

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

Date: Thursday, 1 February 2018
Time: 9.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert St
Auckland

Komiti Tohu me te Arotake Tūranga Mahi / 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 IMSB Chair David Taipari

(Quorum 3 members)

Kalinda Gopal
Senior Governance Advisor

25 January 2018

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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 Friday, 17 November 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 board appointment to Community Education Trust Auckland - COMET

File No.: CP2017/25106

Purpose

1. To receive information about the appointment process undertaken to fill a vacancy on the board of Community Education Trust Auckland (COMET).

Executive summary

2. Auckland Council has the power to appoint a trustee to fill one of two current vacancies on COMET's board.
3. COMET has undertaken an appointment process based on COMET's deed requirements and consistent with Auckland Council's Board Appointment and Remuneration Policy.

Recommendation/s

That the Appointments and Performance Review Committee:

- a) note that there is a confidential report on this meeting agenda providing a recommendation regarding the appointment of a trustee to the board of Community Education Trust Auckland.

Comments

Background

4. COMET's deed allows for up to twelve trustees and requires that there are at least seven trustees on its board. Each trustee is a volunteer and, pursuant to the trust deed, can serve a maximum of two three-year terms on the board.
5. The power of appointment of all COMET trustees is vested in council as the settlor of COMET's deed.
6. There are currently two vacancies on COMET's board. An existing trustee's term will end in June 2018, resulting in a further vacancy at that time. This appointment process has been deliberately undertaken to allow for an overlap between the last six months of the existing trustee's term and the first six months of the new trustee's term.

Process

7. COMET has undertaken a board appointment process based on COMET's deed requirements and consistent with council's Board Appointment and Remuneration Policy. This process included:
 - identifying skills, knowledge and experience, including current or future gaps on the board
 - advertising the board vacancy through an expression of interest programme
 - shortlisting and interviewing appropriately qualified candidates
 - Recommendation of the preferred candidate to council's Appointments and Performance Review Committee for appointment.
8. For this appointment financial expertise was identified as desirable based on the current board configuration and with the existing trustee's departure in mind.

9. The advertising programme included placing the advertisement on two websites – Appoint Better Boards and Volunteering Aotearoa. The advertisement was also circulated to all staff and board members to pass onto suitable candidates. The advertisement was more broadly distributed through COMET’s facebook page and boosted to increase its reach, as well as being posted on COMET’s website.
10. Eight applications were received. The chief executive and chair of the board shortlisted three applicants. The shortlisted applicants were interviewed by a subcommittee of the board alongside the chief executive.

Consideration

Local board views and implications

12. Board appointments are the role of the Governing Body. As such, local board views were not sought on this matter.

Māori impact statement

13. COMET’s work is strongly focused on driving change to make access to education and skills more effective and equitable across Auckland. COMET takes a cross-sector approach to identifying gaps and opportunities in education to enhance Auckland’s economic and social development. Several areas of COMET’s work are focused towards Māori and Pasifika communities, where gaps in education have been identified and economic and social benefits can be enabled.
14. COMET’s board vacancies offer an opportunity to contribute to the development of Māori capacity in governance. While a particular emphasis was placed on financial expertise in this appointment process, a broad core skill for trustees is an understanding of Auckland’s Māori communities (mana whenua and/or mataāwaka).

Implementation

15. Pending the approval of this committee, the board appointee will be notified of the appointment, including the terms and duration of appointment. The chief executive and chair of COMET will also receive notification of the appointment.

Attachments

There are no attachments for this report.

Signatories

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

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

a)

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 Board appointment to Community Education Trust Auckland - COMET

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 personal information about the candidates.	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.