

Notice is hereby given that an ordinary meeting of the Code of Conduct Sub Committee will be held on:

**Date:** Wednesday 11 May 2016  
**Time:** 3.30 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## **Code of Conduct Sub Committee**

### **OPEN AGENDA**

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#### **MEMBERSHIP**

<b>Members</b>	Ms J Rowan Mr D Rowan	
<b>Reporting Officer</b>	Mr D M Clapperton	(Chief Executive)
<b>Meeting Secretary</b>	Mrs K J Corkill	

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**Full Agendas are available on Council's website**  
**[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)**

**Full Agendas are also available to be collected from:**  
**Horowhenua District Council Service Centre, 126 Oxford Street, Levin**  
**Foxton Service Centre/Library, Clyde Street, Foxton,**  
**Shannon Service Centre/Library, Plimmer Terrace, Shannon**  
**and Te Takere/Library, Bath Street, Levin**



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<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>PROCEDURAL</b>		
1	Apologies	3
2	Announcements	3
<b>REPORTS</b>		
3	Executive	
	3.1 Code of Conduct Complaints - Cr Campbell; Mayor Duffy & Cr Rush	5
4	Procedural Motion to Exclude the Public	17



# Code of Conduct Complaints - Cr Campbell; Mayor Duffy & Cr Rush

File No.: 16/239

## 1. Purpose

For the Subcommittee to investigate the Code of Conduct Complaints that have been lodged against Cr Campbell, Mayor Duffy and Cr Rush.

## 2. Recommendation

- 2.1 That Report 16/239 on Code of Conduct Complaints - Cr Campbell; Mayor Duffy & Cr Rush be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## 3. Background/Previous Council Decisions

In February 2016 Cr Mason brought a Code of Conduct Complaint against Cr Campbell for remarks he made whilst appearing on a television news report. A copy of the Report that went to the 2 March 2016 is attached at Attachment A. At that meeting the Chief Executive was instructed to prepare a report to Council on the process to be followed to address the allegation that Cr Campbell had breached the Code of Conduct.

The Chief Executive's Report was included in the 6 April 2016 Council Agenda and is attached as Attachment B. At that meeting the following resolutions were passed:

*THAT Council resolves to investigate the alleged breach of its Code of Conduct by Councillor Ross Campbell.*

*THAT a Committee comprising Ms Jenny Rowan and Mr Doug Rowan be appointed to pursue the matter and report back to Council in accordance with Council's Code of Conduct.*

At the Extraordinary Council meeting on 13 April 2016 Crs Feyen and Campbell filed Code of Conduct Complaints against Mayor Duffy and Cr Rush. Copies of the reports that were included in the 13 April 2016 Agenda are attached as Attachments C and D.

Council resolved that both CoC complaints should be investigated with the Code of Conduct Committee to comprise Ms Jenny Rowan and Mr Doug Rowan.

## Attachments

No.	Title	Page
A	Council Report Breach of Council's Code of Conduct 2 March 2016	7
B	Council Report Code of Conduct Complaint - Councillor Ross Campbell 6 April 2016	9
C	Code of Conduct Complaint Report and Attachment - Mayor Duffy	11
D	Code of Conduct Complaint Report and Attachment - Cr Rush	14

**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**Signatories**

Author(s)	David Clapperton <b>Chief Executive</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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# Breach of Council's Code of Conduct

File No.: 16/93

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## 1. Purpose

In accordance with Standing Order 3.10, to bring to Council a Code of Conduct Complaint.

## 2. Executive Review

Cr Mason has brought a Code of Conduct complaint against Cr Campbell as she contends he breached Council's Code of Conduct by his actions in appearing on a television news report and publically agreeing in his role as a councillor that the Horowhenua District Council is corrupt, Cr Mason gives notice that she intends to move the following motion at the Horowhenua District Council Meeting to be held on Wednesday 2 March 2016:

"That the Chief Executive be instructed to prepare a report to Council on the process to be followed to address the allegation that Cr Campbell breached Council's Code of Conduct by his actions on 16 February 2016."

