**Franklin Local Board**

**OPEN ATTACHMENTS**

**ATTACHMENTS UNDER SEPARATE COVER**

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**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Mark transverse bar markings up to centre of road if there is no centreline

Mark transverse bar markings up to edge of seal if there is no edgelines
**Attachment B**

**Item 11**

**PW-1**
ADVANCE WARNING STOP SIGN WITH SUPPLEMENTARY DISTANCE AHEAD SIGN

**PW-2**
ADVANCE WARNING GIVE-WAY SIGN WITH SUPPLEMENTARY DISTANCE AHEAD SIGN

**PW-9**
INTERSECTION CROSSROADS JUNCTION CONTROLLED PRIORITY ROUTE STRAIGHT AHEAD SIGN

**PW-17**
CURVED ARROW WARNING SIGN MODIFIED WITH SIDE ROAD STICKER WITH SUPPLEMENTARY SPEED "__" SIGN. (LEFT OR RIGHT)

**RG-5**
"STOP" SIGN

**RG-6**
"GIVE-WAY" SIGN

---

**General Notes:**
1. Location of signs to be inspected on site by a traffic engineer. All new signs to be clearly visible and must not obstruct any driveways.
2. All dimensions are nominal unless specified otherwise.
3. Measurements and set-in are times to be checked on site by engineer prior to construction.
4. Signs to have at least 300mm clearance from road face 900mm clearance from approach edge.
5. Signs to have minimum 900mm vertical clearance in rural areas of can be reduced by 300mm for speed
6. Signs to be specified in accordance with "Standard" manual.

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**Scheme Design**

**Typical Signage**

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**Auckland Transport**

**Proactive Rural Road Intersection**

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**Project No.: T18041**

**Drawing No.: C002**

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*Additional information about the project and sign specifications are provided in the document.*
# Facility Partnerships Policy

**High level summary of key proposed policy positions**

| **A focus on shared outcomes** | When selecting, managing and evaluating partnerships, we will prioritise the outcomes delivered (i.e. community benefits), not just the outputs (e.g. a new building).  
We will partner based on aligned values and a shared vision.  
We will only enter facility partnerships to develop an asset where an asset-based solution is essential to delivering the outcomes. |
| **Recognise, value and honour Te Ao Māori** | We will enter facility partnerships with Māori that align with Treaty Principles and provide for tino rangatiratanga.  
We will acknowledge the special significance and role of marae. |
| **Multiple models, fit-for-purpose arrangements** | We will provide clear pathways for a variety of partners, facility types, partnership structures and investment mechanisms.  
We will ensure our processes and requirements take account of each individual partnership's scale, complexity, risk and the partners' capability. |
| **Proactive and Responsive partnership tracks** | 'Proactive' partnerships: Council will seek partnerships through an open tendering process to address network gaps.  
'Responsive' partnerships: Council will also consider partner-initiated funding requests at set times to feed into the Annual Plan. |
| **Investment principles to shape eligibility and priorities** | We will take a principled approach to facility partnership investment decisions, and invest strategically, equitably, wisely and sustainably.  
We will invest in existing spaces in preference to building new facilities.  
We will support businesses/commercial activities playing a role in enabling facility partnerships in certain circumstances. |
| **Valuing (and costing) in-kind support** | We will estimate the value of 'in-kind' investment on both sides (e.g. use of council land, volunteer effort) to support better assessment of costs and benefits.  
Access to council expertise can be critical to our partners' success. Where necessary we will build capability support into business cases. |
| **Greater focus on the partnership relationship** | We will resource quality relationships over time, acknowledging these are foundational for successful partnerships.  
We will allocate a lead relationship broker to every partnership to ensure joined-up support and a better partnering experience. |
| **Acknowledge the complexity of developing and managing assets** | We will ensure community partners are well-equipped and/or supported to design, build, operate and maintain quality facility assets.  
We will ask better questions and involve subject matter experts earlier to support decision-making and reduce wasted effort on both sides. |
Draft Facility Partnerships Policy

June 2018
A facility partnership is...

Where Auckland Council invests in community facilities owned or operated by others, so Aucklanders can access more of the quality facilities they need, faster and more cost-effectively.

Community facilities are...

Places and spaces where Aucklanders can participate, play, learn, share, improve their health and wellbeing, celebrate and belong. They include...

- Community centres, hubs, halls and mobile facilities and special purpose facilities (e.g. youth centres, men’s sheds)
- Marae and cultural centres
- Libraries
- Arts centres and performing arts centres
- Indoor sports centres like multi-sports centres, swimming pools, leisure centres, indoor courts / gymnasiaums
- Outdoor facilities like sports fields, skate parks, playgrounds, splashpads and outdoor courts
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1. The purpose

Why we have facility partnerships

Through facility partnerships, the council may invest in tangible things, like buildings, equipment, staff salaries and services. But what we are really investing in is the short, medium and long-term benefits these things will deliver: ultimately, a better quality of life for our communities.

We provide facilities not for their own sake, but for what they enable people to do and achieve, and because they make Auckland a better place to live. Community facilities contribute to building strong, healthy and vibrant communities and foster belonging and pride. They are an important part of realising the vision for Auckland as a ‘world class’ city. The council has already set a number of specific priorities around the outcomes that Aucklanders most need and want to see delivered through facilities.

We seek facility partnerships because they can enable the council and the community to provide more of the facilities Auckland needs, faster and more effectively. This aligns with our obligations under The Local Government Act, which requires the infrastructure we deliver to meets current and future needs, in a way that is most cost effective for households and businesses.

Given that these outcomes and benefits are the purpose of facility partnerships, they’re an important factor in our selection, management and evaluation of facility partnerships.

At the selection stage, a focus on outcomes helps decision-makers target the council’s limited investment where it can have the biggest impact.

At the management stage, the outcomes we’ve agreed will help staff work with facility partners to shape provision, and target access to those the facility is intended to benefit. These outcomes also help us monitor the facility (and the services and activities it enables) throughout its life.

During regular evaluation, we and our partners will be assessing if the benefits we wanted have been realised, and reflecting on the experience of the partnership itself.
We provide facilities because...

They benefit Aucklanders

Supporting local community identity, pride, belonging, participation and improving people’s wellbeing
- e.g. Auckland Plan, Thriving Communities, I am Auckland, Toi Whakatū

Helping Aucklanders to be more active, more often
- e.g. Auckland Plan, Sports and Recreation Strategic Action Plan

Helping to make arts and culture part of our everyday lives
- e.g. Auckland Plan, Toi Whakatū

Valuing Te Ao Māori and enabling Māori aspirations
- e.g. Auckland Plan, Thriving Communities, I am Auckland, Toi Whakatū, Sports and Recreation Strategic Action Plan

Enhancing and protecting our natural environment and our built and cultural heritage
- e.g. Auckland Plan, Unitary Plan

Facilities enable a wide range of social, cultural, environmental and economic outcomes that benefit the community, including:

“We have a lot of new migrants in our neighbourhood. We needed somewhere welcoming for them to go to meet new people and learn about life in Auckland. It helps to bring the community together.”

“My teenagers play sports down there - it’s good for their fitness and confidence, and it helps them learn respect and teamwork. And keeps them out of trouble - there wasn’t much to do round here before!”

“Having the art centre is great for the town - they run lots of classes there, and it’s made the whole place feel more vibrant and alive. Well, you can see - the art has spilled out onto the streets!”

“We run programmes at the marae that improve people’s lives; that build mana and connection with culture. Māori feel more comfortable here; most don’t go to the community centre.”

“The community gardens have really improved the environment down there, and I think it’s changed how people feel about the reserve. They’re growing native seedlings there to replant along the stream banks, and people aren’t dumping rubbish in the stream anymore.”
We seek facility partnerships because they enable us to...

Leverage

- Partnerships can leverage external investment, infrastructure and effort to deliver better community facilities and spread their cost between more stakeholders. This is critical in a context of financial constraints, growing demand, scarce land and increasing construction costs.

- The council, community and sector organisations, iwi, businesses, government agencies and other funders each bring unique and complementary knowledge, skills, networks and strengths to the table.

Empower and enable

- Partnerships are a way for the council to empower and enable communities and build their mana, prosperity, resilience, skills and capacity.

- Partnerships are a tangible way to meet our Treaty of Waitangi obligations to work in partnership with Māori, which go beyond our role relative to other sectors of the community. By supporting Māori-led facilities, we show respect for Māori mātauranga (knowledge), manaakitanga (hospitality) and kaitiakitanga (guardianship).

- Auckland is becoming super-diverse, and community-led, Māori-led or sector-led facilities may be more effective at meeting needs than a council-funded alternative.

Optimise

- Partnerships can optimise space and maximise investment, by bringing together multiple groups to share one facility, or by brokering new life into existing assets that the community already use and value, instead of building new ones.

- Investing in partnerships may not require building bricks-and-mortar assets, which reduces financial pressure and delivers a flexible network that can respond faster to growth and change.

"The school has offered the land for the new centre, the council is managing the design and construction, the sport trust has signed up a major donor, and local businesses are providing building materials at cost. And the local community is going to get an incredible facility!"

"Our organisation has a reputation in this community that stretches back decades. We know all the service providers, and can help people get the support they need. But we really value the council’s technical expertise around managing buildings, and the legal and accounting side of things."

"Our group started as a few volunteers wanting to reduce crime in our town centre, but we ended up registering as a charity and working with local youth, rough sleepers and the long-term unemployed. The men’s shed is going to really enhance the work we can do, but it’s a big step for us."

"Our users said they didn’t visit the council centre because their English was poor and they felt embarrassed. We offer much the same services and activities, but they are among people of a similar age and cultural background, and they can practice their English together."

"We welcome everyone who wants to come here - thousands of people do, every year - and we will manaaki our visitors as we always have done. But we would welcome greater council recognition of our role. Funding is a huge help, but for us the relationships and respect are just as fundamental."

"We seek facility partnerships because they enable us to..."
We need a facility partnerships policy for...

**Clarity**

Policy helps develop a shared understanding of partnership, through:

- Establishing clear and consistent language around partnerships
- Setting out why, when and how we will partner, including being both more intentional and more responsive in our partnering with Māori
- Better differentiation of the different types of partnership, reflected in fit-for-purpose decision-making pathways and processes that are proportionate to their scale and risk.

**Strategic decision-making**

Given limited resources, policy helps us partner more strategically, by:

-Aligning our partnerships investment to existing strategies, policies and plans, with a focus on addressing the greatest needs first
- Ensuring we consider the costs and opportunity costs, downstream benefits and savings, trade-offs and risks before making decisions.
- Ensuring we’ll see evidence of the outcomes we’ve invested in and the value that’s been delivered, while recognising partnerships can benefit communities in multiple ways.

**Sustainability**

Policy commits us to investing and supporting for success, by:

- Requiring ongoing costs and a realistic business and operating model to be identified, ensuring partners are able to run and maintain safe, quality facilities to the standards the community expects
- Setting realistic expectations of partners and partnerships, ensuring we consider and cost support needs upfront and ‘pay to strengths’
- Treating partner relationships with the care and seriousness they deserve, including coordinating our support and advice within council to ensure a consistently good experience for partners.
Where does the facility partnerships policy fit?

Auckland Plan
Local Board Plans

Outcomes
What is the vision?
What specific outcomes do we want for different populations, sectors, places, activities?
What is our role in delivering them?

Our role
What will success look like?

Priorities
What should council invest in, and where, to deliver these outcomes?
What are the priorities, to address needs and gaps?

Delivery
Will we deliver the outcomes by providing land, facilities or services, or a combination?

Budget
How much will we invest in the outcomes?
How will we allocate:
Capex (for assets)
Opex (for everything else)

Mechanism
How will we enable the community and the market to deliver the outcomes, alongside direct council provision?

Attachments
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23 October 2018
Facility partnerships and Te Ao Māori

Building on our founding partnership: Te Tiriti o Waitangi

Te Tiriti o Waitangi/the Treaty of Waitangi is our nation’s founding document and recognises the special place of Māori in New Zealand.

Auckland Council is committed to engaging and working with Māori in ways that are consistent with the Treaty Principles. This includes supporting delivery of services by Māori for Māori, based on Te Ao Māori values and practices.

Facilities contribute to Māori well-being by providing spaces to connect, socialise, learn, participate in and celebrate Māori identity and culture. Partnerships enable the council and Māori to share mārae, maturanga and resources to support Māori aspirations and deliver Māori outcomes. Facility partnerships provide a way to jointly deliver Māori outcomes through mārae, facilities, and other spaces and places.

Delivering Māori outcomes through facility partnerships

Supporting Māori values / directions

• Whanaungatanga / Develop vibrant communities
• Rangatiratanga / Enhance leadership and participation
• Manaakitanga / Improve quality of life
• Wairuatanga / Promote distinctive identity
• Kaitiakitanga / Ensure sustainable futures

– The Māori Plan for Tāmaki Makaurau

Promoting Māori identity and wellbeing

• Advance Māori wellbeing
• Promote Māori success, innovation and enterprise
• Recognise and provide for Tiriti o Waitangi outcomes
• Showcase Auckland’s Māori identity and vibrant Māori culture

“Kaupapa Māori and Māori-led organisations... continue to be critical to delivery of appropriate and effective services for Māori... Actively partnering with others is a key mechanism for Auckland Council to support Māori identity and wellbeing.” – The Auckland Plan

Māori outcomes through arts and culture

• Promote and develop marae as regional cultural hubs
• Promote Māori art and culture, locally and internationally through the development of Māori cultural centres

“Māori culture is ‘Auckland’s point of difference in the world’... we are proud of Māori cultural identity and celebrate it.” – Toi Whakawāhī - Arts and Culture Strategic Action Plan

Māori outcomes through sport and recreation

• Health and wellbeing for Māori
• Value Te Ao Māori

“We will acknowledge the special role of Māori and enable participation in decision-making, to build lasting reciprocal relationships and improve physical activity outcomes for Māori... This will be achieved through working in partnership with iwi and appropriate organisations.” – Auckland Sport and Recreation Strategic Action Plan
**The Treaty Principles / Te Tiriti Mātāpono**

Treaty principles have been recognised and expressed by the Waitangi Tribunal and a range of Courts – the Privy Council, Supreme Court and High Court. The principles bridge the two texts of the Treaty, focusing on the intent of the Treaty and the future.

The Treaty Principles will help guide how the council and Māori work together to establish, shape and manage facility partnership arrangements.

Relevant principles for facility partnerships include:

- **Rangatiratanga** – the duty to recognise Māori rights of independence, autonomy and self-determination, including the capacity of hapū, mana whenua and mataawakā to exercise authority over their own affairs. This principle enables the empowerment of Māori to determine and manage matters of significance to them.

- **Partnership** – the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.

- **Active protection** – the duty to proactively protect the rights and interests of Māori, including the need to proactively build the capacity and capability of Māori.

- **Ōiitetanga / mutual benefit** – to recognise that benefits should accrue to both Māori and non-Māori, to enable both to participate in the prosperity of Aotearoa, giving rise to mutual obligations and benefits. Each needs to retain and obtain sufficient resources to prosper, and each requires the help of its Treaty partner to do so. This includes the notion of equality (for example, in education, health and other socio-economic considerations).

- **Options** – recognising the authority of Māori to choose their own direction, to continue their own tikanga (customary practice) as it was or to combine elements of both and walk in both worlds. This principle includes recognition of Māori self-regulation.

- **The right of development** – the Treaty right is not confined to customary use or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taonga (treasured items).

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**Applying the Principles**

We will seek facility partnership opportunities and arrangements with Māori that:

- Recognise Māori rights of independence, autonomy and self-determination.
- Actively build the capacity and capability of hapū, mana whenua and mataawakā.
- Are a shared enterprise, offering mutual benefit to Māori and non-Māori.
- Take account of the needs and interests of Māori partners, and ensure our needs and interests are clear to Māori looking to partner with us.
- Help to achieve equality of outcomes for Māori.
- Assist Māori in the development of their properties and taonga.
- Respect Te Ao Māori and Māori tikanga, including:
  - accommodating Māori decision-making processes and structures.

Further, we will:

- Acknowledge Māori hold a long-term holistic view of the world, where values and relationships are paramount.
- Acknowledge that individual partnership arrangements need to align with the kaupapa and aspirations of individual hapū, marae or Māori organisations.
- Welcome partnership discussions with marae and Māori facilities already serving their communities, to explore how the council can ahui (support) their activities.
Facility partnerships with marae

We recognise marae as focal points for Māori social, cultural, and economic development.

Marae are specifically identified in the Community Facilities Network Plan as potential partners.

Marae in Tamaki Makaurau may be mana whenua, mataawaka or taaurahere, large or small, rural or urban.

Some are primarily gathering places for their iwi or hapu, others are situated within school, church and institutional settings.

Many play a broader community role, hosting a holistic range of activities including:

• papakāinga and emergency accommodation
• formal and informal gatherings
• language and cultural instruction
• Māori arts and cultural activities
• health and wellbeing centres
• community and rongoā (medicinal) gardens
• whānau-centred social services

Marae have distinct characteristics that facility arrangements will acknowledge and reflect.

Marae are unique.

Marae are inseparable from their whenua, their tūpuna, their people and their history.

The word ‘facility’ doesn’t fully express their unique role, or recognise the integral practice of manaakitanga.

Marae are taonga.

Marae have mana; they are a taonga. Marae have specific tikanga that must be followed to uphold their mana.

Marae also contain many taonga, especially in their whenua, and some have pā or uru pā on their sites that are off-limits for visitors.

Marae are turangawaewae.

For Māori, marae are their home and a place to stand, and their needs must take precedence.

Marae may be required by iwi, hapu and whanau at short notice – e.g. for tangi – and can’t be available to the community at these times.

Mana whenua: Māori with territorial rights in Tamaki Makaurau, who belong to and derive power from the whenua (land), and who have authority and jurisdiction over the whenua or rahe (territory).

Mataawaka: Māori who are not mana whenua and have not retained their identity and links back to their tribal homelands. Mataawaka or ‘urban’ marae are pan-tribal, and welcome Māori of all affiliations, or none.

Taaurahere: Urban Māori who retain their identity and links back to their tribal homelands. Some taaurahere groups have whakapapa or historical links to particular sites in Tamaki Makaurau, and have received the blessing of mana whenua to develop marae there.

The council may partner with:

- Iwi and hapu
- Marae (mana whenua, mataawaka or taaurahere)
- Other whakapapa-based groups (where members descend from a common ancestor)
- Kaupapa-based Māori organisations (formed around a specific purpose)
- Tokiwā-based Māori organisations (focused on a particular place)
2. The model
Shaping facility partnerships

Facility partnerships are not ‘one size fits all’.

The council will consider a wide range of partnership arrangements, within broad parameters. The important thing is not a partnership’s size or shape, but whether it has the necessary ingredients to successfully and sustainably meet the community’s needs.

This section outlines the key decision-making and management stages in our process, and the building blocks of our facility partnership model: Tracks, Types, and Scales.

**TRACKS**

The tracks reflect whether the council or the partner(s) initiate the facility partnership, and how this impacts our investment and decision-making.

**TYPES**

Our four broad types of facility partnership are primarily differentiated by the ownership of the proposed facility, and how we invest in it.

**SCALES**

Our facility partnership scales reflect the project’s size and complexity, and will shape the level of planning and due diligence we and partners must undertake.
The facility partnerships lifecycle

All facility partnership proposals pass through the same overarching process decision-making process, but what happens at each stage will vary depending on the model of each individual partnership.

Staff will work with potential partners to establish their proposed partnership’s Track, Type and Scale, and develop a customised “road map” to help them anticipate the journey ahead.

Stage 1: Introduce & identify
- Outline the proposal at a high level and gauge support
  - Early conversations between council and potential partners to scope the facility idea, the outcomes it will deliver and likely investment required.

Stage 2: Strategic assessment
- Build the case for the proposed facility and partnership
  - Research the need or opportunity to provide an evidence base for the proposed facility and partnership, and make the case for investment.

Stage 3: Initiate / scope
- Scope the facility, the partnership and funding plan in more detail
  - Flesh out the proposal to outline a high-level facility specification, potential locations, likely governance and operating model and a business plan.

Stage 4: Plan & evaluate
- Make the business case for the project’s desirability, feasibility and viability
  - Prepare and cost facility concept plans, firm up the location, operating model and business plan, and undertake a cost/benefit analysis.

Stage 5: Detailed planning
- Prepare a detailed project and funding plan and partnership agreement for approval
  - Complete detailed project planning, confirming costs, funding and timelines, obtaining approvals and contracts and finalising legal arrangements.

Stage 6: Execute & deliver
- Execute the project plan, open the facility
  - Complete and sign off any capital works (build and fit-out or re-purpose and relit), open the new facility and formally celebrate the launch of the facility partnership.

Stage 7: Review / renegotiate
- Monitor and periodically review facility partnership over agreed term
  - Monitor and evaluate facility and partnership performance as agreed to ensure requirements are met. Appropriate support is available and outcomes will be delivered.

Low commitment / investment
- Facility Partnership Canvas
- Initial proposal
- Strategic assessment
- Needs assessment

Medium commitment / investment
- Full proposal
- Schedule of spaces, bulk and location plan (if applicable)
- High-level funding plan and business plan
- Feasibility study
- Business case(s)
- Facility concept plans
- Draft partnership agreement
- Final facility design
- Detailed project, funding and business plans
- Partnership agreement
- Performance agreement

High commitment / investment
- Project reports
- Performance reports
- Facility Partnership Review

Key Documents at each stage (actual documentation required will vary depending on the individual partnership).
**Is it a facility partnership?**

Auckland Council invests in community outcomes in a range of ways. These include operating facilities and services directly, supporting the community sector's delivery through grants, partnerships and leases, and procuring services from market providers. The table below shows where facility partnerships fit, and how they relate to these other key mechanisms for investing in outcomes.

<table>
<thead>
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<th>What is the council funding or providing?</th>
<th>Mechanism</th>
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<tr>
<td>Services only</td>
<td>Sports, arts or community services and activities, directly delivered by the council</td>
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<td></td>
<td>Council procures sports, arts or community services and activities from private sector providers</td>
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<td>Services and assets</td>
<td>Council-owned and operated sports, arts and community facilities</td>
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<td>Council procures community access to private sector facilities</td>
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<tr>
<td>Assets only</td>
<td>Parks, open space and non-staffed council facilities (e.g. venues-for-hire)</td>
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<td>Council properties (land and buildings) commercially leased by the private sector</td>
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<td>Who is leading delivery?</td>
<td>Council-led</td>
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Item 17
This diagram shows some of the particular characteristics or changes in circumstance that could trigger a move between a facility partnership and one of the four other investment mechanisms shown.
**Starting the partnering conversation**

Partnerships can be initiated by either the council or the partner(s). The Track a partnership starts on will impact the investment available, and when and how proposals will be accepted.

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<th>PROACTIVE TRACK</th>
<th>RESPONSIVE TRACK</th>
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<td>Council actively seeks potential facility partners through an open tendering process</td>
<td>A potential facility partner(s) approach council, which triggers a tendering process</td>
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**Funding**

- Fully or partially budgeted through the Long-term Plan
  - In-kind support may also be available
- Unbudgeted
  - In-kind or contestable funding support may be available

**Getting started**

- Starts with Community Facility Tender (EOIs) (Stage 2)
- Starts with early conversations (Stage 1)

**Progressing**

- Opportunities may be advertised and proposals progressed at any time of the year
- Stage 1 and 2: decisions to progress twice per year
  - Stage 3 and 4 proposals requiring funding: decisions to progress once per year
Proactive Track partnership opportunities are aligned to network gaps identified by the council in the relevant network and investment plans.

The council allocates budget to address high priority network gaps through the Annual Plan and Long-term Plan processes. When an indicative budget has been allocated to address a high priority gap, the council will identify those opportunities which may be suitable for partnership delivery, and release a Facility Partnership Tender to call for proposals from potential partners.

As these opportunities have been identified by the council through its own network planning processes, some aspects of the business case for a facility partnership on the Proactive Track will already be in place. These specifications will inform the Facility Partnership Tender, which begins with an Expressions of Interest round (Stage 2), followed by the preparation of detailed project plans and business cases for shortlisted proposals (Stages 3 and 4). Business cases for market and direct delivery options may be considered alongside partnership options.

In some cases, the council may have a specific gap where there are only one or two potential partners due to the nature of the location, activity or population being targeted. In these cases, the council may approach a partner or partners directly to explore the opportunity together.

Decisions to progress Proactive track proposals through the key gates in our decision-making process (Gates 2, 3 and 4) will be made by the relevant decision-maker at regional or local level.

Responsive Track partnerships are those where a partner identifies a gap or unmet need in their community or sector, and approaches the council for support.

By their nature, there is no ‘budget’ set aside for Responsive Track partnerships, and potential partners will have to do more upfront work to make the case for investment. This includes not only any funding that may be required, but also the staff resource to support the relationship over time.

If the investment required is significant, Responsive Track partnerships would need their regional or local decision-maker (as appropriate) to advocate for new funding through the Annual Plan or Long-term Plan process.

However, although funding is more limited for Responsive Track partnerships, decision-makers may still be able to commit other kinds of support - e.g. use of council assets, or support from staff – if they accept the idea has merit and meets a genuine community need.

Partners can initiate early conversations on the Responsive Track at any time (Stage 1). Responsive Track Proposals at Stages 1 and 2 will be assessed by staff twice per year, with decisions to progress to the next stage made by the regional or local decision-maker.

In some cases, the decision-maker may agree that the need identified in a responsive Track proposal is a priority, but want to initiate a wider tendering process to explore alternative ways of addressing it before committing to a specific partner or partnership.

Responsive Track proposals at Stages 3 and 4 that require funding will be assessed by staff once per year, prior to the Annual Plan, to enable unbudgeted funding requests to pass through approval Gates 3 and 4 as part of the Annual Plan process.
## Attachment B

### Item 17

**What the partnership will involve, and who owns the facility**

All facility partnerships will fit into one of our four broad types. The types are differentiated by the ownership of the land, and whether we are building new or working with an existing property.

<table>
<thead>
<tr>
<th>Type</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development partnership</strong></td>
<td>When the council partners with another organisation(s) to: Develop a new facility, or significantly upgrade an existing one, on land owned by the council.</td>
</tr>
<tr>
<td><strong>Asset partnership</strong></td>
<td>When the council partners with another organisation(s) to: Develop a new facility, or significantly upgrade an existing one, on land owned by a partner.</td>
</tr>
<tr>
<td><strong>Activation partnership</strong></td>
<td>When the council partners with another organisation(s) to: Activate a vacant or under-utilised council property as a community, arts or sports facility.</td>
</tr>
<tr>
<td><strong>Access partnership</strong></td>
<td>When the council partners with another organisation(s) to: Open up (or increase) community access to an existing facility owned and operated by a partner.</td>
</tr>
</tbody>
</table>

The facility partnership Type is significant to our decision-making process, because it will determine the:

- Need for funding, or committing the use of council assets (land and buildings)
- Whether we will be working with other funders / investors
- Steps we need to go through at each stage, including planning and consenting through the council’s regulatory arm
- Form and complexity of the legal agreements that will underpin the partnership
- Some projects may transition from one Type to another, through discussions, research and reformulating the proposal, or as new opportunities present themselves over time.

### Examples

- **Development partnership**
  - **New facility**
  - **Council land**
  - **E.g.** Five sports codes get together to develop an indoor sports centre on the site of an old squash club on a council reserve.

