

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

Date: Tuesday, 14 May 2024
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street
Auckland

Komiti mō ngā Kopounga me Te Kounga o ngā Mahi / Performance and Appointments Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Daniel Newman, JP
Deputy Chairperson	Cr Mike Lee
Members	Mayor Wayne Brown Cr Christine Fletcher, QSO Cr Lotu Fuli Cr Richard Hills Cr Greg Sayers Cr John Watson Cr Maurice Williamson
Ex-officio	Deputy Mayor Desley Simpson, JP Houkura Chair David Taipari

(Quorum 4 members)

Duncan Glasgow
Kaitohutohu Mana Whakahaere Matua /
Senior Governance Advisor

7 May 2024

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- 1 **Ngā Tamōtanga | Apologies**

- 2 **Te Whakapuaki i te Whai Pānga | Declaration of Interest**

- 3 **Te Whakaū i ngā Āmiki | Confirmation of Minutes**

Click the meeting date below to access the minutes.

That the Performance and Appointments Committee:

 - a) whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 16 April 2024](#), including the confidential section, as a true and correct record.

- 4 **Ngā Petihana | Petitions**

- 5 **Ngā Kōrero a te Marea | Public Input**

- 6 **Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input**

- 7 **Ngā Pakihi Autaia | Extraordinary Business**

Process to make appointments to the boards of Council Organisations

File No.: CP2024/04888

Item 8

Te take mō te pūrongo

Purpose of the report

1. To receive information about the processes to make board appointment decisions considered in the confidential part of this meeting.

Whakarāpopototanga matua

Executive summary

2. Confidential reports on this agenda seek decisions regarding appointments to the boards of the following entities:
 - Eke Panuku Development Auckland
 - Watercare Services Limited.

Ngā tūtohunga

Recommendation/s

That the Performance and Appointments Committee:

- a) tuhi ā-taipitopito / note the information about appointment processes contained in this report and note that reports on this agenda seek decisions regarding:
 - i) appointments to the board of Watercare Services Limited
 - ii) appointments to the board of Eke Panuku Development Auckland
- b) tuhi ā-taipitopito / note that these reports are confidential due to the personal information regarding candidates that they contain.

