Date: Thursday 28 March 2019
Time: 9.30am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Tira Kāwana / Governing Body

OPEN ATTACHMENTS

ADDITIONAL ATTACHMENTS UNDER SEPARATE COVER

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Tira Kāwana / Governing Body
Workshop: Regional Policy Development
MINUTES

Minutes of a workshop of the Governing Body held in the Reception Lounge, Auckland Town Hall, Auckland on Thursday, 7 March 2019 at 12.30pm.

PRESENT
Hon Phil Goff, CNZM, JP
Cr Josephine Bartley
Cr Bill Cashmore
Cr Cathy Casey
Cr Fa’anana Efeso Collins
Cr Chris Darby
Cr Alf Filipaina
Cr C Fletcher
Cr Richard Hills
Cr Penny Hulse
Cr Mike Lee
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sharon Stewart
Cr John Walker
Cr Wayne Walker
Cr Paul Young

APOLOGIES
Cr Ross Clow
Cr Linda Cooper, JP

Cr John Watson

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
Purpose:
The purpose of the meeting is:
- A discussion document has been developed that sets out a number of key questions for Governing Body input that will then inform guidelines to be developed for staff to follow when developing regional policy. Input is also being sought from all local boards via workshop discussion

Apologies
Apologies from Cr R Clow, Cr L Cooper and Cr J Watson were noted.

Declaration of Interest
There were no conflicts of interest.

Governance Framework Review programme: Local board input into regional policy
This initiative is a key project within the Governance Framework Review programme.

Tanya Stock, Theresa Stratton, Megan Tyler

A presentation was given.

The workshop closed at 1.30pm.
Governance Framework Review
Local Board involvement in Regional Policy and Planning

Governing Body workshop
7 March 2019
GFR – LB involvement in regional policy

Attachment B

Introduction

Purpose of today:

- Reminder of the background
- Overview of the discussion document
- Feedback on proposal

Next Steps:

- Collate feedback and produce revised guidelines

Note: Key questions to assist in focus of discussion
GFR – LB involvement in regional policy
Background

Legislation provides:
• GB responsible for regional decisions, LBs responsible for local decisions
• LBs identify/communicate preferences of local community in relation to strategies, policies, plans, by-laws
• GB considers views/preferences of LBs where affects responsibilities, operations of LB or wellbeing of its community

GFR project 2017 identified:
• LBs have no input to regional policy programme
• LBs unhappy with their level of involvement in regional policy development (too late and too little in many cases)
• Series of recommendations to be implemented

Governance Framework Review
GFR – LB involvement in regional policy
Current situation

Involvement of LBs in regional policy processes:

• Little consistency
• Negotiated for each project

Because

• Different understanding/interpretation of the relative governance roles
• Timelines or resources constrain involvement (more LB involvement = longer timeframe)
(part of initiation report)

- clarity at beginning of each project/plan of governance role and process
- process guidelines based on categorisation

- remove individual project "negotiation" on involvement
- specific community interest levels
- impact on local assets and activities

- Categorising support for LB involvement based on: Programme

- joint governance discussions on forward policy/planning work

- achieve balance of time and resources propose

Legislation provides for LB input into virtually any regional policy but to

Elements of proposal

GFR - LB involvement in regional policy
GFR – LB involvement in regional policy
Elements of proposal (cont)

“Significant” involvement

- High impact on LB role, decision making or budgets
- Joint GB/LB discussions/workshops at initiation, draft and final stages
- Specialised staff support at local level at each key stage
- Sequencing reporting so LBs can receive and give feedback ahead of GB consideration
- Closing the loop with analysis of local impacts/implementation
- Will add 4-6 months to existing processes
- Existing resources will deliver less (or more resources)

Note: Statutory processes (RMA and By-laws) exclude final decision making steps
GFR – LB involvement in regional policy
Elements of proposal (cont)

“Moderate” involvement –
- Primarily regional but some local impact on assets or services
- LB input at draft and final policy stage
- Specialised staff support at local level up to draft policy stage
- Sequencing reporting so LBs can receive and give feedback ahead of GB consideration
- Closing the loop with analysis of local impacts/implementation (where necessary)
- Will add 3-4 months to existing processes
- Existing resources will deliver less (or more resources)

Note: Statutory processes (RMA and By-laws) exclude final decision making steps
GFR – LB involvement in regional policy
Elements of proposal (cont)

“Limited” involvement –

• No specific local impacts
• No specialised staff support (LB can develop own position at their discretion)
• No sequencing, timing or resourcing impacts
GFR – LB involvement in regional policy Feedback on proposal

