



RĀRANGI TAKE AGENDA

Poari ā-Hapori o Paekākāriki | Paekākāriki Community Board Meeting

**I hereby give notice that a Meeting of the Poari ā-Hapori o Paekākāriki
| Paekākāriki Community Board will be held on:**

Te Rā | Date: Tuesday, 10 October 2023

Te Wā | Time: 7.00pm

Te Wāhi | Location: St Peter's Hall, Beach Road, Paekākāriki

**James Jefferson
Group Manager Regulatory Services**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Poari ā-Hapori o Paekākāriki | Paekākāriki Community Board will be held in the St Peter's Hall, Beach Road, Paekākāriki, on Tuesday 10 October 2023, 7.00pm.

Poari ā-Hapori o Paekākāriki | Paekākāriki Community Board Members

Mr Sean McKinley	Chair
Ms Kelsey Lee	Deputy
Mr Christian Judge	Member
Ms Sorcha Ruth	Member
Cr Sophie Handford	Member

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1 NAU MAI | WELCOME

2 WHAKAPĀHA | APOLOGIES

**3 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE |
DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

3.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

3.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

4 HE WĀ KŌRERO KI TE MAREA | PUBLIC SPEAKING TIME

5 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

(b) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

(c) Community Board Members' Activities

6 HE KŌRERO HOU | UPDATES

6.1 TRANSMISSION GULLY PROJECT

Author: Anna Smith, Senior Democracy Services Advisor

Authoriser: James Jefferson, Group Manager Regulatory Services

TE PŪTAKE | PURPOSE

An update on the new SH59 extension (from Paekākāriki to QE Park/Mackays Crossing) due to open later this year, and the stream restoration process.

NGĀ ĀPITI HANGA | ATTACHMENTS

Nil

7 PŪRONGO | REPORTS

7.1 ADOPTION OF NEW CODE OF CONDUCT 2022-2025 TRIENNIUM

Kaituhi | Author: **Jessica Mackman, Senior Advisor, Democracy Services**

Kaiwhakamana | Authoriser: **Susan Owens, Acting Group Manager People and Partnerships**

TE PŪTAKE | PURPOSE

- 1 For the Paekākāriki Community Board to consider the adoption of a Code of Conduct for the 2022 – 2025 triennium following the adoption of the Code (appended in Appendix 1) by Council on 31 August 2023. The proposed draft Code appended in Appendix 1 is based on the new 2022 model standard Code of Conduct developed by Local Government New Zealand.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 The Paekākāriki Community Board has the delegated authority to consider this matter.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Paekākāriki Community Board adopt the Code of Conduct appended at Appendix 1 for the 2022-2025 triennium as adopted by Council on 31 August 2023.

AND

- B. That the Paekākāriki Community Board adopt a two-step complaints of alleged breaches assessment process.

AND

- C. That the Paekākāriki Community Board either:

C.1 adopt that recommendations from independent investigators are binding in the resolution of a Code of Conduct complaint.

OR

C.2 adopt that recommendations from independent investigators are not binding in the resolution of a Code of Conduct complaint and will be brought back to the Board for consideration of resolution.

TŪĀPAPA | BACKGROUND

Why should the Community Board adopt the Code of Conduct

- 4 The provisions of the Local Government Act (LGA) 2002 (“the Act”) require a local authority to adopt a code of conduct for members of the local authority (Clause 15, Schedule 7 of the LGA 2002 appended at Appendix 2).
- 5 The Act specifies the contents of a code of conduct which ‘must define the expectations about the manner in which members may conduct themselves while acting in their capacity as members’; including the behaviour of members towards each other, staff and the public. The Act further specifies that a code must also define how members are to manage information received in their capacity as elected members.
- 6 While most disagreements and complaints may be managed through effective relationships between the Mayor, elected members and staff, a code is an instrument that can be used when this is insufficient to resolve an issue.

- 7 Council adopted the appended Code of Conduct (“the Code”) (appended at Appendix 1) on 31 August 2023.
- 8 Under the definitions of the Act, Community Board members are not considered to be members of the territorial authority and Community Boards are therefore not required to adopt a code. If Community Boards decide to adopt a code, the code will need to be re-adopted at the beginning of each triennium.
- 9 Each triennium, Local Government New Zealand (LGNZ) has provided councils with model code of conduct versions considering any learnings taken from code of conduct complaints and breaches as well as general feedback on complexities concerning interpretation and application experienced by councils.
- 10 In October 2022, LGNZ released Te Tikanga Whanonga a LGNZ: The Local Government Code of Conduct; an updated model code developed over three years following feedback from councils around Aotearoa New Zealand.
- 11 Each triennium, LGNZ encourages councils and community boards to formally review their existing code of conduct and either amend, or re-adopt it, to ensure that the code is fully endorsed by all members.