## 3. Recommendation

3.1 That Report 16/93 Breach of Council's Code of Conduct be received.

3.2 That the Chief Executive be instructed to prepare a report to Council on the process to be followed to address the allegation that Cr Campbell breached Council's Code of Conduct by his actions on 16 February 2016.

## 4 Background

Cr Mason refers Councillors and the Mayor to the Code of Conduct (amended February 2015) and outlines the breaches that she believes occurred as a result of Cr Campbell's behaviour and comments as follows:

### "CODE OF CONDUCT

#### Part One: Introduction

The objective of the code is to enhance:

- the credibility and accountability of the Council within its community;
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.

#### Part Three: Relationships and Behaviours

##### **Relationships with other Members**

- Are open and honest;
- Avoid aggressive, offensive or abusive conduct;
- Show respect to each other.

##### **Contact with the Media**

- Media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

Cr Mason supports her Notice of Motion with the following:

Cr Campbell appeared in a TV3 Newshub 6.00 pm new segment on Tuesday, 16 February 2016. During this news segment Cr Campbell spoke of the Horowhenua District Council as corrupt. Cr Campbell identified himself as a councillor and thereby had his comments recorded as those that were representative of Council. By implication his comments inferred that all of Council behaved corruptly in their roles as elected members and staff, including myself. His actions brought the role of Council into disrepute and I find it deeply offensive to have been publically declared corrupt. Cr Campbell behaved in a manner that was not respectful to all Councillors and affected the credibility of all of Council.



Fellow Councillors may or may not agree with my position as is their democratic right. I do believe though that as a democratically elected Council, each member has an obligation to declare their position on this matter publically to restore faith in our wider community as to the integrity of elected members.

**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**Signatories**

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



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# Code of Conduct Complaint - Councillor Ross Campbell

File No.: 16/122

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## 1. Purpose

To provide advice to Council on the Notice of Motion moved by Councillor Mason and seconded by Councillor Bishop alleging a breach of Council's Code of Conduct by Councillor Campbell, including the process that Council is now bound to follow.

## 2. Recommendation

- 2.1 That Report 16/122 on Code of Conduct Complaint - Councillor Ross Campbell be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That Council resolves to investigate the alleged breach of its Code of Conduct by Councillor Ross Campbell.
- 2.4 That a Committee comprising Ms Jenny Rowan and Mr Doug Rowan be appointed to pursue the matter and report back to Council in accordance with Council's Code of Conduct.

## 3. Issues for Consideration

- 3.1 At the Council meeting of 3 March 2016 Councillor Mason moved and Councillor Bishop seconded a Notice of Motion:

*"THAT Cr Ross Campbell breached the Code of Conduct by his actions of appearing on a television news report and publically agreeing in his role as councilor that the Horowhenua District Council is corrupt."*

- 3.2 Council resolved that:

*"THAT the Chief Executive be instructed to prepare a report to Council on the process to be followed to address the allegation that Cr Campbell breached Council's Code of Conduct by his actions on 16 February 2016."*

- 3.3 Council's Code of Conduct advises, following receipt of a written complaint, consideration is then to be given to whether the matter is to be pursued.
- 3.4 In accordance with Part 4 of Council's Code of Conduct, all alleged breaches of the Code will be referred to a Committee appointed by Council. This Code of Conduct Committee is made up of the Mayor, Deputy Mayor and one member of the public with appropriate expertise.
- 3.5 The Code also highlights that should there be any doubt as to the neutrality of those investigating and/or adjudicating the Code of Conduct complaint, alternate members of the Committee will be considered.
- 3.6 Both the Mayor and Deputy Mayor have advised the Chief Executive their neutrality could be in question with regard to Councillor Campbell and therefore would excuse themselves from being part of the Committee investigating the alleged Code of Conduct breach, as have other Councillors.
- 3.7 The appointed Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the Committee will notify the elected member in writing of the complaint and explain when and how they will get the opportunity to put their version of events.