Key Questions for discussion:

- Is a joint governance discussion on the annual policy programme useful?
- Are the factors in the discussion document for categorising LB involvement appropriate?
- When community impact/interest is similar across the whole region what should be the level of LB involvement?
- Are the GB/LB roles and staff support as described appropriate?
- Are the mechanisms for engagement between LB and GB appropriate?
- Are there issues with the sequencing and additional timing implications as described?
Tira Kāwana / Governing Body
Workshop: Code of Conduct
MINUTES

Minutes of a workshop of the Governing Body held in the Meeting Room, Level 26, 135 Albert Street, Auckland on Thursday, 14 March 2019 at 1.05pm.

PRESENT
Hon Phil Goff, CNZM, JP
Cr Josephine Bartley
Cr Bill Cashmore
Cr Cathy Casey
Cr Fa'anana Efeso Collins
Cr Linda Cooper, JP
Cr Chris Darby
Cr Alf Filipaina
Cr C Fletcher
Cr Mike Lee
Cr Daniel Newman, JP
Cr Desley Simpson, JP
Cr Sharon Stewart
Cr Wayne Walker
Cr John Watson
Cr Paul Young

APOLOGIES
Cr Richard Hills
Cr Penny Hulse
Cr Greg Sayers

IN ATTENDANCE
Richard Northey
Waitemata Local Board

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
Purpose:
- to discuss the Code of Conduct

Apologies
Apologies from Cr R Hills, Cr P Hulse, Cr G Sayers were noted.

Declaration of Interest
There were no conflicts of interest.

Code of Conduct
Marguerite Delbet, Warwick McNaughton, Richard Northey

A PowerPoint presentation was given

The workshop closed at 2.05pm.
Review of the code of conduct

Governing body workshop 14 March 2019
Where have we come from?

- The current code was last reviewed in 2013
- PWC undertook a stocktake of current issues in 2017
- Governing Body resolved to review the code of conduct at February 2018 meeting and agreed a process that included local boards, with the Joint Governance Working Party (JGWP) developing a proposal
- Governing body workshop 15 March 2018 discussed issues with current code and sought views about our initial proposal
- Sought ideas about format of the code at Local board cluster meetings
- First draft presented to JGWP 20 June 2018
Where have we come from?

- JGWP agreed a draft to report to local boards 12 September 2018
- 21 local boards resolved their feedback on the draft code
- On 31 October 2018 the JGWP agreed changes as a result of local board feedback and referred this version to the Governing Body for adoption
- Governing Body workshop 26 November 2018 sought feedback on final draft
- Governing Body meeting 13 December 2018 did not adopt the code and decided to have a further workshop
Key changes from current code

- Presented as a simpler document with detail contained in attachments
- It is a positive, principles based approach focused around the two key principles of trust and respect, similar to the Our Charter model that applies to staff
- Provides clarity on materiality of breaches
- Separate processes for non-material breaches, material breaches and conflicts of interest
- Removes elected members from the assessment process
- Independent external investigation is conducted by one individual rather than a panel
Key changes from current code

- The current conflicts of interest is policy is out of date and does not reflect the legal position relating to conflicts of interest and pre-determination. The revised draft policy has been updated to reflect the current legal position, and is intended to be more user friendly and accessible to assist elected members to comply with the law.

- An access to information protocol which puts a framework around information elected members requests pursuant to the “need to know” principle as determined by the Courts, and to provide a means to give a higher priority and speed to responding to relevant elected member information requests.
Where are we at?

- A range of issues were discussed at the GB meeting, including on the draft Code of Conduct, draft Conflicts of Interest policy and draft Access to Information protocol. The relevance of the Office of the Ombudsman’s investigation into Auckland Council’s LGOIMA practices was also raised.

- GM Democracy Services emailed councillors after the GB meeting to ask them which specific issues they wanted covered at the workshop
  - One response from Cr Simpson who wanted comments from Orakei LB addressed – they have been and the councillor was emailed with the details

- It is important to get the support of elected members (governing body and local board members) to the new code of conduct
Recommendations – JGWP chair

- The proposed new code is not perfect but it is a clear improvement and it would be a shame not to proceed.
- There should be a clear commitment to a review of the Code within 18 months, particularly in the light of experience with the Access to Information protocol.
- If Governing Body Members are unhappy with the proposed access to information protocol it could be replaced by a simple commitment that staff will prioritise responding to information requests from elected members.
- If Governing Body Members are unhappy with any specific section of the proposed Code of Conduct that section can be deleted.