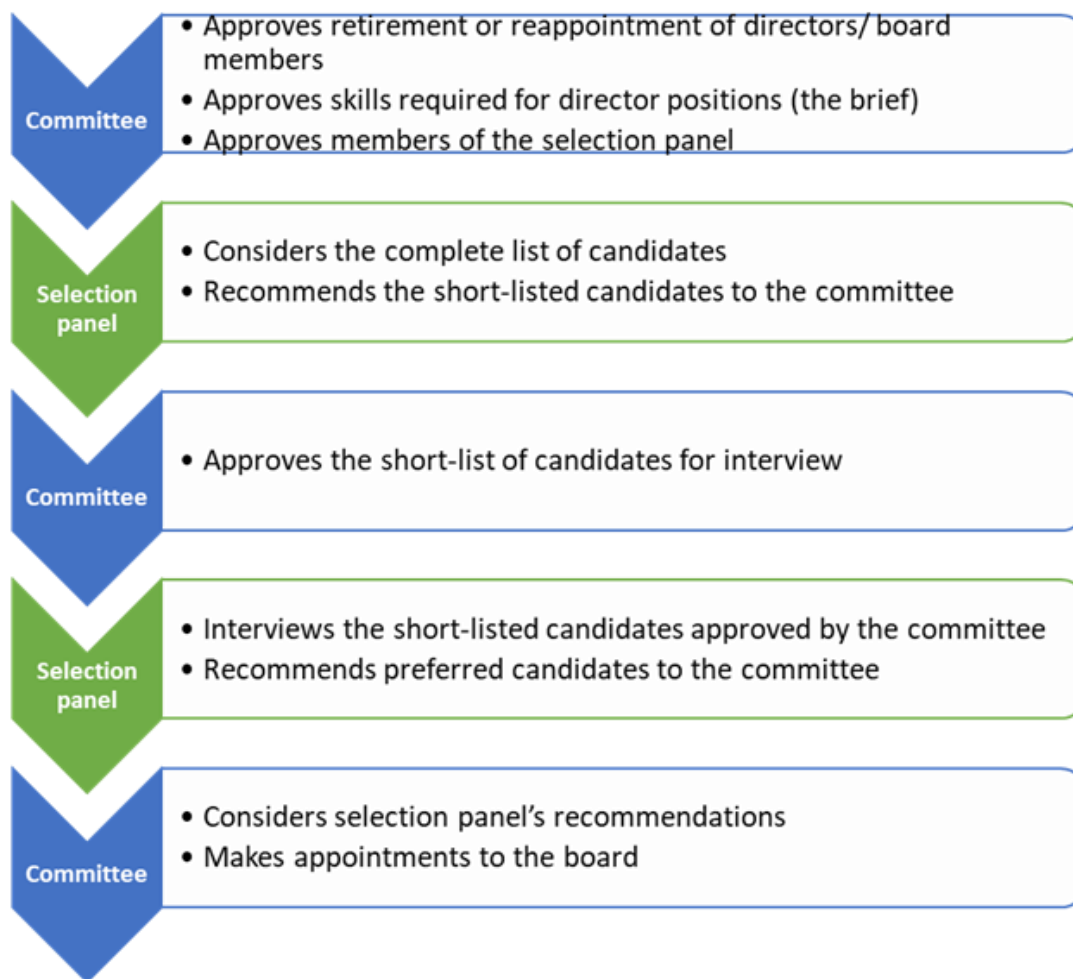
Horopaki

Context

3. Council makes appointments to council organisations in accordance with the Appointment and Remuneration Policy for Board Members of Council Organisations (the Policy).
4. The general process for making appointments is described in Figure 1 below.

Figure 1: Appointment process

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- Board members serve a term of three years and may be reappointed to further terms.
- Appointments to the Tāmaki Redevelopment Company are made jointly with the Crown.

Tātaritanga me ngā tohutohu Analysis and advice

- The confidential reports on this agenda consider the decisions noted in Table 1:

Table 1: Overview of decisions sought in the confidential reports

Entity name	Decisions sought	Previous decisions
Eke Panuku Development Auckland	Approval of a short-list of chair candidates Approval to reappoint directors	<ul style="list-style-type: none"> Approval of criteria February 2024 [PACCC/2024/7]
Watercare Services Limited	Approval to appoint directors	<ul style="list-style-type: none"> Approval of criteria November 2023 [PACCC/2023/85] Approval of short-list April 2024 [PACCC/2024/22]

Tauākī whakaaweawe āhuarangi **Climate impact statement**

8. Auckland Council's Te-Tāruke-ā-Tāwhiri: Auckland's Climate Plan was adopted in July 2020 and sets out the priority action areas to deliver our goals to reduce emissions and adapt to the impacts of climate change.
9. CCOs are responsible for delivering services to Aucklanders. Each CCO is accountable for ensuring their planning and decisions reflect the action areas outlined in Te-Tāruke-ā-Tāwhiri.
10. Candidates seeking appointment need to demonstrate a commitment to integrate the action areas outlined in Te Tāruke-ā-Tāwhiri into the CCO's activities.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera **Council group impacts and views**

11. The appointment of the best possible directors to boards will have a positive impact on the council group.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe **Local impacts and local board views**

12. Board appointments to the entities considered in the confidential reports are a responsibility that sits with the Governing Body. Local Boards may participate in the nomination process for board vacancies and criteria are circulated to local boards to allow their participation in the nomination process.

Tauākī whakaaweawe Māori **Māori impact statement**

13. Kia ora Tāmaki Makaurau sets as a mahi objective that: "Mana whenua and Māori are active partners and participants at all levels of the council group's decision making". This objective is considered as part of the decision making for each of the confidential items on this agenda.

