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## Christchurch City Council AGENDA

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### Notice of Meeting:

An ordinary meeting of the Christchurch City Council will be held on:

**Date:** Wednesday 25 January 2023  
**Time:** 9.30am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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### Membership

Chairperson	Mayor Phil Mauger
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

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**19 January 2023**

### Principal Advisor

Dawn Baxendale  
Chief Executive  
Tel: 941 8999

Katie Matheis  
Committee & Hearings Advisor  
941 5643  
katie.matheis@ccc.govt.nz  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

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<https://www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/>



## Developing Resilience in the 21st Century

Strategic Framework



Whiria ngā whenu o ngā papa,  
honoa ki te maurua tāuiki

Bind together the strands of each mat and join  
together with the seams of respect and reciprocity

### Ōtautahi-Christchurch is a city of opportunity for all

Open to new ideas, new people and new ways of doing things – a city where anything is possible

#### Principles

Being open,  
transparent and  
democratically  
accountable

Promoting  
equity, valuing  
diversity and  
fostering inclusion

Taking an inter-generational approach  
to sustainable development,  
prioritising the social, economic  
and cultural wellbeing of  
people and communities  
and the quality of the  
environment, now  
and into the  
future

Building on the  
relationship with  
Te Rūnanga o Ngāi Tahu  
and the Te Hononga-Council  
Papatipu Rūnanga partnership,  
reflecting mutual understanding  
and respect

Ensuring  
the diversity  
and interests of  
our communities  
across the city and the  
district are reflected in  
decision-making

Actively collaborating and  
co-operating with other  
local, regional  
and national  
organisations

#### Community Outcomes

##### Resilient communities

Strong sense of community  
Active participation in civic life  
Safe and healthy communities  
Celebration of our identity  
through arts, culture, heritage,  
sport and recreation  
Valuing the voices of all cultures  
and ages (including children)

##### Liveable city

Vibrant and thriving city centre  
Sustainable suburban and  
rural centres  
A well connected and accessible  
city promoting active and  
public transport  
Sufficient supply of, and  
access to, a range of housing  
21st century garden city  
we are proud to live in

##### Healthy environment

Healthy water bodies  
High quality drinking water  
Unique landscapes and  
indigenous biodiversity are  
valued and stewardship  
exercised  
Sustainable use of resources  
and minimising waste

##### Prosperous economy

Great place for people, business  
and investment  
An inclusive, equitable economy  
with broad-based prosperity  
for all  
A productive, adaptive and  
resilient economic base  
Modern and robust city  
infrastructure and community  
facilities

#### Strategic Priorities

Enabling active  
and connected  
communities  
to own their future

Meeting the challenge  
of climate change  
through every means  
available

Ensuring a high quality  
drinking water supply  
that is safe and  
sustainable

Accelerating the  
momentum  
the city needs

Ensuring rates are  
affordable and  
sustainable

#### Ensuring we get core business done while delivering on our Strategic Priorities and achieving our Community Outcomes

Engagement with  
the community and  
partners

Strategies, Plans and  
Partnerships

Long Term Plan  
and Annual Plan

Our service delivery  
approach

Monitoring and  
reporting on our  
progress

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## Karakia Whakamutunga

## **Karakia Tīmatanga**

Whakataka Te hau ki Te uru

Whakataka Te hau ki Te tonga

Kia makinakina ki uta

Kia mataratara ki Tai

E hi ake ana te atakura

He tio, he huka, he hau hu

Tihei Mauri Ora

### **1. Apologies Ngā Whakapāha**

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

### **2. Declarations of Interest Ngā Whakapuaki Aronga**

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

### **3. Public Participation Te Huinga Tūmatanui**

#### **3.1 Public Forum Te Huinga Whānui**

A period of up to 30 minutes is available for people to speak for up to five minutes on any issue that is not the subject of a separate hearings process.

##### **3.1.1 Central City Business Association (CCBA)**

Annabel Turley will speak on behalf of the Christchurch Central City Business Association (CCBA) regarding safety in the Central City.

#### **3.2 Deputations by Appointment Ngā Huinga Whakaritenga**

Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

There were no deputations by appointment at the time the agenda was prepared.

### **4. Presentation of Petitions Ngā Pākikitanga**

There were no Presentation of Petitions at the time the agenda was prepared.



## 5. Council Minutes - 7 December 2022

Reference / Te Tohutoro: 22/1731711

Report of / Te Pou  
Matua: Katie Matheis, Committee and Hearings Advisor,  
Katie.matheis@ccc.govt.nz

General Manager /  
Pouwhakarae: Dawn Baxendale, Chief Executive (Dawn.Baxendale@ccc.govt.nz)


### 1. Purpose of Report Te Pūtake Pūrongo

For the Council to confirm the minutes from the Council meeting held 7 December 2022.

### 2. Recommendation to Council

That the Council Confirm the Minutes from the Council meeting held 7 December 2022.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A1</a> 	Minutes Council - 7 December 2022	22/1700574	6

### Signatories Ngā Kaiwaitohu

Author	Katie Matheis - Committee and Hearings Advisor
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## Christchurch City Council MINUTES

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**Date:** Wednesday 7 December 2022  
**Time:** 9.31am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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**Present**

Chairperson  
Deputy Chairperson  
Members

Mayor Phil Mauger  
Deputy Mayor Pauline Cotter  
Councillor Kelly Barber  
Councillor Melanie Coker  
Councillor Celeste Donovan  
Councillor Tyrone Fields  
Councillor James Gough  
Councillor Tyla Harrison-Hunt  
Councillor Victoria Henstock  
Councillor Yani Johanson  
Councillor Aaron Keown  
Councillor Sam MacDonald  
Councillor Jake McLellan  
Councillor Andrei Moore  
Councillor Mark Peters  
Councillor Tim Scandrett - via audio/visual link  
Councillor Sara Templeton

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**Principal Advisor**  
Dawn Baxendale  
Chief Executive  
Tel: 941 8999

Samantha Kelly  
Team Leader Hearings & Committee Support  
941 6227  
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**Karakia Tīmatanga:** Given by all Councillors.