The Code of Conduct – based on the LGNZ Model

- 12 The Code of Conduct (appended at Appendix 1) adopted by Council on 31 August 2023, is based on the model code suggested by LGNZ and includes refreshed, up-to-date content that is in line with current best practice.
- 13 The purpose of the new Code is to support the effectiveness of the Community Board and provide for good local governance by promoting effective decision-making and community engagement; enhancing the credibility and accountability of the Community Board to its communities; and developing a culture of mutual trust, respect, and tolerance between members of the Community Board and between the members and management.
- 14 The Code sets boundaries on the standards of behaviour of members towards each other, the Chief Executive and staff, the general public, and the media and provides a means of resolving situations when elected members breach those standards. The Code also provides direction around the disclosure of information that members receive in their official roles and information which impacts on the ability of the Council to give effect to its statutory obligations.
- 15 The Code is a self-regulating instrument which governs day-to-day and less formal relationships. It is supported by other mechanisms such as the Governance Structure and Delegations 2022-2025, the Local Governance Statement 2022-2025 and Standing Orders. The Code is most effective when “owned” by elected members and if the drafting of such a code takes into consideration their feedback and input.
- 16 The Code also contains procedural steps on how to manage complaints in relation to the Code.

What is new in the 2022 LGNZ Model Code compared to older model versions

- 17 Te Tikanga Whanonga a LGNZ: The Local Government Code of Conduct contains several significant changes to previous model codes released by LGNZ, including:
 - 17.1 A focus on managing specific types of behaviors, such as bullying or harassment, regardless of the place or platform on which the member is engaging, such as social media, in meetings, or interactions between members.
 - 17.2 An explicit description of unacceptable behaviours.
 - 17.3 Acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to councils.
 - 17.4 An acknowledgement of the principles of good governance.

- 17.5 An amended approach to investigating and assessing alleged breaches of the Code designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.
- 17.6 A reduction to essential items not covered elsewhere, for example, the new version no longer includes items covered by legislation, Standing Orders, the Governance Structure 2022-2025 or the Local Governance Statement 2022-2025.

Process for Managing Alleged Breaches of the Code of Conduct

- 18 Any complaints made under the Code of Conduct, even complaints in relation to Community Board Members' conduct not specifically mentioning the Code will, upon adoption of the Code, be managed in accordance with the process appended to the Code.
- 19 The Community Board is asked to adopt a process for managing alleged breaches under the Code as suggested by LGNZ and as part of this the Board should determine the following when adopting the Code of Conduct:

A single step or two step complaints assessment process

- 19.1 In a single step assessment process, the Chief Executive refers all complaints directly to an independent investigator who determines whether the complaint is valid and, if so, recommends an action or actions which are appropriate to the level of materiality or significance of the breach.
- 19.2 In a two-step assessment process, the Chief Executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to the Mayor or relevant Chairperson or recommend that the parties undertake mediation. Where the nature of the breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.
- 19.3 Council officers recommend a two-step process to maintain the principle of ensuring complaints are resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement, is met. A two-step process also allows for efficiencies in cost and for an approach to be taken that is appropriate to the particular complaint.

Binding or non-binding recommendations from an investigator

- 19.4 It is important that the process for investigating an alleged breach of the Code of Conduct is politically independent. The perception of independence and objectivity may be lost if it is ultimately elected members who decide the nature of the action to be taken when a complaint is upheld. This perception can be avoided if the Community Board agrees to be bound by an independent investigator's recommendations.
- 19.5 On the other hand, if the Community Board agrees that it will be bound by an independent investigator's recommendations, it will not have flexibility to adopt another approach if the findings are deemed inappropriate to the issue. Code of Conduct complaints can also be political issues and as such, Council may wish to retain the ability to make the final decision on an investigator's recommendations. The risk of this being an issue for the Board is lessened by a two-step complaints process where complaints are resolved at an appropriate level. Complaints referred to an independent investigator will likely be complaints with a level of seriousness where there is merit in an independent investigation.
- 19.6 Should the Community Board resolve that the recommendations from an independent investigator are binding, the Chief Executive's report together with the investigators report and recommendations are presented to the Board for noting only.
- 19.7 Should the Community Board resolve that the recommendations from an independent investigator are non-binding, the Chief Executive's report together with the investigators report and recommendations are presented to the Board for consideration.

