

From: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Sent: Wednesday, 13 November 2024 1:24 pm
To: nzempowered@gmail.com
Cc: Wayne Guppy; CR Hellen Swales; CR Dylan Bentley; CR Matt Carey; CR Chris Carson; CR Blair Griffiths; CR Bill Hammond; CR Emma Holderness; CR Heather Newell; CR Tracey Ultra; CR Dave Wheeler; Kate Thomson; Gunther Wild; Mike Ryan; Sandra Stokes; Tim Harty; Liezel Jahnke
Subject: RE: "In Principle" and "Conflict of Interest"

Kia ora Kate and Paul

Thank you for your email of 8 November. As requested, officers have reviewed the two points you raised in your email, and I now respond as follows:

Point 1: Which definition is Upper Hutt Council is using when referring to “In Principle” and can you please provide a written publicly available reference/link to this definition.

Response:

Council does not have or use any other formal definition for this term.

Using the Collins’ dictionary definition: *“If you agree with something in principle, you agree in general terms to the idea of it, although you do not yet know the details or know if it will be possible.”*

All “in principle” means in the context we used it for the report and decision was to enable us to continue working towards a joint water services delivery plan and joint delivery model with other councils in the Wellington region as one of the signalled options we’ll be considering – all of which are on the table - and noting Council, like all others, must consult on its anticipated or proposed model or arrangement for delivering water services in its water services delivery plan.

The purpose of the resolutions passed by Council was to continue to participate with other Councils in the region on developing options which each individual council could use in consultation with their communities scheduled to take place in the early part of 2025. Whilst we have referred to the Collins dictionary definition for the term “in principle” in reality there are many very similar definitions all describing a situation where *“although something is theoretically possible, in reality it may not happen.”*

Point 2 Which definition and written policy and documentation is Upper Hutt City Council is using when referring to “Conflict of Interest”.

Response:

The elected member's [Code of Conduct](#) is the relevant policy.

It’s further down this website page: <https://www.upperhutt.govt.nz/Home/Tabs/Council/Your-Council/About-your-Council/Mayor-and-Councillors>

Extract:

8. Conflicts of Interest

Elected members will maintain a clear separation between their official duties and any private interests they may have. Elected members in order to ensure that they are acting in the best interests of the community therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Members will not participate in any council business in which they have a financial interest, other than an interest in common property.

9. Register of Interests

Members shall, at least annually, make a d
Register of Interests maintained by Council
extent of any interest, including:

10



Hopefully, these answers provide more clarity, but if not please come back to me.

Nga mihi

Geoff

Geoff Swainson

Chief Executive Officer | Kaihautū Taiao

Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council

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From: nzempowered@gmail.com <nzempowered@gmail.com>

Sent: Friday, 8 November 2024 1:26 pm

To: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>

Cc: Wayne Guppy <Wayne.Guppy@uhcc.govt.nz>; CR Hellen Swales <Hellen.Swales@uhcc.govt.nz>; CR Dylan Bentley <Dylan.Bentley@uhcc.govt.nz>; CR Matt Carey <matt.carey@uhcc.govt.nz>; CR Chris Carson <Chris.Carson@uhcc.govt.nz>; CR Blair Griffiths <Blair.Griffiths@uhcc.govt.nz>; CR Bill Hammond <bill.hammond@uhcc.govt.nz>; CR Emma Holderness <Emma.Holderness@uhcc.govt.nz>; CR Heather Newell <Heather.Newell@uhcc.govt.nz>; CR Tracey Ultra <Tracey.Ultra@uhcc.govt.nz>; CR Dave Wheeler <Dave.Wheeler@uhcc.govt.nz>; Kate Thomson <kate.thomson@uhcc.govt.nz>; Gunther Wild <gunther.wild@uhcc.govt.nz>; Mike Ryan <Mike.Ryan@uhcc.govt.nz>; Sandra Stokes <Sandra.Stokes@uhcc.govt.nz>; tim.hartly@uhcc.govt.nz; Liezel Jahnke <Liezel.Jahnke@uhcc.govt.nz>

Subject: "In Principle" and "Conflict of Interest"

Morena Geoff,

In regard to the 6th Nov 2024 UHCC Ordinary Council Meeting.

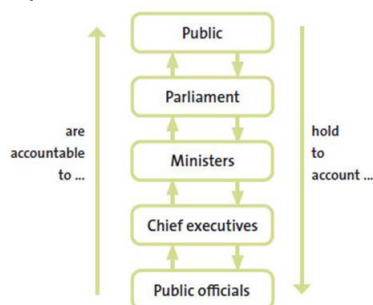
In this email we would request 2 points be addressed for the benefit of the Councillors and the General Public. We have followed up by some of our reasons and background to help with any confusion over why we believe this to be important.

(Point 1) Which definition is Upper Hutt Council is using when referring to “In Principle” and can you please provide a written publicly available reference/link to this definition.

(Point 2) Which definition and written policy and documentation is Upper Hutt City Council is using when referring to “Conflict of Interest”.

As you appeared to feel that we put you in a position during the LTP where you stated you did not “have the staff resources nor time to be able to respond to your questions with the immediacy you expect”. We feel that at this point your time and staffing maybe more available to answer these questions for the community and councillors.

https://1drv.ms/b/s!AiRvWJcR8iJci_EDQrkKniOF12EfkW?e=eyBMnF



“In Principle” Background.

It was raised that there needed to be a written definition for council and the public of the term “**In Principle**”. Subsequent to this, we have been advised by a member of Council staff that “**In Principle**” is a “**legal term**”. Therefore, we believe as a “**Legal Term**” this should be documented somewhere easily accessible to allow reference easy.

At the above meeting we encountered again what we encountered during the LTP where the same question asked of different people in council which provided different answers. As we did on Wednesday when getting different definitions from 2 different sources at the meeting. This we believe was highlighted between Kate Fabian, Dylan Bentley and Kate Thomson.

As **Councillor Newell** states in the above video. **Councillors need Actual Information and need the facts.** Not only are the Public asking for more transparency and facts but also Councillors. We agree with this and believe it is a need for consistent information and facts and definitions. This is also what the Public require to allow them the understanding required to work with Council and allow Council to work for them.

https://www.youtube.com/live/_7o6J3LGzug?si=mNrgY8lvpxkG8mL8&t=1056

Councillor Bentley, we believe, by all accounts was doing his level best to answer the question around “In Principle”, however, unfortunately he couldn’t, as the question was around wanting a reference to a written definition which the council is using. This highlighted again to us the grey areas to which not only the councillors deal with but also the public and that the council is not providing the Elected Members with the clarity of information to conduct their duties effectively and with due diligence.

“Conflict of Interest” Background

In a similar light, “**Conflict of Interest**”, we are unsure what is and isn’t classed as a conflict of interest and what is done to check into and decide if this is a valid conflict or not.

So, what is classed as a conflict and when should a member be declaring these? Know the person, play netball with the person, work with the person, got served at the supermarket?

We have identified the following site which highlights and defines a conflict of interest.

<https://oag.parliament.nz/2020/conflicts/part2.htm>

Hence our original question, as we believe is another legal area also seems to have no legal reference within the UHCC. Does UHCC’s position look like what we have found in the above link or similar.

We look forward to your response and clearing these two points up not only for the Public’s clarity but also the Councillors and Staff of the UHCC as none should be put in a position where these, and potentially other, terms are not defined and available for consumption.

Nga Mihi
Kate and Paul

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