## External Recognition for Council Services

The Mayor, on behalf of the Council, acknowledged the following external awards for Council services:

- The Council's Kohinga St Albans Community Centre won a national award for Public Architecture from the New Zealand Institute of Architects.
- The Council's Smart Christchurch Team won the Project of the Year in the Smart Cities category at the Association of Local Government Information Management awards.

The agenda was dealt with in the following order.

### 1. Apologies Ngā Whakapāha

There were no apologies received.

### 2. Declarations of Interest Ngā Whakapuaki Aronga

Councillors Gough and Keown declared an interest in item 6.

## 18. Resolution to Include Supplementary Reports

### Council Resolved CNCL/2022/00179

That the reports be received and considered at the Council meeting on Wednesday, 7 December 2022.

#### Open Items

19. Council's Strategic Review of Christchurch City Holdings Ltd
20. Terms of Reference - Insurance Subcommittee

Councillor MacDonald/Councillor Peters

**Carried**

Councillors Coker and Johanson requested for their votes against supplementary report item 19 being received and considered at the Council meeting on Wednesday, 7 December 2022 to be recorded.

### 3. Public Participation Te Huinga Tūmatanui

#### 3.1 Public Forum Te Huinga Whānui

##### 3.1.1 Save Our Venues

Kendra Walls, Nick Vasser, Richard Barnacle, Taylor MacGregor and John Wardle spoke on behalf of Save Our Venues regarding their work with the Christchurch music community and venues to develop planning protections for these businesses. The Group also provided a presentation (refer to Attachment 3.1.1A).

The Council requested for staff advice (via way of Memo) on the issues raised including ways in which the issues might be mitigated.

##### Attachments

A Save our Venues Powerpoint Presentation - Council 7 December 2022

##### 3.1.2 Ōpāwaho Heathcote River Network

Annabelle Hasselman (Chair) and Malcolm Long spoke on behalf of the Ōpāwaho Heathcote River Network regarding the Council's response to community concerns about aspects of the Portlink Industrial Park development. The Group also provided a presentation (refer to Attachment 3.1.2A).

##### Attachments

A Opawaho Heathcote River Network Presentation - Council 7 December 2022

#### 3.2 Deputations by Appointment Ngā Huinga Whakaritenga

##### 3.2.1 Netball Centre/Netsal Sports Centre Ltd/Ngā Puna Wai Sports Hub

Andrew McCormick presented on behalf of Ngā Puna Wai Sports Hub regarding Item 13. Ngā Puna Wai – Carpark Extension and Landscape Mitigation Works. The Group also provided supporting photographs (refer to Attachment 3.2.1A).

##### Attachments

A Photo Presentation Netsal Sports Centre Ltd - Council 7 December 2022

##### 3.2.2 Gary Moore

Gary Moore spoke regarding Item 19. Council's Strategic Review of Christchurch City Holdings Ltd.

### 4. Presentation of Petitions Ngā Pākikitanga

There was no presentation of petitions.

## 5. Council Minutes - 23 November 2022

### Council Resolved CNCL/2022/00180

That the Council confirms the Open and Public Excluded Minutes from the Council meeting held 23 November 2022.

Councillor Peters/Councillor Keown

**Carried**

Councillor MacDonald left the meeting at 10.15 am during consideration of item 6.  
Councillor Gough left the meeting at 10.19 am during consideration of item 6.

## Report from Waitai Coastal-Burwood-Linwood Community Board - 9 November 2022

## 6. Chairpersons Report - Local Alcohol Policy

Paul McMahon, Chairperson, Waitai Coastal-Burwood-Linwood Community Board, joined the table to present the report.

### Council Resolved CNCL/2022/00181

That the Council:

1. Requests staff, in anticipation of legislative change, to start the process of gathering the information and resources needed to develop an evidence-based Local Alcohol Policy.

Councillor Peters/Councillor Fields

**Carried**

Councillors Gough and Keown sat back from the table and took no part in the discussion or voting on this matter.

Councillor MacDonald returned to the meeting at 10.22am during consideration of item 8.  
Councillor Gough returned to the meeting at 10.23am during consideration of item 8.

## 8. Water Management Zone Committee updates

The following Zone Committee representatives joined the table to present the Water Management Zone Committee updates: Gina Waibl (Chair) Banks Peninsula Water Management Zone Committee and Annabelle Hasselman (Chair) and Mike Patchett (Deputy) Christchurch-West Melton Water Management Zone Committee. The Groups also provided two presentations (refer to Attachments 8A and 8B).

### Council Resolved CNCL/2022/00182

### Officer Recommendations accepted without change

That the Council:

**Council  
07 December 2022**



1. Receive the information in the Tri-annual Zone Committees Update report.
2. Receive the information in the 2021-2022 Annual Progress Reports for the three central Water Management Zone Committees.
3. Notes and discusses the work of each Water Management Zone Committee.
4. That the Council receives the Minutes from the Selwyn Waihora Zone Committee meeting held 9 May 2022.

Councillor Templeton/Councillor Coker

**Carried**

**Attachments**

- A Christchurch West Melton Zone Committee Powerpoint Presentation 1 - Council 7 December 2022
- B Christchurch West Melton Zone Committee Powerpoint Presentation 2 - Council 7 December 2022.pptx

**7. Selwyn Waihora Zone Committee Minutes - 9 May 2022**

**Council Decision**

Refer to item 8.

Councillor McLellan left the meeting at 11:05 am and returned at 11:12 am during consideration of item 19.

Councillor Moore left the meeting at 11:05 am and returned at 11:08 am during consideration of item 19.

Councillor Coker left the meeting at 11:08 am and returned at 11:09am during consideration of item 19.

The meeting adjourned at 11.37am and reconvened at 11.50am during consideration of item 19.

**19. Council's Strategic Review of Christchurch City Holdings Ltd**

Christchurch City Council General Manager Resources/Chief Financial Officer Leah Scales joined the table to present the report.

External attendees Mark Cahill, Jonathan Burke and Greg Anderson of Northington Partners also joined the table and provided a presentation (refer to Attachment 19A).

The Officer Recommendations which included changes and additions (refer below) were Moved by Councillor MacDonald and Seconded by Councillor Templeton.

