

OPEN

MINUTE ITEM

ATTACHMENTS

**Ordinary meeting of the
Nelson City Council**

**Thursday 31 October 2019
Commencing at 1.30p.m.
Council Chamber**

Civic House

110 Trafalgar Street, Nelson

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Proposed Changes to the Draft Nelson City Council Code of Conduct

12.2 Complaints

Insert additional paragraph:

Members are encouraged to address minor issues informally amongst themselves. The formal complaint process should only be used for matters that cannot be informally resolved.

Complaint referred to the Mayor

The wording in bullet points four and five and paragraph two of this section require wording modifications to align more clearly with Appendix D – Complaints Procedure Flow diagram for complaints referred to the Mayor for initial assessment. Including that:

- If a complaint is found to be trivial, frivolous or minor the Mayor has authority to take actions proportionate to the complaint
- If following an initial assessment the Mayor finds the complaint to be material, it will be referred to the Council or adjudication body or independent investigator

The complaint shall be referred back to the Chief Executive to be forwarded to the Council or adjudication body if the Mayor's decision on outcome is not complied with or if the option of mutually agreed solution is chosen by the Mayor and none can be reached.

This may require consequential changes, for example to the wording of Appendices C and D.

Complaint referred to an independent investigator

Where the Mayor is a party to the complaint it should be referred to the Deputy Mayor for initial assessment (in the same manner as other complaints are dealt with by the Mayor), rather than immediately being referred to an independent investigator. (This also requires change to Appendix D – Complaints procedure Flow Diagram)

Other minor changes:

5.2 – Relationships with staff

Update second bullet point to include the correct committee name so that the sentence reads *"Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor or the chairperson of the Chief Executive Employment Committee:"*

6 – Media and social media

Third sentence of first paragraph, pluralise "member" so that the sentence reads "Any failure by members to comply with the provisions of this section can represent a breach of the Code."

That the Council

- 1. Receives the report Elected Members' Code of Conduct (R12553) and its attachment (A1745031); and***
- 2. Adopts the Nelson City Council Code of Conduct (A1745031) subject to the changes tabled at 31 October 2019 Council Meeting (A2292439);***
- 3. Confirms that the final wording to give effect to these changes and minor edits is to be approved by the Mayor, Deputy Mayor and Chair of Governance and Finance Committee;***
- 4. Directs the Chief Executive to develop a panel of independent investigators for approval by Council; and***
- 5. Notes that a Code of Conduct Committee will be established as part of the process to appoint Elected Members to committees.***