- **Asset partnership**
  - **New facility**
  - **Partner land**
  - **E.g.** New outdoor courts and playfields for community use are developed on school property owned by the Ministry of Education.

- **Activation partnership**
  - **Existing facility**
  - **Council land**
  - **E.g.** Artist studios and exhibition space are established in an empty council property.

- **Access partnership**
  - **Existing facility**
  - **Partner land**
  - **E.g.** A moroe is funded to provide bookable community space in a fast-developing rural area.
<table>
<thead>
<tr>
<th></th>
<th>Development partnership</th>
<th>Asset partnership</th>
<th>Activation partnership</th>
<th>Access partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>May be able to leverage other government / philanthropic funds towards capital development costs.</td>
<td>May be able to leverage other government / philanthropic funds towards capital development costs.</td>
<td>Majority of investment is in-kind, so lower upfront (cash) cost, reducing cost to ratepayers.</td>
<td>Provides a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers.</td>
</tr>
<tr>
<td></td>
<td>Should provide a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers.</td>
<td>Should provide a lower (cash) cost way to address a network gap compared with building a council facility, reducing cost to ratepayers.</td>
<td>Activates existing council property - often well-located with other community infrastructure.</td>
<td>Good option in growth areas with limited land available for facility development.</td>
</tr>
<tr>
<td></td>
<td>Activates existing council land - often well-located with other community infrastructure.</td>
<td>Can build on existing relationships with proven delivery partners.</td>
<td>Can build on existing relationships with proven delivery partners.</td>
<td>Suits partners with spare capacity looking to increase their use and revenue.</td>
</tr>
<tr>
<td></td>
<td>Opportunity to build capability and capacity of community organisations to meet their own needs, and leverage volunteer input.</td>
<td>Opportunity to build capability and capacity of community organisations to meet their own needs, and leverage volunteer input.</td>
<td>Opportunity to build capability and capacity of community organisations to meet their own needs, and leverage volunteer input.</td>
<td>Partner likely to be an experienced facility operator with proven track record.</td>
</tr>
<tr>
<td></td>
<td>Long-term network solution, as the asset will usually be vested to council at conclusion of partnership.</td>
<td>Low risk arrangement, either side can exit relatively easily.</td>
<td>Low risk arrangement, either side can exit relatively easily.</td>
<td>Opportunity to recognise role and build capability and sustainability of existing community facilities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Low risk arrangement, either side can exit relatively easily.</td>
</tr>
</tbody>
</table>
## Attachment B

### Item 17

<table>
<thead>
<tr>
<th>Development partnership</th>
<th>Asset partnership</th>
<th>Activation partnership</th>
<th>Access partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Challenges for this partnership type</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inexperienced partners may need substantial support to plan, design and build facility, and develop into facility operator role (funding and/or staff time)</td>
<td>Inexperienced partners may need substantial support to plan, design and build facility, and develop into facility operator role (funding and/or staff time)</td>
<td>Smaller partners may need substantial support to develop into facility operator role (funding and/or staff time)</td>
<td>Presumes existence of partners with desirable facilities + spare capacity</td>
</tr>
<tr>
<td>Reduces public open space (or other council land)</td>
<td>Multiple partners involved in funding, owning, managing, using asset and land can make decision-making more complex</td>
<td>Removes a property from another portfolio (e.g. venues-for-hire)</td>
<td>Property may not be fit for purpose (e.g. accessible) without upfront asset improvements</td>
</tr>
<tr>
<td>Additional steps in planning and consenting process where the council is the landowner</td>
<td>Tensions may develop between community and partner use over time (e.g. facilities on school land)</td>
<td>Property may not be fit for purpose (e.g. accessible) without upfront asset improvements</td>
<td>Tensions may develop between community and partner use over time</td>
</tr>
<tr>
<td>Can be complications if commercial activities planned to sustain facility operation, especially if land is held under Reserves Act</td>
<td>May not be a long-term network solution; community access not guaranteed past partnership term</td>
<td>Where capital work is required, council as property owner means additional steps in planning, consenting, procurement processes</td>
<td>Not a long-term network solution; community access not guaranteed past partnership term</td>
</tr>
<tr>
<td>If asset paid for by community, need clear governance, legal structure and exit strategy – as the landholder, ownership technically remains with the council</td>
<td>Activating a council property will impact already stretched maintenance and renewals budget</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The size, complexity and risk of the partnership

Allocating each facility partnership a ‘Scale’ is the main way we will ensure our requirements and influence over decision-making will be proportionate to the circumstances.

Fit-for-purpose process

Because no two partnerships are the same, it’s important to ensure that our assessment, decision-making and management processes and practices are fit-for-purpose, and will protect the interests of the council, our partners and our communities.

We won’t over-burden simple, low-cost, low-risk partnerships with excessive costs, processes and paperwork. But we will make sure that we fully investigate and monitor larger, higher risk and more complex partnerships that will receive significant public investment. This is about balancing our ‘empowering and enabling’ role with our obligations as a public entity.

The facility partnership Scale is significant to our decision-making process, because it will determine:

- the planning, financial planning and due diligence we will undertake, and expect partners to undertake
- the documents and evidence we will need to inform our decisions, and how in-depth these will need to be
- any council support available to help partners complete each stage and progress to the next decision gate
- who will make the decision at each gate, and how this will happen
- approximately how long each stage might take and any associated costs (e.g. consent fees, professional services)
- the level of risk management and monitoring we will require
- the level of benefits management and monitoring we will require.

Influence over decision-making

Ideally, all partners would invest equally in a facility partnership, hold equal power, and share the risks equally, but this won’t always be the case.

In most facility partnerships Auckland Council has been involved with, the council has been the biggest investor, taken on the most risk, and had the most at stake if the partnership or the facility were to fail.

We will expect a level of influence over key decisions that is proportionate to our level of investment and risk in the partnership, and the capability of our partners.

By ‘key decisions’, we mean those relating to:

- The facility’s location, size, design, construction and fit-out
- The facility’s operating model, financial management and key staff appointments
- The partnership’s legal structure, governance arrangements, and exit provisions.

Staff will work with partners during the early and middle stages of facility partnership development to shape governance and management arrangements that enable our agreed decision-making role.

Even where the council has a greater say in decisions, partners should still benefit from being in the partnership, and feel respected and supported in all of their dealings with us.
**Allocating Scale**

There are six determining factors that will determine a partnership’s Scale:

- Overall value of our investment over first 10 years
- Proportion of the total cost council is investing
- Complexity / complicating factors
- Level of risk to council
- Use of council assets
- Proven capability of partner(s)

**Different partnership proposals will sit at different points on the grid for each of the six factors.**

In assessing a specific facility partnership, we will use the highest scoring factor to determine the Scale.

The higher the Scale, the longer the project is likely to take, and the more costs partners should expect along the way.

<table>
<thead>
<tr>
<th>Factor / Scale</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall value of investment over first 10 years</td>
<td>&lt; $2m</td>
<td>$2m - $5m</td>
<td>$5m - $10m</td>
<td>&gt; $10m</td>
</tr>
<tr>
<td>Proportion of the total cost council is investing</td>
<td>Less than 20%</td>
<td>20% - 49%</td>
<td>50% - 74%</td>
<td>75% or more</td>
</tr>
<tr>
<td>Complexity / complicating factors</td>
<td>Low complexity</td>
<td>Medium complexity</td>
<td>High complexity</td>
<td>-</td>
</tr>
<tr>
<td>Level of risk to council</td>
<td>Low risk for council</td>
<td>Some risk for council</td>
<td>Medium risk for council</td>
<td>High risk</td>
</tr>
<tr>
<td>Use of council assets</td>
<td>Funding support only</td>
<td>Occupying an existing council building</td>
<td>Building on council land</td>
<td>-</td>
</tr>
<tr>
<td>Proven capability of partner(s)</td>
<td>High capability, excellent track record</td>
<td>Good capability, satisfactory track record</td>
<td>Adequate capability, some track record + professional support</td>
<td>Adequate capability, some track record</td>
</tr>
<tr>
<td>How we see our status within the partnership</td>
<td>Minority partner</td>
<td>Cornerstone partner</td>
<td>Primary partner</td>
<td>Guiding partner</td>
</tr>
<tr>
<td>Anticipated decision-making role</td>
<td>Partner(s) keep council closely informed of key decisions</td>
<td>Partner(s) consult council prior to key decisions</td>
<td>Council and partner(s) take key decisions together</td>
<td>Council guides key decisions in consultation with partner(s)</td>
</tr>
</tbody>
</table>
The ‘overall level of investment’ will include both capital (construction) and operational (overhead) costs calculated over the first ten years of the partnership. We will also take into account the market value of any assets made available to the partner.

Our ‘proportional level of investment’ will be calculated on the basis of council’s share of the total costs of the project over the first ten years of the partnership.

‘Complicating factors’ could include land status, zoning and condition, numbers and types of partners involved, and the proposed ownership, governance and management model for the new facility. Greater complexity may shift the project into a higher scale, even if the overall value is low.

Where the land or building involved is a council asset, the council has an even greater responsibility to safeguard the wellbeing and interests of the wider community, and consider how the facility partnership may impact them. Accordingly, we will expect to have more influence where council-owned assets are involved.

Our ‘level of risk’ will be assessed by council staff based on the specific circumstances of the partnership, the partners, the facility and the site.

Our ‘partners’ capability’ will be assessed primarily on the basis of their track record of facility delivery and/or service delivery at an appropriate level, and/or whether they have factored in the support of suitably skilled and experienced professionals.
Who makes investment decisions?

Auckland Council has two complementary decision-making parts. The two governance arms each have distinct decision-making responsibilities for facility partnerships.

The governing body...

Focuses on region-wide strategic decisions
Decides where and when the council will invest in the facility network to address gaps and respond to growth

- Develops regional strategies - e.g. for arts and culture, sport and recreation - that set outcomes and priorities for investment
- Sets budget envelopes for overall facility network, and any major facility investments or upgrades through the Long-term Plan
- Governs regional facility partnership relationships, funding or lease agreements and performance reporting

Local boards...

Make most decisions on local places, facilities and activities
May work together to support facilities that benefit several local board areas

- Set outcomes and priorities for local investment through local board plans
- Identify local facility needs and advocate for investment through the Long-term Plan
- Governs local and sub-regional facility partnership relationships, funding or lease agreements and performance reporting
- Allocate local discretionary funding
3. The investment

This section sets out the ways in which we and our partners might invest in facility partnerships, what kinds of partnerships we can invest in, and the principles that will guide that investment.

How the council can invest in facility partnerships

- Funding for operating costs
- Funding for capital development
- Use of a public building
- Use of public land
- Maintenance and renewals
- Staff support and technical expertise

Funding
- Capex and Opex
- One-off or ongoing grants, contracts and operating subsidies

Use of Assets
- Land Leases
- Building leases / licences to occupy
- Parking revenue earned from use of council assets

Support and Expertise
- Maintenance and renewals programme
- Wide range of expert support staff
- Contracted specialists / technical advice
- Brokering

How our partners can invest in facility partnerships

- Funding for operating costs
- Funding for capital development
- Use of land or a building
- Pro bono expertise
- Volunteer time
- Management & programme expertise
- Community insight and networks

Funding and Assets
- Partners' own financial contributors, including revenue from other activities (e.g. social enterprise)
- Grants and finance from other funders / lenders
- Use of partners' land and buildings

Voluntary contributions
- Fundraising in the community
- Pro bono professional services
- Unpaid governors (e.g. Board of Trustees)
- Volunteer labour (e.g. working bees)
- Donated or discounted materials

Professional expertise, community knowledge
- Facility management experience
- Service and activity expertise
- Community knowledge and contacts

We will value our 'in-kind' support to provide a more accurate picture of our investment.

Where a partnership includes investment 'in-kind' – e.g. free or very low-cost use of a council property, technical expertise or ongoing staff support – we will estimate the equivalent market value of the resource and include this in our calculations. We will encourage and support our partners to do the same.

This will enable the council to compare the true cost and value of different partnership options when making investment decisions, and when calculating the returns. In many cases we will want to compare in-house delivery, market provision and a range of partnership options before making investment decisions.
Our investment principles

We will take a principled approach to facility partnership investment decisions. These investment principles underpin our eligibility criteria and investment priorities.

We will:

**Principle 1**
**Invest strategically, based on outcomes:**
We will invest to deliver the outcomes outlined in our strategies, policies and plans. We will judge success based on the benefits delivered for communities on the ground.

**Principle 2**
**Invest to help achieve equity for all Aucklanders:**
We will invest to address known community needs and network gaps first. This is about enabling everyone to have access to good quality facilities regardless of their circumstances. Our investments will balance meeting the needs of existing and new communities, and communities of place, interest and identity. This may not mean the same levels or types of provision in every area.

**Principle 3**
**Invest wisely, to deliver the maximum value for Aucklanders:**
By value, we mean the services, activities and assets (outputs) and the social, cultural, economic and environmental benefits (outcomes) that a partnership will deliver. We will invest in those facility partnerships that provide the best overall return on investment.

**Principle 4**
**Invest for sustainability:**
We will seek investments that balance our desire to support community-led innovation, with the need to protect the council and the community from risk. We will only invest in facilities we're confident will be desirable to users, feasible to deliver and viable to operate. We won't enter partnerships unless we're confident we can commit to resource an ongoing relationship.
What the principles mean for eligibility

Facility partnerships may take a wide range of forms, reflecting their diverse communities and circumstances. The eligibility criteria for receiving council investment through facility partnerships reflect our investment principles, and our duties and obligations as a local authority.

Ineligible proposals won’t be progressed, although staff may be able to suggest alternative funding partners if the council can’t assist.

Principle 1

Investing strategically

We will only invest in:

1. Facility partnerships where the outcomes sought are a good fit with the council’s and the other partner(s)’ kaupapa (purpose) as set out in our strategies, policies and plans, and the partner(s)’ own vision, constitution, organisational strategy and/or business plan.

We won’t invest in facilities that:

2. Primarily deliver housing, education, health or other services that are the responsibility of central government. UNLESS the council is a minority investor alongside the relevant central government agencies AND we’re satisfied that our investment will support enhanced community, Māori, arts, sport or recreation outcomes in line with our responsibilities as a local authority.

Once operating, we expect all partnership facilities to be:

3. Non-discriminatory, physically accessible to people of all abilities, and in all other respects compliant with New Zealand (and applicable international) human rights legislation.
Principle 2

Investing equitably

We will only invest in:

4 Facilities that address identified facility network gaps or unmet community needs. We will consider the broader picture of provision when assessing ‘need’, including the availability of non-council facilities that are accessible and affordable to the same target users. Our definitions of community are not just place-based, but also encompass communities of identify and interest.

5 Facilities that will be open for use by the wider community. (Facilities may be purpose-built for a particular activity, but shouldn’t be exclusively for the use of the partner organisation(s) and their members, or their membership should be open to anyone who wishes to join).

We won’t invest in facilities that:

6 Are places of worship or other buildings with religious purposes, OR will offer services or activities in order to promote a religion.

7 Are political party offices OR will offer services or activities in order to promote a political cause.

8 Are, or include, commercial premises, unless certain conditions are met (see ‘Facility partnerships and commercial activities’ p.31).

Once operating, all partnership facilities must be:

9 Affordable, i.e. set their fees and charges at or below the level charged by similar community facilities.
Principle 3
Investing wisely

All facility partners must be:

13. A registered charitable organisation, OR agree to invest profit (beyond any agreed cap) back into the facility, or an approved community purpose.

We will only invest in:

14. Developing new facilities where we agree that a new built asset is essential to deliver the outcome, rather than a service, activation or access response.

15. Facility partnerships that we are confident will deliver the same level of service to the community over the same period compared with the alternatives.

a) AND at a lower total cost to ratepayers (accounting for all forms of support and investment over the life of the partnership, including any opportunity costs).

b) OR at a similar or higher cost than alternatives, but where additional value will be delivered in return (in line with other strategic priorities).

We won’t invest in facilities where:

13. Analysis shows it would be more cost effective for the council or partner(s) to deliver the facility directly, and there isn’t sufficient extra value gained to outweigh the costs.

Where the facility partnership will include capital works:

14. That are paid for by the council (in part or in full) or involve council-owned property, at any point during the term of the partnership, the procurement of goods and services must align with Auckland Council’s Procurement Policy.

Once operating, we expect all partnership facilities to be:

15. Safe, properly maintained and legally compliant for public use.

16. Willing and able to meet reasonable accountability and monitoring requirements.
**Principle 4**

**Investing sustainably**

**We will only invest in:**
- Facilities that we are confident will be **financially viable and sustainable** - i.e. have credible business models to meet establishment costs and ongoing operating costs (including any council investment).

**All facility partnerships must be:**
- Formally constituted organisations with a recognised legal structure.

**We won't invest in facilities that:**
- Have **joint ownership** (e.g., where the council would own one level, storey or area of a building or structure, and partner(s) would own another).
Facility partnerships and commercial activity

We recognise businesses and commercial activities can play a role in enabling viable facility partnerships, and we will support this in certain circumstances.

Council will actively encourage community partners to explore appropriate revenue generation opportunities to help them meet their ongoing operating costs. This could include commercial activities run directly by the partner (e.g. a gallery shop or a coaching programme), a concession run by a private operator (e.g. a café), or operating a social enterprise that supports the facility (e.g. a community garden).

The following conditions will apply to facility partnerships that incorporate commercial activities in their business model, including social enterprises:

1. We must agree that the proposed commercial activity complements the purpose of the facility, and will increase public use and enjoyment of the facility and/or the surrounding site.

2. The zoning of the land must allow commercial activity of the type proposed. OR the land can be re-zoned to allow it, and the relevant decision-maker must support this change (investment in the partnership will remain contingent on this re-zoning).

3. Any commercial activities related to the facility partnership must return all profits to offset the operating costs of the facility, or in the case of a concession run by a private operator, to pay a lease set at market rates.

4. Any surplus generated by commercial activities must be reinvested in the facility, or a community purpose approved by us.

Businesses can be co-investors in facility partnerships.

Council will consider co-investing in a partnership alongside businesses that want to sponsor or otherwise support facilities in their communities. In these cases, Auckland Council’s Strategic Partnerships Policy will apply.

Businesses can express interest in a facility partnership opportunity.

Proposals on the Proactive Track: Businesses can respond to a Facility Partnership Tender advertised by the council. If selected to proceed past the first (EOI) stage, the relevant sections of the Auckland Council Procurement Policy and processes will apply thereafter.

Proposals on the Responsive Track: Auckland Council’s Unsolicited Proposals Policy will apply where businesses approach the council about a facility partnership outside of the Facility Partnership Tender process.

Refer to ‘Proactive and Responsive Partnership Tracks’ in section 4: The Model for more information about the Tracks.

From time to time, the council may contract commercial enterprises to manage council facilities through a formal procurement process, with opportunities advertised in the usual way. These are not facility partnerships for the purposes of this policy.

*Unsure? See the diagram on the next page for what we mean by ‘social enterprise’.*
Using the principles to prioritise

In a growing city, with constrained funding and limited land and buildings available for community use, the council can’t support every facility partnership proposal we receive. Decision-makers will consider a range of factors to determine which partnerships will deliver the most benefits for Auckland – both financial and non-financial – and are the soundest choice.

We will prioritise some facility partnership projects over others, in line with the commitments made to Auckland, and with Aucklanders, in our existing strategies, policies and plans. We will identify the partnerships that are most likely to make an impact, in the areas Aucklanders have agreed investment is most urgently needed.

Our priorities directly align with our investment principles, and we expect all successful proposals will address at least one priority. Partnership proposals that meet multiple priorities will have a considerable advantage.

Principle 1
Investing strategically
We will target our investment towards facility partnerships that:

1. Will deliver priority outcomes in line with our existing strategies, policies and plans.
2. Are Māori-led, and/or help to celebrate Māori as Auckland’s unique point of difference in the world, and/or honour documented commitments to Māori made by the former councils in the Auckland region.
3. Will capitalise on opportunities presented by the development or transformation of areas of rapid growth and intensification.

Principle 2
Investing equitably
We will target our investment towards facility partnerships that:

4. Target underserved populations (communities of place, interest and identity).

Principle 3
Investing wisely
We will target our investment towards facility partnerships that:

5. Optmise use of the council’s or the community’s existing facilities and assets, including current facility partnerships that can make the case for further investment.
6. Are for multi-purpose facilities (i.e., which can be used for a broad range of activities), and/or bring together multiple organisations and groups, who would otherwise require separate premises.

Principle 4
Investing sustainably
We will target our investment towards facility partnerships that:

7. Can leverage other sources of income or investment, meaning the council will be covering less than 50% of the construction and/or establishment costs, and/or less than 25% of the ongoing operating costs.
8. Will develop facilities which are environmentally low-impact and sustainable in their design, construction and operation.
Boosting the likelihood of investment

Even after applying our investment principles, eligibility criteria and priorities, our funds and assets will still be oversubscribed. This page outlines other matters our decision-makers will take into account when choosing between partnership proposals.

Staff will look for the following when advising decision-makers:

**Principle 1**
Investing strategically

- Where the partnership will build the capacity, skills and resilience of the partner(s) and the community.

**Principle 2**
Investing equitably

- Where the proposed partnership would:
  - honour a historical commitment between the council and the partner(s) to work together,
  - significantly increase goodwill, confidence or trust in the council within the facility’s host community from a low base,
  - otherwise have a significant positive knock-on or ripple effect in the host community.

**Principle 3**
Investing wisely

- Where the partnership would secure a prime location for the facility otherwise unavailable or unaffordable to the council, and this location is likely to be a major contributor to its success.
- Where the partnership facility would likely be better used than a standard council-managed facility of the same type, because
  - the partner(s) have an established reputation with the local community,
  - have better access to the facility’s intended users than the council, and/or are better positioned to provide locally or culturally appropriate services.
- Where one or more partners (including the council) feel they’d need to control the majority of decisions, to an extent that is disproportionate to their level of investment and risk.

**Principle 4**
Investing sustainably

- Where the partnership would leverage an established working relationship between the council and the partner(s).
- Where the partnership would attract significant volunteer input, pro bono expertise, or discounts on goods or services for the facility which are otherwise unavailable to the council.
- Where each partner’s proposed roles and responsibilities reflect their individual strengths.
- Where the proposed partnership is ‘win-win’ and will provide clear mutual benefit for all parties, without undue workload, pressure or risk falling on smaller partners.
- Where there’s either no ability or no desire to adjust the partnership – e.g. its structure, deliverables, investment levels – if circumstances change, or initial expectations prove unrealistic.
4. The relationship

Partnerships may be agreed between organisations — but ultimately, they are formed between people. Relationships are what make partnerships different to contracts, and lift the commitment between partners above a transactional arrangement.

Quality relationships are foundational for a healthy facility partnership: they set the tone for all of the work the partners do together, and are the springboard for any future collaboration. Good relationships are built on trust and good faith, mutual understanding and mutual respect. Good relationships can only be built over time and require ongoing effort.

Auckland Council has committed to taking an Empowered Communities Approach when entering relationships with community-led organisations and projects — including facility partnerships. An empowered community is one where individuals, whānau and communities can influence decisions, take action and make change happen about the issues that matter to them.

The council’s Empowered Communities Approach is based on principles of equity, inclusion and collaboration, and aligns closely with our commitment to realise Māori aspirations and outcomes. Our partnering principles provide guidance to council staff about how to work in ways that are more empowering of communities.

Our partnering principles

Auckland Council will resource and treat facility partnership relationships with the care and commitment they deserve. This commitment to quality partnership relationships means we will:

1. Be open, honest and upfront with our partners (and potential partners) about what we can and can’t commit to and why, and follow through on the commitments we make. We will communicate regularly with our partners, and keep each other in the loop.

2. Take responsibility for ‘partnering on the inside’, acknowledging the council’s size and complexity can make us difficult to partner with. We will prioritise continuity in our relationships, and actively manage the transitions when key people change.

3. Factor in adequate frontline and specialist staff support as part of the business case for any new facility partnership.

4. Recognise and value partners’ financial and non-financial contributions, and the risks all parties take by working in partnership. We will agree roles and responsibilities that play to our strengths, and allow all partners to meaningfully participate in decisions.

5. Support our partners in a way that builds capability in both directions: building the capability of our partners to do things for themselves, and of our own people to work alongside them.

6. Seek to respond together to any challenges we encounter, with formal dispute processes only used as a last resort. We will seek to work through any issues related to differences in our working style and culture.
Potential facility partners
Many different organisations and groups could play a role in providing or investing in facilities for Auckland:

Potential future facility partners for Auckland Council include:

- National and regional organisations in the community, arts and sports sectors
- Iwi bodies, marae and kaupapa Māori organisations
- Tertiary institutions and schools
- Local trusts, societies, cooperatives, groups and clubs
- Facility development trusts (set up to enable smaller organisations to collectively fund, develop, govern and manage a shared facility)
- Social enterprises, or other commercial organisations delivering community outcomes

Potential future co-investors in facility partnerships include:

- Business Improvement Districts (BIOs)
- Government ministries and departments
- Funding agencies / philanthropic bodies
- Post Settlement Governance Entities (PSGEs)
- Private, corporate and philanthropic entities

Our partners’ people can include:

- Boards of Trustees and Boards of Directors - may be paid or volunteers
- Kaumatua, iwi or hapū liaisons
- Management committees for smaller organisations, usually volunteers
- Management staff - e.g. chief officers, directors, general managers and facility managers
- Frontline staff - e.g. reception staff, coordinators, teachers, coaches, maintenance and cleaners - paid or volunteers
- Consultants, lawyers, accountants, fundraisers or other contracted professionals
Council support for facility partnerships

The council family includes a range of skilled and experienced staff, each of whom helps to support facility partnerships in different ways. No one group of staff can provide quality support and advice on their own – we need everyone on board to do this well.

Staff involvement includes:

- Having early conversations with potential partners, co-investors and council decision-makers
- Helping to prepare and assess facility partnership proposals and plans, and making recommendations to decision-makers
- Giving technical, financial and legal advice to partners and decision-makers, helping partners to navigate council processes and systems
- Helping to design, plan, cost, consent and project manage facility partnership building projects
- Nurturing relationships with partners and managing funding and lease agreements once a facility is operational
- Helping to build the capacity and capability of partners, when needed
- Evaluating and reporting on the benefits delivered through facility partnerships

Working directly with partners

Supporting frontline staff & elected members

Our partners

Our elected members

Locally focused advisors e.g. local board staff, local community advisors, council iwi Liaisons, brokers

Trust boards, directors, management committees

Customer service staff e.g. Call centre & service centre staff

Facility managers, partnership managers & other key staff

Land, building & asset staff e.g. lease advisors, maintenance staff and contractors

Iwi & Heupi

Coaches, tutors, community users & volunteers

Legal, risk & financial advisors

Specialist staff e.g. arts and culture advisors, sport & recreation advisors, librarians, kaiwhakātira, heritage advisors

Infrastructure, planning & consents advisors

Communications & engagement advisors

Policy, strategy & research advisors
Our roles and responsibilities

The council is a large and complex organisation, with many different roles it must play simultaneously.

These include regulatory / kaitiaki roles, and empowering / awhi roles. These roles may sometimes be in tension, or even direct conflict.

We can’t avoid this complexity, as each function and role we play is an important part of serving Auckland. But there will be limits to what we can do through partnerships, what we can do with or for our partners, and what our partners can do themselves.