A Procedural Motion, Moved by Councillor Fields and Seconded by Councillor Coker, to let the item of business being discussed lie on the table and not be further discussed until such a time that any or all those named in the deputation have provided a briefing to the Council. The Procedural Motion was declared lost by way of division.

The Original Motion Moved by Councillor MacDonald and Seconded by Councillor Templeton was then put to vote. Each resolution was put separately and declared carried as detailed in the Minutes below.



### Officer Recommendations

That the Council:

1. Receive the Northington Partner report relating to the Strategic Review of Christchurch City Holdings Limited (CCHL).
2. In line with the recommendations from Northington Partners in relation to the scope of CCHL:
  - a. The Council develop a clear Value Strategy in relation to building and utilising income or value from CCHL primarily informed by Council's long term requirements;
  - b. Working closely with the Council, that CCHL be requested to scope and develop detailed business cases which fully considers the costs and benefits of adopting a hybrid approach to managing the portfolio, including rebalancing and returning capital to council.

That these two pieces of work are prepared in time to inform and be considered as part of the Draft Long Term Plan 2024-2034.
3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
  - a. Maintain the CCHL structure to continue to provide an independent non-political buffer between the Council and the commercial companies. Clarify that CCHL's core role and purpose is to deliver commercial-based outcomes for its shareholder.
  - b. Modify the Statement of Expectations process to be a more comprehensive, three year process based on a 10 year planning horizon which becomes part of the LTP process.
  - c. Acknowledge that the recruitment of the Board of Directors and Executive of CCHL would need to consider the experience and skill-set required to support the strategy evaluation and implementation.
  - d. Reduce the number of Councillor Directors on CCHL from four to two, which maintains the valued links between CCC and CCHL, while also providing for the number of independent commercial directors up to six including the Chair, which will be required to support the nature of the work ahead for CCHL.
  - e. That the remuneration for Councillor Directors appointed to CCHL be considered as part of the review of the Council's Policy of Appointment and remuneration of Directors of Council organisations at the Council meeting on 14<sup>th</sup> December 2022.
  - f. Acknowledge that there needs to be a greater level of engagement between Council/CCHL and its subsidiaries. Whilst acknowledging the need to ensure an appropriate balance of transparency (reflecting the public ownership / public interest dynamic) and ensuring that Council is not overstepping into operational matters is important. To achieve this, CCHL be requested to provide:
    - i. Six-monthly briefings where the CEOs of the CCTOs present to Council; and
    - ii. Council to strengthen its CCO monitoring function to enable more timely reporting and analysis.
  - g. Request CCHL to seek better engagement with other aligned stakeholders (both other CCOs like CNZ) and aligned partners like Ngāi Tahu.
  - h. Consider all other recommendations as provided by Northington Partners in their report in full following the completion of the work as outlined in resolution 2 above.

**Motion Moved by Councillor MacDonald and Seconded by Councillor Templeton**

That the Council:

1. Receive the Northington Partner report relating to the Strategic Review of Christchurch City Holdings Limited (CCHL).
2. In line with the recommendations from Northington Partners in relation to the scope of CCHL:
  - a. The Council develop a clear Value Strategy in relation to building and utilising income or value from CCHL primarily informed by Council's long term requirements;
  - b. Working closely with the Council, that CCHL be requested to scope and develop In line with the recommendations from Northington Partners in relation to the scope of CCHL detailed business cases which fully considers the costs and benefits of adopting a hybrid approach to managing the portfolio, including rebalancing and returning capital to council. Noting that this will include a spectrum of options including rebalancing the portfolio.

That these two pieces of work are prepared in time to inform and be considered as part of the Draft Long Term Plan 2024-2034.

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
  - a. Maintain the CCHL structure to continue to provide an independent non-political buffer between the Council and the its commercial companies. Clarify that Note that currently CCHL's core role and purpose is to deliver commercial-based outcomes for its shareholder.
  - b. Modify the Statement of Expectations process to be a more comprehensive, three year process based on a 10 year planning horizon which becomes part of the LTP process.
  - c. Acknowledge that the recruitment of the Board of Directors and Executive of CCHL would need to consider the experience and skill-set required to support the strategy evaluation and implementation.
  - d. Reduce the number of Councillor Directors on CCHL from four to two, which maintains the valued links between CCC and CCHL, while also providing for the number of independent commercial directors up to six including the Chair, which will be required to support the nature of the work ahead for CCHL.
  - e. That the remuneration for Councillor Directors appointed to CCHL be considered as part of the review of the Council's Policy of Appointment and remuneration of Directors of Council organisations at the Council meeting on 14<sup>th</sup> December 2022.
  - f. Council/CCHL and its subsidiaries. Whilst acknowledging the need to ensure an appropriate balance of transparency (reflecting the public ownership / public interest dynamic) and ensuring that Council is not overstepping into operational matters is important. To achieve this, CCHL be requested to provide:
    - i. Six-monthly briefings where the CEOs and Board Chairs of the CCTOs present to Council; and
    - ii. Council to strengthen its CCO monitoring function to enable more timely reporting and analysis.

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City Council 

- g. Request CCHL to seek better engagement with other aligned stakeholders (both other CCOs like CNZ) and aligned partners like Ngāi Tahu.
- h. Consider all other recommendations as provided by Northington Partners in their report in full following the completion of the work as outlined in resolution 2 above.
- 4. Provide a more detailed briefing on Treasury matters including debt profiling, hedging, ratios and cost of borrowing considerations in respect of both CCC and CCHL.
- 5. Obtains additional independent legal advice and advice from the Office of the Auditor General on Councillor directors' ability to participate in future discussions and ability to vote or not without triggering a conflict of Interest.
- 6. Extends the appointment of Andrew Turner as director of CCHL until such a time as Councillors are formally appointed to the CCHL Board.
- 7. Requests for Council companies to consider holding their AGM in public.

Councillor MacDonald/Councillor Templeton

**Carried/Lost**

### Council Decision

#### Procedural Motion

That the item of business being discussed should lie on the table and not be further discussed at this meeting until such a time that any or all those named in the deputation have provided a briefing to the Council.

