Date: Thursday 21 November 2019
Time: 9:30am
Meeting Room: Upper Harbour Local Board office, 30 Kell Drive, Albany village

Upper Harbour Local Board
OPEN MINUTE ITEM ATTACHMENTS

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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.
Upper Harbour Local Board
Auckland Council
Private Bag 92300
Auckland 1142

To the Upper Harbour Local Board

The Whenuapai Residents and Ratepayers Association understands that the board is considering each board member(s) hold separate portfolios. Even though separate portfolios may have its advantages and could increase efficiency.

We do not believe separate portfolios are in the best interests of the community for the following reasons:

a) Each board member-only represents a small portion of the community, the full board represents all the community, hence the importance of all board members being involved in the decision-making process from start to finish;

b) The community and officials should be able to draw on all the board members experiences and perspectives at any stage in the decision-making process;

c) The full board is more likely to produce a more fair and balanced decision in the best interests of the community. As individual portfolio holders may not take into consideration the rest of the board’s interests in the initial discussions; and

d) An individual portfolio holder will have their own views. The board will have many views and many approaches which will result in better decision-making.

We respectfully request the board consider the Whenuapai community’s views.

 Alone the local board can do so little but together in partnership with the community we can achieve so much.

Kind regards

Haydon Mattson
Chairperson
Whenuapai Ratepayers and Residents Association
17 November 2019

Auckland Council
Private Bag 92300
Auckland 1142

To the Upper Harbour Local Board

Re Whenuapai Ratepayers & Residents Association – Topic Leads

Please find below our letter setting out the following:

- Response to Margaret Miles letter dated 15 November 2019;
- Response to Nicholas Mayne email dated 15 November 2019;
- Comment on Auckland Councils recommendations; and
- Our recommendations.

1. MARGARET MILES LETTER

We confirm that we first heard of Topic Leads through board member Nicholas Mayne when Margaret and Nicholas both attended the Whenuapai community meeting last weekend. After the conversation, I had with Nicholas, Uzra contacted me.

On review of Margaret’s letter we make the following comments:

We disagree with Margaret’s comment that “there is NO DECISION – MAKING ability for Topic Leads ...”

The dictionary defines decision making as: “the process of making choices by identifying a decision, gathering information, and assessing alternative resolutions by organizing relevant information and defining alternatives ...

Considering the above dictionary definition, we strongly believe that a Topic lead will have DECISION-MAKING abilities for the following reasons:

a) A topic lead will decide on who should be consulted e.g. community groups, stakeholders, officials;

b) A topic lead will decide on what background information should be provided and sort;
c) A topic lead will decide what information should be gathered and what relevant information should be presented to the board; and

d) A topic lead will decide if alternative solutions should be considered at the early stages of the process and how alternative solutions will be presented to the board.

Points a to b clearly show that Topic leads will have decision-making capabilities.

We strongly believe that Topic leads are not in the best interest of the community. We request this letter and our previous correspondence be tabled at the boards next meeting.

2. **NICHOLAS MAYBE EMAIL**

We are aware of a letter sent to other community groups about Topic leads. We are concerned that it appears this letter has excluded the Ratepayer groups who have provided feedback to the board against Topic leads. The board’s decision-making process should be open and transparent and all community groups should be included not just a selected few.

Secondly, we are concerned with the below comment in Nicholas email:

*"The system that 4 of us have agreed to is called Topic Leads ...".*

It appears that four members of the board have already made the decision to have Topic leads before considering all the information. We expect board members to act free from bias and they should only make a decision once all feedback and information have been presented.

The local board is under obligation to follow the rules of natural justice which state that a decisionmaker must consider all the relevant information before making a decision. It appears this has clearly not happened.

Lastly, we request further information on the below statement in board members Mayne’s email:

*"Unfortunately 2 members of the Local Board are not happy about the proposal and are spreading a lot of miss information about it".*

Please, could the board clarify what misinformation has been provided? It is important that the information provided to the local community is true and correct.

We request the board provide full details on the misinformation and to table the misinformation at their next meeting. It is important for the board to be transparent and any misinformation provided by any board member to the public be corrected.
3. AUCKLAND COUNCILS RECOMMENDATIONS

Page 99 in the below report shows that Topic leads are not a recommended option by Council Officers.


We agree with the Council Officers recommendations.

OUR RECOMMENDATIONS

We request that all board members act in the bests interests of the community and Auckland Council’s when voting on Topic leads. We would recommend that any preformed bias, side deals, promised Topic lead positions to be put aside and each board member takes into consideration the community’s views.

If you have any questions please do not hesitate to contact me. We look forward to received further details on the misinformation.