In particular, the council must always:

- Keep people safe
- Ensure we and others comply with the law, and are seen to do so
- Act in ways that are consistent with our duties as a local authority and kaitiakitanga, and in alignment with our own policies and plans
- Balance competing interests among communities of place, interest and identity
- Set out to allocate scarce resources fairly, transparently, and for maximum benefit.

To help manage any tension between our roles we will:

- Be upfront: we will acknowledge, discuss and actively manage tensions as they arise, accepting that in some cases finding common ground will not be possible
- Be coordinated: where our different roles are in tension internally, we will try to ensure this is flagged early and resolved, before (further) commitments are made or work progressed
- Champion where we can’t act: sometimes, we may not be able to partner ourselves, but if we strongly support the kaupapa, we can help bring together others who can.

Lead relationship broker

We know that the council’s large size and complexity as an organisation can make it difficult for partners to build relationships with. Every facility partnership will be allocated a lead relationship broker within the council.

This person:

- Will establish a relationship with the key people in the partner organisation
- Will be the first port of call for the partner(s), elected members and other council staff interacting with the partnership
- Is responsible for assisting the partner(s) to navigate council processes and systems, and accessing and/or coordinating advice from the ‘virtual team’ of specialist and technical staff involved in each facility partnership
- May change over the lifecycle of the partnership, but where this needs to happen the transition will be carefully managed

Will maintain an up-to-date file of key information about the facility partnership
5. The agreement

Clarifying and formally documenting the legal arrangements relating to the facility and the partnership is an important way to protect the short, medium and long-term interests of all parties.

Facility partnerships are some of the most complex arrangements we enter into, because they cover physical assets, often big investments and usually long periods of time - sometimes generations. The financial stakes are higher, the potential risks are greater, the considerations are more technical, and every choice carries an opportunity cost.

The graphic at right identifies a number of aspects relating to the legal side of facility partnerships, which underpin the formal arrangements Auckland Council can make with our partners and protect everyone’s interests.

As no two facility partnerships are the same, the specific legal considerations will vary between projects. Staff will consult with our in-house legal team and ensure partners and decision-makers understand the potential implications of individual proposals from Stage 2 onwards. All parties must fully investigate and resolve the legal dimensions of a facility partnership to their mutual satisfaction before entering any formal agreement at Stages 3 or 4.

Our ethical practice principles
Auckland Council will run an ethical, prudent and inclusive facility partnerships programme. This means we will:

1. Be accountable for how we invest public money in facility partnerships and how we show the return on that investment, and require our partners to do the same.
2. Only take justifiable risks: we will balance our desire to support high-potential, community-led innovation, with our need to prudently invest public funds and protect the council and the community from risk.
3. Seek prior legal advice and formally document all facility partnership commitments and agreements (and any subsequent material changes), to ensure clarity for all parties.
4. Act fairly and transparently: we will be open and honest, and aim to balance the needs and interests of everyone involved in or impacted by facility partnerships.
5. Be inclusive in our intent, our processes and requirements, our decisions and our behaviour. We will work with partners who value inclusion and diversity.
6. Have a culture of seeking feedback, listening, reflecting and continuously seeking to improve, and we will encourage our partners to do the same.
Legal considerations

Organisational types
Auckland Council has specific rules and practices around partnering with some types of organisation - e.g. facility trusts, social enterprises, other types of commercial organisation and schools.

Partnership and facility management structure
The council, partner(s) and co-investor(s) will need to agree and document arrangements for the funding, ownership, governance and operation of the facility. This will include negotiating levels of partner and community access, identifying and mitigating conflicts of interest, agreeing on how the partnership will be wound-up, and if there will be options for early exit.

Financial obligations
Many facility partnerships will involve council grants or contracts for services as part of their funding model. These may be paid out in advance in installments, or as the project hits key milestones. Different types of payments have different tax obligations and accounting requirements.

Leasing council property
Partners establishing a facility in a council building will require a commercial lease, community lease or licence to occupy the property. Lease negotiations will include expectations and arrangements for property maintenance, renewals, and improvements, and any sub-letting or co-tenancy arrangements.

Leasing council land
A partner-owned facility built on council land will require a ground lease, with provisions made for renewing the lease, vesting assets to council or remediating the land at the end of the lease.

Managing risk and disputes
The council and partners will need to identify a range of possible risks early on, monitor these as the partnership proposal progresses, and actively manage them once the facility becomes operational. Partnership facilities will need to be fully insured and legally compliant for public use, with clear operational policies, clearly defined liability and a process for managing disputes.
6. The facility

Land and building considerations

As an experienced facility provider, we understand how much is involved in planning, designing, constructing, running and looking after built assets that will do the job they’re built for, endure thousands of hours of community use, weather and all sorts of change in and around them – year in, year out.

This can be complex, specialised and expensive work. In entering facility partnerships, the council and partners will need to navigate both land considerations (planning, leasing and technical aspects), building considerations (design and construction, leasing, operation and maintenance). As no two facility partnerships are the same, the specific considerations will vary between projects.

We don’t develop community facilities for their own sake, but for what they enable people to do and achieve. We enter facility partnerships to enable activities where a physical space and/or built asset is an essential ingredient, and where this is currently missing.

If the space or asset isn’t critical or is already available, then a service-based solution – such as a new programme in the library, at the mall, or on the internet – might meet the need just as well as developing a new facility, and more cost-effectively. That’s why we will always look for service solutions first, which could include a facility partnership through our Access partnership model.

However many facility partnerships will involve developing new built assets, re-purposing or upgrading existing ones. They may not always involve developing buildings – an outdoor basketball court, for example – but there will always be a physical component.

The land

All facility partnerships have land considerations – they will sit on a specific site that is owned by someone, next to other properties, reached from a particular street, located in a neighbourhood, precinct, suburb and local board area, in the rohe (customary territory) of one or more mana whenua.

The area may have specific cultural, heritage or geotechnical features or significance, and it will grow and develop in accordance with its zoning under the Unitary Plan. Facilities will also take their place in a natural ecosystem – with its own character, behaviour, patterns and vulnerabilities.

The building or asset

A facility’s design, configuration, fit-out and operation can be the difference between a successful facility, an under-used facility, and a failed facility.

If building new, the planning, design and construction are critical phases for the project; they can be costly, complex and involve multiple decisions and trade-offs. Partners will require the support of qualified professionals.

If developing, re-purposing or activating an existing building, it may need renovation, new fittings or equipment, or improvements to come up to specification for public use. It may have special cultural or heritage significance, with added protection under the Unitary Plan. It may have existing tenants, or the potential to sub-let or bring in co-tenants.

All facilities need plans in place to manage regular community access and use, comply with leases and funding agreements, and the ongoing management, maintenance and renewal of the asset to keep it safe and in good condition.
6. The facility

Land and building considerations

1. Land considerations
   - Land classification / status and statutory implications
   - Landowner permissions
   - Sites of significance to Mean
   - Development restrictions (e.g. parkland, protected trees, views, height)
   - Coastal inundation, susceptibility to flooding and other climatic considerations
   - Ecological considerations / impacts
   - Current condition and suitability of the land for a facility (e.g. contours, contamination)
   - Infrastructure and services (utilities, wastewater)

2. Location/site considerations
   - Co-location with other community infrastructure
   - Site position - e.g. street frontage, visibility, proximity to other sites
   - Access and parking, proximity to public transport
   - Local impacts (near neighbours, noise restricted activities)
   - Suitability for commercial activities if planned
   - Impact of new facility on other users or tenants of the site

3. Facility purpose and use factors
   - Overall floor area
   - Layout and configuration
   - Reception, office space, activity areas, kitchen, toilets, changing areas...
   - Fixed vs. flexible spaces
   - Features and fittings
   - Plant and equipment
   - Storage

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4. Design factors
   - Quality design on a budget
   - Materials and finishes (cost, aesthetics and durability)
   - Building features and relationship with the surrounding site and area
   - Manner design principles
   - Universal design principles (accessibility)
   - Sustainable design and energy efficiency
   - Preserving heritage features
   - Comprehensiveness, security and access
   - Integrated public art, community art
   - Branding, naming, attribution and signage
   - Landscaping and ongoing site maintenance

5. Building regulations
   - Seismic (earthquake) strengthening
   - Asbestos removal
   - Building permit off-laws
   - Fire safety
   - Health and safety

6. Construction
   - Resource & building consents
   - Earthworks
   - Choosing and managing suppliers
   - Project and site management
   - Contingencies

7. Facility operation
   - Managing governors (e.g. trustees, facility staff (e.g. managers, tutor and volunteers (e.g. coaches), including HR matters
   - Commercial operations (e.g. cafes, pre-school, social enterprise opportunities)
   - Managing bookings, hireage and memberships
   - Fees and charges (members and public)
   - Finance management (e.g. accounts, wages, cash handling)
   - Building access and security
   - Maintenance and renewals
   - Cleaning and pest management
   - Promotion and advertising
   - Monitoring and reporting to council and other investors

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Technical Support
The council employs expert technical staff across all of these areas. Our staff will consult with all prospective facility partners proposing Scale 3 and 4 participants from Stage 2 onwards (see p.13) and provide advice and support to all prospective facility partners (and for their contracted professionals) from Stage 3 onwards.

Our technical staff and contractors may also be responsible for assessing the land and building aspects of facility partnership proposals, advising colleagues and decision-makers on these considerations, preparing any relevant permissions and consents, and managing any ongoing asset management responsibilities arising by the council.

Note: Landlord's obligations and approvals (where council owns the site) are addressed separately from the regulatory aspects.
Facility Partnerships with Māori

Summary report
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1 Context / Horopaki

Summary of background

Auckland Council operates or supports a wide range of community facilities, including community centres, arts and cultural facilities, libraries, sports fields and swimming pools. Most are owned and directly managed by the council, but around 300 are owned and/or operated by community groups, sports organisations and schools. These arrangements come in many shapes and sizes, and are collectively known as ‘facility partnerships’.

The Community Facilities Network Plan (adopted 2015) states the council will meet more facility needs through partnerships in future, but noted there was no consistent policy for selecting and supporting them. In 2016, a project was initiated to develop a new Facility Partnerships Policy. Facility partnerships could provide a valuable mechanism for the council to partner with Māori, to support tino rangatiratanga and to enable positive outcomes for Māori. Facility partnerships with marae are an obvious starting point.

However our stocktake had identified fewer than five facility partnerships with Māori out of 300+ in our existing portfolio. We wanted to make sure that the new policy properly considers any special context, barriers or opportunities for marae or Māori organisations.

To achieve this, we met with seven marae and three Māori organisations to explore how facility partnerships might fit within Te Ao Māori, and insights from these conversations were refined at four findings hui with a wider group. This report summarises what we learned through this work.

1.1 Project background and context

Community facilities are an important part of realising our vision of Auckland as a world class city. They contribute to building strong, healthy and vibrant communities by providing spaces where Aucklanders can connect, socialise, learn and participate in a wide range of social, cultural, art and recreational activities.

Auckland Council operates or supports a wide range of facilities that benefit the community, including community centres, venues for hire and rural halls, arts and cultural facilities, libraries, recreation centres, sports fields and swimming pools.

Most of these facilities are owned and directly managed by the council, but around 300 are owned and/or operated by community groups, sports organisations and schools. A number of these are sited on council parks or in council-owned buildings, or were built or operate with some financial assistance from Auckland Council (or its predecessors). These arrangements come in many shapes and sizes, and are collectively known as ‘facility partnerships’.
The Community Facilities Network Plan states the council will meet more facility needs through partnerships in future, as a way of ‘doing more with less’ in a growing city, and empowering communities that want to actively contribute to their own development.

However, it noted that the council currently has no consistent policy for selecting and supporting facility partnerships. Following the adoption of the plan in 2015, a project was initiated in 2016 to develop a new regional Facility Partnerships Policy.

1.2 Facility partnerships with Māori

Auckland Council recognises Te Tiriti o Waitangi / the Treaty of Waitangi as the founding document of Aotearoa New Zealand, and as establishing an enduring partnership between Māori and the Crown. The council has committed to engage and work with Māori in ways that are consistent with a Treaty-based relationship.

Facility partnerships could provide a valuable mechanism for the council to partner with Māori to support tino rangatiratanga and to enable positive outcomes for Māori in line with this commitment.

The Treaty Principles provide an overarching context for all our relationships with Māori, and need to guide how the council and Māori work together to establish, shape and manage facility partnership arrangements in future (relevant Treaty Principles are listed at Appendix B).

Facility partnerships and marae

Marae are specifically identified in the Community Facilities Network Plan as potential community facility partners, and are an obvious starting point for exploring facility partnerships with Māori. Marae are already a focal point for Māori social, economic, environmental and cultural development, and ‘enabling Māori aspirations for thriving and self-sustaining marae’ is an Auckland Plan priority.

Valuing marae is also a tangible way of recognising Māori perspectives and preferences in providing for their own health and welfare needs. In supporting marae and other Māori-led facilities, the council demonstrates respect for matauranga Māori (knowledge), kaitiakitanga (guardianship) and manaakitanga (hospitality).

1.3 Rationale for this research

The first phase of the Facility Partnerships Policy project included a stocktake of existing facility partnerships. During this process, fewer than five formal facility partnerships with Māori organisations were identified by council staff, out of the 300+ in our current portfolio.

The council does provide grants to marae each year through the Cultural Initiatives Fund, but we found investment provided in this way is not characterised by either the council or marae as a ‘facility partnership’. These grants are ring-fenced for capital improvements to marae buildings,
and are not tagged to the marae playing a formal role as facilities within a regional network, or delivering particular outcomes in return for the investment. Further, the Cultural Initiatives Fund does not provide for an ongoing partnership relationship with the marae alongside the grant.

In developing the new policy approach, we wanted to understand why so few marae or Māori organisations have sought formal facility partnerships with the council in the past, and make sure that the new policy properly considers any special context, barriers or opportunities for those that may be interested in them in future.

1.4 Summary of methodology

During Phase 1 of the Facility Partnerships Policy project we conducted key informant interviews related to a sample of 10 partnerships. During Phase 2, we selected an additional sample of seven marae and three Māori organisations to enable us to specifically explore a Te Ao Māori perspective.

Where possible, we also interviewed the council staff members who ‘hold’ the relationship, or who have the most in-depth understanding of their interactions with the council (past and present), to provide an internal perspective.

The project team analysed the interviews, and collectively identified common themes, issues and challenges, opportunities and benefits. We then held four findings hui to test our draft insights with a broader roopu (group). Additional issues raised at hui are incorporated into our findings.

The key stages of the research are outlined in more detail in Appendix B.

1.5 Out of scope feedback

Our conversations with Māori were wide-ranging, covering not only experiences of ‘partnering’ with the council, but broader issues around the council’s relationships with Māori in Tāmaki Makaurau.

Although some of this feedback was beyond the scope of the Facility Partnerships Policy Project, it has been captured here as a full account of what we heard, and what we committed to our informants to ‘take back’ and share with the wider organisation. Feedback that is related to a partnerships kaupapa but out of scope for the Facility Partnerships Policy specifically is included separately at the end of the Findings section, and noted in the summary (Appendix A).

This broader feedback will be of interest and value for council staff currently holding relationships or with obligations to hold relationships, for the governing body and local boards, and for the Independent Māori Statutory Board.
2 Key findings / Tātaritanga me ngā tohutohu

This section summarises the common themes that emerged from 11 one-on-one interviews, which were then further refined and expanded by 39 participants at four findings hui.

It is intended as an account of ‘what we heard’ from Māori we spoke to, and is not assumed to represent the views of all Māori. Although summarised and themed by staff, it is written from the perspective of our research participants.

Summary of key research findings

The research findings directly related to the Facility Partnerships Policy kaupapa have been grouped under the following key themes:

- Marae are more than just ‘facilities’.
- Māori-led facilities (especially marae) are already delivering outcomes in their communities and want more recognition and support from council.
- Partnerships should be founded on Te Tiriti principles, shared values and a long-term vision.
- Successful partnerships rely on enduring relationships.
- The relationship between mana whenua, mataawaka Māori and the council is complex and needs careful navigation.

Additional (out of scope) research findings

- Generally, council relationships with Māori need to improve, starting with better consultation and engagement.
- Māori want to be more involved in developing policy that particularly interests or impacts them.
Findings on the Facility Partnerships kaupapa

2.1 Marae are more than just ‘facilities’

For Māori, marae are at the centre of Te Ao Māori and cannot be labelled simply as ‘facilities’. The pākeha concept of a facility is seen as a very limited one, which doesn’t adequately convey the special role and significance of marae for Māori.

What we heard:

- **Marae are inseparable from the whenua, the tupuna (ancestors), their people and their history.** Marae are homes; they have mana; they are a taonga (treasure).
- **Marae often support a holistic range of functions, services and/or activities.** For example they may provide housing (papakainga) and emergency accommodation, host formal and informal gatherings, offer language and cultural instruction in a whanau-centric learning environment (e.g. kohunga reo, puna reo), act as a centre and showcase for Māori arts, and deliver or host social services.
- **Marae often hold relationships** with iwi, other marae, the wider Māori community, their local community, and also local and national organisations, central government and the council. Because of this, they often have broad oversight of issues and initiatives in their area.
- **Each marae is different.** They serve different communities in different ways, and have different tikanga, history, aspirations, capacity and governance structures.
- **The marae is turangawaewae: a place to stand for Māori.** Marae serve the needs of Māori first and foremost, and if a marae is needed by the iwi and hapu, this must take precedence.
- **Marae have specific tikanga (protocols) that must be followed** by visitors to show respect and uphold the mana of the marae. Marae contain many taonga, especially in their whare runui (meeting house), and some have uru pa (burial grounds) on site.

“Marae are being repeatedly referred to as ‘facilities’ – that is a very broad and pākeha word. Marae is the term [that] should be used.”

“For Māori, your marae is your ‘community centre’... If we have too fixed an idea of what a ‘community facility’ is, what has to happen there, or how it supports itself... we may miss the opportunity.”

“It would be silly to identify all marae as ‘the same’. Ensure this does not happen.”

“Our obligation to the community should not take precedence over our tikanga and traditional practices.”
Marae have a strong tradition of manaakitanga (hospitality) and hosting guests may incur costs that are not covered by hireage fees. Traditionally, visitors offer koha voluntarily to acknowledge these efforts, but many non-Māori don’t understand or account for this. Sometimes manaakitanga appears to be unintentionally exploited by the council.

How the Facility Partnerships Policy can respond:

Any partnership arrangements with marae must fully acknowledge their place within Te Ao Māori. This includes:

- **Not defining marae as ‘community facilities’.** Marae are unique, even if they fulfil some of the same roles as facilities.
- **Committing to uphold the mana, tikanga, and maturanga Māori of marae**, including ensuring council staff understand their special role and significance. Pa sites are tapu, and visitors must respect cultural safety requirements.
- **Recognising that a marae may be needed by the iwi and hapu**, sometimes at short notice (for example to host tangi) and ensuring allowances are made for this.
- **Valuing and resourcing the knowledge, time and travel of Māori providing manaakitanga on marae, and helping educate the wider community to do the same.**

Some of these considerations may also be relevant when planning the development of facilities to be operated by Māori organisations.

2.2 Value the outcomes that marae and Māori-led facilities are already delivering

There is a perception that the council prefers to develop new facilities from scratch: “reinventing the wheel” rather than investing in supporting and improving what already exists.

Marae in particular are already active in the community space, and are playing an emerging role in supporting cultural learning and understanding in an increasingly diverse city. Many marae want the council to recognise the value they provide and build on
their strengths. This includes providing them with support and resources to fulfil their role more effectively.

What we heard:

- Many marae have a broader focus already; they are welcoming spaces for the whole community, not only Māori — for example working with local schools, and hosting wananga, programmes and events.

- Marae take pride in their manaakitanga, and in sharing their strong connection to the whenua and mātauranga Māori with newer residents.

- Marae fulfil work in the community that the council and other agencies do not do. Further, some Māori feel more comfortable accessing services through their marae or a kaupapa Māori facility or provider.

- Marae are charitable organisations run by volunteers and it can be difficult to meet the expectations of their own people, the wider community and the council. Further, as Auckland has grown and changed, some iwi and hapu members have had to move out of their rohe (customary territory) and must travel back to look after the marae and manaaki visitors. This makes it more difficult to expand the role of the marae.

- Marae aren’t fully reliant on the council to sustain them. Marae rely on others within their immediate community to support each other — including ‘marae to marae’. However, the council should ensure the protection and sustainability of marae in the same way it recognises, resources and helps to maintain other community infrastructure, like sports clubs and community centres.

How the Facility Partnerships Policy can respond:

- Council needs to look for opportunities to increase the use and capacity of existing facilities (in the broadest sense) that are serving the community – not always look to create new ones.

- The council could play a useful role in supporting marae staff and volunteers to build their capacity and capability,
e.g. through access to training, specialist expertise (e.g. HR, building compliance) and back office support. These non-financial forms of support would be highly valued.

- The council could also proactively notify marae of council employment and procurement opportunities in their area. This would honour the relationships, acknowledge existing skills and expertise, help to sustain the marae, and support the local economy.

2.3 Partnerships should be founded on Te Tiriti principles, shared values and a long-term vision

Genuine partnerships provide an opportunity for the council to honour its Treaty obligations, and give effect to commitments made to Māori. To be meaningful, a partnership must be founded in shared values and a long-term vision. Māori must have an active decision-making role if they are to exercise tino rangatiratanga.

What we heard:

- Experiences of ‘partnerships’ and other relationships with the council feel unbalanced, as “Council has all the control.” For Māori, the word ‘partnership’ implies shared power, and reciprocal relationships based on Te Tiriti. Shared power is about acknowledging the mana motuhake of Māori.

- Under Te Tiriti o Waiatangi, mana whenua should not be considered one of many ‘stakeholders’. The relationship with, and responsibility for place that mana whenua have as kaitiaki in Tāmaki Makaurau is unique.

- Māori are their own experts who conceive of the world through a holistic lens. Social, cultural, environmental and economic dimensions are interconnected. This way of thinking cuts across council’s organisational boundaries, and extends before and beyond the council’s timelines – it is holistic and intergenerational.

“It’s not all about money, it’s about help. The council could use its power to make things easier for us... you have a massive team behind you, we don’t.”

“Marae have similar aspirations for the community, just how we get there is different.”

“Waik alongside us (don’t tell us what to do),”

“It’s not just about the marae for us, it’s about the environment, it’s everything – our thinking goes out like this, it goes out to the people, out to the land, out to the moana. We come as a whole, as opposed to a portion.”
• Shared values and aligned outcomes should always be the starting point for any partnership: alignment comes first, relationships second, working out the details third.

• To realise meaningful outcomes through a partnership, there needs to be a long-term vision and commitment. However, change on both sides is inevitable over longer timeframes, and neither side should be locked in forever.

How the Facility Partnerships Policy can respond:

• Partners need to be conceived of as equal and active participants, negotiating the way forward together. This aligns with the Treaty partnership and Treaty Principles.

• Facility partnership arrangements need to strongly align with the kaupapa and aspirations of the particular iwi and marae involved. In most cases iwi governance / post-settlement governance entities should be involved before detailed discussions with marae.

• Identifying shared values and outcomes should be the starting point for any partnership discussion, facility-based or otherwise.

• Opportunities to renegotiate a partnership should be planned in to allow for change over time.

• Skill and talent sharing between marae, and between marae and the council, would help to improve relationships and capability. This would enable both sides to move towards genuine partnerships.

2.4 Successful partnerships rely on enduring relationships

Māori think inter-generationally and value enduring relationships. Most marae want to establish / maintain long-term relationships with the council that go beyond any particular issue, project or activity. These relationships would provide the right basis for a facility partnership discussion. Too often relationships with the council are perceived as short-term, project-based and transactional.

“The most important thing is to have an aligned vision, aligned outcomes we want to achieve, aligned aspirations, a shared kaupapa.”

“We want to retain the right to be selective and take bookings that align with our values and kaupapa... it’s not just somewhere to run a birthday party.”

“No-one should be able to sign things away for long periods of time – we risk making others who come after us clean up our mess if we’ve got it wrong.”

“A marae is not a venue for hire. It comes with a relationship that should be nurtured.”
What we heard:

- Some longstanding relationships between Māori / marae and the council have been lost since amalgamation. Not all have been re-established, but there is a desire on both sides to do so.
- There is an uneven distribution of relationships across the council and across iwi. For example some iwi have relationships with senior leaders at the council, while others do not.
- Many marae – mana whenua and matawaka – would like to establish closer relationships with their local board(s). Effort needs to be made to maintain these relationships through and between election cycles.
- Relationships can be lost due to turnover of key people on either side, or where the relationship has been formed around a specific project that comes to an end. These relationships aren’t always handed over well.
- Without a relationship agreement (or MOU, or other formal document) it can be more difficult to maintain the relationship when key people change.

How the Facility Partnerships Policy can respond:

- The council needs to take a long-term perspective, and build enduring relationships with marae and Māori organisations. This would provide the best basis for a facility partnership.
- Initial discussions need to occur at the right level (e.g. rangatira to rangatira / chief to chief).
- The complexity of the council’s structure and its size makes the organisation difficult to navigate. It would be helpful to have one central point of contact between each marae/iwi and the council.
- Written agreements / MOUs can help support [partnership] relationships between council and marae / Māori organisations, to provide a reference point and ensure the commitments made remain clear and will endure. This

“Mutual respect is critical to partnership, and building a deep and lasting relationship. People carry the information and knowledge between them... We don’t want tick-box, transactional relationships.”

“Council should be brokering introductions between local board leaders and marae, particularly matawaka marae.”

“Local boards need to stick to scheduled meetings with the community [and] make an effort to visit matawaka marae.”

“Formal documents are paramount to sustaining relationships; given there is likely to be change on both sides... enabling succession is key.”
would reduce the impact of staff turnover and organisational change on both sides.

2.5 Navigating relationships with mana whenua and mataawaka

The relationship between mana whenua and mataawaka Māori in Tāmaki Makaurau can be complicated. The Treaty creates different obligations to mana whenua and mataawaka. This space needs careful navigation, and is often not well understood by pākehā. Māori spoke of the need for the council to carefully consider how to adopt their approach to recognise and respect the differences, while fostering collaboration between the two.

What we heard:

- **Mana whenua and mataawaka engagement needs to be well thought through.** The council’s approach can sometimes conflate these two groups together when they should be treated separately. At other times, differentiating the two may lead to unnecessary divisions.

- **The complex relationship dynamics** between mana whenua and mataawaka can complicate engagement with Māori around something like facility partnerships, which are both place-based and outcome-focused.

- **Mana whenua and mataawaka need to be given sufficient opportunity** to discuss the right approach themselves, prior to engagement and decision-making.

How the Facility Partnerships Policy can respond:

- **Where appropriate, the council could resource marae, mataawaka and mana whenua to create / design their own process for working together.** This approach was used successfully by Te Ora o Manukau in 2012.

- **The council could look for other ways to broker opportunities for collaboration** (e.g. around engagement, facilities, services) between mana whenua and mataawaka, where this is desired by Māori.
Out of scope findings

2.6 Improving relationships between the council and Māori, starting with better consultation and engagement

Generally speaking, council consultation and engagement with Māori is perceived as too fragmented, transactional and 'one-way', and can end up feeling like a 'tick box' exercise. Before the council can enter into effective partnerships with Māori, a council-wide effort is needed to build stronger relationships beyond the scope of 'consultation'.