- 20 At its meeting of 31 August 2023, Council adopted a two-step assessment process for managing alleged breaches under the Code.
- 21 Council also resolved that any recommendations received from an independent investigator will not be binding on Council. Consequently, the Chief Executive’s report together with the investigators report and recommendations are presented to Council for consideration. Council retains flexibility to adopt another approach if the findings are deemed inappropriate to the issue.
- 22 The following principles will guide the investigation into, and assessment of, complaints made against a member for breaching the Code of Conduct:
- 22.1 The complaints process will be independent, impartial, and respect members’ privacy.
- 22.2 Members will be given due notice that an investigation is underway and will be provided with an opportunity to be heard.
- 22.3 Members will have a right to seek independent advice, be represented, and, if they choose, be accompanied by a support person throughout the process.
- 22.4 Complaints will be resolved at the lowest level of resolution as possible, with priority given to finding a mediated settlement.
- Complainants, and members subject to a complaint, will have access to advice and support for the time it takes to find a resolution. For example, by enabling both parties to access Council’s Employee Assistance Programme (EAP) or elected members’ equivalent.

Steps taken to develop the Code of Conduct

- 23 Council officers reviewed the LGNZ model and after consulting with LGNZ included a section on social media in the Code appended as Appendix 1.
- 24 Following this review, Council officers held a briefing and workshop with elected members and mana whenua representatives to work through the elements of the proposed Code. Council officers incorporated key feedback into the LGNZ 2022 model Code to produce the Code of Conduct (appended at Appendix 1).
- 25 Council officers have engaged with Community Board Chairs and all Community Board Members were invited to the briefing and workshop sessions. Community Board Members were also encouraged to provide feedback following the circulation of the draft Code via email to ensure feedback from Community Boards was also captured.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 26 The Paekākāriki Community Board is asked to consider the adoption of the Code of Conduct appended as Appendix 1 in line with current best practise and LGNZ’s proposed model code of conduct.

Ngā kōwhiringa | Options

- 27 While Community Boards are not required by legislation to adopt a code or could decide to adopt a different code of conduct to Council;
- 27.1 If a Community Board decided to adopt a different code, it would complicate the management of alleged breaches considerably and would harm the cohesion of all elected members.
- 27.2 If Community Boards decided not to adopt a code at all, they cannot be held to a code and therefore a complaints process under the code would not exist.
- 28 Community Boards could also decide to adopt the content of the Code but contrary to Council adopt:

- 28.1 A one-step complaint process, and/or
- 28.2 That independent investigator recommendations are binding.

29 Council Officers recommend that Community Boards adopt the same Code and complaints process adopted by Council. This will allow for all elected members, and appointed members, in the serving term on Council, a Committee or Community Board to be governed by the same Code and will reduce the chance of confusion when managing complaints.

Tangata whenua

- 30 Council’s mana whenua partners were invited to attend a briefing and workshop to contribute to the Code of Conduct adopted by Council and were encouraged to provide feedback following the circulation of the draft Code to Councillors, mana whenua representatives and Community Board members via email.
- 31 Mana whenua representatives are expected to comply with the Code of Conduct as a term of their appointment to Council and its Committees and Subcommittees for the 2022-2025 triennium. After confirmation of appointment by Council, mana whenua representatives and other appointed members receive an appointment letter setting out this expectation.

Panonitanga āhuarangi | Climate change

32 There are no climate change or environment considerations for this report.

Ahumoni me ngā rawa | Financial and resourcing

- 33 There are no direct financial considerations for this report though Council must ensure that members who make a complaint under the Code of Conduct are not left to meet any costs created by doing so. Members, those who make complaints, and those who are subject to a complaint, should be given appropriate and reasonable support.
- 34 Complaints made under the Code may incur a cost if an external independent assessor and/or investigator is required to be engaged. Assessors and investigators will be engaged as required and on a case-by-case basis so precise costs are difficult to determine. The costs of assessment and investigatory services will be met by Council.