Kind regards

[Signature]

Haydon Mattson
Chairperson
Whenuapai Ratepayers and Residents Association
From: Secretary PRRA
Sent: Friday, 15 November 2019 1:45 PM
To: Margaret Miles (Upper Harbour Local Board) <Margaret.Miles@aucklandcouncil.govt.nz>; Lisa Whyte (Upper Harbour Local Board) <Lisa.Whyte@aucklandcouncil.govt.nz>; Uzra Casuri Babuch (Upper Harbour Local Board) <uzra.casuri-balouch@aucklandcouncil.govt.nz>; Brian Neeson (Upper Harbour Local Board) <brian.neeson@aucklandcouncil.govt.nz>; Anna Atkinson (Upper Harbour Local Board) <anna.atkinson@aucklandcouncil.govt.nz>; Nicholas Mayne (Upper Harbour Local Board) <nicholas.mayne@aucklandcouncil.govt.nz>
Cc: Deane Tuck <
Subject: Re: PRRA: Objection to proposed UHLB Procedure Change

I’ve been advised that, unless specifically requested by the sender, communications such as this are not automatically tabled at the next meeting.

Can you please table this letter at your next meeting.

Kind regards,
Sharon Fann
Secretary: Paremoremo Ratepayers & Residents Association

On Fri, 15 Nov 2019 at 08:37, Secretary PRRA - > wrote:
Dear Upper Harbour Local Board Member

It has come to our attention that the newly-elected Upper Harbour Local Board (UHLB) has imminent intentions to assign a Topic Area Lead or Portfolio to each board member.

The Paremoremo Ratepayers & Residents Association (PRRA) Committee is deeply concerned about this proposal, for the following reasons:

1. No UHLB candidate campaigned about this before the recent elections.
   - Nor, despite the opportunity presented at the PRRA-hosted “Meet the Candidates” meeting on 25 September 2019, was it even alluded to, as an operating change that our Local Board was considering making.
   - In other words, this UHLB has not informed any in their community of this proposal, which presently, it seems, is being managed sub rosa.

2. Portfolios promote bias, favoritism and singular power which is contrary to our understood function of our Local Board members – the community has always had the assurance that they are able to approach any/all board member(s) with any request.

3. We believe that Auckland Council does not support portfolio-style operation by the Local Boards.

We want to record our very strong objections to the UHLB implementing portfolio-style operation to their community.
We remind all UHLB members that their election is to serve their local community, with openness, transparency, interaction and with obtaining feedback where necessary.

We reiterate the Paremoremo community’s request made at our 25 September 2019 meeting for the UHLB to improve their communication of matters to the Paremoremo community, either through the Paremoremo Facebook page, the local community email managed by Kim Ward, or through ourselves, the PRRA.

Regards.

Sharon Fann
Secretary: Paremoremo Ratepayers & Residents Association

Deane Tuck
Chairman
: Paremoremo Ratepayers & Residents Association
From: Deane Tudi
Sent: Wednesday, 20 November 2019 2:16 AM
To: Margaret Miles (Upper Harbour Local Board) <Margaret.Miles@aucklandcouncil.govt.nz>; Lisa Whyte (Upper Harbour Local Board) <Lisa.Whyte@aucklandcouncil.govt.nz>; Una Caseri Balouch (Upper Harbour Local Board) <una.caseri-balouch@aucklandcouncil.govt.nz>; Brian Neeson (Upper Harbour Local Board) <brian.neeson@aucklandcouncil.govt.nz>; Anna Atkinson (Upper Harbour Local Board) <anna.atkinson@aucklandcouncil.govt.nz>; Nicholas Mayne (Upper Harbour Local Board) <nicholas.mayne@aucklandcouncil.govt.nz>
Cc: Secretary PRRA
‘Gary & Janice Arnold’<Gary.Janice.Arnold@hekeni.govt.nz>; ‘Quentin Taylor’<quentin.taylor@environment.govt.nz>; ‘Ray Nicholls’
Subject: RE: PRRA: Objection to proposed UHLB Procedure Change

To the Upper Harbour Local Board

Objection to proposal to introduce Portfolio’s:
To be tabled at the UHLB Board Meeting on 21 November 2019

Dear Margaret

cc: UHLB members, PRRA Committee

Firstly I’d like to thank you for your detailed response to our note expressing deep concerns regarding the proposed introduction of portfolio’s as a matter of procedure into the UHLB. Your response shows that a great deal of consideration has gone into the matter and your additional notes in red help us understand how you intend to operate in “portfolio”.