- 3.8 Council will be required to determine whether it wishes to pursue the matter and, if it does, it will then resolve to appoint a Committee.
- 3.9 In appointing the Committee consideration will be given to the “Member of the Public with appropriate experience”. In this instance it is proposed that there be two “Members of the Public with appropriate experience” and the names of the people whom I believe would be suitable to fill this role is Ms Jenny Rowan (previous Kapiti Mayor) and Mr Doug Rowan (Solicitor, Cullinane Steele, Levin).
- 3.10 If Council passes a resolution to investigate the allegation, the Chief Executive will then arrange an appropriate date for the first meeting of the Code of Conduct Committee. Meetings of the Committee will be held in a public excluded environment, albeit any subsequent resolution of Council in relation to the matter will be publicly notified.

## Attachments



There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

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# Code of Conduct Complaint - Mayor Brendan Duffy

File No.: 16/177

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## 1. Purpose

To provide advice to Council on a Code of Conduct complaint filed by Councillors Feyen and Campbell alleging a breach of Council's Code of Conduct by Mayor Brendan Duffy, including the process that Council is now bound to follow.

## 2. Recommendation

- 2.1 That Report 16/177 Code of Conduct Complaint - Mayor Brendan Duffy be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That Council resolves to investigate the alleged breach of its Code of Conduct by Mayor Duffy.
- 2.4 That the Chief Executive recommends to Council that Ms Jenny Rowan and Mr Doug Rowan comprise the Code of Conduct Committee.

## 3. Issues for Consideration

- 3.1 Councillors Feyen and Campbell have filed a Code of Conduct complaint against Mayor Duffy with documentation handed to the Chief Executive at the Council Meeting of 6 April 2016.
- 3.2 Council's Code of Conduct advises, following receipt of a written complaint, consideration is then to be given to whether the matter is to be pursued.
- 3.3 Council is required to determine whether it wishes to pursue the matter, and if it does, in accordance with Part 4 of Council's Code of Conduct, the alleged breach will be referred to a Committee appointed by Council. The Code of Conduct provides for a Committee made up of the Mayor, Deputy Mayor and one member of the public with appropriate expertise.
- 3.4 The Code also highlights that should there be any doubt as to the neutrality of those investigating and/or adjudicating the Code of Conduct complaint, alternate members of the Committee will be considered.
- 3.5 As this Code of Conduct Complaint involves the Mayor, a Committee made up of external appointees is recommended.
- 3.6 The appointed Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the Committee will notify the elected member in writing of the complaint and explain when and how they will get the opportunity to put their version of events.
- 3.7 If Council passes a resolution to investigate the allegation, the Chief Executive recommends to Council that Ms Jenny Rowan and Mr Doug Rowan comprise the Code of Conduct Committee. Following the make-up of the Committee being approved, an appropriate date for the first meeting will then be arranged. Meetings of the Committee will be held in a public excluded environment, albeit any subsequent resolution of Council in relation to the matter will be publicly notified.

## Attachments

No.	Title	Page
A	Code of Conduct Complaint - Mayor Brendan Duffy	

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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Mr David Clapperton  
Chief Executive  
Horowhenua District Council

6 April 2016

Code of Conduct Complaint

We are hereby filing a formal complaint against Mayor Brendan Duffy for his conduct during an adjournment of the Horowhenua District Council meeting that took place on Wednesday 3 February 2016. This was the meeting when Mayor Duffy had ordered us to remove our hard hats and fluro vests, or we would not get the opportunity to engage in the meeting.

During this adjournment, Cherie Taylor, the Editor of the Horowhenua Chronicle asked if she could speak with us and take a photograph of us wearing our safety helmets and Hi Viz jackets. We agreed and were having a conversation with her in the atrium foyer. Mayor Duffy walked up to us and stood motionless, staring directly at Ms Taylor.

I (Cr Feyen) asked Mayor Duffy what he wanted. He said nothing and continued staring at Ms Taylor. I asked him again what he wanted. He replied that he wanted to know what we were talking about. I said it was obvious. It was about why we wearing safety gear. Mayor Duffy told us to "Get out". I responded: "Let's go outside" as the conversation had nothing to do with him. I heard Ms Taylor say something along the lines that she would talk to Mayor Duffy later. He then put his nose close to hers and his body language was intimidating as he said: "*Don't bother – your job is on the line.*"

We ask that this complaint be investigated by the Committee appointed to pursue another complaint and report back to Council in accordance with Council's Code of Conduct.