Ngā ritenga ā-pūtea **Financial implications**

14. There are no new financial implications arising from the confidential reports.

Ngā raru tūpono me ngā whakamaurutanga **Risks and mitigations**

15. There are risks common to all board appointments. These include:
 - Reputational risk of appointing candidates without appropriate skills or governance experience. To mitigate this potential risk, a thorough due diligence process is in place.
 - Governance risk of creating an unbalanced board where too many new members cause a loss of institutional knowledge which impacts decision-making. Conversely, retaining board members for too long can mean the board lack innovation and fresh thinking.

Ngā koringa ā-muri **Next steps**

16. Next steps regarding appointments to the respective organisations are noted in the confidential agenda reports.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Author	James Stephens - Senior Advisor
Authorisers	Alastair Cameron - Manager - CCO Governance & External Partnerships Anna Bray - Acting Director - Governance and CCO Partnerships

Summary of Confidential Decisions and related information released into Open

File No.: CP2024/05063

Item 9

Te take mō te pūrongo Purpose of the report

1. To note confidential decisions and related information released into the public domain.

Whakarāpopototanga matua Executive summary

2. This is a regular information-only report which aims to provide greater visibility of confidential decisions made that can now be released into the public domain.
3. The following decisions/documents are now publicly available:

Date of Decision	Subject
13/2/2024	Appointment to the board of Tāmaki Redevelopment Company
13/2/2024	Reappointments to the Auckland Regional Amenities Funding Board

4. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Governing Body members should direct any questions to the authors.

Ngā tūtohunga Recommendation/s

That the Performance and Appointments Committee:

- a) tuhi ā-taipitopito / note the confidential decisions and related information that is now publicly available:
 - i) Appointment to the board of Tāmaki Redevelopment Company
 - ii) Reappointments to the Auckland Regional Amenities Funding Board.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Appointment to the board of Tāmaki Redevelopment Company	
B	Reappointments to the Auckland Regional Amenities Funding Board	

Ngā kaihaina Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor
Authoriser	Anna Bray - Acting Director - Governance and CCO Partnerships

Summary of Performance and Appointments Committee information memoranda, workshops and briefings (including the Forward Work Programme) - 14 May 2024

File No.: CP2024/05003

Te take mō te pūrongo

Purpose of the report

1. To tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A
2. To whiwhi / receive a summary and provide a public record of memoranda or briefing papers that may have been distributed to the Performance and Appointments Committee.

Whakarāpopototanga matua

Executive summary

3. This is a regular information-only report which aims to provide greater visibility and openness and transparency of information circulated to Performance and Appointments Committee members via memoranda/briefings or other means, where no decisions are required.
4. There were no information items distributed or workshops/briefings held.
5. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Transport and Infrastructure Committee members should direct any questions to the authors.

Ngā tūtohunga

Recommendation/s

That the Performance and Appointments Committee:

- a) tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report
- b) whiwhi / receive the Summary of Performance and Appointments Committee information memoranda and briefings.

Ngā tāpirihanga

Attachments

No.	Title	Page
A⇒	Forward Work Programme	

Ngā kaihaina

Signatories

Author	Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor
Authoriser	Anna Bray - Acting Director - Governance and CCO Partnerships

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

That the **Performance and Appointments Committee**

- a) whakaae / agree to 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 **CONFIDENTIAL: Appointment of directors to the Watercare Services Limited board**

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 candidates for the Watercare board.	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 **CONFIDENTIAL: Shortlist of candidates for Eke Panuku Development Auckland Limited chair**

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 regarding candidates for the Eke Panuku board.	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.

C3 CONFIDENTIAL: Auckland Transport Board Performance Review 2024

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
<p>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.</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>In particular, the report contains information provided by the Auckland Transport Board in confidence and discussion of Board member performance.</p>	<p>s48(1)(a)</p> <p>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.</p>