The PRRA has both considered this matter carefully and polled our members to understand how they feel about the introduction of portfolios. This letter includes our response to your proposal and it also reflects the fact that 100% of the feedback received from PRRA members oppose the introduction of Portfolios. Key points:

i) It’s been claimed in writing by a couple of UHLB members that “...the topic lead/portfolio holder has no decision-making ability...”. The detailed explanation however states that “...at the direction of the local board, [topic leads would] undertake any feedback or decision-making roles as directed or delegated (which is required when decision-making is required)...” further “...recognise that topic area leads are not decision-making roles, unless the local board resolves a specific delegation to a topic area lead(s) to make decisions on behalf of the local board...” This in effect means that it would only require a UHLB majority vote for a portfolio/topic leading to be delegated decision making authority which would mean they would have the opportunity to operate semi independently of the rest of the UHLB. This is precisely why we don’t support the proposal. Instead we expect all direction setting and decisions to be made transparently “in committee”, by majority vote and be minuted.

ii) The attachment describes and detail the roles and responsibilities of a topic lead/portfolio holder. However we are concerned based on the general tone and thrust of the addendum that the UHLB seem to be choosing to ignore the advice proffered by the “The 2016-2015 Trilemnia Review” which after “...gathering feedback from local board members, staff from LBS and other council departments, and council-controlled organisations [CCOs]...” which clearly suggests that the “...full board should be involved in direction-setting discussions on issues rather than identifying topic area leads...”
PRRA members didn’t vote one person to represent us at the UHLB. We voted you all in and while we accept that some may be more involved/passionate in some areas than others we still expect you all to be cognisant of our concerns and wishes. Almost all of you attended our public meeting and at that meeting in return for our votes you all committed to moving forward in unity and to improving and maintaining open communications with us, your constituents;

iii) Its early days yet but we do encourage you all to be considerably more active (issues, minutes, questions, coffee) when it comes to communications. In that light we would like to thank Ms Uzra Gasuri Balouch for keeping us abreast of this lead/portfolio issue

iv) A mere month after the elections; conversations we have been party to, and correspondence that PRRA members have received seems to indicate that we might have a divided board. We expect more than that and ask board members to remember their public commitments and put aside ambition and personal differences for the greater good of our community.

Kind Regards

Deane Tuck
Chair PRRA

Sharon Farni
Secretary: PRRA
Hello Uzra

You have discussed with me a proposal for each Upper Harbour Local Board member to take responsibility for a "Portfolio" of specific "local issues and activities".

I have discussed this with the steering committee of our Hobsonville/West Harbour Residents & Ratepayers Group (full title).

Given the purpose of local Boards, we consider it would not be of benefit or value to have particular areas represented by only one member.

Local boards are charged with decision-making on local issues, activities and services, and provide input into regional strategies, policies, plans and decisions. And to identify and communicate the views of local people on regional strategies, policies, plans and bylaws to Council.

In our view it would not lead to cohesive and strategic decisionmaking on behalf of communities to have only one Board member familiar with either local or Ward-wide matters of substance such as Environment, Transport, Planning et al. This would limit the full engagement by all members necessary for sound decisionmaking.

While we see no obstacle to Board members taking a particular interest in any area of the Board's responsibilities, or on a particular local issue where communities have established communication with any Board member, to fragment the knowledge, detail and perspective of local and Ward-wide matters would be detrimental to the cohesive and strategic decisionmaking which Boards are required to perform.

Our group would therefore be opposed to such a structure which is not outlined in the Board concept.

Thank you for giving us the opportunity to comment.

Kind regards

June Kearney

Hobsonville/West Harbour Residents & Ratepayers Group
Uzra Casuri Balouch (Upper Harbour Local Board)

From:        June Kearney <...>
Sent:       Monday, 18 November 2019 11:57 AM
To:        Margaret Miles (Upper Harbour Local Board); Lisa Whyte (Upper Harbour Local Board); Brian Neeson (Upper Harbour Local Board); Uzra Casuri Balouch (Upper Harbour Local Board); Anna Atkinson (Upper Harbour Local Board); Nicholas Mayne (Upper Harbour Local Board)
Cc:         Eric Perry
Subject:    Local Board "portfolio system" or topic leads

Follow Up Flag: Follow up
Flag Status:  Flagged

To the Upper Harbour Local Board:
From Hobsonville/West Harbour Residents & Ratepayers Group

To be tabled at the Board Meeting on 21 November 2019

The Chair's Report of 15 November:

The detailed report outlines what is proposed for a Portfolio system. I am not aware whether this is a system adopted by all Local Boards as suggested by references to liaison with others.

It would be difficult to respond line by line but Margaret's email and the Report state that the Board can devolve decisionmaking to a portfolio holder if the Board so resolves and we strongly oppose that premise.