Ture me ngā Tūraru | Legal and risk

- 35 Any failure to observe the provisions of the Code of Conduct may result in the following:
 - 35.1 Exposing the Council to litigation.
 - 35.2 Invalidating insurance of indemnity for members.
 - 35.3 Exposing individual members to responsibility for loss under section 46 of the Local Government Act.
- 36 In cases where a breach of the Code is found to involve regulatory or legislative requirements, the Chief Executive will refer the complaint to the relevant agency.

Ngā pānga ki ngā kaupapa here | Policy impact

- 37 The relevant policies that elected members must have an understanding of have been referenced in the Code of Conduct document. These policies are:
 - 37.1 Council’s Media Communications Protocol
 - 37.2 Council’s Members’ Declaration of Interest Policy
- 38 These policies will be updated as required and provided to Council for adoption or noting and will subsequently be communicated with Community Boards.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

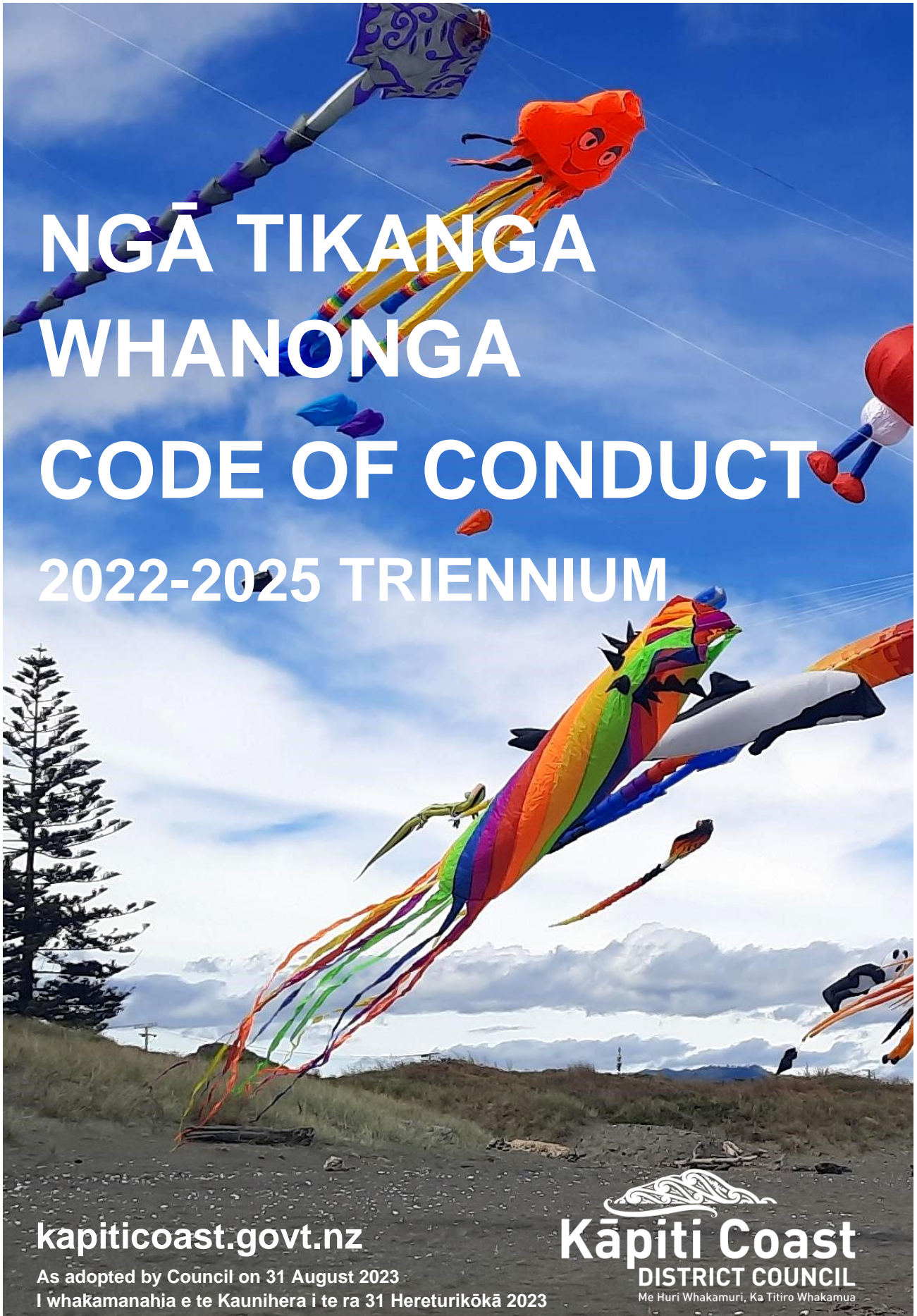
39 An engagement plan is not required to implement this decision.