Through recognising Te Ao Māori, developing robust and respectful consultation procedures and empowering Māori to take a more active role in decision making, Auckland Council has the opportunity to lead the way in this space.

What we heard:

- Consultation processes appear disconnected and do not always involve the right people. Sometimes the council say they have consulted with Māori, but they have only engaged with some mana whenua groups (and not others, or mataawaka). Some groups seem to have more privileged access to the council than others.

- The council needs to get better at closing the loop after consultation: sharing how people’s feedback was used and how the council has responded to it. This ensures Māori are kept involved and their time and effort is respected.

- When marae (and Māori generally) are asked to consult again on topics they’ve previously been consulted on, this worsens the perception that their relationships with council are disconnected and transactional. This also creates frustration that previous feedback has not been properly recorded or acted on.

- Recording all interactions with marae would allow other areas of council to consult this information prior to planning engagement with Māori. This would allow other
teams to have the required context and understanding of any previous issues, and enable them to be better prepared.

- **Marae are well placed to disseminate information about council consultation and engagement opportunities, and coordinate participation by their iwi and hapu. Council could better capitalise on these networks in planning and delivering engagement.**

2.7 Working with Māori to develop future policy

Some marae would welcome the chance to be more actively involved in strategic conversations and policy development related to issues that particularly interest or impact Māori.

What we heard:

- **Many marae have skilled people with the right capabilities to participate in strategy and policy discussions.** Marae tend to be very well networked and can more easily discuss issues and agree collective positions with their own people than the council can.

- **Collaborative policy-making** could provide an opportunity for the council to work with Māori directly about issues that affect them. There may be a cost associated with this, in terms of supporting Māori capacity to engage.

“Local people are in the best position to know what is missing and what is needed and how to build off what’s already there, so meaningful open-minded engagement is important. These may not be quick conversations.”

“Marae development cannot and should not be dictated by council, but rather supported and led by marae.”
3 Next steps / Ngā koringa ā-muri

The insights from this work have been able to feed into the main policy development process, which has continued to run alongside the research.

The Facility Partnerships Policy responds to the findings in the following ways:

A dedicated ‘Facility partnerships and Te Ao Māori’ section:
- Outlines the relationship between this policy and the Treaty of Waitangi
- Acknowledges the special significance and role of mārie for Māori
- Signals how facility partnerships with Māori, and especially marae, may need to differ from other partnerships.

Quality relationships are fundamental to the new approach, and one of the ‘six dimensions of partnership’ that shape the policy. For example:
- The policy’s emphasis on enduring, two-way relationships founded on shared goals and values.
- The need to allocate sufficient resources to support relationships and a commitment to factor this into future facility partnership decisions.

Other key ways that the policy approach addresses the findings:
- Partnerships with Māori-led organisations are an investment priority.
- A commitment to invest in existing spaces in preference to building new facilities.
- A commitment to capacity building for less experienced or lower capacity partners, for example volunteer-led organisations.
- Acknowledging that non-financial support – for example access to council expertise – is highly valuable to partners, and an important way that the council can invest.

Further detail is included as Appendix A.

This report will be provided to the Environment and Community Committee alongside the draft Facility Partnerships Policy. The findings report will also be shared with our research participants.

The out-of-scope findings will be shared with the relevant parts of the council organisation. Work is already underway to address some of these findings, for example:
- Development of a new Māori engagement portal
- Further clarification of the funding process and criteria for Marae Development grants
- Additional relationship-building activities with mataawaka marae.
## Appendix A: Summary of findings and responses

<table>
<thead>
<tr>
<th>FINDINGS What we heard from Māori</th>
<th>POLICY RESPONSE: How the policy addresses this</th>
<th>Potential responses that are beyond the policy scope</th>
</tr>
</thead>
</table>
| Marae are more than just ‘facilities’. Marae are taonga and inseparable from their whenua, tupuna, people and history. Marae play a more holistic role for Māori than community facilities do for pākeha. Marae are diverse, not a homogenous group. A marae’s primary responsibility is to Māori. Tikanga needs to be observed on marae. It is traditional for marae to manaaki visitors and although this has a cost, it tends not to be reflected in venue hire fees. | The policy speaks directly to this finding, in order to:  
- Demonstrate our understanding of the special significance and role of marae for Māori  
- Increase staff and elected member understanding of this special significance and role  
- Outline how facility partnerships with marae may need to differ from other partnerships  
- Encourage marae and Māori-led organisations to seek facility partnerships with the council. | The council could provide / improve access to guidance for staff relating to:  
- The special significance and role of marae for Māori  
- The tikanga that may apply on marae  
- Where staff can access support or advice when dealing with specific marae. The council could provide more opportunities for staff to attend marae:  
- In the course of their work (to increase Māori responsiveness and to build relationships with marae)  
- To build individual cultural competency. Council could proactively work with marae to provide opportunities for staff that are culturally safe for both sides. |
<p>| Marae and Māori-led facilities are already delivering outcomes in their communities. Many marae have a broader focus already and welcome the whole community. Marae do work in the community that the council and other agencies does not do. Most marae are run by volunteers with limited capacity, Marae’s existing role should be supported, like other community infrastructure. | The policy states we will invest in spaces that people already use and value, in preference to building new facilities. Partnerships with Māori-led organisations are an investment priority. The policy encourages facility partnerships with marae in recognition of their existing and potential role. The policy acknowledges that non-financial support – e.g. access to council expertise – is highly valuable to partners and an important way that the council can invest in facility partnerships. | The council could better recognise the wider role played by marae and support them in this, e.g. work by the Civil Defence and Emergency Management team to explore the role of marae in building community resilience. The council could also support marae in practical ways, e.g. access to training, or notification of local procurement opportunities. |</p>
<table>
<thead>
<tr>
<th>FINDINGS What we heard from Māori</th>
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<th>Potential responses that are beyond the policy scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partnerships should be founded on Te Tiriti, shared values and long-term vision. ‘Partnership’ implies shared power, with partners as equal and active participants. The kaitiaki role of mana whenua is unique in Tāmaki Makaurau. Te Ao Māori is holistic and intergenerational, which doesn’t align well with council’s organisational boundaries and timelines. Shared values and aligned outcomes should be the starting point for partnership. Long term commitment and vision is needed, but with flexibility to adapt.</td>
<td>The policy states that Auckland Council is committed to engaging and working with Māori in ways that are consistent with a Treaty-based relationship. A focus on long-term outcomes is also fundamental to the new approach. In future, all facility partnerships will be founded on shared goals and values, and this will be the focus for early discussions.</td>
<td>The Auckland Plan and Māori Responsiveness Plans set out principles and expectations relating to the council’s relationship with Māori under Te Tiriti. This includes supporting delivery of services by Māori for Māori, based on Te Ao Māori values and practices.</td>
</tr>
<tr>
<td>Relationships are the foundation for partnership. Mārae see deeper, enduring relationships as the basis for facility partnerships. Some mārae feel relationships have been lost post-amalgamation. There is an uneven distribution of relationships across the council and across iwi. Māori want more engagement ‘rangatira to rangatira’, and with local boards. Council has high staff turnover, and its large size makes it difficult to navigate. Written agreements may help support relationships by providing a reference point. Generally, relationships with Māori need to improve, starting with better consultation and engagement.</td>
<td>Relationships are fundamental to the new policy approach, and one of the ‘six dimensions of partnership’ that shape the policy. Resources to support enduring relationships will be factored into future facility partnership decisions, e.g. dedicated relationship holders. Written agreements will be prepared for all future facility partnerships.</td>
<td>The council could improve ‘BAU’ relationships with mārae and Māori-led organisations by: • Nominating staff to hold and manage relationships • Establishing stronger relationships between mārae and elected members, especially local boards • Supporting closer collaboration between mārae and council Council could improve consultation and engagement with Māori / mārae by: • Improving coordination of Māori engagement • Exploring how mārae could support Māori engagement • Ensuring we ‘close the loop’ with Māori following consultation and engagement.</td>
</tr>
<tr>
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<tr>
<td>The relationship between mana whenua and mataawaka and council is complex and needs careful navigation. The two groups shouldn’t be conflated, or unnecessarily divided. Mana whenua and mataawaka want the opportunity to agree their own approach.</td>
<td>The policy outlines the distinction between mana whenua and mataawaka. Mana whenua, mataawaka and tsurahere marae / organisations are invited to consider facility partnerships.</td>
<td>The council could provide / improve access to guidance for staff relating to the differences between mana whenua and mataawaka and the implications of this. Prior to engagement and decision-making, the council should provide sufficient opportunity for mana whenua and mataawaka to discuss the right approach and convey this to council.</td>
</tr>
<tr>
<td>Māori want to take a more active role in policy-making around issues of particular significance to them. Many marae are eager and capable to participate in strategy / policy discussions. There may be a cost associated with supporting Māori capacity to engage.</td>
<td>The proposed decision-making process provides flexibility to umbrella facility partnerships with a broad range of Māori organisations. If needed, an alternative process taking specific account of the needs and interests of marae could be developed during implementation, in partnership with Māori.</td>
<td>The council could explore future opportunities for a collaborative policy-making with Māori. Marae are interested in supporting iwi and hapu to engage in strategic conversations.</td>
</tr>
</tbody>
</table>
Appendix B: Treaty Principles

Treaty principles have been recognised and expressed by the Waitangi Tribunal and a range of Courts – the Privy Council, Supreme Court and High Court. The principles bridge the two texts of the Treaty, focusing on the intent of the Treaty and the future.

The Treaty Principles will help guide how the council and Māori work together to establish, shape and manage facility partnership arrangements.

Relevant principles for facility partnerships include:

- **Rangatiratanga** – the duty to recognise Māori rights of independence, autonomy and self-determination, including the capacity of hapū, mana whenua and mataawaka to exercise authority over their own affairs. This principle enables the empowerment of Māori to determine and manage matters of significance to them.

- **Partnership** – the duty to interact in good faith and in the nature of a partnership. There is a sense of shared enterprise and mutual benefit where each partner must take account of the needs and interests of the other.

- **Active protection** – the duty to proactively protect the rights and interests of Māori, including the need to proactively build the capacity and capability of Māori.

- **Ōritetanga / mutual benefit** – to recognise that benefits should accrue to both Māori and non-Māori, both would participate in the prosperity of Aotearoa giving rise to mutual obligations and benefits. Each needs to retain and obtain sufficient resources to prosper, and each requires the help of its Treaty partner to do so. This includes the notion of equality (for example, in education, health and other socio-economic considerations).

- **Options** – recognising the authority of Māori to choose their own direction, to continue their own tikanga (customary practice) as it was or to combine elements of both and walk in both worlds. This principle includes recognition of Māori self-regulation.

- **The right of development** – the Treaty right is not confined to customary use or the state of knowledge as at 1840, but includes an active duty to assist Māori in the development of their properties and taonga (treasured items).
Appendix C: Research methodology

1. Research and advisory group formed

The research was designed, overseen and delivered by a cross-council project team with representatives from the following departments:

- Community and Social Policy
- The Southern Initiative
- Operations Māori Responsiveness Hub (Nga Waka Angamua)
- Māori Strategy and Relations (Te Waka Angamua)

2. Collated information about marae and Māori organisations, to inform sample

The team collated and reviewed information about marae in Tamaki Makaurau.

Additionally, we identified a small number of Māori organisations that have a facility-based component to their work and some form of relationship with council, comparable to the facility partnerships we researched during our first research phase.

3. Criteria developed and sample selected

A comprehensive set of criteria were developed and applied to help us select as ‘representative’ a sample as possible, acknowledging all marae and organisations would have a different experience and aspirations. We selected a sample of eight marae and four Māori organisations to provide a range of unique perspectives (refer Appendix D).

4. Representatives from selected marae / organisations and council counterparts identified

The team approached the marae / organisations to explain the research and request an interview. Seven marae and three organisations agreed to participate.

5. 11 key informant interviews held to discuss:

- The current role of the marae / organisation in the community
- Their aspirations for the future development of their marae / organisation
- Their past and present relationships with the council (or its predecessors)
- Perceptions of the strengths / advantages and challenges / disadvantages of working with the council
- Conceptions of ‘partnership’
- What marae / organisations would need or expect from council, if they were to enter into a ‘facility partnership’ with us.

(Refer Appendix C for a full list of questions.)

6. Interviews analysed, common themes identified and summarised
The team analysed the interviews, and collectively identified common themes, issues and challenges, opportunities and benefits. These were summarised in draft findings.

7. Draft findings taken to hui for validation

The team held findings hui at four of the participating marae to test the insights we had identified from the interviews with a broader roopu. We contracted specialist Kaupapa Māori designers from the Nga Aho collective to help design and facilitate the hui.

The hui were shaped partly in response to what we had learned through the informant interviews. For example, we:

- Participated in formal powhiri / mihi whakatau, and observed proper tikanga on the marae (including having kakorero and kaikaranga to represent us)
- Laid down koha for our hosts in addition to venue hire fees, and offered native seedlings and kai to manaaki (show hospitality to) all attendees
- Invited staff from other council teams with a facility-related kaupapa that might have information or resources of interest to attendees (e.g. resource consents, civil defence and community grants). The intention was that they could learn from discussions, establish kanohi-te-kanohi (face-to-face) relationships and provide advice to attendees as a further form of koha for attendees’ time. A total of 20 council staff attended marae (in addition to policy staff, project team and facilitators).

Each hui was guided by our hosts and followed a different format.

A total of 39 people attended hui on behalf of marae, Māori organisations and agencies.

Although our findings were validated by the feedback we received from participants, additional issues were also raised and are captured in this report.

8. Insights from discussions and hui used to shape the Facility Partnerships Policy

9. Findings shared through this report

10. Draft Facility Partnerships Policy shared at consultation hui

Hui will be convened as part of our consultation and engagement phase, to close the loop on the research and seek feedback on the draft. Participants in this research and those who attended our insights hui will be encouraged to attend.
Appendix D: Research sample and selection criteria

There are a diverse mix of mana whenua, mataawaka and taurahere marae\(^1\) in Tamaki Makaurau, which range from small rural marae to large urban marae. Some are primarily gathering places for their iwi or hapu, or are situated within school, church and institutional settings. Others play a broader community role, for example hosting organisations, services and activities onsite.

Although every marae is unique, we worked with a cross-council team to identify a research sample that would include marae with as wide a range of characteristics as possible.

The variables we considered in selecting the sample were:

- Location – across the Auckland region, and mix of urban and rural
- Iwi affiliation – mana whenua, mataawaka and taurahere
- Use of the marae – whether the marae primarily serves the needs of iwi and hapu, or plays a wider role in the community
- Land ownership – Māori, council or privately owned
- Size of the marae (property and number of buildings / onsite facilities)
- Financial support from council (current and past)
- Age – from ancestral marae to newly established / emerging marae

Marae in our research sample

- **Hoani Watiti Marae\(^*\)**, Pan-tribal / Ngati Whatua Kawerau a Maki, Glen Eden
- **Mataatua Marae\(^*\)**, Ngati Awa ki Tamaki Makaurau te Hapu, Mangere
- **Puatahi Marae**, Ngati Whatua, Kaipara Coast
- **Paea Whanake Marae (in development)**, Ngāti Paoa, Point England
- **Ruapotaka Marae\(^*\)**, Pan-tribal / Ngā Hau E Wha, Glen Innes
- **Tahuna Pa**, Waiohua Tainui, Awhitu

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\(^1\) *Mana whenua*: Māori with territorial rights in Tamaki Makaurau, who belong to and derive power from the whenua (land), and who have authority and jurisdiction over the whenua or rohe (territory).

*Mataawaka*: Māori who are not mana whenua in Tamaki Makaurau and have not retained their identity and links back to their tribal homelands. Mataawaka or ‘urban’ marae are pan-tribal, and welcome Māori of all affiliations, or none.

*Taurahere*: Māori in urban areas who retain their identity and links back to their tribal homelands. Some taurahere groups have whakapapa or historical links to particular sites in Tamaki Makaurau, and have received the blessing of mana whenua to develop a marae for their Auckland-based members.
• Umupuia Marae, Ngai Tai ki Tamaki, Maraetai

* Hosted findings hui

Māori organisations in our research sample

• Te Roopu Waiora*, Manukau
  Te Roopu Waiora Trust is a unique kaupapa Māori organisation founded in 2001 and governed by whanau with physical, sensory and intellectual disabilities.

• Te Whare Wananga O Wairoa, Howick
  Te Whare Wananga O Wairoa is a whare built in the Emilia Maud Nixon Garden of Memories which hosts Māori education programmes.

• Tāmaki Herenga Waka Trust, Auckland-wide
  The Tāmaki Herenga Waka Trust is a charitable trust established to support the revitalisation of a visible and vibrant ‘culture’ of waka for the benefit of all Aucklanders.

* Hosted findings hui

Additional marae and organisations that attended hui

• Manurewa Marae
• Papakura Marae
• Te Atatu Marae
• Te Herenga Waka o Orewa Marae
• Papatuanuku Kokiri Marae
• Te Aroha Pā marae
• Ngai Tai ki Tamaki
• Ngā Kaikōi Trust
• Healthy Families
• Te Puni Kōkiri
• Whanau Community Native Tree Nursery
Appendix E: Informant interview discussion guide

Questions that guided our discussions with marae and Māori organisation representatives:

1. Role
   - Role in relation to this marae / organisation
   - Role in the community that marae / organisation currently plays
   - Current experience / relationships with Auckland Council [or other large organisations if no relationship with council]

2. Collaborative relationships / partnerships
   - Describe what ‘partnership’ means to you?
   - What makes a good relationship?
   - Support [your marae/org] would want to receive from council if entering a ‘facility partnership’?

3. Positives
   - What do you see as the strengths or opportunities of working with Auckland Council?
   - How can we build on / maximise these strengths?
   - What would make [your marae/org] more likely to enter into a ‘facility partnership’?
   - What strengths do you think marae offer as community facilities?

4. Challenges
   - What do you see as the challenges of working with Council? How might these be mitigated?
   - What would make [your marae/org] less likely to enter into a relationship like this?
   - What would be non-negotiable for you in entering into a ‘facility partnership’?
   - What concerns would you have in entering this kind of relationship?
   - Are there any specific things about marae that we need to consider if entering into this kind of arrangement? (i.e. Tangi getting priority, maintaining the tikanga and mana of the marae etc.).

5. How could Auckland Council play a role in supporting you in these aspirations?
   - What are the specific aspirations for [your marae/org]?
   - What would an ideal ‘facility partnership’ look like to you?
Facility Partnerships Policy

Public feedback summary
This paper provides a summary of public feedback on the draft Facility Partnerships Policy, and an overview of the activities undertaken during the consultation period.

**Key messages**

- During July and August 2018 the public had the opportunity to provide feedback on the draft Facility Partnerships Policy.
- Seventy-one responses were received online, by email and at a series of public drop-in sessions run at community venues across Auckland.
- Public feedback was highly supportive of the draft policy overall. Those providing feedback generally saw the value of having a policy for this activity, and were positive about its intent. Responses to questions about specific aspects of the policy were also strongly affirmative.
- Concerns mainly focused on how the policy will be applied and how the new approach will work in practice, rather than the content of the policy itself.

**Background**


2. During July and August 2018, Community and Social Policy staff undertook a series of engagement activities on the draft policy. The intention was to gauge support for the proposed approach, and enable the draft to be refined before final adoption.

3. Staff engaged with local boards, advisory panels, members of the public and existing and prospective facility partners to outline the proposed approach and invite feedback on the draft.

4. A total of 71 public submissions were received on the draft policy during the consultation period. Anonymised comments from survey respondents have been included in the document.

**Consultation questions**

5. Public feedback was welcomed on any aspect of the policy, but respondents were invited to answer eight specific questions that tested key aspects of the policy:

   a) Do you think the draft policy clearly outlines the purpose and benefits of facility partnership?

   b) Do you think the Treaty Principles is an appropriate way to guide facility partnerships with Māori?

   c) Do you think the combination of Track, Type and Scale is a useful way to differentiate partnerships and ensure our processes and requirements are appropriate?

   d) Do you think these are the right principles to guide our investment in facility partnerships?

   e) Do you agree with the council’s position on commercial activities as part of facility partnerships, as outlined on pp. 31-32? Are there any commercial activities that you think should not be allowed?
f) Do you think the Lead Relationship Broker is the best approach to ensuring the council can support quality partnership relationships?

g) Do you think the ‘Agreement’ and ‘Facility’ sections provide a helpful overview of the technical aspects of facility partnerships? What else should be in these sections?

h) Did you find the policy document easy to read and navigate? Do you have any comments on how to improve it?

Key findings

6. Public feedback was highly supportive of the draft Facility Partnerships Policy overall. The responses to all of the specific questions asked were strongly affirmative, and the majority of respondents were positive about the intent and proposed approach of the draft policy.

7. Those providing feedback generally saw the value of having a policy for this activity. Some expressed frustrations with the process of initiating or maintaining a facility partnership in the past. They hoped that the new policy would lead to better investment decisions, and ensure that partnerships work for both partners and council. People also hoped the new approach would make it easier for partners to navigate council, get good support from council staff, and cut down on bureaucracy.

8. Respondents were positive about many specific aspects of the policy, particularly the investment principles, the proposal to enable appropriate commercial activities in facilities, and the establishment of Lead Relationship Brokers. The Track, Type and Scale model was welcomed for its ability to encompass a wide range of facility partnerships, and the intention to ensure processes and expectations are proportionate to the circumstances.

9. Where some respondents expressed criticism or concerns about the policy, it was more often about how it would be applied in practice than about the policy content itself. Some people were uncertain that the policy would be implemented as intended across the council, in a supportive and empowering way. Others questioned if the policy adequately allowed for the messy reality of facility partnerships.

10. Using the Treaty principles to guide partnerships with Māori was welcomed by most, but this was acknowledged as a complex area. Other concerns identified included how the investment principles will be applied and ‘traded off’, and whether some communities will be advantaged by the new approach.

11. Respondents appreciated the effort to make the policy document visually appealing and more accessible. While a number noted the complexity of the document, respondents generally found it easy to navigate and understandable.
Analysis of feedback by question

Do you think the draft policy clearly outlines the purpose and benefits of facility partnerships?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>46</td>
<td>15</td>
<td>3</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

12. Public feedback on this question was strongly positive. Of the 71 respondents 46 thought the policy clearly outlined the purpose and benefits of facility partnerships.

13. Respondents were positive about the clarity of the policy document and felt that it provided clear direction.

14. Three respondents did not agree that the policy clearly outlined purpose and benefits, and 15 thought it did so partially, while five were unsure. Comments included that facility partnerships need to work for both council and partners, but the policy tends to focus mostly on the council’s role.

15. Others recommended that evaluation of success should go both ways, with partners able to evaluate the council’s performance and hold staff accountable, as well as the other way around.

Do you think the Treaty Principles is an appropriate way to guide facility partnerships with Māori?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>38</td>
<td>11</td>
<td>12</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

16. A majority of the respondents (38) agreed that using the principles of the Treaty of Waitangi was an appropriate way to guide facility partnerships with Māori.

17. Some noted that the Treaty is central to New Zealand and that the principles had the capacity to empower everyone, not just Māori. One noted that the use of these principles ought to extend wider than facility partnerships, and across all council’s relationships with Māori.

18. Twelve respondents disagreed that the principles were an appropriate guide, while 11 had mixed feelings. A number of these respondents objected to what they saw as they prioritisation of one ethnic group over others, and felt all communities in Auckland should be treated the same.

“[The policy] covers a broad spectrum of possibilities and defines concepts that have not been published before.”

“This is a great way for both council and other organisations to provide well managed facilities effectively in the community.”

“I think that upholding Te Ao Māori principles as a guide for partnerships with community organisations is a great idea.”

“Treaty principles are a useful starting point to guide facility partnerships with Māori. However, such principles are affected by multiple interpretations.”
19. One noted that partnerships with Māori will not always be marae or iwi-based. Another pointed out that a Treaty-based partnership would not begin or end with a facility, and that council will need to be responsive to non-facility issues to uphold the relationship.

*Do you think the combination of Track, Type and Scale is a useful way to differentiate partnerships and ensure our processes and requirements are appropriate?*

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
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</thead>
<tbody>
<tr>
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<td>13</td>
<td>5</td>
<td>8</td>
<td>2</td>
</tr>
</tbody>
</table>

20. A significant majority of respondents (43) agreed that the Track, Type and Scale model was a useful way to differentiate partnerships and ensure that our processes and requirements are appropriate.

21. Among the reasons given for their agreement, respondents cited the model’s ability to cover a range of partnerships, the potential flexibility to move between categories over time, and the importance of having processes and expectations that are proportionate to the circumstances.

22. Five respondents disagreed that the dimensions were useful, while 13 considered them partially useful. A typical concern was that partnership arrangements are inherently complex and changeable, and this model may not be practical to implement.

*Do you think these are the right principles to guide our investment in facility partnerships?*

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
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<tbody>
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<td>13</td>
<td>7</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

23. A significant majority of respondents (48) considered that the principles set out in the draft policy were the right ones to guide our investment. The sustainability and equity principles were particularly popular among respondents.

24. Seven respondents disagreed about the appropriateness of the principles, almost all because they considered that the principles would favour particular groups, e.g., areas with higher populations, more established sports or more affluent communities.

25. Thirteen respondents had mixed views on the principles. These included concerns about whether or how the principles would be traded off against each other, whether all parts of the council (including COOs) would be equally committed to the principles, and how equity would be defined in practice.
Do you agree with the council’s position on commercial activities as part of facility partnerships, as outlined on pp. 31-32? Are there any commercial activities that you think should not be allowed?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
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<tbody>
<tr>
<td>41</td>
<td>17</td>
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<td>4</td>
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26. Forty-one respondents agreed with the council’s position that some appropriate commercial activity is reasonable in facilities.

27. Some noted that commercial activity could be complementary to the purpose of the facility, and in some cases those revenue streams would be necessary for a facility to be sustainable over time.

28. A number of respondents were not supportive of commercial activities that are potentially harmful to healthy living. Alcohol sales, gambling activities, loan sharks and sex work were specifically mentioned as activities that should not be supported in our facilities.

29. Some respondents pointed out that commercial operators would need to be willing to align their activities with the principles set out in the policy.

30. Six respondents disagreed with commercial activities in facilities. Some felt businesses had no place in community settings, and felt facilities ought to stick to ‘core services’. Others saw the proposal as council shifting responsibility for funding facilities to their partners and the community, or privatising community assets.

31. Seventeen respondents were in partial agreement, reinforcing the need for controls around the types of commercial activities to ensure that they would enhance and sustain the community purpose of the facility, and noting the importance of council doing proper due diligence in these cases. Some respondents felt community facilities shouldn’t be competing with the private sector.

32. A number of respondents pointed out the complexity of the planning rules affecting some sites, which may work against commercial activities in these facilities.

Do you think a Lead Relationship Broker is the best approach to ensuring the council can support quality partnership relationships?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>16</td>
<td>9</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

33. The idea of appointing a lead relationship broker for each partnership was popular, with 41 respondents expressing agreement.

“It is going to be essential to have some commercial activity to allow [our] new facility to break even and encourage people through the doors... the days of single purpose fully volunteer run organisations are numbered.”

“My initial reaction was ‘no’ but I think it’s articulated quite sensibly.”