Councillor Fields/Councillor Coker

**Lost**

The division was declared **lost** by 7 votes to 9 votes the voting being as follows:

**For:** Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Harrison-Hunt, Councillor Johanson and Councillor McLellan

**Against:** Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown, Councillor MacDonald, Councillor Peters, Councillor Scandrett and Councillor Templeton

**Abstained:** Councillor Moore

### Council Resolved CNCL/2022/00183

That the Council:

1. Receive the Northington Partner report relating to the Strategic Review of Christchurch City Holdings Limited (CCHL).

Councillor MacDonald/Councillor Templeton

**Carried**

Councillor Johanson requested for his vote against resolution 1 to be recorded.

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**Council Resolved CNCL/2022/00184**

2. In line with the recommendations from Northington Partners in relation to the scope of CCHL:
- a. The Council develop a clear Value Strategy in relation to building and utilising income or value from CCHL primarily informed by Council's long term requirements;
- That these two pieces of work are prepared in time to inform and be considered as part of the Draft Long Term Plan 2024-2034.

Councillor MacDonald/Councillor Templeton

**Carried**

**Council Resolved CNCL/2022/00185**

2. In line with the recommendations from Northington Partners in relation to the scope of CCHL:
- b. Working closely with the Council, that CCHL be requested to scope and develop In line with the recommendations from Northington Partners in relation to the scope of CCHL detailed business cases which fully considers the costs and benefits of adopting a hybrid approach to managing the portfolio, including rebalancing and returning capital to council. Noting that this will include a spectrum of options including rebalancing the portfolio.
- That these two pieces of work are prepared in time to inform and be considered as part of the Draft Long Term Plan 2024-2034.

Councillor MacDonald/Councillor Templeton

**Carried**

The division was declared **carried** by 10 votes to 7 votes the voting being as follows:

**For:** Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown, Councillor MacDonald, Councillor Moore, Councillor Peters, Councillor Scandrett and Councillor Templeton

**Against:** Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Harrison-Hunt, Councillor Johanson and Councillor McLellan

**Council Resolved CNCL/2022/00186**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- a. Maintain the CCHL structure to continue to provide an independent non-political buffer between the Council and its commercial companies. Note that currently CCHL's core role and purpose is to deliver commercial-based outcomes for its shareholder.

Councillor MacDonald/Councillor Templeton

**Carried**

Council  
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**Council Resolved CNCL/2022/00187**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- b. Modify the Statement of Expectations process to be a more comprehensive, three year process based on a 10 year planning horizon which becomes part of the LTP process.

Councillor MacDonald/Councillor Templeton

**Carried**

**Council Resolved CNCL/2022/00188**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- c. Acknowledge that the recruitment of the Board of Directors and Executive of CCHL would need to consider the experience and skill-set required to support the strategy evaluation and implementation.

Councillor MacDonald/Councillor Templeton

**Carried**

Councillor Johanson requested for his vote against 3c to be recorded.

**Council Resolved CNCL/2022/00189**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- d. Reduce the number of Councillor Directors on CCHL from four to two, which maintains the valued links between CCC and CCHL, while also providing for the number of independent commercial directors up to six including the Chair, which will be required to support the nature of the work ahead for CCHL.

Councillor MacDonald/Councillor Templeton

**Carried**

The division was declared **carried** by 9 votes to 7 votes the voting being as follows:

**For:** Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor MacDonald, Councillor Moore, Councillor Peters, Councillor Scandrett and Councillor Templeton

**Against:** Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Johanson, Councillor Keown and Councillor McLellan

**Abstained:** Councillor Harrison-Hunt

Council  
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**Council Resolved CNCL/2022/00190**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- e. That the remuneration for Councillor Directors appointed to CCHL be considered as part of the review of the Council's Policy of Appointment and remuneration of Directors of Council organisations at the Council meeting on 14<sup>th</sup> December 2022.

Councillor MacDonald/Councillor Templeton

**Carried**

Councillor Johanson requested for his vote against 3e to be recorded.

**Council Resolved CNCL/2022/00191**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- f. Acknowledge that there needs to be a greater level of engagement between Council/CCHL and its subsidiaries. Whilst acknowledging the need to ensure an appropriate balance of transparency (reflecting the public ownership / public interest dynamic) and ensuring that Council is not overstepping into operational matters is important. To achieve this, CCHL be requested to provide:
- i. Six-monthly briefings where the CEOs and Board Chairs of the CCTOs present to Council; and
- ii. Council to strengthen its CCO monitoring function to enable more timely reporting and analysis.

Councillor MacDonald/Councillor Templeton

**Carried**

**Council Resolved CNCL/2022/00192**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- g. Request CCHL to seek better engagement with other aligned stakeholders (both other CCOs like CNZ) and aligned partners like Ngāi Tahu.

Councillor MacDonald/Councillor Templeton

**Carried**

**Council Resolved CNCL/2022/00193**

3. In line with the recommendations from Northington Partners in relation to operational improvements, that the Council:
- h. Consider all other recommendations as provided by Northington Partners in their report in full following the completion of the work as outlined in resolution 2 above.

Councillor MacDonald/Councillor Templeton

**Carried**

*The division was declared **carried** by 10 votes to 7 votes the voting being as follows:*



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**For:** Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown, Councillor MacDonald, Councillor Moore, Councillor Peters, Councillor Scandrett and Councillor Templeton

**Against:** Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Harrison-Hunt, Councillor Johanson and Councillor McLellan

**Council Resolved CNCL/2022/00194**

4. Provide a more detailed briefing on Treasury matters including debt profiling, hedging, ratios and cost of borrowing considerations in respect of both CCC and CCHL.
5. Obtains additional independent legal advice and advice from the Office of the Auditor General on Councillor directors' ability to participate in future discussions and ability to vote or not without triggering a conflict of Interest.
6. Extends the appointment of Andrew Turner as director of CCHL until such a time as Councillors are formally appointed to the CCHL Board.
7. Request for Council companies to consider holding their Annual General Meeting in public.

Councillor MacDonald/Councillor Templeton

**Carried**

**Attachments**

- A Review of CCHL 2022 - Executive Summary Powerpoint Presentation - Council 7 December 2022

The meeting adjourned at 12.44pm and reconvened at 1.04pm.