Whakatairanga | Publicity

40 The Code of Conduct has been uploaded to Council's website and will be available for the community to access.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Code of Conduct Triennium 2022 - 2025 adopted on 31 August 2023 [↓](#)
2. Clause 15, Schedule 7 of the LGA 2002 [↓](#)



NGĀ TIKANGA WHANONGA CODE OF CONDUCT 2022-2025 TRIENNIUM

kapiticoast.govt.nz

As adopted by Council on 31 August 2023
I whakamanahia e te Kaunihera i te ra 31 Hereturikōkā 2023


Kāpiti Coast
DISTRICT COUNCIL
Me Huri Whakamuri, Ka Titiro Whakamua

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A. KUPU WHAKATAKI | INTRODUCTION

The Kāpiti Coast District Council adopts this Code of Conduct in accordance with Clause 15, Schedule 7 of the Local Government Act 2002 (LGA).

The Code of Conduct sets standards for the behaviour of members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that members receive in their capacity as members.

Members must comply with this Code of Conduct.

The purpose of this Code of Conduct is to:

- Enhance the effectiveness of the Kāpiti Coast District Council and provide for good local government of the Kāpiti Coast District;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the Council to its communities; and
- Develop a culture of mutual trust, respect, and tolerance between members of the council and between the members and management.

NGĀ HERENGA A NGĀ MEMA | MEMBERS' COMMITMENT

These commitments apply when conducting the business of the Council as its representative or the representative of an electorate, and communicating with other members, the media, the public, or staff. By adopting the Code of Conduct members agree that they will:

1. treat all people fairly,
2. treat all other members, staff, and members of the public, with respect,
3. share with the Council any information received that is pertinent to the ability of the Council to properly perform its statutory duties,
4. operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and Council's Memorandum of Partnership with mana whenua in the district,
5. make it clear, when speaking publicly, that statements reflect their personal view, unless otherwise authorised to speak on behalf of the Council,
6. take all reasonable steps to undertake the duties, responsibilities, and workload expected of a member,
7. not bully, harass, or discriminate unlawfully against any person,
8. not bring the Council into disrepute,
9. not use their position to improperly advantage themselves or anyone else or disadvantage another person,
10. not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council,
11. not disclose information acquired, or given, in confidence, further to their position as a member of Council.

Please note: a failure to act in accordance with these commitments may result in a complaint being taken against a member.

7.2 CONSIDERATION OF FUNDING APPLICATIONS

Kaituhi | Author: **Anna Smith, Democracy Services Advisor**

Kaiwhakamana | Authoriser: **James Jefferson, Group Manager Regulatory Services**

TE PŪTAKE | PURPOSE

- 1 To consider eligible applications to the Community Grants Discretionary, and to note Accountability Reports.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An Executive Summary is not required for this report.

TE TUKU HAEPAPA | DELEGATION

- 3 The Paekakariki Community Board has delegated authority as at section D of the 2022-2025 Governance Structure:
Approving criteria for, and disbursement of, community-based grant funds as approved through the LTP or Annual Plan.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Paekakariki Community Board approve a grant of \$ _____ to the Paekākāriki Bowling Club Incorporated to assist with the costs of installing a heat pump in the entry hall of the clubrooms.
- B. That the Paekakariki Community Board approve a grant of \$ _____ to the Paekakariki Community Trust to assist with the costs of producing coloured posters and a corflute sign advertising the first Paekākāriki Christmas Fete.
- C. That the Paekakariki Community Board approve a grant of \$ _____ to the Paekākāriki Tennis Club to assist with the costs of funding a Junior Tennis in Paekākāriki Programme for the 2023-2024 year.

TŪĀPAPA | BACKGROUND

- 4 This is the first meeting of the 2023/24 financial year.
- 5 The Paekākāriki Community Board has one fund from which they can draw on to grant applications for funding – the Community Board Grant Fund. The board also makes recommendations on funding applications to the biannual Campe Estate Trust meetings.