“I am fully supportive of the position on commercial activity. However, I worry that [this] policy on its own will not effect the changes required. Layers of intersecting rules and regulations remain which restrict the financial viability of community owned facilities. I think council needs to review this whole landscape.”

“Having one person who understands your facility and the community that uses it is key.”
34. Many respondents agreed that establishing a broker position would make the council much easier for partners to navigate, given its size and complexity. Many saw the role as critical to the success of ongoing partnership relationships, helping to ensure consistency of advice across departments, and streamlining communications and paperwork.

35. Nine respondents didn’t feel that the role would be useful. The most commonly expressed concern was that creating these roles meant more council staff would need to be hired, which was a waste of money, and/or that it would create additional layers of bureaucracy.

36. Sixteen respondents saw the potential of the role, but had some reservations. The most common reservation was uncertainty that the role would work in practice, and in particular if it would be properly resourced. Some respondents expressed a lack of trust in the council and questioned whether it could deliver on the intent of the role, and work in a way that genuinely supports community.

37. A number of respondents emphasised that the broker would need to have particular skills to be useful to partners, and ideally be supported by a wider team to ensure a partnership wasn’t reliant on the support and abilities of a single person. This would also help to manage transitions if council staff leave, maintaining relationship continuity.

Do you think the ‘Agreement’ and ‘Facility’ sections provide a helpful overview of the technical aspects of facility partnerships? What else should be in these sections?

<table>
<thead>
<tr>
<th>Yes</th>
<th>Partially</th>
<th>No</th>
<th>Don’t know</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>15</td>
<td>6</td>
<td>9</td>
<td>2</td>
</tr>
</tbody>
</table>

38. These sections of the policy were intended to provide an overview of some of the considerations relating to the partnership agreement or the facility itself that will have to be considered as part of a partnership.

39. Thirty-nine of the respondents agreed that it succeeded in doing this, while six disagreed.

40. Fifteen respondents partially agreed but had some reservations. Comments included that although these sections were an improvement they still failed to reflect the messy reality, that they were too complicated, and that council decisions always took too long.

41. One respondent felt the policy ought to further clarify the difference between owning and operating a facility, and give further attention to professionalising facility management.
Do you find the policy easy to navigate? Do you have any comments on how to improve it?

<table>
<thead>
<tr>
<th>Very easy</th>
<th>Quite easy</th>
<th>Neither easy nor difficult</th>
<th>Quite difficult</th>
<th>Very difficult</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>23</td>
<td>19</td>
<td>9</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

42. A majority of respondents (35) who expressed an opinion on the ease of the policy found it either easy or very easy to navigate.

43. For a significant number of respondents (19) the policy was neither easy nor difficult to navigate.

44. Those who found the policy difficult noted its complexity, and suggested there were areas where language could be simplified. While some specifically commended the font size and style, others found the size of the font too small.

45. There was a suggestion that more examples of current partnerships could make the policy easier to navigate and understand.

“We appreciate the efforts to make the document visually appealing, less intense and more accessible. The frequent use of images and tables rather than plain text aids understanding.”
Outline of public consultation activities

46. Information about the policy and the public consultation activities were distributed through the council’s email databases of existing and prospective facility partners, community group networks and other interested parties, with encouragement to disseminate more widely.

47. The regional sports body Aktive Auckland distributed the consultation information to sports organisations and clubs on our behalf.

48. Staff attended meetings with the Ethnic People’s, Rainbow Communities and Pacific Peoples advisory panels at their request, to provide a briefing on the policy and answer questions. Panels were also provided with the consultation information to circulate to their networks.

49. A story about the policy and the public consultation was published in Our Auckland in July.

*Online submissions invited via ‘Have Your Say’*

50. Online submissions were invited on the draft policy on Auckland Council’s Have Your Say website between 29 June and 17 August 2018.

51. We also received a small number of submissions via email.

*Public drop-in sessions for face-to-face enquiries*

52. The team offered six public drop-in sessions during July and August in community venues across south, central west, and north Auckland.

53. The public drop-in sessions provided people with an opportunity to come and view the policy in large format, take printed copies away and fill in feedback forms by hand if they wished.

54. Public consultation sessions were held as drop-ins rather than presentations to make it easier for people to get across the large amount of information, while zeroing in on the parts of the policy most of interest to them.

55. More importantly, the walkthroughs gave community organisations the chance to speak to one of the team about their individual situations, and what the policy might mean for them. This was definitely the main reason most attendees chose to come and visit, and people really valued the chance to have a chat with us in person.

56. Public drop-in sessions were held in:

- Manukau
- Pukekohe
- Three Kings
- Central Auckland
- Kelston
- Takapuna
- Warkworth

57. Staff also ran a stall at the Diversity Forum in Manukau on July 21.
Characteristics of online respondents

58. Feedback was received from the majority of local board areas and was fairly evenly distributed across the city. The most responses were received from the Rodney (9), Franklin (8), Devonport-Takapuna (7), Waitakaruru (5) and Albert Eden (5) local board areas. No responses were received from the Great Barrier, Papakura, Puketapapa and Whau local board areas.

59. We received 32 responses to the policy from men, 28 from women and two from gender diverse people. Nine respondents declined to give their gender.

60. Respondents to the draft policy were largely European. 50 of the 71 total responses were from people who identified as European. The next largest ethnic group who provided responses was Māori, at seven responses.

61. As a result, this feedback may not fully express the views of Māori, who the policy acknowledges have particular views and needs when it comes to partnering with the council, and it may also not give a complete picture of the views of other ethnic groups.

62. Feedback was received from a wide range of age groups (see table below). Those between the ages of 35 and 74 were the most likely to submit on the draft policy.

<table>
<thead>
<tr>
<th>Age group</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;15</td>
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<tr>
<td>15-24</td>
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<td>25-34</td>
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<tr>
<td>65-74</td>
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</tr>
<tr>
<td>75+</td>
<td>3</td>
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<td>Blanks</td>
<td>6</td>
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</tbody>
</table>
DRAFT
Auckland Council
Code of Conduct
Adopted xxx 2018
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Introduction

Every local authority is required to adopt a code of conduct1. It must set out:

“(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
   (i) behaviour toward one another, staff, and the public; and
   (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
      (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
      (B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—
   (i) the Local Government Official Information and Meetings Act 1987; and
   (ii) any other enactment or rule of law applicable to members.”

This code has two key principles: one reflecting the expectations of the community that elected members act in the community’s interest with high ethical standards and one reflecting members’ own expectations about how they will interact with each other, the public and staff. These principles are expressed positively in terms of trust and respect. The code also provides clarity about what is a significant breach.

There are various documents attached to the Code. Some of these form part of the Code and are adopted along with the Code. Members ensure their conduct is consistent with these documents. Others provide detail that is relevant to determining compliance with this Code and are not adopted as part of it.

The provisions for complaints provide for independent external assessments and judgements where appropriate. Political involvement is minimised.

Application

The code applies to elected members while acting in their capacity as elected members. Conduct matters that arise in meetings should be dealt with under the meeting’s standing orders, however, a complaint relating to such a conduct matter, if not adequately dealt with at a meeting, may be made under the Code.

1 Local Government Act 2002, schedule 7, clause 15
1 Principles

1.1 Trust

I can be trusted to act in the community’s interest

I will:

- make decisions on their merits, in the interests of the public and unaffected by illegitimate considerations such as personal interest or other duties or relationships
- disclose all personal and outside interests, relationships and duties
- declare a conflict of interest and step aside from a decision where it might appear that I will not approach a decision on its merits, in the interests of the public and unaffected by a personal or outside interest, relationship or duty
- when making decisions, have an open mind to the views of others and to alternatives, and be prepared, despite any predisposition I may have, to change my mind
- ensure that I am not under an obligation to those that might inappropriately try to influence me in the performance of my duties
- be accountable for the decisions I make and co-operate with appropriate public scrutiny
- make an equitable contribution, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars
- act and make decisions openly and transparently
- be truthful and demonstrate honesty and integrity
- use council resources prudently and lawfully and not for my own purposes
- uphold the law, and promote and support high standards of conduct by leadership and example
- comply with the legislation, policies and protocols attached to this code
1.2 Respect

I will respect those I work with

I will interact with other elected members, staff and the public in a way that:
- encourages mutual respect and maintains the dignity of each individual
- recognises others’ roles and responsibilities
- is inclusive
- enables the co-existence of individual and collective responsibility
- allows for robust discussion and debate focusing on issues rather than personalities
- encourages thoughtful analysis
- maintains public confidence in the office to which I have been elected
- is open and honest
- maintains the confidentiality of information provided to me
- complies with the attached policies and protocols
2 Policies, protocols, legislation and external documents

The following are policies and protocols that provide more detail around agreed standards and procedures. These policies and protocols are adopted as part of the Code of Conduct.

<table>
<thead>
<tr>
<th>Policies and protocols</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflict of interest policy</td>
<td>A</td>
</tr>
<tr>
<td>Access to information protocol</td>
<td>B</td>
</tr>
<tr>
<td>Election year policy</td>
<td>C</td>
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<tr>
<td>Communications policy</td>
<td>D</td>
</tr>
<tr>
<td>Media protocols</td>
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</table>

The following is a summary of legislation that is relevant to the conduct of members.

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation relevant to the conduct of members</td>
<td>F</td>
</tr>
</tbody>
</table>

The following are documents that exist independently of the Code of Conduct. They provide detail that is relevant to determining compliance with this Code of Conduct. These documents exist outside of the Code of Conduct and are not adopted as a part of the Code.

<table>
<thead>
<tr>
<th>External documents</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guide to governance roles and responsibilities</td>
<td>G</td>
</tr>
<tr>
<td>Guide to working with staff</td>
<td>H</td>
</tr>
<tr>
<td>Expenses policy</td>
<td>I</td>
</tr>
</tbody>
</table>
3 Material breaches

- Participating in a decision where the member has been formally advised through the complaints provisions of this code that a conflict of interest exists
- Breaching cl 2.19 and cl 3.7 of the Conflicts of Interest policy
- Bullying, aggressive behaviour
- Discrimination
- Undermining other elected members, staff or the public
- Intentional misrepresentation of the statements or actions of others
- Intentional disclosure of confidential information
- Intentional misuse of council resources
- Harassment, including:
  - Violent threats or language directed against another person.
  - Discriminatory jokes and language.
  - Posting sexually explicit or violent material.
  - Posting (or threatening to post) other people's personally identifying information.
  - Personal insults, especially those using racist or sexist terms.
  - Unwelcome sexual attention.
  - Advocating for, or encouraging, any of the above behaviour.
  - Continuing with unwanted behaviour after being asked to stop.

4 Complaints

4.1 Breach of the Code

All elected members must comply with the Code of Conduct and associated policies. Not doing so, constitutes a breach of the Code.

4.2 Complaints

Where an elected member, the chief executive (including on behalf of a member of staff from the council family) or a member of the public believes that an elected member has breached the Code, a complaint may be made.

The complaint must be made in writing and lodged with the chief executive, reference the part of the Code which is alleged to be breached, provide evidence of the alleged breach and evidence of attempts to resolve the complaint.
4.3 **Principles**

All complaints will be considered in a manner consistent with the principles that:

- the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness, nature and complexity of the alleged breach; and
- the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code.

4.4 **Investigator, Conduct Commissioner, mediators**

**General**
The Investigator, Conduct Commissioner and mediator will be separate persons in the case of any specific complaint.

**Investigator**
The chief executive will be responsible for the appointment of a suitable investigator. This may be a staff member or external person.

**Conduct Commissioner**
The chief executive will recommend to the Governing Body, for approval, a list of persons who may be called on to fulfil the role of Conduct Commissioner.

**Mediators**
Mediators will be external and have established skills as mediators.

4.5 **Receipt of complaint**

On receipt of a complaint, the chief executive will follow the process set out in cl 4.11 if the complaint relates to a breach of the conflicts of interest provision in the Code.

All other complaints will be referred to an Investigator.

The chief executive will inform:

- the complainant that the complaint has been referred to the Investigator;
- the respondent that a complaint has been made against them, as well as the name of the Investigator, and the process for dealing with complaints as set out in the Code.

4.6 **Preliminary assessment**

On receipt of a complaint, the Investigator will determine if the complaint is:
frivolous, vexatious, or without substance and should be dismissed;
outside the scope of the Code and should be redirected or dismissed;
relates to a non-material breach of the Code; or
relates to a material breach of the Code and a full investigation is required.

Factors that can be considered when determining if a complaint is frivolous, vexatious, or without substance include whether complaints are intended to:

- intimidate or harass another member or employee;
- damage another member’s reputation;
- obtain a political advantage;
- influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
- avoid disciplinary action under this Code;
- prevent or disrupt the effective administration of this code;

or are not made in good faith.

The Investigator can make any initial inquiry that is necessary to determine the appropriate course of action.

Unless the Investigator determines otherwise, a full copy of the complaint will be provided to the respondent.

4.7 Dismissal of complaint

Where the Investigator decides that the complaint should be dismissed, the Investigator will inform the chief executive.

The chief executive will inform the complainant and the respondent of the Investigator’s decision.

The Investigator has full discretion to dismiss any complaint, and any decision made by the Investigator is not open to challenge.

4.8 Non-material breach

Where the Investigator finds that the complaint relates to a non-material breach of the Code, the Investigator will inform the chief executive and can choose to recommend an appropriate non-binding course of action for the respondent, which may include:

- seeking guidance from the Chairperson or Mayor, or other mentor;
• attending appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint;
• apologising to the complainant; and/or
• participating in voluntary mediation.

The chief executive will inform the complainant and respondent of the Investigator’s decision and any recommendations. The Investigator may also choose to recommend that the chief executive inform the Mayor or relevant Local Board Chair for information purposes only.

Any decision made by the Investigator is not open to challenge.

4.9 Material breach

Where the Investigator considers the complaint relates to a material breach of the Code, the Investigator will inform the chief executive and refer the complaint to a Conduct Commissioner. The chief executive will inform the complainant and respondent.

The Conduct Commissioner will then, in his or her complete discretion, either direct that the complaint should be mediated if the Conduct Commissioner considers there is a reasonable prospect that mediation will resolve the complaint. Alternatively, the Conduct Commissioner may decide to investigate the complaint to determine whether a breach is made out and the seriousness of it.

If mediation is directed, the mediator will be independent from the Investigator and the Conduct Commissioner. If the mediation is successful, the outcome of the mediation will be reported to the chief executive. If the mediation is unsuccessful, the Conduct Commissioner will carry out a full investigation.

If the Conduct Commissioner investigates the complaint, the Conduct Commissioner may:
• consult with the complainant, respondent and any affected parties;
• undertake a hearing with relevant parties; and/or
• refer to any relevant documents or information.

The Conduct Commissioner will also determine whether or not to impose any of the following sanctions on the elected member:
• a requirement to apologise and, if applicable, withdraw remarks
• a requirement to make a public statement correcting previous remarks which misrepresented the facts;
• a requirement to undertake specified training or personal development;
• suspending the elected member from committees or other representative bodies; and/or
- seeking guidance from the Chairperson or Mayor, or other mentor.

Following the investigation, the Conduct Commissioner will provide the chief executive with a report on the findings of the investigation and any sanctions that are imposed on the respondent. The chief executive will provide the report to the complainant, respondent, and the relevant local board or governing body for information purposes only.\(^2\)

The decision made by the Conduct Commissioner is not open to challenge.

### 4.10 Public disclosure of complaints and outcomes

The public interest in the accountability of elected members needs to be balanced against the requirements of natural justice and privacy. Complaints relating to non-material breaches, and their outcomes, will not normally be proactively released.

Where the complaint relates to a material breach of the Code, the Conduct Commissioner will determine whether the outcome of the investigation, or the report, should be proactively released (having regard to the Local Government Official Information and Meetings Act 1987). If it is proactively released, compliance with any sanctions imposed by the Conduct Commissioner will also be publicly recorded.

### 4.11 Alleged breach relates to a conflict of interest:

Where the alleged breach of the Code relates to a conflict of interest, the chief executive will inform the respondent of the complaint, and arrange for the member to receive advice from legal services or internal audit on conflicts of interest.

The chief executive will inform the complainant that advice on the matter has been sought. The complainant will not have any further involvement in the complaint following this.\(^3\)

The advice is provided to the member and to the governing body (in relation to a complaint against a governing body member), or the local board (in relation to a complaint against a member of a local board).\(^4\)

If the advice is that it would be reasonable for the elected member to conclude that they have a conflict of interest, they are required to declare the conflict and recuse themselves from any future decision on that matter. If the elected member does not take that action,

---

\(^2\) The decision on whether or not the report will be included on a public meeting agenda, will be made in light of the requirements of the Local Government Official Information and Meetings Act 1987.

\(^3\) Involvement by the complainant is not required as the matter is a question relating to the existence, or lack thereof, of a conflict of interest. It does not require the complaint being resolved to the satisfaction of the complainant.

\(^4\) Or to just the mayor / chair possibly – on the basis that the chair has this information should similar decision-making come up again.
the matter will be referred to the Conduct Commissioner for investigation as a material breach of the Code.

If the complaint is that an elected member has breached cl 2.19 of the Conflicts of Interest policy, that complaint will be referred to the Conduct Commissioner to investigate under cl 4.9 (Material breach) of this Code.
## Attachments

**Policies and protocols**

<table>
<thead>
<tr>
<th>Item</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
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Policies and protocols

A. Conflict of interest policy

1 Purpose

1.1 This Policy sets out the expectations on and requirements of elected members of Auckland Council regarding conflicts of interest (bias) and predetermination.

1.2 This Policy seeks to preserve the integrity of the council’s decisions. If elected members participate in a decision when they have a conflict of interest or a closed mind, public confidence in those decisions will be diminished and the decisions themselves may be exposed to challenge on judicial review. This causes delay, cost and uncertainty for Auckland. Elected member conflicts of interests pose a reputational, legal and financial risk to not only the individual elected member, but also the council.

1.3 Conflicts of interest are concerned with public perceptions as to impartial decision-making, based on the interests or relationships of the decision-maker. Predetermination is concerned with “closed mind” decision-making, and is not dependent on the interests or relationships of the decision-maker.

1.4 The purposes of this Policy are –

(a) to ensure that elected members make decisions on their merits, in the interests of the public, and unaffected by illegitimate considerations such as personal interests, or other duties or relationships.

(b) to ensure that elected members make decisions with an open mind to the views of others and to alternatives, and be prepared, despite any predisposition, to change their mind.

(c) to ensure the integrity of decisions made by Auckland Council, and to ensure that people affected by, or interested in the council’s decisions, can have trust and confidence in the process and decisions made by elected members.

1.5 To achieve the purposes of this Policy, elected members must disclose all personal and outside interests, relationships and duties, abstain from discussion and voting where they have a conflict of interest or a closed mind, and make annual declarations of interest. A register of interests is also maintained by Auckland Council.

1.6 This Policy applies to all elected members of Auckland Council.

2 Conflicts of Interest (bias)

2.1 A conflict of interest may arise from a financial or non-financial interest of an elected member.
**Financial interest**

2.2 An elected member has a financial interest, in a matter being decided by Auckland Council (Governing Body or local boards) if he or she could reasonably expect a financial gain or loss, depending on how the council decides to deal with the matter. An interest in common with the public (for example as a general ratepayer of Auckland) is not a concern. For a financial interest to arise, it does not matter how the elected member actually votes (or intends to vote), or whether financial gain is sought.

2.3 A member could have a financial interest if, for example, the decision could be expected to have an effect on the value of land or shares that an elected member owns, or the turnover of a business that an elected member is involved in. The interest may be direct or indirect (for example, through a company, or as the beneficiary of a trust). An elected member must consider the financial interests of his or her spouse/partner as his or her own.

2.4 Where a decision may give rise to a very small financial gain or loss to an elected member, this may be too trivial or negligible to amount to a financial interest. For example, the Office of the Auditor-General suggests that a loss or gain of $20 is likely to be trivial (although the exact amount will depend on the circumstances of the particular interest and decision).

2.5 The question of whether an interest is held in common with the public is a matter of fact and degree. While there is no formula that can be applied to this assessment, it generally requires a consideration of:

(a) whether there is a group of people “in common” with the member, who are affected by the proposed decision, in a similar way and to a similar magnitude. The most materially similar group should be considered (usually the smallest group, or the most significantly affected group); and

(b) whether the group can be considered the “public”, that is, whether the group is a fair proxy for the people of Auckland, and so it is legitimate for the elected member to act in the interest of this group to the exclusion of other groups?

2.6 If an elected member has a financial interest in a decision before the council, they must apply the test for a conflict of interest at clause 2.10 of this Policy to determine whether they may participate in decision-making on the matter.

2.7 Participating in a decision where an elected member has a financial interest may (as well as undermining the integrity of the council decision) also constitute an offence under the Local Authorities (Members’ Interests) Act 1968 (LAMIA), and this may have personal consequences for the individual elected member. See paragraph 2.16 for recommended steps where an elected member may have a financial conflict of interest.

**Non-financial interest**

2.8 An elected member has a non-financial interest in a matter being decided by Auckland Council, if he or she has a relationship or involvement with an individual or
organisation (usually separate to their role as an elected member), in circumstances where that individual or organisation is involved in or affected by a matter before the council.

2.9 The interest arises from a pre-existing state of affairs. Common non-financial interests may arise from a personal relationship, such as with family, friends, or iwi and hapū. Other interests may arise from involvement with organisations, such as community groups, clubs or churches.

Test for conflict of interest

2.10 Once a financial or non-financial interest is identified, the test for whether that interest may constitute a conflict of interest is:¹

Would a fair-minded observer reasonably think that a member of the decision-making body might not bring an impartial mind to the decision, in the sense that he or she might unfairly regard with favour (or disfavour) a particular position due to his or her financial or non-financial interest?

2.11 This question is not just limited to actual bias, but also the appearance or possibility of bias. This is because even the appearance of bias may undermine public trust and confidence in council decision-making.

2.12 When applying this test, fair-minded observers should be taken to understand the practicalities and political context of local government. Local authorities are different in nature to other decision-making bodies, such as courts and judges, and elected members are not required to be entirely impartial or removed from their communities. The democratic status of a local authority, the representative nature of members of a local authority, and the practice of decisions being made by a committee of members by majority vote must be recognised. So too must the type of decision being made. Some decisions, such as decisions under the Resource Management Act and those requiring a formal statutory process and hearing, require a higher degree of impartiality than decisions that are more high-level policy making, or where it is a recommendatory power only.

Management of Conflicts of Interest

2.13 Elected members are required to evaluate their financial and non-financial interests to determine whether or not they have a conflict of interest in any matter being discussed or voted on.

2.14 If an elected member is concerned they may have a conflict of interest in a matter before the council (either financial or non-financial), they must consider and review this Policy and the flow chart (see Appendix 3 of this Policy), and/or seek advice from the Chief Executive.

2.15 Additionally, if it is a financial interest, the elected member should review the Office of the Auditor-General Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1968 (OAG Guidelines), and should also

consider seeking advice from the Office of the Auditor-General or independent legal advice.

2.16 If an elected member has a conflict of interest, they must not participate in discussion or voting on the matter. The elected member must:

(a) declare that a conflict of interest exists at the beginning of the meeting;
(b) refrain from discussing or voting on the matter;
(c) leave the meeting table while the matter is being discussed or voted on (but may remain in the meeting room if appropriate);
(d) ensure that the declaration and abstention are recorded in the meeting minutes.

2.17 Reminders to elected members to declare any conflicts of interests are included as a standard item on meeting agendas.

2.18 In addition, in order to protect against conflicts of interest, elected members must not accept any gifts (including hospitality and entertainment) from parties to any regulatory process that the council is making decisions on, where the elected member is directly involved or interested in the governance or administration of regulatory process itself. This requirement does not apply to regulatory decisions which concern the public generally, for example, decisions relating to the adoption or review of a Bylaw.

2.19 It is a breach of this Policy if an elected member has a financial or non-financial conflict of interest in a decision, and does not manage it in accordance with clauses 2.13 - 2.18 of this Policy.

**Local Authorities (Members’ Interests) Act 1968 (LAMIA)**

2.20 In addition to this Policy, elected members must also comply with any other legal requirements relating to conflicts of interest. This includes the requirements set out in LAMIA. Of particular note:

(a) it is an offence under LAMIA for an elected member to participate in discussion or voting on any matter before the council in which they have a direct or indirect financial interest, other than an interest in common with the public;² and

(b) an elected member is automatically disqualified from office, if they are “concerned or interested” in contracts with the Council and the total payments made, or to be made, by or on behalf of the Council exceed $25,000 (inclusive of GST) in any financial year.³

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² Local Authorities (Members’ Interests) Act 1968, section 6.
³ Local Authorities (Members’ Interests) Act 1968, section 3.
2.21 For advice on compliance with LAMIA, elected members should review the OAG Guidelines and/or seek advice from the Office of the Auditor-General or independent legal advice.

3 Pre-determination

3.1 Pre-determination is concerned with “closed mind” decision-making and, unlike conflicts of interest, is not dependent on the relationships or interests of the decision-maker. It is generally based on the expression of a view or conduct; for example, an elected member making a statement that indicates their mind is made up about a particular matter before having heard all views, or refusing to read or listen to reports or submissions presented to the council on the matter.

Test for pre-determination

3.2 Pre-determination requires proof of “actual pre-determination or fettering rather than the appearance of the same”. For an elected member to have pre-determined a matter, they must have an actual closed mind.

3.3 In a local authority context, elected members may approach their task with a legitimate predisposition to decide in accordance with particular views on certain issues that they have previously articulated. What is critical is that an elected member is “prepared, despite predisposition, honestly to consider whether to change its mind”.

Avoiding pre-determination

3.4 Elected members must approach decisions with an open mind. They must listen to and consider the views of others, staff reports and advice, and submissions and feedback presented to the council. They should avoid making statements or exhibiting behaviours that suggest that they have made up their mind before all views have been heard and deliberated.

3.5 Where an elected member has pre-determined a matter, they must refrain from discussing or voting on the matter. In addition, elected members must not deliberate on a public consultation process where that member has made a personal submission.

3.6 If an elected member is in doubt as to whether there is a risk of pre-determination, they must consider and review this Policy, and/or seek advice from the Chief Executive. The elected member may also find assistance from the Office of the Auditor-General Guidance on LAMIA.

3.7 It is a breach of this Policy for elected members to discuss or vote on a matter if they did not approach the decision with an open mind.

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4 _Travis Holdings Ltd v Christchurch City Council_ [1993] 3 NZLR 32 (HC) at 47.

5 _Friends of the Tutuka Reserve Society Inc v Palmerston North City Council_ [2008] 2 NZLR 661 (HC) at [102], per Baragwanath J.
4 Register of Members’ Interests

4.1 Elected members must make a full and complete declaration of interests they hold each year, as at 30 June (the Annual Declaration). For members elected to the Governing Body or a local board for the first time during the preceding 12 months, the Annual Declaration is not required to include information that relates to the period before their election.

4.2 The Annual Declaration must notify the council of the nature and extent of any interest as required under clause 4.5 below.

4.3 The Annual Declarations must be transmitted to the Registrar by 31 July each year. Elected members must also advise as soon as practicable during the year if any new interests arise.

4.4 The Annual Declarations for all elected members are recorded in a Register of Members’ Interests maintained by the council (the Register).

