

Dear Councillor [last name],

Congratulations on Your Election

Franks Ogilvie knows how much effort that success needs and the risks you incur in putting yourselves up for judgment by your fellow citizens. You deserve respect for willingness to undertake the often thankless responsibility of making often tough decisions in the interests of the community.

We write to you personally because we know Councillors are often left without enough information and advice they need and deserve to balance conflicting claims and demands. Councillors are the decision-making brain of the corporate body established by the Local Government Act.

Councillors representing their constituents with challenging questions can find themselves effectively silenced by claims they're offside with compelling expertise and legal advice. We have seen incorrect procedural advice from Council officers used to obstruct Councillors who challenge programmes they support. Similarly, Code of Conduct complaints can be used between Councillors to challenge dissenting decisions.

You can demand that your Council seek clearly independent legal advice. Many of the situations that you will face over the next three years may be novel to you, but familiar to us as lawyers with a history of serving local authorities, government departments and individuals and bodies at the interface of local government, citizens and businesses.

Franks Ogilvie is a specialist firm. Clear unambiguous advice on what the law is, rather than what someone would like it to be, is most likely to serve the client's interests. Even if they would rather hear differently. Providing accurate comprehensive advice and recommendations reduces the risk of endless disputes and court cases. We have the experience to provide practical, timely advice on:

Public Law

- Local Government Act 2002 compliance and interpretation
- Decision-making processes and obligations, including consultation requirements
- Judicial review and judicial proceedings
- Financial management and rating powers
- Treaty of Waitangi obligations
- Bylaw development and enforcement

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Governance

- Council and committee meeting procedures, and standing orders
- Conflict of interest identification and management
- Public Excluded sessions and confidentiality obligations
- Information requests under the Local Government Official Information and Meetings Act

Code of Conduct

- Understanding and complying with your council's Code of Conduct
- Responding to Code of Conduct complaints
- Investigation processes and natural justice

Other relevant expertise

- Water services
- Environmental law and resource management
- Local electoral law
- Alcohol licensing
- Employment law

Local Government Advocacy

Franks Ogilvie is invested in challenging and improving local government law. We recently submitted to Parliament on the Local Government (System Improvements) Amendment Bill. One of the key focuses of our submission was that you, as Councillors, should have a strengthened right to access information about the Council you are running. More information on this can be found on our website.

Confidential Advice

Councillors may sometimes require legal advice separate from that provided to the council as a whole. We offer confidential consultations and can advise you on matters where you need personal legal guidance in your capacity as an elected member. Accordingly we will respond promptly if you ask us whether it is worth getting legal advice or a second opinion. We provide free 30 minute consultations, before formal engagement begins. We are also very conscious that you are elected, and you often need advice that can be disclosed publicly.

Please do not hesitate to contact us. We enjoy the challenges of helping Councillors and Councils in their important work.

Yours sincerely,



Brigitte Morten
Managing Director

Phone: 022 193 0225

Email: brigitte.morten@franksogilvie.co.nz

Our Local Government Team



Brigitte Morten,
Managing Director



Stephen Franks,
Director



Marcus Ganley,
Special Counsel