Paekākāriki Community Board Grants

- 6 The purpose of the Paekākāriki Community Board Grant is to support activities that encourage the development of cultural, sports, environmental, social or educational activities within the local district.
- 7 The organisation/individual must reside in the Paekākāriki area. The Board may consider financial assistance for events occurring outside the Paekākāriki Community, where it is shown the community will benefit.
- 8 The criteria for the Paekākāriki Community Board Grants are attached in Appendix 1.
- 9 It should be noted that the conditions and criteria do not preclude the Paekākāriki Community Board from considering any application at its discretion.

HE KŌRERORERO | DISCUSSION

10 There are three applications for funding to be considered at this community board meeting. These are summarised below and attached as appendices.

Paekākāriki Bowling Club Incorporated

11 Frances Burgess, on behalf of the Paekākāriki Bowling Club Incorporated has applied for a grant of \$500 to assist with the costs of installing a heat pump in the entry hall of the clubrooms.

Paekakariki Community Trust

12 Jan Borland, on behalf of the Paekakariki Community Trust has applied for \$361.10 to assist with the costs of producing coloured posters and a corflute sign advertising the first Paekākāriki Christmas Fete.

Paekākāriki Tennis Club

13 Neville Todd, on behalf of the Paekākāriki Tennis Club has applied for a grant of \$500 to assist with the costs of funding a Junior Tennis in Paekākāriki Programme for the 2023-2024 year.

He take | Issues

14 There are no issues to be considered within this report.

Ngā kōwhiringa | Options

15 There were no options to be considered within this report.

Tangata whenua

16 There are no Tangata whenua issues to be considered within this report.

Panonitanga āhuarangi | Climate change

17 There are no climate change considerations required within this report.

Ahumoni me ngā rawa | Financial and resourcing

18 An amount of \$6,577 is allocated in the 2023/24 budget for the Paekākāriki Community Board. This is summarised in the table below:

Total budget allocated for the 2023/24 year	\$6,577.00
Grants approved during 2023/24	-\$1000
Balance as at 22 August 2023	\$5577.00

19 Grants approved for the 2022/2023 year are as follows:

Date	Recipient	Amount	Purpose of Grant	Report Back
22 August 2023	Nourish Trust	\$250	Assist with the costs of Christmas hampers for families in the Paekākāriki Community doing it tough at Christmas	N
22 August 2023	Combined Lions Clubs of Kapiti	\$250	Assist with the costs of printing and advertising their annual	N

Date	Recipient	Amount	Purpose of Grant	Report Back
			foodbank collection.	
22 August 2023	Jude Galtry (paid via Paekākāriki Station Trust)	\$500	Assist with the costs of publishing a book on well-known Paekākāriki author, the late Frances Cherry.	N

Ture me ngā Tūraru | Legal and risk

20 There are no legal or risk considerations in this report.

Ngā pānga ki ngā kaupapa here | Policy impact

21 Grants are allocated in accordance with established criteria, attached as Appendix 1 to this report.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

22 This matter has a low level of significance under the Council’s Significance and Engagement Policy.

Whakatairanga | Publicity

23 Board members play an active role around the community in promoting the discretionary grant and details are available via the Council’s website.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Paekākāriki Community Board Grant Criteria [↓](#)
2. Paekakariki Bowling Club - Application for funding (under separate cover) [⇒](#)
3. Paekakariki Community Trust - Application for funding (under separate cover) [⇒](#)
4. Paekākāriki Tennis Club - Application for funding (under separate cover) [⇒](#)

8 TE WHAKAŪ I NGĀ ĀMIKI | CONFIRMATION OF MINUTES**8.1 CONFIRMATION OF MINUTES**

Author: Anna Smith, Senior Democracy Services Advisor

Authoriser: James Jefferson, Group Manager Regulatory Services

Taunakitanga | Recommendations

That the minutes of the Paekākāriki Community Board meeting of 22 August 2023 be accepted as a true and correct record.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Paekākāriki Community Board meeting minutes - 22 August 2023 [↓](#)

9 NGĀ TAKE E MAHIA ANA | MATTERS UNDER ACTION

9.1 MATTERS UNDER ACTION

Author: Anna Smith, Senior Democracy Services Advisor

Authoriser: James Jefferson, Group Manager Regulatory Services

MATTERS UNDER ACTION

Taunakitanga | Recommendations

That the Paekākāriki Community Board meeting notes the matters under action

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Paekākāriki Community Board - Matters Under Action [↓](#)

10 KARAKIA WHAKAMUTUNGA | CLOSING KARAKIA