

Full Council

1 April 2025

Report for Agenda Item | Rīpoata moto e Rāraki take: 1

Department: Corporate Services

Title | Taitara: Elected Member Committee Membership

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider resolutions seeking amendments to committee membership at Queenstown Lakes District Council (QLDC). This is in express response to a request from the majority of Council, based on an elected member's deliberate disclosure of confidential information and consequentially a serious breach of the elected member's responsibilities.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Discharge** Councillor Gladding as Deputy Chair of the Infrastructure Committee;
3. **Discharge** Councillor Gladding as a member of the Infrastructure Committee;
4. **Discharge** Councillor Gladding as a member of the Audit, Finance & Risk Committee;
5. **Appoint** Councillor Tucker as Deputy Chair of the Infrastructure Committee;
6. **Appoint** Councillor Guy as a member of the Infrastructure Committee; and
7. **Appoint** Councillor Bartlett as a member of the Audit, Finance & Risk Committee.

Prepared by:



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27 March 2025



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Context | Horopaki

1. On Thursday 20 March 2025, Queenstown Lakes District Council (QLDC) officers provided a briefing to the Mayor and Councillors comprising an update on an enforcement order issued in January 2025 and subsequent mediation process; together with advice from QLDC's experts (including legal advice) about subject matter relevant to the enforcement proceedings.
2. As the topic was an ongoing legal process still before the Court and included legal advice on a number of related subjects, the briefing was conducted with the public excluded on the grounds of section 6(c) of the Local Government Official Information and Meetings Act 1987¹ (LGOIMA). Section 6(c) is a conclusive reason for withholding information on the grounds that making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
3. Councillors were advised during that briefing that consultations were required with Iwi and other affected or interested parties before further decisions were made. It was an imperative by Councillors that key stakeholders needed to be informed before the information was released. Council was strong on the express need to be transparent with the community at the earliest opportunity and officers confirmed that the community would be informed following any decisions via a robust and comprehensive communications programme.
4. During and after the briefing, Councillor Gladding signalled to the Chief Executive, Mayor and Councillors that she did not agree that the decision to exclude the public extended to all the information being provided as she did not consider it directly related to the legal proceedings and mediation. She then emailed, post workshop, her intent to make a public statement, contrary to the confidentiality of a public excluded briefing and in clear knowledge that this action constituted a breach of confidence. In response the Chief Executive clearly advised this would be a breach of Councillor responsibilities and commitments.
5. On Friday 21 March 2025, Councillor Gladding confirmed she had advised a member of the media (given the depth of knowledge by the media and the subsequent informed line of media questions it was clear that extensive details had been provided). Later that day, officers were made aware that the information from the public excluded briefing, including detailed presentation materials, had also been shared with an elected member of the Otago Regional Council (ORC). This was further shared with the ORC Chief Executive.
6. This put officers and the QLDC Chief Executive in the position of having to answer to key stakeholders who had been identified for proactive and constructive engagement, reactively, because the information had been leaked. Key stakeholders then expressed disappointment to learn of the matter through media channels.

¹ [Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#)

7. Councillor Gladding has been subject to a number of previous Code of Conduct² breaches relating to breaches of confidentiality and providing confidential information to the media. Notably after an independent investigation, following two complaints against Councillor Gladding, the Code of Conduct Committee and Council found her to be in breach and that the matter was a serious and material matter. At that time, Councillor Gladding was required to work with a mentor in terms of adhering to good practice and prohibited from attending any discretionary training for a minimum period of 12 months. A copy of the Council report on that matter is included as Attachment A.
8. Further to this a letter of sanction was sent to Councillor Gladding in July 2024 from the Mayor after clear breaches of the Code of Conduct during a podcast interview (see Attachment B).
9. Officers received a requisition from the Mayor for an extraordinary meeting for Council to consider Councillor Gladding's membership of Council's committees in response to her decision to share information provided in a public excluded briefing.