**11. Elected Member Appointments**

**Secretarial Note:** Note the correction in relation to paragraph 5.2.12 on page 87 of the Agenda Canterbury Mayoral Forum Fund Biodiversity Champions Group.

The Mayor tabled updated recommendations as detailed below, these were Moved by Councillor MacDonald and Seconded by Councillor McLellan and declared carried.

**Officer Recommendations**

That the Council:

1. Approve the appointment of elected members to the following joint committees, as recommended by the Mayor and Deputy Mayor:
  - a. The Mayor, Councillors Henstock and Templeton to the Greater Christchurch Partnership Committee.
  - b. The Mayor, Councillors Henstock and Templeton to the Whakawhanake Kāinga Committee.
  - c. Councillor Fields to the Banks Peninsula Water Management Zone Committee.
  - d. Councillor Moore to the Selwyn-Waihora Water Management Zone Committee.

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- e. Councillor Harrison-Hunt to the Christchurch-West Melton Water Management Zone Committee.
- f. Councillors Harrison-Hunt, Moore and Fields to the Water Management Zone Committee Selection Group.
- g. Councillor Harrison-Hunt to Te Waihora Co-Governance Group.
- h. Councillors Barber, Gough and Peters to the Canterbury Regional Landfill Joint Committee.
- i. Councillors Barber, Gough and Peters to the Canterbury Waste Joint Committee.
- j. The Mayor to the Canterbury Civil Defence Emergency Management Group.
- k. The Mayor to the Canterbury Regional Transport Committee.
2. Approve the appointment of elected members to the following Council organisations and external bodies, as recommended by the Mayor and Deputy Mayor:
  - a. Councillors Coker and Fields to the Canterbury Museum Trust.
  - b. Councillor Fields to the Rod Donald Banks Peninsula Trust.
  - c. Councillor Peters to the Riccarton House and Bush Trust.
  - d. Councillor Johanson to the Mayor's Welfare Fund Charitable Trust Committee.
  - e. Councillor Coker to Canterbury Neighbourhood Support Inc.
  - f. Councillor Donovan to the Christchurch Foundation.
  - g. Councillor Coker to the Kate Sheppard Memorial Award Trust
  - h. Councillor Johanson to Keep Christchurch Beautiful Inc.
  - i. Deputy Mayor Cotter and Councillor McLellan to the Ōtautahi Community Housing Trust.
  - j. The Mayor to Ngā Hau e Whā National Marae Charitable Trust.
  - k. Councillor Barber to the Avon-Heathcote Estuary Ihutai Trust.
  - l. Councillor Templeton to the Pest Free Banks Peninsula Trust.
3. Nominates Councillor Moore to the Royal New Zealand Air Force Trust Board.
4. Approve the appointment of elected members to the following Sister City Committees:
  - a. Councillor Johanson to the Christchurch-Seattle Sister City Committee.
  - b. Councillors Harrison-Hunt and Moore to the Christchurch-Songpa Gu Sister City Committee.
  - c. Deputy Mayor Cotter to the Christchurch-Adelaide Sister City Committee.
  - d. Councillor Donovan to the Christchurch-Kurashiki Sister City Committee.
  - e. Councillor Moore to the Christchurch-England UK Sister City Committee.
5. Note that the elected member(s) appointed to ChristchurchNZ Holdings will automatically be appointed to the Christchurch China Sister Cities Committee.
6. Note that the appointments to Christchurch City Holdings Limited, Christchurch NZ, Transwaste, Civic Building and Venues Ōtautahi will be made through a separate Expression of Interest process.

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7. Approve the appointment of the Mayoress Christene Mauger to the Mayor's Welfare Trust, as recommended by the Mayor.
8. Approve that the below appointments to various bodies be delegated as follows, as recommended by the Mayor:
  - a. Delegate the Head of Strategic Policy and Resilience to nominate a staff expert in open space and park management to the Summit Road Protection Authority's Advisory Committee to occupy the dedicated role for a member with that knowledge following the retirement of the last staff expert.
  - b. Delegate the appointment of one representative for the McLean Institute to the Waimāero Fendalton-Waimairi-Harewood Community Board.
  - c. Delegate to the Waimāero Fendalton-Waimairi-Harewood and Waipuna Halswell-Hornby-Riccarton Community Boards to appoint two representatives each to the Riccarton Bush Trust.
  - d. Approves the recommendation from the Waihoru Spreydon-Cashmere-Heathcote Community Board to appoint Community Board Member Keir Leslie as a representative on the Summit Road Protection Authority and Advisory Committee.
  - e. Delegates future appointments to the Summit Road Protection Authority and Advisory Committee to the Waihoru Spreydon-Cashmere-Heathcote Community Board.
9. Approve the below appointments to the following two Canterbury Mayoral Forum advisory committees, as recommended by the Mayor:
  - a. Councillor Templeton to the Climate Change Action Planning Reference Group.
  - b. Councillor Donovan to the Biodiversity Champions Group.

**Council Resolved CNCL/2022/00195**

That the Council:

1. Approve the appointment of elected members to the following joint committees, as recommended by the Mayor and Deputy Mayor:
  - a. The Mayor, Councillors Henstock and Templeton to the Greater Christchurch Partnership Committee.
  - b. The Mayor, Councillors Henstock and Templeton to the Whakawhanake Kāinga Committee.
  - c. Councillor Fields to the Banks Peninsula Water Management Zone Committee.
  - d. Councillor Moore to the Selwyn-Waihora Water Management Zone Committee.
  - e. Councillor Harrison-Hunt to the Christchurch-West Melton Water Management Zone Committee.
  - f. Councillors Harrison-Hunt, Moore and Fields to the Water Management Zone Committee Selection Group.
  - g. Councillor Harrison-Hunt to Te Waihora Co-Governance Group.
  - h. Councillors Barber, Gough and Peters to the Canterbury Regional Landfill Joint Committee.
  - i. Councillors Barber, Gough and Peters to the Canterbury Waste Joint Committee.
  - j. The Mayor to the Canterbury Civil Defence Emergency Management Group.