We do not support division of the Board's responsibilities into "Portfolios". Nor should any Board member be excluded from engaging fully in any and all parts of the Board's work, in an integrated manner, with decisions made transparently in open public meetings. That is what the community voted for.

There is no impediment to members taking a particular interest within that structure or being asked to represent the Board where appropriate, by agreement.

A Board Agenda that the public can access in full, complete with all Reports, Addenda and staff responses for collective, informed decisionmaking, is regarded as essential by our group.

The following email to community groups by Board member Mayne strongly reinforces our concerns about Portfolios.

The reference to "four of us have agreed" in advance of a formal meeting of the Board where the Report should be discussed and claiming "two members who are unhappy" misinforming, hardly indicates a cohesive Board focussed on considered and democratic decisionmaking.

A 'majority/minority' dynamic from the outset is detrimental and divisive and would lead only to a dysfunctional Board.

I can confirm we have been given no misinformation by anyone, only the principle of Portfolios was raised for feedback.

There is a range of topics which may come before the Board to address in terms of the Chair's Report.

We consider it essential to bring the varied skills, experience and capability of all Board members together to address them.
There are, after all, only six Board Members.

Below is an excerpt on Portfolios in LGNZ Directions to Mayors:

The decision to appoint portfolio holders should only be made in the context of selecting the decision-making structure that is appropriate for each council’s specific circumstances and needs. While the use of portfolio holders provides a way of engaging councillors and arguably improving media relationships, issues can emerge if they are not designed to complement the overall decision-making model, particularly the relationship between governance and administration. For example:

- Confusion over spokesperson and accountability: who the relevant spokesperson is on any issue needs to be clear, especially when the media is looking for comment. Is it the portfolio holder, the chair of the relevant committee or the mayor?
- Openness and transparency: portfolio holders are frequently allocated an appropriate senior staff person for liaison and advice. This can create transparency concerns as the interactions do not take place in an open environment and the provisions of LGOIMA difficult to apply;
- Provider capture: a consequence of the lack of transparency in the relationship between portfolio holder and staff can be a lack of diversity in the advice given to the portfolio holder. This is sometimes known as provider capture, which can happen when “governors” uncritically accept the advice of their officials.

If the pitfalls are important enough for Mayors to be so advised, they need to be given full weight by a Local Board.

We trust these views will be taken seriously into account when the Board vote on this issue and that the community can be confident that all members are equal in every circumstance that comes before it.

Kind regards

June Kearney
Hobsonville/West Harbour Residents & Ratepayers Group

-------- Original message --------
From: Nicholas Mayne
Date: 13/11/19 09:47 (GMT+12:00)
To: Nicholas Mayne
Subject: Local Board topic areas

Kia ora,

On Thursday at our first proper Local Board meeting of the year the Local Board will be making some decisions about how we work together as a team to advocate for the community. The system that 4 of us have agreed to is called Topic Leads, and it directs Local Board members to develop initiatives within their topic area that are decided on by the whole Local Board. Unfortunately 2 members of the Local Board are not happy about the proposal and are spreading a lot of miss information about it. Please rest assured that
the topic leads proposal does not prevent you from raising issues with any Local Board member, or prevent them from having a say on any issue. Last term was the first term of the Local Board where they did not have portfolios for each elected member; and Members Miles and Whyte agree that the Local Board had a lot better understanding of what Council employees where doing on behalf of the Local Board when they had Portfolios. Topic Leads seeks to take the best of what works in the Portfolio system while maintaining collective decision making. If you have any questions or concerns about this proposal I am happy to talk to you about it, as I am sure would members Miles and Whyte.

Also at our first meeting Member Atkinson and I will be moving a motion to declare a climate emergency in Upper Harbour. Looks like we are starting the term with a bang.

You can find the agenda for the meeting here: https://infocouncil.aucklandcouncil.govt.nz/RedirectToDoc.aspx?URL=Open/2019/11/UH_20191121_AGN_9490_AT.PDF

Nicholas Mayne
Auckland Council  
Private Bag 92300  
Auckland 1142  
19 November 2019

To Upper Harbour Local Board

LVING WHENUAPAI does not support the Upper Harbour Local Board members holding individual,  
group or team portfolios/topics. We believe all Board members should be able to participate in the  
full decision-making process to ensure the process is transparent and in the best interests of the  
community. It is important that the whole board be involved in the decision-making process from  
start to finish to ensure that all board members have a fair opportunity to represent the community  
at all stages of the decision-making process.

Please table this as an official objection.

Yours faithfully

Annette Mitchell  
Chairperson  
LVING WHENUAPAI