Analysis and Advice | Tatāritaka me kā Tohutohu

10. Appointments to committees (including membership and the roles of Chair and Deputy Chair) are made by the Mayor using the powers under section 41A of the Local Government Act 2002³ (LGA) together with Appendix 9 of the Standing Orders. Current appointments were made and noted by Council at a meeting on 15 December 2022 following the 8 October 2022 local government election.
11. Councillor Gladding was appointed at that time as a member and Deputy Chair of the Infrastructure Committee and a member of the Audit, Finance & Risk Committee.
12. Under Schedule 7 clause 27 of the LGA, a local authority must adopt a set of standing orders for the conduct of its meetings and those of its committees. Under Schedule 7 clause 16(1) of the LGA, a member of a local authority must abide by the standing orders adopted under clause 27.
13. QLDC adopted its standing orders⁴ based on the LGNZ sector template on 17 November 2022, and these were revised by Council resolution on 15 February. Standing order 17.4 confirms that no member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public excluded, or proposed to be excluded. This provision does not apply where a meeting has resolved to make the information publicly available. Whilst standing orders do not apply directly to workshops, appendix 11 of these adopted standing orders confirm that workshops may be conducted with the public excluded as per sections 6 and 7 of the LGOIMA consistent with formal meetings. This provision was adopted to ensure consistency in practice with formal meetings when excluding the public.

² QLDC Code of Conduct: <https://www.qldc.govt.nz/media/ckmgysii/qldc-code-of-conduct-november-2022.pdf>

³ [Local Government Act 2002 No 84 \(as at 01 October 2024\), Public Act Contents – New Zealand Legislation](#)

⁴ QLDC Standing Orders: <https://www.qldc.govt.nz/media/3rrlllh5/qldc-standing-orders-2022-revised-february-2024.pdf>

14. When intentionally providing information from the 20 March 2025 public excluded briefing, Councillor Gladding was not acting consistently with the expectations for maintaining confidentiality consistent with Standing Order 17.4 and LGA Schedule 7 clause 16(1).
15. Under Schedule 7 clause 15 of the LGA, every local authority must adopt a Code of Conduct for members of the local authority. QLDC adopted its current Code of Conduct on 22 November 2022 based on the sector template provided by LGNZ. By adopting the Code of Conduct members are agreeing that they abide by a number of commitments, including to “not disclose information acquired, or given, in confidence, which they believe is of a confidential nature”. Furthermore, while Council acknowledges that Councillor Gladding and all elected members may hold differing views on any matter, under the Code comments “must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff” and “must respect the majority decisions of Council.”
16. Under the Code of Conduct, complaints or breaches of a significant nature may appoint an independent investigator to assess and conclude on the matter. The investigator’s report is then considered by Council including any actions that may be applied as a result of the investigation. The cost of any investigation must be met by the local authority.
17. This course of action (Code of Conduct) has already previously been undertaken regarding Councillor Gladding’s conduct, by Council, for the same principle (confidentiality) in 2020 and consequences applied as outlined. This underlines the fact that the current breach was undertaken knowingly and in full cognisance of the potential consequences. Any action under the Code of Conduct would take considerably more time and impose further cost on the ratepayer. Furthermore, by Councillor Gladding’s own admission she knowingly committed a significant breach, negating the need for an investigation.
18. It should be noted however that in determining a response to a breach of the Code of Conduct, actions can include “that the member loses specific responsibilities, such as committee chair, deputy committee chair or portfolio holder.”
19. On Wednesday, 26 March 2025 the independent Chair of the Audit, Finance & Risk Committee (AFRC) wrote to the Mayor having been made aware of Councillor Gladding’s “leaking confidential information to a third party and taking a position in public (for or against the Council) based on knowledge of confidential information.” Further stating, “This is a clear breach of the Code of Conduct of a member of the AFRC and of a member of Council and as such I would like Councillor Gladding removed as a member of the AFRC.” (See Attachment C)
20. Under Schedule 7 clause 31(1) of the LGA, it is the power of the local authority (i.e. elected Council) to discharge any member of a committee or subcommittee which, as per paragraph 18, is a possible recourse for Council as a result of a breach of the Code of Conduct. Councillors have indicated that they wish to consider this action and enacting these powers as a response to the actions of Councillor Gladding. A Council resolution is required by Councillors at a formal meeting to remove a member from a committee.

21. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
22. Option 1 Discharge Councillor Gladding from the Infrastructure Committee and Audit, Risk & Finance Committees under LGA Schedule 7 Clause 31(1)

Advantages:

- Responds to clear and intentional breaches of the Code of Conduct relating to the sharing of information provided during a public-excluded briefing on the conclusive grounds of LGOIMA s6(c) - to not prejudice ongoing legal proceedings before the Court and mediation.
- Reduces the risk of further deliberate breaches of confidentiality and the Code of Conduct by the elected member in question.
- Allows Councillors on those Committees to collectively make decisions about how to communicate information to its community.
- Does not incur additional cost by pursuing a formal Code of Conduct investigation
- Enables new appointments to both committees and the position of Deputy Chair for the Infrastructure Committee of members that have not breached the Code of Conduct
- Responds to request for removal from the Audit, Finance & Risk Committee Chair
- Aligned with powers of Council under the LGA Schedule 7 clause 31(1)

Disadvantages:

- None identified

23. Option 2 Initiate a Code of Conduct investigation

Advantages:

- Adheres to a sector framework for addressing elected member conduct matters
- Responds to clear and intentional breaches of the Code of Conduct relating to the sharing of information provided during a public-excluded briefing on the conclusive grounds of LGOIMA s6(c) - to not prejudice ongoing legal proceedings before the Court and mediation - as confirmed by QLDC legal counsel and governance advisory

Disadvantages:

- Costs incurred with engaging an independent investigator when the Councillor involved communicated a clear intention to breach confidentiality and has publicly done so (i.e. the breach is not in question)
- Length of process to address current issues and ongoing exposure of QLDC to further deliberate breaches in the meantime.

24. Option 3 Take no action (status quo)

Advantages:

- No disruption to existing committee structure and membership
- Does not incur additional cost by pursuing a formal Code of Conduct investigation

Disadvantages:

- Does not respond to clear and intentional breaches of the Code of Conduct relating to the sharing of information provided during a public-excluded briefing on the conclusive grounds of LGOIMA s6(c) - to not prejudice ongoing legal proceedings before the Court and mediation - as confirmed by QLDC legal counsel and governance advisory
- Does not respond to request for removal from Audit, Finance & Risk Committee Chair

25. This report recommends **Option 1** for addressing the matter because it provides a timely and cost-effective response using appropriate powers to address breaches of the Code of Conduct by an elected member.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

26. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2024. While the actions of Councillor Gladding that have necessitated this report and recommendations are deemed significant and material, the recommendations are consistent with adopted Council policies or documents, namely the Code of Conduct.

27. The persons who are affected by or interested in this matter are elected members.

28. The Council has not consulted with the community or other stakeholders on this matter and is not required to as it relates to the conduct of an individual Councillor and Council's response to that action.

Māori Consultation | Iwi Rūnaka

29. The Council has not consulted with Iwi Māori on this matter and is not required to as it relates to the conduct of an individual Councillor and the Council's response to that action.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

30. This matter relates to the Workforce risk category. It is associated with RISK10015 Ineffective Governance within the QLDC Risk Register. This risk has been assessed as having a high residual risk rating.

31. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by removing from committees a Councillor that has intentionally and publicly breached the Code of Conduct, Standing Orders and requirements of the Local Government Act 2002.

Financial Implications | Kā Riteka ā-Pūtea

32. There are no resource or financial implications to the proposed option. Should a Code of Conduct process be resolved as the chosen pathway, this would incur cost for the services of an independent investigator and officer time to oversee the process and prepare reports.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

33. The following Council policies, strategies and bylaws were considered:

- QLDC Code of Conduct 2022
- QLDC Standing Orders 2022

34. The recommended option is consistent with the principles set out in the named documents.

35. This matter is not included in, nor relevant to, the Long Term Plan/Annual Plan

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

36. This matter is consistent with responsibilities, powers and duties in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

37. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

38. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Council Report on Councillor Gladding Code of Conduct 3 September 2020
B	Letter to Councillor Gladding re Podcast – 12 July 2024
C	Email from Audit, Finance & Risk Committee Independent Chair