Content of Return of Declaration of Members’ Interests as at Effective Date of Return (30 June)

4.5 Every Annual Declaration must notify the council of the nature and extent of any interest, including:

(a) Property interests: location of, and general nature and extent of, any legal or beneficial interests in land in Auckland of the member or their spouse/partner;

(b) Trusts (beneficiary): general nature and extent of any interest in trusts for which the member or their spouse/partner is aware, or ought reasonably to be aware, that they are a beneficiary;

(c) Companies and businesses: name of any company or business, and general nature and extent of, any financial interest of the member or their spouse/partner in the company or business. This does not include interests only as a director in a company or business;

(d) Employment: any employment for which the member receives remuneration, including the name of each employer of the member, a description of the main business activities of each employer, and the nature of the member’s role and remuneration;

(e) Other sources of income: any other role for which the member receives remuneration, and the nature of the remuneration, including for directorships, trustships, or other governance roles;

(f) Debtors: any debtors of the member and their spouse/partner, including the name of the debtor, a description of the debt owed and the interest rate, and whether the debt is worth more or less than $50,000;

For the purposes of this clause, a member does not have to disclose:
(A) A relationship property settlement, where the member is a creditor in respect of the settlement;

(B) Any debt if the debtor is the member’s spouse or domestic partner or any parent, child, step-child, foster-child or grandchild of the member; or

(C) Any debt if it is for the supply of goods or services and payment is required within 90 days of supply, or 90 days after the date of an invoice where the supply is continuous and periodic;

(g) Creditors: any creditors of the member and their spouse/partner, including the name of the creditor, a description of the debt owed and the interest rate, and whether the debt is worth more or less than $50,000;

(i) For the purposes of this clause, a member does not have to disclose

(A) Any home loan or mortgage from a registered bank;

(B) A relationship property settlement, where the member is a debtor in respect of the settlement;

(C) Any debt if the creditor is the member’s spouse or domestic partner or any parent, child, step-child, foster-child or grandchild of the member; or

(D) Any debt if it is for the supply of goods or services and payment is required within 90 days of supply, or 90 days after the date of an invoice where the supply is continuous and periodic;

(h) Contracts: any contracts with Auckland Council that the member or their spouse/partner are involved in (or a company or business that the member or their spouse/partner are interested in), and under which they receive payments from the council, including the general nature of the contract, the nature of your rights, and whether the combined value of payments by the council under the contracts is worth more or less than $25,000 in any financial year;

(i) Trusts (trustee): general nature of any trust for which the member is a trustee, and its activities and beneficiaries;

(j) Governance: any governance roles in community organisations, including the name of the organisation and the nature of the member’s role;

(k) Membership and patronage of community organisations: any community or other organisation of which the member is a member or patron, including the name of the organisation and the nature of the role;

(l) Other appointments: any appointment, except those made by the Governing Body or a local board, including the name of the organisation the member has been appointed to, and the nature of the appointment;
(m) **Travel costs:** any contributions to travel costs of the member made by third parties, and the value of the contribution;

(n) **Gifts:** a description of gifts received over the value of NZD$300, and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member);

(i) For the purpose of this clause, gift—

(A) Includes hospitality (e.g. meals, corporate box) and donations in cash or kind other than donations made to cover expenses in an electoral campaign;

(B) Excludes gifts received from family members (that is, any of the following: the member’s spouse or domestic or any parent, child, step-child, foster-child or grandchild of the member).

(o) **Personal debts:** description of personal debts of more than NZD$300 that were owing by the member that were discharged or paid (in whole or part) by any other person and the names of each of those persons.

4.6 Except as otherwise provided, nothing in the Annual Declaration requires the disclosure of the actual value, amount or extent of any asset, payment, interest, gift, contribution or debt.

**Maintenance of the Register**

4.7 The Register is maintained and updated on an ongoing basis, comprising all returns transmitted by elected members. Additional interests declared during the course of the year will be added to the Register as they occur.

4.8 The Register is maintained by the Registrar, or anyone who is authorised by the Registrar to act on their behalf. The Registrar is appointed by the Chief Executive, for the purposes of:

(a) Compiling and maintaining the Register; and

(b) Providing advice and guidance to members in connection with their obligations under Section 4 of this Policy.

4.9 The Register (or a fair and accurate summary of its contents) is available for public inspection. The Register or the summary is published on the council’s website.

5 **Further Information and Guidance**

5.1 If an elected member has further questions about any matter covered by this Policy, they should:

(a) Seek advice from the Chief Executive;

(b) If they are concerned they may have a financial interest in a decision or may breach their obligations under LAMIA, consult the Office of the Auditor-
General Guidance on LAMIA and/or seek advice from the Office of the Auditor-General;

(c) Seek independent legal advice.
## Appendix 1: Types of financial interests which may give rise to a conflict of interest

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<tr>
<th>Type of interest</th>
<th>Information that may be relevant in evaluating conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land (legal interest)</strong> – Legal interests in land in Auckland owned by the member or their spouse / partner.</td>
<td>Address or location of the land, the type and extent of interest, any formulated development plans for that land (e.g. a resource consent application).</td>
</tr>
<tr>
<td><strong>Trusts (beneficiary)</strong> – Trusts for which the member or their spouse / partner is a beneficiary.</td>
<td>Name and type of the trust, the beneficiaries of the trust, the major assets of the trust in Auckland including any major interest in land in Auckland.</td>
</tr>
<tr>
<td><strong>Shares (public company)</strong> – Any shares held by the member or their spouse / partner in a publicly listed company operating in Auckland.</td>
<td>Name of the company, the number of shares owned, the nature of the business.</td>
</tr>
<tr>
<td><strong>Private companies</strong> – Any shares or ownership stake held by the member or their spouse / partner in a private company or other business (including as a sole trader, partnership or joint venture) operating in Auckland.</td>
<td>Extent of the ownership interest in the business, the nature of the business, the address of any sites it uses in Auckland (e.g. for trade or offices), the major assets of the company in Auckland.</td>
</tr>
<tr>
<td><strong>Land (other beneficial interest)</strong> – Any other beneficial interest in land in Auckland owned by member or their spouse/ partner (e.g. a reversionary interest or a future interest).</td>
<td>Address or location of the land, the type and extent of interest, and any formulated development plans for that land (e.g. a resource consent application).</td>
</tr>
<tr>
<td><strong>Remuneration for governance roles</strong> – Any directorships, trusteeships or other governance roles of the member or their spouse / partner for which they could receive remuneration.</td>
<td>Nature of the role, the nature of the remuneration that the member or their spouse / partner receives in this role and the major assets of the organisation in Auckland.</td>
</tr>
<tr>
<td><strong>Employment</strong> – Any employment roles of the member or their spouse / partner.</td>
<td>Nature of the organisation, role and remuneration.</td>
</tr>
<tr>
<td><strong>Debtors</strong> – Any person or organisation that owes money to the member or their spouse/partner.</td>
<td>The debtor and the amount owed.</td>
</tr>
<tr>
<td><strong>Creditors</strong> – Any person or organisation that the member or their spouse/partner owes money.</td>
<td>The creditor and the amount owed.</td>
</tr>
</tbody>
</table>
### Appendix 2: Types of non-financial interests which may give rise to a conflict of interest

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<th>Type of interest</th>
<th>Information that may be relevant in evaluating conflicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other duties and roles</td>
<td>Nature of the organisation, business, beneficiaries, the address of any sites it uses in Auckland (e.g. for trade or offices), its major assets in Auckland, the objects of the organisation, the nature of the member’s role and duties (in particular, whether the member has fiduciary obligations or has access to confidential information).</td>
</tr>
<tr>
<td><strong>Trusteeships, directorships or other governance roles</strong> – Organisations for which the member participates in the governance body.</td>
<td><strong>Other duties or obligations</strong> – Any person or organisation that the member has a duty to, especially a fiduciary obligation, e.g. clients or power of attorney. Nature of the person or organisation, their interests in Auckland, the objects of the organisation, the nature of the member’s role and duties (in particular, whether the member has fiduciary obligations or confidential information).</td>
</tr>
<tr>
<td>Close associations</td>
<td></td>
</tr>
<tr>
<td><strong>Memberships, patronage or close association with organisations</strong> – Any organisation that the member belongs to, or has a close association with (for example because they are a patron).</td>
<td><strong>Close relatives, business partners or other persons closely associated with the member</strong> – Any person that the member is closely associated with, such that the member may be perceived to act in their interests. The name of the person, the nature of their interests in Auckland, including any significant financial interests.</td>
</tr>
</tbody>
</table>
Appendix 3: Do you have a conflict of interest in a council decision that means you should not participate in discussion or voting?

**FINANCIAL INTERESTS**

1. Identify: What is the matter for decision, and what are the various ways the council could deal with the matter?
2. Do you have a financial interest in the matter for decision?
   - Could you or your partner/spouse reasonably expect a non-trivial financial gain or loss depending on how the council decides to deal with the matter for decision?
   - **NO**
   - **YES**
     - Is the financial interest in common with the public?
       - **YES**
         - You can participate in discussion and voting on the matter
       - **NO**
     - **NO**

**NON-FINANCIAL INTERESTS**

1. Identify: What is the matter for decision, and what are the various ways the council could deal with the matter?
2. Do you have a non-financial interest in the matter for decision?
   - Do you have a close association with an individual or organisation which is affected by the decision?
   - Is the decision likely to affect an organisation or person that you have duties to or a role with?
   - **NO**
   - **YES**
     - You can participate in discussion and voting on the matter
     - **NO**
     - **YES**

Is your interest a conflict of interest?

Would a fair-minded observer reasonably think that you might not bring an impartial mind to the matter because of your financial or non-financial interest, in that you might unfairly regard with favour or disfavour a particular position due to your interest?

- **NO**
- **YES**

You have determined you do not have a conflict of interest in the matter. You should consider seeking independent legal advice about whether participation in this matter is a breach of LAMIA if you have or are concerned you have a financial interest.

You have a conflict of interest in the matter. You should declare your interest and abstain from discussion or voting on the matter.
B. Access to information protocol\textsuperscript{6}

The purpose of this protocol is to provide elected members with a formal mechanism for access to Council information, that is better and more efficient than provided for in the Local Government Official Information and Meetings Act 1987 (LGOIMA).

This protocol is not the only way that elected members can access Council information. Elected members can continue to obtain Council information through the usual variety of channels such as discussion or correspondence with Council staff, agenda reports, and other elected members, and under LGOIMA.

\textsuperscript{6} Version – 15.8.2018
Elected member makes request for information
Request is to the CE, states the basis on which the information is sought and agrees to abide by the protocol.

CE decides if ‘good reason’ principle applies
Good reason principle will apply if access to the information is reasonably necessary to enable the elected member to properly perform their statutory functions or representative duties.

Information is required for statutory functions
Response due 5 working days from date of request.

Information is required for representative duties
Response due 5 working days from date of request.

Information is not required for either reason
Request considered under LGOIMA
Response due 20 working days from initial date of

CE considers whether information should be released or withheld
CE may withhold information under three LGOIMA grounds:
• maintenance of the law
• personal safety
• free and frank expression of opinion in public affairs
unless the information could be made available to the elected member in a confidential manner that mitigates concerns and serves the member’s reason for accessing the information.
Clauses 3.7 and 3.9

CE considers whether information should be released or withheld
CE may withhold information under any of the LGOIMA grounds unless the information could be made available to the elected member in a confidential manner that mitigates concerns and serves the member’s reason for accessing the information.
Clauses 3.8 and 3.9

CE decides what information is released and how
Non-confidential Council information is released to the elected member.
For confidential Council information, the CE decides:
• What information is withheld and why.
• What conditions will attach to the release of confidential information.
Clauses 3.10, 3.11, 4.9

Provision of information
CE provides the member with the response and makes the information available, subject to any withholding grounds and confidentiality requirements.
Elected member has a Code of Conduct duty to maintain confidentiality.
Clauses 4.9, 4.10 and 5.1

Elected member may challenge decision
Elected member may challenge the decision of the CE by requesting that the Audit & Risk Committee reconsider the decision.
Clauses 4.13 – 4.17.
1 Purpose

1.1 This protocol establishes a formal mechanism for elected members to access Council information in order to perform their functions and duties as members of the Council.

1.2 This protocol provides that elected members have a legal right to access Council information in certain circumstances. However, this protocol is not the only way that elected members can access Council information. Elected members can continue to obtain Council information through a variety of channels such as agenda reports, discussion or correspondence with Council staff and other elected members, and under LGOIMA.

1.3 The purposes of this protocol are –

a) To give effect to the legal principle that elected members have a right, in certain circumstances, to access Council information where reasonably necessary to enable them to properly perform their statutory functions as democratically elected local decision-makers.

b) To facilitate elected members in fulfilling their representative duties as members of the Council, to promote democratic and effective local government.

c) To provide elected members with better and more efficient access to Council information than is provided for in the Local Government Official Information and Meetings Act 1987 (LGOIMA), by reducing the number of withholding grounds that can apply to the information and the timeframes for response.

d) To provide for transparent and impartial decisions on requests by elected members to access Council information under this protocol, and for the decisions to be made by the Chief Executive.

e) To provide a democratic mechanism for the Governing Body to reconsider the decisions of the Chief Executive made under this protocol.

f) To provide that confidential Council information will be made available to elected members in a manner that reflects the Council’s legal duty to protect the confidentiality of the information and does not prejudice the interests protected by sections 6 or 7 of LGOIMA.

2 Interpretation

2.1 “Council information” means any information held by the Council and includes information held by:

a) the Chief Executive and Council staff;

b) elected members;

c) the Office of the Mayor; or

d) a statutory officer of the Council;

in the capacity as an officer, member or employee of the Council.
3 Elected members’ right to Council information under the "good reason" principle

Council information that a member has good reason to access

3.1 An elected member is entitled to access Council information if he or she has a good reason to access that information.

3.2 Such a good reason will exist if access to the Council information is reasonably necessary to enable the elected member to properly perform:

(a) his or her statutory functions as a local decision-maker ("required for statutory functions"); or

(b) his or her representative duties as a member of the Council ("required for representative duties").

unless, in either case, the withholding grounds in clause 3.7 or 3.8 of this protocol apply.

Information required for statutory functions under clause 3.2(a)

3.3 The statutory functions of an elected member (except in the case of the Mayor) are only performed through the Governing Body and Local Boards as collective decision-making bodies, unless an elected member has received delegations. The Mayor has distinct individual statutory functions, which are defined in section 9 of Local Government (Auckland Council), Act 2009 (LGACA).

3.4 Unless a withholding ground under clause 3.7 of this protocol applies, a good reason to access the information will exist where:

a) for any elected member, the information is relevant to and reasonably necessary for that elected member to properly perform their statutory functions in relation to any business reasonably expected to be transacted at a meeting of a decision-making body of which the member is a part such as the Governing Body, a Local Board or a Council committee;

b) for an elected member with delegated decision-making powers, the information is relevant to and reasonably necessary for that elected member to properly perform their statutory functions in relation to any decision that he or she will make under a delegated function; or

c) for the Mayor only, the information is relevant to and reasonably necessary for the Mayor to properly perform their statutory functions in relation to the Mayor’s distinct statutory functions in section 9 of LGACA.
Information required for representative duties under clause 3.2(b)

3.5 Unless a withholding ground under clause 3.8 of this protocol applies, a good reason to access the information will exist where the information is relevant to and reasonably necessary for an elected member to properly perform his or her representative duties, and the elected member seeks, in good faith, to access the information in order to represent his or her constituents, or the people of Auckland, in matters of Auckland’s local government.

3.6 For the avoidance of doubt, it will not be reasonably necessary for an elected member to access Council information to properly perform his or her representative duties under clause 3.2(b) if the information is sought by an elected member on behalf of a constituent. In such cases, the information should be sought by the elected member under LGOIMA.

Grounds for withholding information

3.7 Information that an elected member would otherwise have a good reason to access under clause 3.2(a) (required for statutory functions) may be withheld if:

(a) Section 6 of LGOIMA (conclusive reasons for withholding information) applies. This will be the case when making the information available to the elected member or Mayor would be likely to—

(i) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

(ii) endanger the safety of any person.

(b) The information is generated by or on behalf of an elected member, the Mayor or the Office of the Mayor, and a good reason to withhold the information under section 7(2)(f)(i) of LGOIMA exists. That will be the case when withholding the information is necessary to maintain the effective conduct of public affairs by protecting the free and frank expression of opinions.

3.8 Information that an elected member would otherwise have a good reason to access under clause 3.2(b) (required for representative duties) may be withheld if a good reason to withhold the information under section 6 or 7 of LGOIMA exists.

3.9 In all circumstances, information may not be withheld from the elected member under clauses 3.7 or 3.8 if the information could be made available to the elected member confidentially (under clauses 3.10-3.11 of this protocol) in a manner that:

(a) mitigates prejudice to the interests protected by the applicable withholding ground under section 6 or 7 of LGOIMA; and

(b) reasonably serves the elected member’s good faith reasons for seeking access to the information.

Manner in which access to information is provided

3.10 For any request made under this protocol, Council information that is not confidential must be made available in the way preferred by the elected member requesting it, unless to do so would impair efficient administration or be contrary to a legal duty of the Council.

3.11 For any request made under this protocol, confidential Council information must be made available by:
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(a) providing a copy of the information, with or without a distinguishing mark and/or a requirement that the copy be returned within a specified period;

(b) providing access to the information through an electronic portal;

(c) furnishing oral information about the information;

(d) giving the elected member or Mayor a reasonable opportunity to inspect the information; and/or

(e) giving an excerpt or summary of the information;

(f) and in all cases, if required to protect the privacy of natural persons, by providing the information with personal information redacted.

3.12 Any conditions placed on access to information in accordance with clause 3.10 above must be reasonably necessary to protect the interest that renders the information confidential, and take into account the circumstances and the nature of the confidentiality.

4 Requests for information under the “good reason” principle

Making a request

4.1 Elected members may seek access to Council information under this protocol by making a request in writing to the Chief Executive.

4.2 An elected member making a request for access to Council information must state in writing:

(a) whether the information is sought for the member to properly perform either:

(i) his or her statutory functions as a local decision-maker; (under clause 3.2(a)); or

(ii) his or her representative duties as a member of the Council (under clause 3.2(b)); and

(b) the circumstances that mean the information is reasonably necessary for that purpose.

4.3 By making a request under this protocol, an elected member agrees to abide by any restrictions regarding access to confidential Council information that are required by the Chief Executive under clauses 3.10 and 3.12.

Timeframe for response

4.4 After receiving a request under this protocol, the Chief Executive must make a decision as soon as reasonably practicable and in no case later than 5 working days.

4.5 In either case, the Chief Executive may extend the time for decision and response on a request by a further 5 working days if:

(a) consultations are necessary to make a decision on the request; or

(b) meeting the original time limit would unreasonably interfere with the operations of the Council.
4.6 If a request relates to business to be transacted at a Council meeting then the Chief Executive’s decision should, to the extent possible, be provided at least one working day before the meeting.

Consultations

4.7 If the information requested is held by an elected member, the Office of the Mayor or a statutory officer of the Council, the Chief Executive must consult with the person who holds the information before making a decision.

4.8 Where an elected member, the Office of the Mayor or a statutory officer of the Council holds information requested under this protocol, that person must provide that information to the Chief Executive to enable the Chief Executive to make a decision on the request.

Decision and response

4.9 The Chief Executive must make a decision and notify the elected member whether the information requested will be withheld or provided.

4.10 The Chief Executive’s response must inform the elected member of:

(a) whether any of the information requested is held as Council information and whether it is confidential Council information;

(b) the Chief Executive’s decision on whether access to the information is reasonably necessary for the elected member under clause 3.2(a) (required for statutory functions) or clause 3.2(b) (required for representative duties); and

(c) any withholding grounds that apply to the information requested;

(d) any conditions of provision of confidential Council information that will apply under clause 3.10.

4.11 If the information is to be provided to the elected member, the Chief Executive must enable the member to access the information in accordance with clauses 3.10 – 3.12.

4.12 If the Chief Executive considers the member does not have a good reason to access the information, the Chief Executive should ensure that the request is subsequently considered by the Council in accordance with LGOIMA. In these circumstances, the request must be treated by the Council as having been made under LGOIMA on the date that it was first made to the Chief Executive.

Challenging a decision of the Chief Executive

4.13 If any elected member is dissatisfied with a decision of the Chief Executive under this protocol, the elected member may refer the matter to a meeting of the Audit & Risk Committee.

4.14 To make such a reference, the elected member may ask that the Chief Executive place the matter on the agenda of the Audit & Risk Committee. Such a request must comply with clauses 2.52, 2.54 and 2.57 of the Audit & Risk Committee’s Standing Orders, as if the request were a notice of motion.

4.15 Once a matter is referred to the Audit & Risk Committee, the Audit & Risk Committee may resolve to either:
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(a) confirm the Chief Executive’s decision; or
(b) quash and remake the Chief Executive’s decision.

4.16 The Audit & Risk Committee must make its decision in a manner that is transparent and impartial, and must take into account the purposes of this protocol as set out in clause 1.

4.17 The decision of the Audit & Risk Committee is final.

5 Duty to maintain confidence

5.1 Elected members have a legal duty to maintain the confidentiality of any confidential Council information that is provided to them.

5.2 A failure to maintain the confidentiality of such information is a breach of this protocol and of the elected members’ Code of Conduct.
C. Election year policy

1 Summary

1.1 In an election year, elected members standing for re-election “wear two hats”. They continue to make the decisions of the Auckland Council and, as candidates, campaign for re-election.

1.2 If an incumbent elected member is standing for re-election, he or she must clearly and transparently differentiate between council ‘business as usual’ and campaigning for re-election. This policy will assist elected members to manage this important distinction, particularly during any year in which a local government election is held.

1.3 Resources owned by the Auckland Council and made available to elected members should only be used for Auckland Council purposes. This applies at all times.

1.4 During an election year, the use of council resources for re-election purposes is unacceptable and possibly unlawful.

1.5 This policy is based on guidance from the Auditor General.\(^7\)

2 Who does this policy apply to?

2.1 The policy applies to all Auckland Council elected members and advisory panel members.

2.2 The Independent Māori Statutory Board (IMSB) and the boards of Council-Controlled Organisations are requested to note the relevant principles in this policy and apply them, as appropriate, to their boards.

3 Complaints about potential breaches of this policy

3.1 Complaints about potential breaches of this policy must be made in writing to Auckland Council’s chief executive who will consider each complaint on a case by case basis with reference to this and other relevant policies.

3.2 Complaints about the conduct of the elections are made to the electoral officer. If any complaint involves the use of council resources the electoral officer will bring the complaint to the attention of the chief executive.\(^8\)

4 Principles

4.1 This policy is based on two complementary principles:

Principle 1: Resources owned by the Auckland Council and made available to elected members should only be used for Auckland Council purposes.

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\(^7\) \text{“Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General).}

\(^8\) Auckland Council Code of Conduct: Elected Members, para 7.9.3.
This applies at all times, not just during an election year.

Principle 2: The use of council resources for re-election purposes is unacceptable and possibly unlawful.\(^9\)

4.2 This is consistent with the Auditor-General’s good practice guide and is specific to election year.

4.3 Elected members standing for re-election should clearly and transparently differentiate between council ‘business as usual’ and campaigning for re-election.

5 General business of council continues during pre-election period

5.1 The normal business of council continues during an election year, including during the pre-election period and elected members continue to have the right and responsibility to govern and make decisions.

5.2 During the pre-election period a heightened level of media and public scrutiny about council’s decisions and business can be expected. To assist elected members and council staff during this period, the governing body and each local board may choose to adopt certain limited restraints on business as usual. For example:

- as far as is reasonably possible, make significant decisions and provide direction to officers on any major issues prior to the pre-election period
- decide not to make major policy decisions or changes which will significantly impact on the incoming council during the pre-election period.

5.3 Choosing to adopt limited restraints on normal business during the pre-election period assists elected members and employees to manage any potential confusion which may occur between council’s business as usual and candidates’ campaign manifestos.

5.4 It is important to note that not all decisions should, or can, be made prior to the start of the pre-election period. The general principle is that business can continue as normal.

6 Use of council resources

6.1 If a sitting elected member is seeking re-election a clear and transparent distinction will be made between that member’s business-as-usual activities and the member’s campaigning activities.

6.2 Elected members can use council resources and technology only in their capacity as an elected member of Auckland Council and should use their own resources and technology in their capacity as an election candidate.

6.3 Council’s policy on the use of technology may allow limited personal use of council resources such as mobile phones, by elected members on the basis of reimbursing the council for any actual cost to the council.

6.4 In an election, the council does not supply any candidate with technology resources. Having access to a council resource could create an electoral advantage, regardless of

\(^9\) Principle 12, “Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General).
whether there is an actual cost to the council. All candidates, including sitting members, should use their own resources for electioneering.

6.5 Mileage allowances will not be paid for any travel relating to electioneering.\textsuperscript{13}

7 Use of mayoral resources

7.1 Council resources provided for mayoral use should not be used for any electioneering activities associated with any candidate.

7.2 If an incumbent mayor is seeking re-election a clear and transparent distinction will be made between that mayor’s business-as-usual activities and the mayor’s campaigning activities. An incumbent mayor seeking re-election will establish a separate office, with separate staff, for any campaigning activities.

7.3 The incumbent mayor’s office will establish systems and protocols to ensure that any information or other requests from the public, media, other elected members or council employees during the pre-election period are identified as either business as usual or campaign related and to ensure that these are kept separate and responded to appropriately.

8 Elected members correspondence

8.1 During the pre-election period normal day-to-day elected members’ official correspondence with their constituents on appropriate matters should not be inconsistent with the general principle that Auckland Council must not promote, nor be perceived to promote, the re-election prospects of a sitting member or any candidate for election.

8.2 Correspondence relating to any sitting member’s campaign for re-election should not utilise an Auckland Council email address, Auckland Council stationery or Auckland Council business card.

8.3 Business cards will not be renewed during the pre-election period.

9 Council communications

9.1 The use of Auckland Council communication resources for re-election purposes is unacceptable and may be unlawful.\textsuperscript{11}

9.2 Criticism of an elected member or candidate for election by a sitting elected member is unacceptable in any council-funded communication.

9.3 Criticism of decisions of the governing body by any local board; criticism of decisions of any local board by the governing body; and criticism of decisions of any local board by another local board is unacceptable in any council-funded communication.

9.4 Auckland Council’s Communications Policy and the policies referred to in that document apply at all times.

\textsuperscript{10} Elected Members Expense Policy 1 October 2014, v 2.2 para 57.

\textsuperscript{11} Principle 12, “Good Practice for Managing Public Communications by Local Authorities” (Office of the Auditor-General). An intent of this section is to avoid elected members who are candidates using council funded communications as part of their campaign, whereas other candidates have to use their own resources.
9.5 Particular care will be exercised in the use of council resources for communications to ensure that they do not unreasonably raise, or could have the effect of unreasonably raising, the personal profile of any elected member or candidate for election in the community. This will include careful consideration of the tone, content and style of any communication to ensure that it is factual, accurate, complete, fairly expressed, and politically neutral.

9.6 During the pre-election period, the following communications must be authorised by Auckland Council’s chief executive, or his or her delegate:

- Council-funded communications
- communications by or about elected members, in their capacities as spokespersons for council
- events and speaking invitations.

9.7 Council-funded communications will include reference to the relevant council decision to which they relate. Communications from the mayoral office will include reference to the relevant council decision to which they relate where such a resolution exists.