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- k. The Mayor to the Canterbury Regional Transport Committee.
  - l. Councillor Fields on the Whaka-Ora Healthy Harbour Governance Group.
2. Approve the appointment of elected members to the following Council organisations and external bodies, as recommended by the Mayor and Deputy Mayor:
  - a. Councillors Coker and Fields to the Canterbury Museum Trust.
  - b. Councillor Fields to the Rod Donald Banks Peninsula Trust.
  - c. Councillor Peters to the Riccarton House and Bush Trust.
  - d. Councillor Johanson to the Mayor's Welfare Fund Charitable Trust Committee.
  - e. Councillor Coker to Canterbury Neighbourhood Support Inc.
  - f. Deputy Mayor Cotter ~~Councillor Donovan~~ to the Christchurch Foundation.
  - g. Councillor Coker to the Kate Sheppard Memorial Award Trust
  - h. Councillor Peters ~~Johanson~~ to Keep Christchurch Beautiful Inc.
  - i. Deputy Mayor Cotter and Councillor McLellan to the Ōtautahi Community Housing Trust.
  - j. The Mayor to Ngā Hau e Whā National Marae Charitable Trust.
  - k. Councillor Barber to the Avon-Heathcote Estuary Ihutai Trust.
  - l. Councillor Templeton to the Pest Free Banks Peninsula Project Oversight Group Trust.
3. Nominates Councillor Peters ~~Moore~~ to the Royal New Zealand Air Force Trust Board.
4. Approve the appointment of elected members to the following Sister City Committees:
  - a. Councillors Gough, Johanson and MacDonald to the Christchurch-Seattle Sister City Committee.
  - b. Councillors Harrison-Hunt and Moore to the Christchurch-Songpa Gu Sister City Committee.
  - c. Deputy Mayor Cotter and Councillor Peters to the Christchurch-Adelaide Sister City Committee.
  - d. Councillor Donovan to the Christchurch-Kurashiki Sister City Committee.
  - e. Councillors Henstock and Moore to the Christchurch-England UK Sister City Committee.
5. Note that the elected member(s) appointed to ChristchurchNZ Holdings will automatically be appointed to the Christchurch China Sister Cities Committee.
6. Note that the appointments to Christchurch City Holdings Limited, Christchurch NZ, Transwaste, Civic Building and Venues Ōtautahi will be made through a separate ~~Expression of Interest~~ process.
7. Approve the appointment of non-elected members to the following Council organisations and external bodies, as recommended by the Mayor:
  - a. Ms Vicki Buck to the Ōtautahi Community Housing Trust; and
  - b. Mayoress Christene Mauger to the Mayor's Welfare Fund Charitable Trust ~~Committee Trust, as recommended by the Mayor.~~

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8. Approve that the below appointments to various bodies be delegated as follows, as recommended by the Mayor:
  - a. Delegate the Head of Strategic Policy and Resilience to nominate a staff expert in open space and park management to the Summit Road Protection Authority's Advisory Committee to occupy the dedicated role for a member with that knowledge following the retirement of the last staff expert.
  - b. Delegate the appointment of one representative for the McLean Institute to the Waimāero Fendalton-Waimairi-Harewood Community Board.
  - c. Delegate to the Waimāero Fendalton-Waimairi-Harewood and Waipuna Halswell-Hornby-Riccarton Community Boards to appoint two representatives each to the Riccarton Bush Trust.
  - d. Approves the recommendation from the Waihoru Spreydon-Cashmere-Heathcote Community Board to appoint Community Board Member Keir Leslie as a representative on the Summit Road Protection Authority and Advisory Committee.
  - e. Delegates future appointments to the Summit Road Protection Authority and Advisory Committee to the Waihoru Spreydon-Cashmere-Heathcote Community Board.
9. Approve the below appointments to the following two Canterbury Mayoral Forum advisory committees, as recommended by the Mayor:
  - a. Councillor Templeton to the Climate Change Action Planning Reference Group.
  - b. Councillor Donovan to the Biodiversity Champions Group.

Councillor MacDonald/Councillor McLellan

**Carried**

Councillor Johanson abstained from voting on this item.

## 12. Three Waters Better Off Funding - Funding Proposal Application

**Council Resolved CNCL/2022/00196**

**Officer Recommendations accepted without change**

That the Council:

1. Confirms to the proposed projects in **Attachment A** to be included in the Three Waters Reform Better Off Funding Proposal, which must be submitted to Te Tari Taiwhenua Department of Internal Affairs by 16 December 2022.
2. Agrees that, if the Funding Proposal is approved by Te Tari Taiwhenua Department of Internal Affairs, the Funding Agreement will be signed by the Mayor and Chief Executive on behalf of the Council.

Councillor McLellan/Councillor Templeton

**Carried**

Councillor Keown requested for his vote against the resolutions to be recorded.

Councillor Gough left the meeting at 1.20pm and returned at 1.27pm during consideration of Item 13.

### 13. Ngā Puna Wai- Carpark Extension and Landscape Mitigation Works

**Council Resolved CNCL/2022/00197**

**Officer Recommendations accepted without change**

That the Council:

1. Receive the Ngā Puna Wai- Carpark Extension and Landscape Mitigation Works report.
2. Approve the extension of the car parking to address the demand shortage identified and the associated landscape mitigation works at Ngā Puna Wai.

Councillor Keown/Councillor Coker

**Carried**

Councillor Templeton requested for her vote against resolution 2 to be recorded.

### 20. Terms of Reference - Insurance Subcommittee

**Council Resolved CNCL/2022/00198**

**Officer Recommendation accepted without change**

That the Council:

1. Adopts the Terms of Reference for the Insurance Subcommittee in Attachment A.

Councillor MacDonald/Councillor Peters

**Carried**

### 14. 2022-23 Metropolitan Discretionary Response Fund - Community Law Canterbury and Pacific People's Trust

**Officer Recommendations**

That the Council:

1. Makes a grant of \$40,000 from the 2022/23 Metropolitan Discretionary Response Fund to Community Law Canterbury towards the costs of bridging services for Tenants Protection.
2. Makes a grant of \$20,000 from the 2022-23 Metropolitan Discretionary Response Fund to Pacific Peoples Trust towards wages.

