

18 October 2023

[REDACTED]

Dear [REDACTED]

LGOIMA request re the DCC Code of Conduct

Thank you for your LGOIMA request regarding the DCC Code of Conduct. Responses to your questions follow each question.

1) *Has the Code been reviewed at the beginning of this triennium? Are there any plans to review it? (Paragraph 14)*

The Code was not reviewed at the beginning of the triennium. The code remains in force until it is amended. A review of the Code may be scheduled after the adoption of the 10 year plan.

2) *The present Code was adopted 25th October 2016. Has it been reviewed since then? I would like to see the Resolution and Minutes where the present Code was adopted by council. Also, if there have been any reviews or discussion about review, the relevant Minutes.*

The Code has not been reviewed since it was adopted on 25 October 2016. There is no requirement in the Local Government Act to readopt the code every triennium.

Extract from Council meeting 25 October 2016

14 ADOPTION OF CODE OF CONDUCT

A report from the Executive Leadership Team noted that the Local Government Act 2002 required that Councils adopt a Code of Conduct. The report provided a summary of the updated Code of Conduct (the Code) that was prepared by Local Government New Zealand following consultation across the sector.

The Code updated the previous national standard and provided a plain English version of standards of behaviour expected of elected members in the exercise of their duties. The Code also provided details on how breaches of the Code would be dealt with.

The Code should be read in conjunction with the Council's Standing Orders.

Moved (Mayor Dave Cull/Cr Chris Staynes):

That the Council:

- a) **Adopts** the Dunedin City Council Code of Conduct as per Attachment 1 of the report.

Motion carried (CNL/2016/154)

3) I would like to know how much has been paid to the independent preliminary investigators since 2016 - if not too difficult to access this historical information. But more recent costs will be okay.

Since 2016 \$56,558 including GST has been paid to investigators for the nine reviews that have been completed. Please note, that legal costs associated with a judicial review and subsequent actions have not been included in the costs provided as these were not part of your request.

4) I would like to know whether an independent preliminary investigator has ever found no case to answer or whether all complaints have proceeded to Council.

I would like to know what sanctions council has imposed on Members deemed to be guilty of a breach.

From 2016, 11 code of conduct complaints have been received including two that are currently under investigation. Of the 11, six complaints resulted in either being found to be non-material or no case to answer.

For three complaints sanctions imposed include written censure, an apology requested, being removed from two Council appointments.

Two are still to be concluded.

5) If the kinds of breaches since 2016 could be categorised, (eg abusive speech) that would help.

Breaches include: Relationships with staff, relationships between members, relationships with the public, disclosure of information and online communication.

6) Also how many complaints have there have been since October 2016.

11 complaints have been received, two are still being investigated.

7) Also is there an average cost to the council or does it vary?

There is no average cost. It depends on the nature and complexity of the complaint involved. The range for the nine completed complaints range from \$874 to \$25,841.

8) Are there any other costs to council involved in processing a Code of Conduct complaint in addition to the payment to the preliminary independent investigator, for example, staff time? If so, what would that additional cost be approximately and on average?

Staff time associated with administering code of conduct complaints is not recorded. For all but one complaint, the only costs (excluding staff time) are those of the investigator. One complaint involved seeking legal advice.

I would appreciate receiving whatever part of this information is readily accessible within the statutory ten working days because I want this information to prepare for a Public Forum submission on 27th October 2023. I don't need all of it. I just want to get a reasonably accurate picture of the processing of past Code of Conduct complaints, especially the cost to council.

I trust this answers your queries. The Council meeting for October commences on Monday 30 October. The statutory time frame for a Igoima response is 20 working days.

Clare Sullivan