9.8 Photographs of elected members and content authored by elected members in council publications and advertising will be suspended during the pre-election period.  \(^\text{12}\)

10 Council support staff for elected members

10.1 Councillor Support Advisors provide dedicated support to councillors and Local Board Services staff provide dedicated support to local board members through local board offices. Such support continues for the purpose of assisting elected members to fulfil their responsibilities in conducting the business of Auckland Council.

10.2 Support staff will not provide any assistance relating to electioneering activities.

11 Neutrality of public servants

11.1 A major characteristic of New Zealand’s constitutional arrangements is that public servants are apolitical. This applies to public servants in local and central government.

11.2 Having a heightened awareness of the need for public servants to be seen to act with political neutrality does not mean the work of council is disrupted. All staff continue to support elected members in performing their role.

11.3 It does mean however, that during an election year and particularly during the pre-election period, additional care must be taken to ensure that activities are not seen, in any way, to support or preference one candidate over another.

11.4 This is particularly important with respect to activities such as media relations, advertising campaigns, responding to Local Government Official Information and Meetings Act 1987 requests, interaction with electoral candidates, public speaking engagements, appointment processes, programme and strategy launches and promotions, and the release of discussion documents.

\(^\text{12}\) Statutory requirements for communications, such as the requirement to publish an Annual Report, will be managed to ensure existing members do not receive an electoral advantage. See para 4.52 “Good Practice for Managing Public Communications by Local Authorities”, Auditor-General.
11.5 The chief executive is responsible for setting appropriate election year protocols for staff.

12 Definitions

12.1 **Council resources** means: council’s human resources; budgets; and council-owned, or controlled, property and other resources; including information technology and telecommunications devices. Auckland Council’s Elected Members Technology Policy applies during the pre-election period.

12.2 **Electioneering** means activity that relates exclusively to the campaign for the election of a candidate, and occurs solely in the candidate’s capacity as a candidate, and not in his or her capacity as a member of the governing body or local board\(^{13}\).

12.3 **Pre-election period** means the three months prior to election day\(^{14}\).

13 Related policies

13.1 The following policies continue to apply during an election year and should be read in conjunction with this policy:
- Auckland Council’s Elected Members Code of Conduct Policy
- Auckland Council’s Elected Members Technology Policy
- Auckland Council’s Elected Members Expense Policy
- Auckland Council’s Communications Policy

14 Operational protocols

14.1 This policy may be supplemented by more detailed operational protocols for the mayor’s office, local board members and council employees.

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\(^{13}\) Adapted from Local Electoral Act 2001, section 104.

\(^{14}\) Local Electoral Act 2001, section 104.
FAQ

1. **What if I receive an election-related call on my council mobile phone?**

   You should use a personal phone for election-related activities. Using a council mobile phone for all election communication is not appropriate. It will require you to list the council mobile phone number as your contact on your campaign material and this is also not appropriate. However, spending five minutes taking the call is not likely to affect the course of the election, give you an electoral advantage or be a cost to the council, but you should advise the caller to use your personal number in the future.

2. **Some of the opportunities that I have for attending to campaign activities occur between meetings at the council. It is not feasible for me to travel home to use my personal computer in order to draft a speech.**

   The underlying principle is that of electoral advantage. The issue is whether, by having access to a computer that you do not have to pay for, you are at an advantage over other candidates. You should use your own resources for election related activity. You may need to carry two laptops during the electoral campaign.

3. **The council provides local boards with Facebook pages. Am I able to make critical comments on these?**

   Yes. During the course of the term, some posts on council-provided Facebook pages are in the name of the local board. Other people may make personal comments and posts. If members continue to make personal comments during the election period, there is no electoral advantage. Any member of the public, including any candidate, has the same opportunity.

4. **What are the key dates for local government elections?**

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Not less than 28 days before the closing of the roll</td>
<td>Nominations open</td>
</tr>
<tr>
<td>57th day before election day</td>
<td>Nominations close, roll closes</td>
</tr>
<tr>
<td>Three weeks prior to election day</td>
<td>Voting period</td>
</tr>
<tr>
<td>Election day</td>
<td>Day after public notice of declaration of results</td>
</tr>
<tr>
<td>Term of office commences</td>
<td></td>
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</tbody>
</table>

The pre-election period is three months prior to the election.
D. Communications policy

1 Definition of Communications

1.1 Communications means any communication by an elected member, the council, or an employee or office holder of a council, where:
   - the council meets the cost (wholly or in part), or
   - the person making the communication does so in an official capacity on behalf of the council.

1.2 Communications include:
   - mandatory and discretionary communications
   - communications in the council’s own publications and the news media generally
   - Council-funded advertisements and other forms of publicity
   - electronic (including website, e-mail, texting and social media) and hard copy publication
   - speaking engagements, events and programme launches on behalf of Council
   - communications undertaken for the purpose of research and community consultation and engagement.

1.3 This policy does not apply to communications by elected members using their own resources and making the communication in their personal capacity. Auckland Council’s Code of Conduct for Elected Members applies at all times.

2 Provision of communications

2.1 Auckland Council will fund communications to meet the needs of Auckland’s communities for information about the council’s role and activities.

2.2 Auckland Council’s communications will be consistent with the statutory purpose of local government and any other relevant statutory provisions.

2.3 Auckland Council will fund communications to consult and engage with Auckland’s communities. Auckland Council will provide fair and meaningful opportunities for Aucklanders to communicate their opinions to council to support democratic decision-making.

2.4 Auckland Council’s communications resource and support will be provided to divisions and departments of council to meet the needs of communities for information, consultation and engagement on council’s role and activities.

3 Protocols

3.1 Auckland Council’s communications will reflect decisions from meetings of the governing body, local boards, council committees and CCOs and will support Auckland Council’s strategic direction, brand and reputation.
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3.2 Auckland Council’s communications resource and support will be provided to elected representatives on issues where they have a mandated responsibility to communicate on behalf of the council. This may be on behalf of the governing body, a local board or as official council spokesperson for a particular issue.

3.3 In respect of events and speaking engagements, Auckland Council’s communications resource and support will be provided to the relevant elected members according to the scale and nature of the event or speaking invitation.

3.4 Auckland Council’s communications will comply with any applicable council policies and guidelines as to process, authorisation, style and content and be clearly attributed to Auckland Council as the publisher.

3.5 Auckland Council’s chief executive has overall responsibility for decisions on strategies and resourcing for communications in accordance the above and to meet the needs of Auckland communities for information, consultation and engagement on council’s role and activities.

3.6 Auckland Council’s communications will present information in an accurate, complete, fair, and politically neutral manner. Factual and explanatory information will be provided to foster understanding of issues.

3.7 Auckland Council communications will not promote, or be perceived to promote, the re-election prospects or personal profile of a sitting member or candidate for election. The use of council resources for election purposes is unacceptable.

3.8 Criticism of an elected member or candidate for election by an elected member is unacceptable in any council funded communication. Criticism of decisions of the governing body by any local board; criticism of decisions of any local board by the governing body; and criticism of the decisions of any local board by another local board is unacceptable in any council funded communication.

3.9 In any local government election year, the Auckland Council Local Government Election Year Policy will supplement this policy and should be read in conjunction with it.

3.10 The council may adopt other policies, protocols or guidelines that are relevant to the provision of communications and this policy should be read in conjunction with them.

4 Auckland Council’s Council Controlled Organisations

4.1 This policy is provided for the reference of Auckland Council’s substantive Council Controlled Organisations (CCOs). CCO boards are requested to consider adopting a similar policy.

PLACEHOLDER:

Other policies and guidelines that are relevant to communications are being reviewed for their suitability for inclusion here.
E. Media protocols

1 Responding to media

1.1 The media naturally has a keen interest in many aspects of council decision-making and service delivery. To fulfil its role it needs access to accurate, timely information. All elected members will receive approaches from the media for comment and should follow the following protocols:

- The mayor is the first point of contact for the official view of the governing body on any issue. When the mayor is absent matters will be referred to the deputy mayor or relevant committee chair. The mayor can also refer matters to the relevant committee or local board chairs.
- The local board chair (or their delegate) may comment on behalf of the local board in relation to local matters where decision-making, public consultation or advocacy is the responsibility of the local board.
- No other member of the governing body or local board may comment on behalf of the council unless they have first obtained the approval of the mayor or local board chair (depending on whether the matter relates to the governing body or a local board). See Auckland Council’s media policy.

1.2 Elected members may choose to respond immediately to media inquiries and assistance from the council’s communications team is available to ensure that media releases and responses are accurate. The News Media Policy outlines the support available.

1.3 Elected members can express a personal view to the media at any time. It should be made clear, however, that:

- they are not representing the views of the governing body or local board
- statements do not represent the majority view if they are contrary to a governing body or local board decision or council policy
- any media comment made in a personal capacity must also observe other requirements of the Code of Conduct, e.g. not disclosing confidential or legally privileged information, compromising the impartiality or integrity of staff, or denigrating other elected members

1.4 Comments made by members in their personal capacity are not covered by the qualified privilege of those made during business meetings\(^{15}\).

2 Speeches

2.1 Help is available to elected members speaking on behalf of the council. This support may include drafting speeches or speaking notes. These will present information in a fair and politically neutral manner. Council communications assistance will not promote or be perceived to promote a sitting member’s re-election prospects or personal profile\(^{16}\).

\(^{15}\) Governance Manual 3.2.14
\(^{16}\) Governance Manual 3.2.14
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Legislation

F. Legislation relevant to the conduct of members

1 Introduction

1.1 This section summarises the core legal requirements that are applicable to elected members.

1.2 In addition to these core legal requirements, there are many other statutes relevant to certain council decisions (for example the Resource Management Act 1991 and the Reserves Act 1977).

2 Local Government Act 2002

2.1 The Local Government Act 2002 (LGA 2002) is the main Act that establishes the general legal framework for all local authorities in New Zealand, including Auckland Council. The LGA 2002 underpins a great deal of what the council does.

2.2 Clauses 14 to 17 of Schedule 7 of the LGA 2002 require elected members to:
   • make a declaration before acting as a member;
   • comply with a Code of Conduct; and
   • abide by Standing Orders.

2.3 The LGA 2002 also imposes a duty on elected members to enable council to perform its various powers and functions in accordance with the statutory purpose of local government, which is:
   • to enable democratic local decision-making and action by, and on behalf of, communities; and
   • to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

2.4 The LGA 2002 gives the council its power of general competence, which broadly allows the council to make decisions that an ordinary person or body corporate could make, while carrying out the council’s role and purpose, within any statutory limits.

3 Local Government (Auckland Council) Act 2002

3.1 Elected members also make decisions in accordance with the Local Government (Auckland Council) Act 2009 (LGACA) which applies uniquely to Auckland Council. If there is ever any conflict between LGACA and the LGA 2002, LGACA takes precedence.

3.2 LGACA creates Auckland Council as a unitary authority, with decision-making responsibilities shared between the governing body (the mayor and 20 councillors) and 21 local boards.
3.3 The governing body focuses on the region-wide strategic decisions, making the most of the council’s size and ability to deliver regionally. There are some decisions that only the governing body can make, including setting rates, appointing the chief executive, making bylaws or adopting the council’s ten-year budget (the long-term plan).

3.4 The 21 local boards represent their local communities and make decisions on local issues, activities and facilities. Decisions made regionally by the governing body will inevitably have local impacts, and when making decisions, the governing body will consider views and preferences expressed by local boards.

3.5 The governing body and the local boards collectively comprise Auckland Council, and together with council-controlled organisations, comprise the Auckland Council group.

3.6 LGACA also sets out the responsibilities of Auckland Transport, Watercare (as an Auckland water organisation) and the Independent Maori Statutory Board.

4 Local Authority (Members’ Interests) Act 1968

4.1 The Local Authorities (Members’ Interests) Act 1968 (LAMIA) deals with financial conflicts of interest.

4.2 It prohibits elected members from taking part in discussion or voting in situations where an elected member has a direct or indirect financial interest, other than an interest in common with the public. LAMIA also provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed $25,000 in any financial year.

4.3 The same rules also apply where the member’s spouse, partner, company (depending on shareholding levels or the member’s position in the company) and possibly family trust, contracts with the authority or has a financial interest.

4.4 In some cases the Office of the Auditor-General can consider providing an exemption to an elected member so he or she may participate in a decision in which they have a financial interest or enter into a contract with the council valued at over $25,000.

4.5 Failure comply with LAMIA could result in an elected member being prosecuted and disqualified from office.

4.6 For advice on compliance with LAMIA, elected members should review the Office of the Auditor General Guidance for members of local authorities about the LAMIA and/ or seek advice from the Office of the Auditor General or independent legal advice.

5 Local Government Official Information and Meetings Act 1987 (LGOIMA)

5.1 The Local Government Official Information and Meetings Act 1987 (LGOIMA) determines how council meetings are conducted (including in relation to excluding the public from meetings), and how the council uses and releases the information that it holds.

5.2 LGOIMA provides for:

- access by the public to information held by the council, with limited grounds on which the council can decline a request;
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- transparency and accountability in decision-making through providing for public admission to meetings of local authorities (unless there is good reason to restrict public access for a particular agenda item or items);
- establishment of procedures for the achievement of these purposes; and
- a process for members of the public to complaint to the Ombudsman if they are dissatisfied with the council’s response to a LGOIMA request.

6 Health and Safety at Work Act 2015

6.1 The purpose of the Health and Safety at Work Act 2015 (HSAW Act) is to protect the health and safety of workers at their workplaces. It sets out key health and safety duties for the council and for people in positions of leadership, influence, or responsibility in the workplace and for workers and for other people. The HSAW Act sets out some compulsory health and safety requirements, and creates offences and penalties for failing to meet those requirements.

Due diligence

6.2 Elected members have a personal and individual duty of due diligence to ensure that the council complies with its obligations under the HSAW Act. This is analogous to what might be expected of a company director with a company’s financial statements. An elected member cannot delegate the exercise of this duty to anyone else. There are six aspects to the due diligence duty:
- to be familiar and keep up to date with health and safety knowledge and matters for the council;
- understand the council’s operations and the associated hazards and risks;
- ensure that the council has appropriate resourcing and processes to eliminate or minimise risks to health and safety;
- ensure the council has appropriate processes for receiving and considering information regarding incidents, hazards, and risk and for responding to the information in a timely way;
- ensure the council has and implements processes for complying with its duties; and
- verify the provision and use of resources and processes through reviews and audits.

6.3 Staff support elected members to comply with their duty of due diligence. Part of that support includes training and regular health and safety information reporting at governing body committee meetings and local board meetings.

7 Secret Commissions Act 1910

7.1 Under the Secret Commissions Act 1910 it is unlawful for an elected member (or officer) to take bribes, or to use their position for improper gain. If convicted of any offence under this Act a person can be imprisoned for up to 2 years or fined up to $1,000, or both, and the member would be disqualified from office.
8 Crimes Act 1961

8.1 Under the Crimes Act 1961 it is unlawful for an elected member (or officer) to:
- corruptly seek or accept a bribe or reward (for himself or herself or for anyone else) for doing, or not doing, something in his or her official capacity as an elected member; or
- use information gained in the course of his or her duties for his or her, or another person’s, monetary gain or advantage.

8.2 These offences are punishable by a term of imprisonment of 7 years or more, and would result in the member being disqualified from office.

9 Financial Markets Conduct Act 2013

9.1 The Financial Markets Conduct Act 2013 (FMC Act) aims to promote a fair, efficient and transparent financial market. It imposes a number of responsibilities on those who offer, deal and trade in financial products (including bonds issued by the council), especially in relation to what sort of information must be provided to potential investors when investment offers are made. An elected member may be personally liable when approving council documents relating to offers of securities if the documents contain false and materially misleading statements and the member knew this, or was reckless in approving any such documents.

9.2 The FMC Act places limits on elected members using confidential information relating to certain proposed council transactions. For example, where council debt securities are listed on a registered stock exchange, then elected members cannot use (or benefit from) information that is not generally available to the public. This applies to the council’s bonds listed on the NZX Debt Market. Elected members must consider the risks of insider trading and the failure to disclose relevant interests in the council’s bonds. Failure to comply with the FMC Act could lead to a criminal conviction, and therefore disqualification from office.

10 Public law decision-making principles

10.1 There are public law principles that elected members must keep in mind when making decisions. These principles are enforced by the High Court by way of judicial review. Broadly, public decision-makers are required to act lawfully, fairly, and reasonably.

10.2 The concept of acting lawfully includes:
- having the necessary power to make the decision;
- acting in accordance with the purpose of the power being exercised, and within the scope of the discretion granted to the decision-maker;
- taking into account all relevant considerations and ignoring any irrelevant considerations; and
- exercising independent judgement in making the decision rather than “rubber-stamping” the recommendation of another person.

10.3 The concept of acting fairly includes:
- ensuring a proper process is followed, including consulting where appropriate;
- being unbiased and free from conflicts of interest;
10.4 The concept of acting reasonably includes:

- ensuring the decision is rational, based on legitimate reasons and is one that a reasonable decision-maker could make; and
- ensuring the decision is proportionate to the purpose being served by the decision.

11 Council decision-making requirements

11.1 The LGA 2002 and LGACA set out the basic procedural decision-making requirements applying to council decision-making. For each decision, the governing body and local boards can decide how to fulfil these requirements. The more significant a decision is, the stricter the compliance should be.

11.2 These requirements are (in summary):

- to identify all reasonably practicable options for achieving the decision’s purpose and assess the advantages and disadvantages;
- to consider the views and preferences of people likely to be affected by, or have an interest in, the decision (this does not require the council to undertake consultation);
- to conduct any consultation in accordance with the principles outlined in the legislation;
- to identify any significant inconsistency between the decision and any of the council’s policies or plans, and to provide reasons for the inconsistency;
- to establish processes to provide opportunities for Maori to contribute to decision-making, including providing relevant information for that purpose;
- for the governing body to consider the views and preferences of local boards if the decision may affect their responsibilities or operation or the well-being of their communities; and
- for local boards to cooperate with each other when the interests of their areas are better served by doing so.

12 Personal liability of elected members

12.1 Members of the council (including local board members and appointees to council committees or other subordinate decision-making bodies) are indemnified by the council for the following:

- costs and damages for any civil liability, as long as the member was acting in good faith and was carrying out responsibilities or powers of the council (or relevant committee or other subordinate decision-making body); and
- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.

**Personal liability for losses incurred**

12.2 Elected members may be liable (jointly and separately) for the losses of the council where the governing body or local board has:
• unlawfully spent money;
• unlawfully sold or disposed of an asset;
• unlawfully incurred a liability; and/or
• intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

12.3 Members are only liable for these types of losses if the Auditor-General issues a report on the loss to the Minister of Local Government.

12.4 An elected member will have a defence (and will not be liable) if they can prove the act (or failure to act) that resulted in the loss occurred:
• without their knowledge;
• with their knowledge but against their protests made at or before the time when the loss occurred;
• contrary to the manner in which they voted on the issue at a meeting; or
• in circumstances where they acted in good faith and relied on reports, information, or professional / expert advice given by a council staff member or a professional adviser or expert on matters that the elected members reasonably believed were within the person’s competency.

12.5 A local board member can be liable only in respect of a matter that is the responsibility of their local board.
External documents

G. Governance roles and responsibilities

1 Mayor of Auckland

1.1 The mayor is responsible for articulating and promoting a vision for Auckland, and providing leadership to achieve this vision. Auckland’s mayoral role also involves:

- leading the development of region-wide council plans, policies and budgets (including the annual plan and long-term plan)
- ensuring effective engagement between Auckland Council and the people of Auckland
- appointing the deputy mayor
- establishing committees of the governing body and appointing the chairperson for each of those committees. (The mayor is a member of the governing body and each of its committees).

1.2 The mayor is supported by the mayoral office and has a budget allocated for this.

2 Role of governing body

2.1 The governing body comprises the mayor and 20 councillors elected by voters from the 13 wards they represent. It focuses on the big picture and Auckland-wide strategic decisions.

2.2 Section 17 of the Local Government (Auckland Council) Act 2009 requires the governing body to allocate decision-making responsibilities for non-regulatory activity to either the governing body or local boards.

2.3 The role of the governing body includes:

- making decisions on Auckland-wide activities (such as regional facilities and events)
- regulatory activities of Auckland Council (such as the Unitary Plan, resource and building consents, and bylaws)
- setting regional strategies, policies and plans (such as the Auckland Plan, Auckland’s Economic Development Strategy, and the Waste Management and Minimisation Plan)
- emergency management, including rural fire services.
- ensuring compliance with the financial management requirements of the Local Government Act 2002 (including the annual plan, the long-term plan, financial policies and rating)
- buying and selling assets
- governance of council-controlled organisations (CCOs)
- appointing the chief executive
- setting transport objectives and transport funding for Auckland.

17 From the Elected Member Handbook published through Kura Kawana
3 Role of local boards

3.1 The 21 local boards represent the communities of Auckland, with between five and nine members elected to each board. They are responsible for decision-making on local issues, activities and services, and provide input into regional strategies, policies and plans.

3.2 Local boards also:
   - adopt local board plans every three years in consultation with their communities
   - agree annual local board agreements (with the governing body)
   - agree and oversee annual work programmes
   - engage with and represent their communities.

4 Role of elected members

4.1 Elected members have different roles and responsibilities. They are elected to represent communities in their area and make decisions for and on behalf of those communities. In practice, this can include dealing with queries and issues from constituents, exploring the impacts of a particular proposal, developing policy and plans, reviewing council decisions, working with other elected members, chairing committees, representing the council’s view to central government, engaging with the public, iwi, other stakeholders, making decisions on the use of council land, and agreeing on budgets and council priorities.

4.2 Members are active within the communities they represent. This includes belonging to community organisations and owning property. When making decisions as elected members, they must take care that they are acting, and are perceived to be acting, in the interests of their community and the public, not their own interests.¹⁸

4.3 Elected members have two key roles, and at times they will need to carefully balance these:
   - as a member of the governing body or local board - making decisions on a range of matters
   - as a representative of the community - elected members represent Auckland’s diverse communities as a region and in local board areas.

Role of councillors

4.4 The following provides an outline of the councillor role.¹⁹
   - Provide regional strategic leadership and direction
   - Make decisions on regional matters that take into account social, cultural, environmental and economic matters for the benefit of all Aucklanders, both now and in the future
   - Make financially responsible decisions that ensure Auckland Council has a sound financial future
   - Act in the interests of the whole region while at the same time representing their ward. Where there is a conflict, the Councillor is required to act in the best interests of the region, which is what Councillors promise to do when they make their statutory declarations.

¹⁸ Governance Manual 3.1
¹⁹ All the following is from Kura Kāwana, September 2017
- Work collaboratively with other councillors, the mayor’s office, the local boards, the Independent Māori Statutory Board and the advisory panels and create a strong working relationship with council’s executive leadership team and the council-controlled organisation executive teams and board members
- Engage with communities, be aware of and interested in ward issues, including attend local events, meetings and local board meetings and respond to requests from constituents

**Role of the committee chair**

4.5 In addition to the above
- Provide leadership and inspire the committee to achieve its priorities
- Encourage an environment of collaboration and respectful debate
- Represent the committee, and the wider Auckland Council, on the committee’s work
- Develop a strong working relationship with key stakeholders and senior council staff
- Chair committee meetings efficiently and in accordance with standing orders, terms of reference, and the elected members’ code of conduct
- Promote and support the principles of good governance
- Ensure committee members understand what is expected of them, monitor their performance and hold them to account (noting that the Mayor plays this leadership role for the governing body as a whole)

**Role of local board members**

4.6 The following provides an outline of the local board member’s role:
- Provide civic leadership locally; make a positive difference to communities and shape local places
- Make decisions without bias on local matters, for the benefit of the whole community (not just particular groups) and for both current and future generations
- Work with the community to set local direction and deliver priorities
- Provide views to the governing body to inform their regional decisions, including input to regional strategies, policies and plans
- Build relationships and work collaboratively with other local boards, the governing body and the mayor, and with the council family, including council staff and council-controlled organisations
- Promote strong, resilient and engaged communities; develop relationships and work with the local communities, including mana whenua, mataawaka and the range of people, groups, organisations and businesses in the area.

**Role of the local board chair and deputy chair**

4.7 The chair and deputy chair collectively form the leadership team for the local board.

4.8 In addition to the local board member role, the local board chair has the following roles:
- Provide strong leadership and inspire the local board
- Build and maintain relationships to develop a collegial local board that is able to work effectively together and reach consensus to deliver the local board’s vision and priorities
- Be accountable for the local board relationship with iwi (chief-to-chief)
• Develop a strong working relationship with key stakeholders and senior council staff
• Chair local board meetings effectively abiding by standing orders and the code of conduct
• Represent the local board, and the wider Auckland Council as appropriate, including in a civic and community role (such as citizenship ceremonies) and as the spokesperson to the media
• Promote and support the principles of good governance
• Work with the governing body and council committees to provide local board input to regional decisions and to regional strategies, policies and plans
• Ensure local board members understand what is expected of them, monitor their performance and hold them to account

4.9 In addition to the local board member role, the local board deputy chair has the following roles:
• Assume leadership responsibility for chairing local board meetings and workshops (in the absence of the Chair, or as agreed with the Chair).
• Work with the Chair to provide strong and inspiring leadership to the local board
• Promote the principles and processes of good governance and decision-making
• Share the leadership responsibility for representing the local board at civic, community and council events and with the media (in the absence of the Chair, or as agreed with the Chair).
• Undertake specific decision-making roles and activities as delegated by the local board.

5 Protocols for working together
Respecting each other’s roles and the Auckland Council governance model

5.1 All elected members are the unified face of the council in public and celebrate local and regional successes together. Governing body members and local board members respect the roles that each undertakes within the shared governance arrangement and maximise opportunities to build relationships and work together where appropriate.

5.2 All elected members accept that local board and governing body decisions are decisions of Auckland Council, and will only make decisions on matters that are within their respective decision-making responsibilities.

5.3 Elected members agree meeting procedures and give each other opportunities to speak and give input at each other’s meetings, we acknowledge and respect each other when attending meetings. Joint workshops, working parties and briefings between governing body and local board members are encouraged.

5.4 Elected members are well informed of and are open about issues with each other. They keep each other in the loop on relevant constituent issues for information and as a matter of courtesy. To better inform regional decision-making, local board members support governing body members to engage with local communities and learn about areas of the region other than their ward.

5.5 Elected members earn community respect by showing respect to each other in public and engaging with the community together, including sending joint communications where possible.
Social media

5.6 Elected members respect one another and the council on social media and only post what they would be prepared to say face-to-face to one another. Elected members are free to express their personal views. However, when stating a personal view, they must be clear that it is not council policy.

5.7 When publishing on social media, elected members think of the impact and consequences before publishing, focus on issues rather than personalities and use facts. They show respect to each other by deleting or responding with moderation to inappropriate posts made about each other on the pages or channels that they administer.

6 Engaging with the public

6.1 Traditionally members interact with the public in two ways:

- Governance decision-making - many governance decisions require consideration of the views of those affected or interested in the decision. This can include giving the public the opportunity to comment on council proposals and ensuring those comments are carefully considered prior to a decision being taken. More detail on how the council consults its communities can be found in the Significance and Engagement Policy. See also Section 10: How council decisions are made.

