

Elected Member Conduct Committee

Terms of Reference

Membership

All elected members of the Council.

Quorum

Three, one of whom must be the Mayor (or the deputy Mayor in circumstances where a complaint relates to the Mayor).

Chair

The Mayor (or the deputy Mayor in circumstances where a complaint relates to the Mayor) will be the Chair.

Frequency of Meetings

The Elected Member Conduct Committee will meet as required.

Parent Body

The Elected Member Conduct Committee is a standing committee of the Queenstown Lakes District Council, which survives a triennial general election of members.

Objectives of the Committee

- > To monitor compliance with the Queenstown Lakes District Council Code of Conduct for Elected Members ('Code of Conduct').
- > Consider and report to Council on any complaint referred to it and recommend whether a complaint is to be upheld or not and to make recommendations to Council as to the appropriate action in response.

Terms of Reference:

- > To receive a complaint into any alleged breach of the Code of Conduct referred by the Chief Executive;
 - > To consider a complaint into any alleged breach of the Code of Conduct referred by the Chief Executive together with a report on the complaint by an Independent Investigator (for the avoidance of doubt, there will be no inquiry, hearing of evidence or submissions in respect of an alleged breach of the Code of Conduct);
 - > To determine whether or not the complaint is upheld or not on the balance of probabilities;
 - > To make recommendations if the complaint is upheld.
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- > Where the Committee has determined that a breach of the Code of Conduct has occurred, to consider the report from the Independent Investigator

and make a recommendation to Council which may include one or any of the following actions recommended by the Investigator:

- > A letter of censure to the member;
- > A request (made either privately or publicly) for an apology;
- > Removal of certain Council-funded privileges (such as attendance at conferences);
- > Removal of responsibilities, such as committee chair, deputy committee chair or portfolio holder;
- > Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
- > Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
- > A vote of no confidence in the member;
- > Suspension from committees or other bodies to which the member has been appointed;
- > Invitation to the member to consider resigning from the Council;
- > dismissal of the elected member from appointment to any other representative bodies (either permanently or temporarily); or
- > for breaches of the Code of Conduct in relation to electronic resources or communications, removal of Council owned computer/electronic equipment and termination (either permanently or temporarily) of access to any electronic resources of Council
- > Or, instead of a penalty, one or more of the following may be required:
 - > Attend a relevant training course; and/or
 - > Work with a mentor for a period of time; and/or
 - > Participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
 - > Tender an apology and where appropriate, for example in the event of a published statement in breach of the code, issue a public apology.

Public Excluded

Due to the privacy interests that arise in the exercise of the terms of reference, attendance at any meetings of the Elected Member Conduct Committee is restricted to members of this Committee. There are to be no public hearings in respect of any alleged breaches of the Code of Conduct.

Delegated Authority

The Elected Member Conduct Committee has the delegated authority to carry out activities within its terms of reference. For the avoidance of doubt, the terms of reference for the Elected Member Conduct Committee do not include any powers concerning protected disclosures, the Protected Disclosures Act 2000, or the Queenstown Lakes District Council Protected Disclosures Policy.

Delegation Limitations

The Elected Member Conduct Committee may not delegate any of its responsibilities, duties or powers.

Procedure for breaches of the Code of Conduct

- > The Elected Member Conduct Committee will convene on the delivery of a report by an Independent Investigator to the Chief Executive in respect of a material breach of the Elected Members Code of Conduct;
- > The Elected Member Conduct Committee will determine its process for considering the report and recommendations of the Independent Investigator;
- > For the avoidance of doubt, the Elected Member Conduct Committee will not conduct its own inquiry or hold any hearing or hear submissions or

evidence in respect of an alleged breach of the Code of Conduct, because in such circumstances an Independent Investigator will already have carried out an inquiry.

- > The Elected Member Conduct Committee will resolve to conduct its enquiries and proceedings with the public excluded to the extent provided by s48 of the Local Government Official Information and Meetings Act 1987;
- > The Elected Member Conduct Committee may resolve that the publication of any information may be prohibited or restricted to the extent provided by s48 of the Local Government Official Information and Meetings Act 1987;
- > The Chief Executive will report all findings of the Elected Member Conduct Committee to the next meeting of Council for a decision.