

I hereby give notice that an ordinary meeting of the Appointments and Performance Review Committee will be held on:

Date: Friday, 27 October 2017
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Appointments and Performance Review Committee

OPEN AGENDA

MEMBERSHIP

Chairperson Mayor Hon Phil Goff, CNZM, JP
Deputy Chairperson Cr Hon Christine Fletcher, QSO
Members Cr Chris Darby
Cr Richard Hills
Cr Penny Hulse
Cr Desley Simpson, JP

Ex-officio Deputy Mayor Bill Cashmore

(Quorum 3 members)

Kalinda Gopal
Senior Governance Advisor
24 October 2017

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TERMS OF REFERENCE

Responsibilities

The Appointments and Performance Review Committee is established to:

1. Review the chief executive's performance and to recommend to the Governing Body the terms and conditions of the CE's employment including any performance agreement measures and annual remuneration.
2. Make appointments to Council-Controlled Organisations (CCOs), Council Organisations (COs) and exempt CCOs and COs.
3. Approve policies relating to the appointment of directors and trustees to CCOs and COs.

Powers

All powers necessary to perform the committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where the committee's responsibility is limited to making a recommendation only
- (c) the power to establish sub-committees

Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.

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1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

That the Appointments and Performance Review Committee:

- a) confirm the ordinary minutes of its meeting, held on Monday, 25 September 2017, including the confidential section, as a true and correct record.

4 Petitions

At the close of the agenda no requests to present petitions had been received.

5 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than **one (1) clear working day** prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5) minutes** speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5) minutes** during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **one (1) day's** notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and

- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

8 Notices of Motion

There were no notices of motion.

Process for the appointments of directors to Panuku Development Auckland Limited and Auckland Tourism, Events and Economic Development Limited

File No.: CP2017/21837

Item 9

Purpose

1. To provide an overview and update on the process for the appointment of directors to Panuku Development Auckland Limited (Panuku) and Auckland Tourism, Events and Economic Development Limited (ATEED).

Executive summary

2. At its 29 March 2017 meeting the Appointments and Performance Review Committee made decisions regarding those ATEED directors whose tenure was due to end in 2017. As part of the confidential agenda on 27 October the committee will consider the reappointment of an ATEED director.
3. At its 7 September 2017 meeting, the Appointments and Performance Review Committee approved the shortlist of candidates to be interviewed for the Panuku vacancy.
4. At the time of writing this report the Panuku interview panel had yet to complete its deliberations. During the confidential section of the meeting on 27 October, the interview panel will provide a verbal report and make a recommendation for appointment to the Panuku board for the committee's consideration.

Recommendation/s

That the Appointments and Performance Review Committee:

- a) note that a confidential report on the agenda will provide information for the committee to make decisions regarding:
 - (i) the appointment of a new director to the board of Panuku Development Auckland Limited
 - (ii) the director on the board of Auckland Tourism Events and Economic Development whose term ends on 31 October 2017
- b) note that the final appointment decisions will be made publicly available at the conclusion of the appointment process, but that the confidential reports and their attachments will remain confidential.

Comments

Process – general

Item 9

5. The general process for appointing directors to any council-controlled organisation board is shown in the table following:

Committee	<ul style="list-style-type: none"> • Approves skills required for director positions • Approves members of the Nomination and Interview Panels
Nomination Panel	<ul style="list-style-type: none"> • Considers the long list of candidates • Recommends shortlist to the committee
Committee	<ul style="list-style-type: none"> • Approves shortlist of candidates for interview
Interview Panel	<ul style="list-style-type: none"> • Interviews shortlisted candidates • Recommends preferred candidates to the committee
Committee	<ul style="list-style-type: none"> • Considers Interview Panel's recommendations • Makes appointments to the council-controlled organisation's board

6. The table below shows the completed tasks for these appointments in grey and the future tasks in white:

Date	Work	Status	Who / Comments
29 March 2017	Approved skills required (vacancies) and the Nomination and Interview panel membership.	Complete	Appointments & Performance Review Committee
July 2017	Candidate search.	Complete	Kerridge & Partners / council
August 2017	Considered the long list of candidates for ATEED (4 August 2017) and one vacancy on Watercare board (7 August 2017).	Complete	ATEED and Watercare Nomination panels
7 September 2017	Approved the shortlist of candidates recommended for interview for ATEED and Watercare vacancies.	Complete	Appointments & Performance Review Committee
September 2017	Interviewed shortlisted candidates for ATEED (8 September 2017) and Watercare (13 September 2017). Considered the longlist of candidates for Panuku (28 August 2017).	Complete	ATEED and Watercare Interview panels Panuku Nomination Panel
25 September 2017	Consider the candidates recommended for appointment to the two ATEED vacancies and one Watercare vacancy. Consider the candidates recommended for interview for the single vacancy on Panuku.	Complete	Appointments & Performance Review Committee
27 October 2017	Consider the candidate recommended for appointment to the single Panuku vacancy. Consider the director on ATEED board whose term ends on 31 October 2017 and the appointment of deputy chair on ATEED board.	To be completed	Appointments & Performance Review Committee

15 November 2017	Review of board appointments (previous and current) from Kerridge and Partners. Any other outstanding board appointment business.	To be completed	Appointments & Performance Review Committee
December 2017	Induction of all new directors.	To be completed	CCO Governance department

Auckland Tourism, Events and Economic Development

7. A confidential report included in today’s agenda asks that the committee consider whether or not to extend the term of a current director for one year.

Panuku Development Auckland

8. The panel have interviewed four candidates for the vacancy on the Panuku board. A confidential report on today’s agenda outlines the Panuku panel’s recommendation to this committee.

Consideration

Local board views and implications

9. Board appointments to council-controlled organisations are the role of the governing body. Local boards are able to participate in the nomination process for each director vacancy.

Māori impact statement

10. Auckland Council’s Appointment and Remuneration Policy for Board Members of Council Organisations (the policy) aims to appoint a diverse range of directors to all boards.
11. This can have positive impacts for Māori by creating opportunities that contribute to the development of Māori capacity in governance, and increase the number of Māori in decision making roles within the council group.
12. In line with the policy, an Independent Māori Statutory Board member can be appointed on the nomination and interview panels established for the director appointment program.

Implementation

13. Once the resolutions of this committee about the board appointments are made, staff will progress the appropriate correspondence and induction for new directors.

Attachments

There are no attachments for this report.

Signatories

Author	Josie Meuli - Senior Advisor
Authorisers	Alastair Cameron - Manager - CCO Governance & External Partnerships Phil Wilson - Governance Director

Refresh of chief executive's performance objectives – process (Covering report)

File No.: CP2017/22665

Item 10

Purpose

1. To discuss the first tranche of chief executive's performance objectives.

Executive summary

2. This is a late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided at, or prior to, the 27 October Appointments and Performance Review Committee meeting.

Recommendation/s

3. The recommendations will be provided in the comprehensive agenda report.

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Appointments and Performance Review Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

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

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

C1 Appointment of directors to the board of Panuku Development Auckland Limited and Auckland Tourism, Events and Economic Development Limited

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains private information about the appointment of directors to the boards of Panuku Development Auckland Limited and Auckland Tourism, Events and Economic Development.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 Refresh of chief executive's performance objectives (Covering report)

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret. In particular, during this item, the committee will discuss performance objectives for the Chief Executive including possible discussion about terms of employment and remuneration.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.