CODE OF CONDUCT

An objective of the code is to enhance:

- The credibility and accountability of the Council within its community

The Code of Conduct is based on general principles of good governance:

**Honesty and Integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance if such behaviour.

**Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office

**Openness:** Members should be as open as possible about their actions and those of the Council and should be prepared to justify their actions.

Furthermore:

The media plays an important part in local democracy. In order to fulfill this role the media needs access to accurate, timely information about the affairs of Council.

Cr Mike Feyen



Cr Ross Campbell



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# Code of Conduct Complaint - Councillor Tony Rush

File No.: 16/178

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## 1. Purpose

To provide advice to Council on a Code of Conduct complaint filed by Councillors Feyen and Campbell alleging a breach of Council's Code of Conduct by Councillor Tony Rush, including the process that Council is now bound to follow.

## 2. Recommendation

- 2.1 That Report 16/178 Code of Conduct Complaint - Councillor Tony Rush be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That Council resolves to investigate the alleged breach of its Code of Conduct by Councillor Rush.
- 2.4 That the Chief Executive recommends to Council that Ms Jenny Rowan and Mr Doug Rowan comprise the Code of Conduct Committee.

## 3. Issues for Consideration

- 3.1 Councillors Feyen and Campbell have filed a Code of Conduct complaint against Councillor Rush, with documentation handed to the Chief Executive at the Council Meeting of 6 April 2016.
- 3.2 Council's Code of Conduct advises, following receipt of a written complaint, consideration is then to be given to whether the matter is to be pursued.
- 3.3 Council is required to determine whether it wishes to pursue the matter, and if it does, in accordance with Part 4 of Council's Code of Conduct, the alleged breach will be referred to a Committee appointed by Council. The Code of Conduct provides for a Committee made up of the Mayor, Deputy Mayor and one member of the public with appropriate expertise.
- 3.4 The Code also highlights that should there be any doubt as to the neutrality of those investigating and/or adjudicating the Code of Conduct complaint, alternate members of the Committee will be considered.
- 3.5 Because of possible issues with regard to neutrality, a Committee made up of external appointees is recommended.
- 3.6 The appointed Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the Committee will notify the elected member in writing of the complaint and explain when and how they will get the opportunity to put their version of events.
- 3.7 If Council passes a resolution to investigate the allegation, the Chief Executive recommends to Council appropriate that Ms Jenny Rowan and Mr Doug Rowan comprise the Code of Conduct Committee. Following the make-up of the Committee being approved, an appropriate date for the first meeting will then be arranged. Meetings of the Committee will be held in a public excluded environment, albeit any subsequent resolution of Council in relation to the matter will be publicly notified.

## Attachments



No.	Title	Page
A	Code of Conduct Complaint - Tony Rush	

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



6 April 2016

Mr David Clapperton  
Chief Executive  
Horowhenua District Council

Code of Conduct Complaint

We are hereby filing a formal complaint against Cr Tony Rush for his conduct during a Horowhenua District Council meeting that took place on Wednesday 2 March 2016.

During a debate, Cr Rush stated: "We don't trust you. We don't respect you. We don't even like you. Goodbye."

We ask that this complaint be investigated by the Committee appointed to pursue another complaint and report back to Council in accordance with Council's Code of Conduct.

CODE OF CONDUCT

An objective of the code is to enhance:

- Mutual trust, respect and tolerance between the elected members as a group

Elected members will conduct their dealings with each other in ways that:

- Focus on issues rather than personalities
- Avoid aggressive, offensive or abusive conduct
- Show respect for each other

Cr Mike Feyen



Cr Ross Campbell





## MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

### 16/239 Code of Conduct Complaints - Cr Campbell; Mayor Duffy & Cr Rush

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

### AND FURTHER

THAT the decisions reached during the public excluded section of the meeting be made public.”