investigating and ruling on alleged breaches of the Code. A copy of the current Code of Conduct had been circulated for comparative purposes.

The template provided a range of procedural options that needed to be considered before the Policy was adopted. The options were:

Decision 1 - A single step or two step assessment process?

This option was concerned with the process that should be followed once a complaint was received. Both were independent of the local authority; however the two-step process was designed to quickly address those complaints that had a low level of materiality, and with a minimum expense to the Council.

1. A **single step process**, in which the Chief Executive would refer all complaints to an independent investigator who would determine whether the complaint was valid and, if so, recommended an action(s) appropriate to the level of materiality or significance of the breach.
2. A **two-step process**, in which the Chief Executive would refer all complaints to an initial assessor who would determine whether the complaint was valid and, if so, could refer the complaint to a chairperson or recommend that the parties undertook mediation. Where the nature of a breach was significant and where mediation was not an option (or not agreed to) then the initial assessor would refer the complaint to an independent investigator, who may also re-assess the complaint.

A two-step process was recommended in the draft Code of Conduct presented to the Council.

Decision 2 – Binding or non-binding recommendations from an investigator?

A key principle was that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations was designed to achieve that independence, however, the perception of independence and objectivity could be lost if it was elected members who decided the nature of the action to be taken when a complaint was upheld, particularly in the Council with small numbers of elected members.

One solution was for a local authority to agree to be bound by an independent investigator's recommendations. However, that may unreasonably restrict the Council to consider other matters, particularly in regard to a possible sanction. A degree of political independence could be achieved by ensuring that the complainant and the subject or subjects of the complaint, took no part in the decision-making process. That was what the draft policy promoted.

RESOLVED on the motion of Cr Highsted, seconded by Cr Stringer, THAT the Council adopt the Code of Conduct and the policy for investigating and ruling on alleged breaches of the Code of Conduct for the 2022-2025 triennium.

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5. GENERAL EXPLANATIONS (SC3528)

A memo had been received from the Chief Executive advising that clause 21 (5) of Schedule 7 of the Local Government Act 2002 required that at the first meeting of the Council following the triennial general election, a general explanation must be given of the Local Government Official Information and Meetings Act 1987 and the appropriate provisions of:

- (a) The Local Government Act 2022;
- (b) The Local Government Official Information and Meetings Act 1987;
- (c) The Local Authorities (Members' Interests) Act 1968;
- (d) The Serious Fraud Office Act 1990;
- (e) The Local Government (Pecuniary Interests Register) Act 2022;
- (f) The Health and Safety at Work Act 2015;
- (g) The Harmful Digital Communications Act 2015;
- (h) Sections 99, 105 and 105A of the Crimes Act 1961;
- (i) The Secret Commissions Act 1910; and
- (j) The Financial Markets Conduct Act 2013.

The report provided a general explanation of the above Acts as required by Clause 21 (5) which were further expanded on by the Chief Executive.

Cr Stringer asked what the limit for gifts was. The Chief Executive said it was \$50.

Cr Highsted asked in relation to the interests register, some in an employment situation were appointed as directors and trustees that did not necessarily involve their own personal interest. He asked what level of detail needed to be included. The Chief Executive advised he was unable to give a categorical answer and the Council was working with the Invercargill City Council on developing a template to use. Trusts were captured in the legislation and he would need to take advice about trusts where an elected members employment was involved. It may come down to the amount of influence an elected member had with the trust.

Cr Highsted questioned whether a directorship would be taken to mean a direct influence? The Chief Executive concurred.

Cr Stringer asked the Chief Executive to look into holding companies and whether they were required to be listed on the register.

RESOLVED on the motion of Cr Gardyne, seconded by Cr Dickson, THAT the information be received.

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The meeting concluded at 4.38pm