**Council Resolved CNCL/2022/00199**

That the Council:

1. Makes a grant of \$40,000 from the 2022/23 Metropolitan Discretionary Response Fund to Community Law Canterbury towards the costs of bridging services for Tenants Protection.

Councillor Templeton/Councillor Coker

**Carried**



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**Council Resolved CNCL/2022/00200**

2. Makes a grant of \$25,000 from the 2022-23 Metropolitan Discretionary Response Fund to Pacific Peoples Trust towards wages.

Councillor Templeton/Councillor Coker

**Carried**

The division was declared **carried** by 10 votes to 5 votes the voting being as follows:

**For:** Mayor Mauger, Councillor Barber, Councillor Coker, Councillor Donovan, Councillor Harrison-Hunt, Councillor Johanson, Councillor McLellan, Councillor Moore, Councillor Peters and Councillor Templeton

**Against:** Deputy Mayor Cotter, Councillor Gough, Councillor Henstock, Councillor MacDonald and Councillor Scandrett

**Abstained:** Councillor Fields and Councillor Keown

**15. Suburban Regeneration Biannual Report - April to September 2022**

The Council received the information and requested additional information regarding specific projects.

**Council Resolved CNCL/2022/00201**

**Officer Recommendations accepted without change**

That the Council:

1. Receive the information in the Suburban Regeneration Biannual Report for April to September 2022.

Councillor Keown/Deputy Mayor

**Carried**

**Deferral of Items**

**Council Resolved CNCL/2022/00202**

It was resolved on the motion of Mayor Phil Mauger, seconded by Councillor Sam MacDonald that due to time constraints, items 9 and 10 be deferred to 14 December 2022 Council meeting.

Mayor/Councillor MacDonald

**Carried**

**9. ChristchurchNZ Holdings Ltd - Draft Letter of Expectations for 2023/24**

*This item was deferred to 14 December 2022 Council meeting.*

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## 10. Venues Ōtautahi - Draft Letter of Expectations for 2023/24

*This item was deferred to 14 December 2022 Council meeting.*

**Karakia Whakamutunga:** Given by all Councillors.

**Meeting concluded at 1.52pm.**

**CONFIRMED THIS 25<sup>TH</sup> DAY OF JANUARY 2023.**

MAYOR PHIL MAUGER  
CHAIRPERSON

UNCONFIRMED

## 6. Council Minutes - 14 December 2022

Reference / Te Tohutoro: 22/1778834

Report of / Te Pou Matua: Samantha Kelly, Team Leader Hearings & Committee Support  
(Samantha.Kelly@ccc.govt.nz)

General Manager / Pouwhakarae: Dawn Baxendale, Chief Executive (Dawn.Baxendale@ccc.govt.nz)


### 1. Purpose of Report Te Pūtake Pūrongo

For the Council to confirm the minutes from the Council meeting held 14 December 2022.

### 2. Recommendation to Council

That the Council Confirm the Minutes from the Council meeting held 14 December 2022.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
<a href="#">A1</a> 	Minutes Council - 14 December 2022	22/1743387	26

### Signatories Ngā Kaiwaitohu

Author	Samantha Kelly - Team Leader Hearings & Committee Support
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## Christchurch City Council MINUTES

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**Date:** Wednesday 14 December 2022  
**Time:** 9.33am  
**Venue:** Council Chambers, Civic Offices,  
53 Hereford Street, Christchurch

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**Present**

Chairperson  
Deputy Chairperson  
Members

Mayor Phil Mauger  
Deputy Mayor Pauline Cotter  
Councillor Kelly Barber  
Councillor Melanie Coker  
Councillor Celeste Donovan  
Councillor Tyrone Fields  
Councillor James Gough  
Councillor Tyla Harrison-Hunt  
Councillor Victoria Henstock  
Councillor Yani Johanson  
Councillor Aaron Keown  
Councillor Sam MacDonald  
Councillor Jake McLellan  
Councillor Andrei Moore  
Councillor Mark Peters  
Councillor Tim Scandrett  
Councillor Sara Templeton

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**Principal Advisor**  
Dawn Baxendale  
Chief Executive  
Tel: 941 8999

Samantha Kelly  
Team Leader Hearings & Committee Support  
941 6227  
samantha.kelly@ccc.govt.nz  
[www.ccc.govt.nz](http://www.ccc.govt.nz)

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**Karakia Tīmatanga:** Given by all Councillors

## External Recognition for Council Services

The Mayor, on behalf of the Council acknowledged the following external awards for Council services:

- Te Pou Toetoe: Linwood Pool won the outstanding pool award at the New Zealand Recreation Awards.
- The He Puna Taimoana Team – Hot Pools by the Sea Project Team won the Property Council New Zealand Supreme Excellence Award and the Resene Urban Design Award at the South Island Property Council awards.
- The Christchurch Town Hall Team won the Co-Studio Best Team Award at the South Island Property Council awards and Venues Ōtautahi won the Medium Venue of the Year at the 2022 Entertainment Venues Association of NZ awards.

Councillor Templeton left the meeting at 9.39 am and returned at 9.42 am.

The agenda was dealt with in the following order.

### 1. Apologies Ngā Whakapāha

There were no apologies received.

### 2. Declarations of Interest Ngā Whakapuaki Aronga

Councillor Scandrett declared an interest in items 16 and 17.

Councillor Templeton declared an interest in Public Excluded Item 21.

#### 2.1 Declaration by the Auditor-General

In relation to Item 15 the Council received a Declaration by the Auditor-General pursuant to section 6 of the Local Authorities (Members' Interests) Act 1968. The declaration allowed the Mayor and Councillors to vote on and participate in Item 15 the 'Review of the Council's Policy for the Appointments and Remuneration of Directors of Council Organisations' as scheduled to be considered at the meeting Wednesday, 14th December 2022. This declaration was necessary as potentially, all members had a financial interest as all members are potentially appointable as councillor-directors. The Auditor-General considers that it is in the interests of the community for all councillors to be able to participate in the review of this policy. Please note that the declaration only covers the current review and does not apply to future reviews.