- Constituency role - members of the public are free to contact an elected member with questions, queries or complaints. Depending on the issue, the public could contact a local board member, a ward councillor or the mayor. In general, if an issue is purely local it is best to approach a local board member; if an issue is of regional consequence it may be more appropriate to approach a ward councillor or the mayor.

6.2 Elected members should act in a manner that encourages and values community involvement in local democracy [1].

6.3 The mayor has an important statutory role in leading council engagement with the public. In addition to the role shared with all other elected members, the mayor is charged with ensuring there is effective engagement between the council and the people of Auckland (including those too young to vote, of different ethnicities, cultures, interests and location) [2].

6.4 Local boards have a statutory role to engage with their communities as part of their role to make decisions on local matters, provide local leadership and support strong local communities [3].

20 Governance Manual 3.2.13
H. Working with staff\textsuperscript{21}

1 Role of the chief executive

1.1 The Local Government Act requires the governing body to appoint a chief executive and cannot delegate the decision to a smaller group. The chief executive is the only employee directly appointed by the governing body. All other employees are appointed by the chief executive \[1\].

1.2 Elected members need to be aware that their position can come across to junior staff members as having more power than they individually possess \[2\]. As governors, elected members should interact mainly with senior staff or designated staff providing them with advice or support.

1.3 A healthy and productive relationship between governance and management, and between decision-making by elected representatives and operational activity, is essential to an authority’s effectiveness. Problems in this relationship can have a significant effect on all levels of the organisation \[22\].

1.4 The chief executive, who is appointed and employed by the governing body, is responsible for employing council staff, implementing governing body and local board decisions, and providing advice to the governing body and local boards.

1.5 Elected members and the chief executive need to have a clear and shared understanding of their different roles and responsibilities. In broad terms, the elected members have a governance role and the chief executive is responsible for managing the organisation and implementing governance decisions. However, in practice it is not always easy to identify where the line falls.

1.6 The Auditor-General has commented on the difference between local authority governance and operational roles:

\textquoteright\textquoteleft\textquoteleft\textquoteleft[Having a] representational role and connection with the community is part of the role of an elected member, but so is the responsibility for steering and governing a substantial organisation with complex responsibilities.\textquoteright\textquoteright\textquoteleft\textquoteleft

\textquoteleft\textquoteleft\textquoteleft The governance role is about maintaining the broad view. It is about setting direction and policy, making significant decisions, testing advice to ensure that it is sound, monitoring the activities of management to ensure that what is being implemented will achieve the objectives, keeping an eye on risks of all kinds, and safeguarding the overall quality of the relationship between a council and its community. When members of a governing body become too involved in operational matters, the risk is that nobody maintains the broad view for the organisation and checks that the overall direction is still appropriate...\textquoteright\textquoteright\textquoteleft\textquoteleft

1.7 Elected members should not play too limited a role or leave too much to managers, nor should they get too involved in day-to-day managing. Both situations create risks \[23\].

\textsuperscript{21} From the Elected Member Handbook published through Kura Kawana
\textsuperscript{22} Governance Manual 3.2.3
\textsuperscript{23} Governance Manual 3.2.9
2 Our Charter

2.1 The chief executive and the executive leadership team have adopted a charter, “Our Charter”, which forms a basis for staff conduct.

2.2 Our Charter consists of six principles:
- We honour te Tiriti o Waitangi
- We make this a great place to work
- We look after our money and assets
- We look after people we serve
- We look after our information
- We look after our safety and wellbeing

2.3 The charter’s principles have associated guidelines which provide more detail.

2.4 “Our Charter” has been adopted in a context of “Speaking Up”. Speaking up is:
- asking for advice
- asking questions
- suggesting improvement
- sharing a concern
- reporting wrongdoing.

2.5 Staff are expected to speak up about any observed wrong-doing
I. Expenses policy

AUCKLAND COUNCIL
ELECTED MEMBERS' EXPENSE POLICY

November 2016

Adopted by the Governing Body on 10 November 2016 (GB/2016/252)
Approved by the Remuneration Authority on 29 November 2016

V 1.1
Version control

V1.0 – Presented to the Governing Body on 10 November 2016.

V1.1 – Adopted by the Governing Body on 10 November 2016. Amended from V1.0 to reflect minor changes requested at the Governing Body meeting in sections 5.3, 5.5, 5.10, 5.11 and 8.3.

– Approved by the Remuneration Authority on 29 November 2016
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1 Purpose and scope

1.1 The purpose of this policy is to:

- identify elected members’ allowances and entitlements
- explain the approval process for reimbursement of expenses incurred by elected members whilst undertaking their duties.

1.2 Auckland Council’s Democracy Services Department administers this policy. For queries on the policy please contact:

Jo Iles
Business Hub Manager
Democracy Services
MOB: 027 207 0893
jo.iles@aucklandcouncil.govt.nz

1.3 Other Auckland Council documents containing information relevant to this policy include:

- elected members’ code of conduct
- elected members’ technology policy
- catering policy
- fleet vehicle policy.

1.4 This policy may be reviewed regularly and is current until superseded.
2 Overarching principles

2.1 The guiding principles for expenditures are those contained in the Office of the Controller and Auditor-General good practice guide “Controlling sensitive expenditure: Guidelines for public entities”. The expenditure should be subject to standards of probity and financial prudence that are to be expected of a public entity and able to withstand public scrutiny, both perceived and actual.

2.2 Elected members may incur expenses while on council business, for which they can be reimbursed. Reimbursement and use of council-supplied resources apply only to elected members personally, and only while they are acting in their official capacity as elected members.

2.3 To be reimbursable, expenses must:

- have a justifiable council-related business purpose; council business means representing the council at formal council meetings, committee meetings, workshops, seminars, statutory hearings, training courses, site visits, meetings with staff, meetings with community groups and meetings with members of the public. It does not include events where the primary focus is on social activity or electioneering
- be moderate and reasonable having regard to the circumstances, i.e. able to pass the test of being prudent use of ratepayers’ money under public scrutiny
- be actual and justified by an original tax receipt
- be approved by the relevant authoriser
- be within relevant budget provisions
- be presented on the approved Auckland Council claim form and signed as true and correct
- be consistent with the rules set by the Remuneration Authority, who has responsibility under the Local Government Act 2002 to determine remuneration, expense and allowance rules for local authority members.

2.4 Transparency and accountability guide the reimbursement of elected members’ expenses. The council’s internal audit work programme includes annual testing of expense claims and allowances paid to elected members and staff. External auditors also regularly review elected members’ expenses. To ensure transparency, Democracy Services publishes elected members’ remuneration, expenses, mobile technology and professional development costs on the council’s website on a quarterly basis. The information is located at: http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/representativesbodies/electedrepresentatives/Pages/home.aspx

3 Allowances and benefits

General provisions

3.1 Each year, the Remuneration Authority sets the base remuneration and allowances for all Auckland Council elected members. The Remuneration Authority Determination can be found at: http://remauthority.govt.nz/clients-remuneration/remuneration-for-local-government-elected-officials/
3.2 The Remuneration Authority has authorised Auckland Council to extend its flu vaccination employees benefit to elected members. Elected members can book this service through the intranet when it is made available to staff every autumn.

3.3 The Remuneration Authority has specified that other staff benefits cannot be provided to elected members.

**Communication technology**

3.4 Members who choose not to take council communication technology may receive the allowances set out in the Remuneration Authority Determination. These will be automatically paid pro rata in the elected members’ fortnightly payment cycle.

3.5 The council will not pay the allowance if an elected member’s private hardware and software are outdated and/or incompatible with Auckland Council’s systems. This is because in this case Auckland Council cannot provide the information and support needed for the elected member to perform his/her duties.

3.6 Rules governing the use of council equipment are set out in the Auckland Council Elected Members’ Technology Policy.

**4 Travel rules and processes**

**Booking travel**

4.1 All travel-related bookings are arranged via Democracy Services or Local Board Services support staff.

4.2 Travel should be booked as far as practical in advance of the actual travel date to enable best price to be obtained.

**Travelling and mixing business and private travel**

4.3 The council will pay for the Mayor’s partner to accompany the Mayor when his/her partner is also taking part in council business.

4.4 The council will not pay for any other elected member’s partner or family member to accompany them on council-related travel.

4.5 Democracy Services and Local Board Services support staff can arrange bookings for family members of an elected member if they are travelling together provided a personal credit card is given for payment at the time of booking.

4.6 Elected members can have a stop-over or undertake private travel before, during or at the end of travel paid for by the council provided there is no additional cost to the council. They can also vary their route for private travel at their own expense. They must pay the cost of any private travel before travel is undertaken.

4.7 If the duration of the business trip extends over a weekend, elected members may return home for the weekend, provided the cost of doing so is less than the cost of staying.
5 Land and sea transport

5.1 In accordance with the Remuneration Authority determination the Mayor can be provided with a vehicle for full business and private use.

Parking at home office

5.2 Parking is provided at no cost to elected members at their main place of work: for Governing Body members at the Head Office of Auckland Council, for Local Board members at their Local Board office.

Travel around Auckland

5.3 Elected members are expected to use public transport, their private car or council vehicles when on council business, noting that Auckland Council promotes public transport and cycling as the preferred ways of moving around Auckland.

5.4 For public transport, including ferry, elected members are encouraged to use a HOP card, then print their account statement from the HOP card website and highlight any transaction for which they are seeking reimbursement.

5.5 Road tolls and parking fees incurred when on council business will be reimbursed.

5.6 If elected members use their private car, mileage allowances will be reimbursed according to the rules set out in the Remuneration Authority Determination, at the maximum rate. To satisfy the Inland Revenue Department’s requirements, mileage payments are subject to deduction of tax at the appropriate rate.

5.7 Elected members’ use of private vehicles on council business is not covered by the council’s insurance.

5.8 For the avoidance of doubt an elected member is not required to be a member of a committee or sub-committee to claim mileage for attendance.

5.9 Mileage expenses for elected members conducting District Licensing Committee business are subject to the rules for District Licensing Committee members set up by central government.

Taxis and rental cars

5.10 Taxis are not the preferred mode of transport around Auckland because of cost. However, a taxi or a car sharing or pooling scheme can be used for safety/security reasons or if other means of travel are more costly, impractical or an inefficient use of time. If using a taxi or a car sharing or pooling scheme, elected members must pay for the fare and claim the cost, detailing the reason for use.

5.11 A rental or private car can be used by elected members for work-related travel outside the Auckland region if other means of travel are more costly, impractical or an inefficient use of time. The class of the car should be the most economical considering the requirements of the trip (e.g., length of journey, number of passengers).

5.12 Rental cars hired for council business are not to be used for personal travel.
51

5.13 The council’s insurance policy provides insurance for the use of rental cars anywhere within New Zealand. It is not necessary to purchase further insurance from the rental agency.

5.14 Rental cars must be refilled with fuel before returning them to avoid the high refuelling charges of hire companies.

6 Air travel

6.1 Elected members can fly with any airline provided the flight booked is at best value for the council and scheduled to best meet the business needs of the elected member. Flight choice will not be influenced by the elected members’ own airline loyalty memberships.

6.2 All travel is economy class. An elected member can upgrade to business class in instances when he/she will fly more than six hours continuously and will be engaged in council business within 24 hours of arrival. If upgraded, the elected member must not convert the whole, or part of, the ticket into cash or any other benefit and travel on a cheaper ticket class.

6.3 The council will pay one airline club membership for the Mayor and Deputy Mayor given their frequent travel needs. The council will not pay for any other airline frequent flyer or club membership.

7 Accommodation

7.1 Auckland Council is able to procure preferential public sector rates at many New Zealand and Australian hotels. These rates are significantly lower than standard rates offered to business customers and are often lower than rates offered through conference organisations. For this reason all accommodation, including that for conferences must be booked through Democracy Services and Local Board Services support staff.

7.2 Accommodation reserved should be of the standard business range. Staff will advise about options.

7.3 Elected members’ responsibilities include:

- checking the accuracy of the accommodation account when checking out
- signing the account to indicate it is correct
- retaining a copy of the accommodation account for reconciliation purposes.

7.4 When travelling on council business an elected member may stay in private accommodation. When this occurs the elected member can be paid an allowance of NZ$60 including GST per night to cover accommodation, breakfast and dinner expenses. This allowance is intended to be paid to the accommodation provider to cover at least a portion of the costs he/she may incur.

7.5 Elected members sometimes attend evening events as official representatives of Auckland Council. If the event will conclude after 10.30pm and travel back to the elected member’s residence is impractical, the council will reimburse the cost of overnight accommodation at a standard business range hotel or motel.

7.6 Whenever practical the elected member should obtain prior written approval.
8 Travel expenses

Travel expenses reimbursed

8.1 The business-related travel expenses outlined in the table below will be reimbursed by Auckland Council when an elected member is away from his/her home for one night or more.

8.2 Expenses are only payable for days the member is on official business, including a weekend if official business requires this.

8.3 For overseas travel, reimbursable expenses are subject to the daily expense guideline rates for the country of travel. Guideline rates are published on the council intranet. The council uses the guideline rates of Ministry of Foreign Affairs and Trade.
<table>
<thead>
<tr>
<th>Expense</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meals</td>
<td>- On the basis of actual and moderate expenditure, or according to the daily rates for international travel</td>
</tr>
<tr>
<td></td>
<td>Meal expenses cannot be claimed if:</td>
</tr>
<tr>
<td></td>
<td>- a complimentary meal is provided by an airline</td>
</tr>
<tr>
<td></td>
<td>- a meal is prepaid through an accommodation package (e.g. hotel breakfast)</td>
</tr>
<tr>
<td></td>
<td>- the cost of the meal is included in the cost of a seminar or conference</td>
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<tr>
<td></td>
<td>- Elected members are entertained by their hosts</td>
</tr>
<tr>
<td>Entertainment</td>
<td>- Before travel, any anticipated entertainment events must be specified on the travel booking form and must at all times be directly related to council business – see section 11</td>
</tr>
<tr>
<td>Alcohol</td>
<td>- The council will not pay for any alcohol, except for the approved entertainment of third parties – see paragraph 11.9. However such expenditure is regarded as sensitive expenditure and accordingly should be at a moderately-priced level to avoid any perception of lavishness</td>
</tr>
<tr>
<td>Car parking</td>
<td>- Airport parking if it is more economical for the elected member to leave his/her car at the airport rather than take a taxi or using car sharing and pooling schemes</td>
</tr>
<tr>
<td>International driver’s licence fee</td>
<td>- If a rental car is used as part of the trip</td>
</tr>
<tr>
<td>Telephone and data expenses</td>
<td>- Short calls home from overseas</td>
</tr>
<tr>
<td></td>
<td>- Prudent data usage to access emails and the internet overseas</td>
</tr>
<tr>
<td></td>
<td>- Calling from overseas can be expensive from hotels or roaming cell phones and should be kept to a minimum. Democracy Services Business Hub staff will advise on the most cost effective way to call home, which may include a calling card</td>
</tr>
<tr>
<td>Laundry</td>
<td>- Actual and required laundry expenses</td>
</tr>
<tr>
<td></td>
<td>- for trips in excess of three days</td>
</tr>
<tr>
<td></td>
<td>- if an accident necessitates it</td>
</tr>
<tr>
<td>Tips (gratuities) – International travel</td>
<td>- In some countries tipping airport baggage handlers, taxi drivers, hotel porters and waiters/waitresses is expected. The council will reimburse moderate tips only where tipping is local custom. It is accepted that the elected member will not have receipts for these, but a record should be kept to accompany any claim</td>
</tr>
<tr>
<td>Visa and vaccination fees</td>
<td>- If needed for travel to some international countries</td>
</tr>
</tbody>
</table>
Travel expenses not reimbursed

8.4 The council will not reimburse any of the expenses listed in the table below.

<table>
<thead>
<tr>
<th>Expense</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-bars</td>
<td>Any alcohol items consumed from mini-bars</td>
</tr>
<tr>
<td>Movies</td>
<td>Any in-room movies</td>
</tr>
<tr>
<td>Traffic infringements</td>
<td>Any speeding fines and any other traffic infringement notices incurred while on council business</td>
</tr>
<tr>
<td>Passport application fees</td>
<td>Elected members are responsible for obtaining or renewing their passport and ensuring that it will not expire within six months following the return date of travel</td>
</tr>
</tbody>
</table>

Other international travel expenses

8.5 Elected members undertaking international travel should use their personal credit card and submit an expense claim on their return. However, in countries where credit cards are not widely accepted and cash is needed for incidental expenses (e.g. taxi fares), cash advances can be issued. Support staff from Democracy Services and Local Board Services will coordinate these requests on the elected member’s behalf.

8.6 Cash advances are kept as low as possible to ensure compliance with Auckland Council’s cash handling procedures, which aim to minimise risks of theft and loss. In any event the maximum cash advance cannot exceed the expected total cost of daily meals and incidentals.

8.7 On return all cash advances and foreign exchange must be reconciled within 10 working days. The reconciliation, together with all receipts and unspent cash, should be returned to Democracy Services or Local Board Services support staff.

Upgrades

8.8 If an elected member accepts airline, accommodation or any other upgrades while travelling on council business, he/she must declare them in accordance with the Elected Members’ Code of Conduct.

9 Travel insurance

Coverage

9.1 The council’s travel insurance policy covers all travel in New Zealand and overseas. It covers an elected member who travels to represent the council for periods not exceeding three months, and performs ‘low risk’ work activities such as marketing and representation functions. The insurance also covers the Mayor’s partner if he or she is approved to travel with the Mayor – see paragraph 4.3. Partners accompanying the elected member in a private capacity are not covered.

9.2 The primary travel purpose must be council business. The travel insurance extends to provide cover for normal tourist and holiday activities that form part of or are added to the business trip, provided the council business-related portion of the travel is substantially larger than the portion allocated to personal or holiday activities.
9.3 The travel insurance certificate details the types of cover provided and the monetary limits of the cover. Auckland Council's travel coordinator can provide detailed information on any aspect of the insurance cover. There is no cover under this travel insurance for any loss or event or liability which is covered under any other insurance policy, Act of Parliament or reciprocal health agreement between governments.

9.4 The council's insurance policy provides cover for the use of rental cars both in New Zealand and overseas.

Provisions for pre-existing medical conditions

9.5 The travel insurance may not provide cover for medical expenses incurred for the treatment of an injury or sickness the traveller is suffering prior to the departure date of travel. Should elected members suffer from a serious condition or be aware of a pre-existing injury or sickness that may necessitate treatment whilst overseas, specific arrangements must be made with the insurer to confirm whether or not cover for treatment will be provided.

Claims procedure

9.6 If an event gives rise to a claim, the traveller must immediately follow these steps:

- Do as much as they can to prevent any further loss or expense.
- If the traveller is to be hospitalised, evacuated or repatriated, or has lost their luggage or money, they must contact the "Overseas Emergency Assistance " number provided on their itinerary, advising they are on Auckland Council business.
- As soon as possible after suffering injury or sickness, obtain and follow proper medical advice from a legally-qualified medical practitioner.
- Lodge a claim with the insurance company providing all medical certificates, accounts, receipts and information required by the insurance company to support the claim (original documents must be produced).
- Forward a written claim against any person, party, hotel or transporter who may be legally liable for the loss, injury or sickness.
- Provide full particulars of any claim made against the traveller or Auckland Council by any other person and all legal documents served on the traveller or the council.

10 Professional development programmes and conferences

10.1 Auckland Council recognises the need for elected members to broaden their knowledge and experience through specialist development programmes. Any professional development activity paid for by Auckland Council must be relevant to council business. It can include conferences, internal and external courses or workshops. Because related travel and expenditure such as accommodation and meals are classified as sensitive expenditure, the policy aims to balance elected members' development needs with prudent use of ratepayer funds and to provide transparency and confidence to the public through publication of expenses.

10.2 Auckland Council has developed a professional development programme for its elected members, for which the budget is set annually. The purpose of this programme is to support elected members in the delivery of their governance role. Bookings to attend the activities included in this programme can be arranged via Democracy Services and Local Boards Services support staff without the need for additional approval.
10.3 If an elected member wants to undertake domestic professional development activities outside the council professional development programme for elected members, he/she must make a written request to the General Manager Democracy Services or General Manager Local Board Services for funding from the elected members’ professional development discretionary budget. The request must detail the business benefit, cost and location of the activities, and confirm that the activities comply with the policy principles outlined in section 2.

10.4 Once approved, Democracy Services and Local Board Services support staff will organise the necessary registrations, bookings and payments.

10.5 If the professional development activity requires international travel a business case must be prepared and approved as outlined in paragraph 12.5.

11 Catering, hospitality and entertainment

Principles

11.1 These rules cover expenditure incurred by all elected members on council business while entertaining members of the public, official visitors to Auckland Council, attendance at conferences, workshops, meetings and functions. Entertainment and hospitality can cover a range of items including, but not limited to, tea, coffee and biscuits, catering such as meals and alcohol, and gifts.

11.2 Any expenses claimed for alcohol when entertaining must be moderate and conservative in terms of quantity and price and satisfy the principles set out in paragraph 2.3.

11.3 There may be occasions where the proposed expenditure is not specifically covered by these rules. If this situation arises, elected members must discuss the proposed expenditure with either the General Manager Democracy Services, the General Manager Local Board Services, the Governance Director or the Chief Executive, and obtain written approval prior to entering into any arrangement or incurring expenditure.

Catering

11.4 If there is a justifiable business purpose, catering may be provided for a meeting or event. Catering includes tea and coffee for morning and afternoon tea, and meals if the event or meeting must take place over usual meal times.

11.5 The Auckland Council Catering Policy applies when catering is required for a meeting or event. The policy specifies that all catering within any council premise must be provided by Auckland Council Catering Services, unless it is not practical for them to do so.

11.6 Elected members are welcome to use the council cafes at their personal cost. Catering may be provided in these venues from time to time to support formal meetings and events.

Civic receptions/functions and official delegations

11.7 To minimise costs it is likely most civic events and hosting of official delegations will be held at council premises. Use of the council’s committee and meeting rooms for such events are subject to the approval of either the General Manager Democracy Services, General Manager Local Board Services, Governance Director or Chief Executive.
11.8 Relevant staff will make the arrangements in accordance with these rules on behalf of elected members.

11.9 Serving alcohol may be permissible at some council events. The expenditure on alcohol must be approved by the General Manager Democracy Services or General Manager Local Board Services, after they are satisfied that:

- the costs relating to alcohol are moderate and conservative
- the ratio of alcohol to food is sensible
- the event meets the requirements of the Sale and Supply of Alcohol Act 2012
- the purpose of serving refreshments at the event is to extend hospitality.

11.10 Only the Catering Manager has the authority to purchase alcohol. Alcohol will be supplied at functions and events in accordance with the provisions of the Sale and Supply of Alcohol Act 2012.

Hosting official visitors

11.11 Elected members may occasionally host official visitors. In most circumstances this will be managed via the Global Partnerships or Civic Events teams.

11.12 If an elected member is required to host a guest at a dinner or purchase a gift in recognition of an event, this expenditure can be claimed back and reimbursed provided prior approval has been obtained. For Councillors prior approval is to be obtained from the General Manager Democracy Services. For Local Board Members prior approval is to be obtained from the General Manager Local Board Services or the relevant Relationship Manager.

Flowers and gifts

11.13 Generally council will not contribute to flowers, gifts, gift vouchers or cards for birthdays, weddings, bereavements, births and farewells. The Mayor, Deputy Mayor, Chief Executive, Governance Director, General Manager Democracy Services or General Manager Local Board Services may give prior approval for an elected member’s contribution in specific circumstances.

11.14 When approved, the gifts and expenditure should be moderate and conservative. Whenever possible, the purchase of gifts should reflect sustainable procurement.

12 Approval process

Approval for domestic travel and domestic expense claims

12.1 A business case is not required for routine domestic travel undertaken for council business. Travel is booked as described under section 4.

12.2 Pre-approval may be given for a schedule of travel arrangements on an annual basis. An example is a commitment to attend scheduled Local Government New Zealand meetings in Wellington due to the member’s appointment to the National Council.

12.3 The list of authorised approvers is as follows:
Elected member | Approver
---|---
Mayor | • The Chair of a Committee of the Whole
• and the Chief Executive
Deputy Mayor | • The Mayor or the Chair of a Committee of the Whole
• and the Chief Executive
Councillors | • The Mayor or Deputy Mayor or the Chair of a Committee of the Whole
• and the Chief Executive or Governance Director
Local Board Members | • The Governance Director or the General Manager Local Board Services

12.4 The relevant staff from the Mayor’s Office, Democracy Services or Local Board Services will check the documentation for completeness and adherence to the policy and then forward it to the relevant approver for sign-off.

Approval for international travel

12.5 Activities involving international travel require a business case. Staff can prepare the business case on behalf of the elected member. The business case must outline:

- the purpose of the trip
- who wishes to attend
- why the elected member is an appropriate attendee
- expected benefits
- demonstrated prudent use of ratepayer’s money
- itinerary
- all anticipated costs
- which budgets will meet the costs
- how the outcomes of the trip should be reported back on return (for instance a written summary or a presentation at a political meeting).

12.6 The list of authorised approvers is as follows:

<table>
<thead>
<tr>
<th>Elected member</th>
<th>Approver</th>
</tr>
</thead>
</table>
| Mayor | • The Chair of a Committee of the Whole
• and the Chief Executive |
| Deputy Mayor | • The Mayor or the Chair of a Committee of the Whole
• and the Chief Executive |
| Councillors | • The Mayor or Deputy Mayor or the Chair of a Committee of the Whole
• and the Chief Executive or Governance Director |
| Local board members | If the travel is financed from the local board’s budget:
• The whole local board, by way of a public report and resolution
• and the Chief Executive or Governance Director
If the travel is financed by Local Board Services or from another central budget:
• The Mayor or Deputy Mayor or the Chair of a Committee of the Whole
• and the Chief Executive or Governance Director |
Approval of expense claims post international travel

12.7 If expenses are in line with current policy and the approved business case, the list of authorised approvers is as follows:

<table>
<thead>
<tr>
<th>Elected member</th>
<th>Approver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor and Deputy Mayor</td>
<td>• The Chief Executive or the Governance Director</td>
</tr>
<tr>
<td>Councillors</td>
<td>• The Governance Director or the General Manager Democracy Services</td>
</tr>
<tr>
<td>Local board members</td>
<td>• The Governance Director or the General Manager Local Board Services</td>
</tr>
</tbody>
</table>

12.8 If expenses are outside of these parameters, they need to be approved by the business case approvers – see paragraph 12.6.

Claiming expenses

12.9 All reimbursements to elected members are made via the payroll system. To be reimbursed, elected members must submit their expense claims monthly. Before the end of each financial year Democracy Services will inform all elected members of the cut-off date to submit claims for that financial year.

12.10 For financial reporting and transparency purposes claims need to be accounted for within the financial year that they are incurred, which ends on 30 June. The cut-off date for submitting claims at year end will be early July so that elected members can claim all expenses to 30 June of that financial year.

12.11 On election years, at the end of the electoral term, Democracy Services will inform all elected members of the final cut-off date by which expense claims must be submitted.

12.12 Democracy Services will not accept claims after the cut-off date. If elected members miss the cut-off date they can claim relevant expenses through their tax returns.

13 Breach of expense and reimbursement rules

13.1 If an elected member breaches this policy he/she must reimburse the council for any costs the council may have wrongfully incurred.

13.2 A breach of the policy may lead to an investigation pursuant to the Elected Members’ Code of Conduct.