#### Attachments

- A Letter from Office of the Auditor-General to Christchurch City Council

### 3. Public Participation Te Huinga Tūmatanui

#### 3.1 Public Forum Te Huinga Whānui

There were no public forum presentations.

Councillor MacDonald left the meeting at 9.49am.

### 3.2 Deputations by Appointment Ngā Huinga Whakaritenga

#### 3.2.1 Anne Galloway

Anne Galloway, Selwyn Gamble and Mia Sutherland (via audio/visual link) tabled a letter and spoke regarding item 13 Council Portfolios and the need to continue Te Pae Pūkari – Youth Committee.

#### Attachments

- A Letter to Mayor and Christchurch City Councillors from Te Pae Pūkari

Councillor McLellan left the meeting at 9.54am and returned at 9.56am during item 4.1.

Councillor Barber left the meeting at 10am during item 4.1.

## 4. Presentation of Petitions Ngā Pākikitanga

#### 4.1 Lynn Bunn

Lynn Bunn presented a petition on behalf of the Preston Park Subdivision residents regarding the signalised entrance from Mairehau Road onto Prestons Park Drive.

The petition was available online (refer to link below) and a separate hardcopy was tabled at the meeting (refer Attachment 4.1A). The petition contained 693 signatories and requested for the signalised entrance from Mairehau Road onto Prestons Park Drive approved in the subdivision consent in 2015 be implemented as soon as possible.

The petitioner requested for regular communication regarding updates on the process which was noted.

The Council also noted the need for future substantial developments to have two way exits and requested for this to be discussed with staff as part of District Plan matters.

Link to electronic petition:

[https://www.petitions.nz/signatures/signalized\\_entrance\\_road\\_from\\_mairehau\\_road\\_onto\\_prestons\\_park\\_drive\\_to\\_be\\_constructed\\_asa/](https://www.petitions.nz/signatures/signalized_entrance_road_from_mairehau_road_onto_prestons_park_drive_to_be_constructed_asa/)

#### Attachments

- A Prestons Park residents petition regarding Prestons Park Drive signalized entrance onto Mairehau Road



## 22. Resolution to Include Supplementary Reports

### Council Resolved CNCL/2022/00203

That the reports be received and considered at the Council meeting on Wednesday, 14 December 2022.

#### Open Items

23. Council Draft Annual Report for the year ended 30 June 2022

#### Public Excluded Items

24. CCO Appointments' Committee  
25. Chief Executive Employment Matters

Mayor/Councillor Scandrett

**Carried**

## 5. Audit and Risk Management Committee Minutes - 22 November 2022

### Council Resolved CNCL/2022/00204

That the Council receives the Minutes from the Audit and Risk Management Committee meeting held 22 November 2022.

Councillor McLellan/Councillor Scandrett

**Carried**

Councillor Barber returned to the meeting at 10.04am during consideration of item 6.  
Councillor Gough left the meeting at 10.09am and returned at 10.19am during consideration of item 6.  
Councillor Fields left the meeting at 10.14am during consideration of item 6.

The meeting adjourned at 10.19am during consideration of item 6 and reconvened at 10.24am.  
Councillors Barber, Gough, Keown and MacDonald were not present at this time.

## 6. Proposed Alcohol Ban for Woolston Village Area

Council Officers and Senior Constable Ross joined the table to present the report and answer questions of clarification.

The Officer Recommendations were moved by Councillor Peters.

An amendment was put forward by Councillor Johanson to extend the temporary alcohol ban to include a further section between St Johns Street, Ferry Road and Rutherford Street.

The Council agreed to let the item lie on the table until later in the meeting to enable Council Officers to provide further advice regarding the feasibility of the extension.

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Councillor Keown returned to the meeting at 10.27am during consideration of item 7.  
Councillors Barber and Gough returned to the meeting at 10.29am during the debate on item 7.

## 7. 2022/2023 Capital Endowment Fund

### Council Resolved CNCL/2022/00205

#### Officer Recommendations accepted without change

That the Council:

1. Approves a grant of \$120,000 from its 2022/23 Capital Endowment Fund to Oxford Terrace Baptist Church towards the Fit out of Social Housing Units. Conditional upon:
  - a. The Oxford Terrace Baptist Church demonstrating that they have sufficient resources to complete the project.

Councillor McLellan/Councillor Peters

**Carried**

Deputy Mayor Cotter left the meeting at 10.40am and returned at 10.43am during consideration of item 8.  
Councillor MacDonald returned to the meeting at 10.47am during discussion of item 8.

## 8. Footpath repairs - options, costs and risks

The Council accepted the Staff Recommendations including an additional resolution (6) and including the word '*operational*' to resolution 5.

### Council Resolved CNCL/2022/00206

That the Council:

1. Receives the report and confirms staff will work with the maintenance contractors to plan and cost the implementation of roving footpath crews in the city (option 3).
2. Notes that any decisions on additional funding will be progressed as part of the FY24 Annual Plan.
3. Notes that staff will undertake more detailed analysis of the preferred option to inform both the Annual Plan and the Long Term Plan.
4. Notes that staff will continue to work with the University of Canterbury to progress options for efficient and cost effective collection of footpath condition data.
5. Notes that staff will start a review of the operational tree removal process in Q1 of 2023, with the aim of improving the customer experience.
6. That Council prioritise the retention of street and park trees across the city, as outlined in the Tree Policy, and always use best endeavours to work around trees due to the community wide and environmental benefits that they bring.

Mayor/Councillor Peters

**Carried Unanimously**

## 14. Mayor's Monthly Report - November - December 2022

**Council Resolved CNCL/2022/00207**

**Officer Recommendations accepted without change**

That the Council:

1. Receive the information in this Report.

Mayor/Councillor MacDonald

**Carried**

The meeting adjourned at 10.56am and reconvened at 11.20am. Councillor MacDonald was not present at this time.

## 6. Proposed Alcohol Ban for Woolston Village Area

Council Officers and Senior Constable Ross returned the table to advise that the temporary alcohol ban would not be able to be extended to the suggested area for the following reasons:

- The area suggested was not a clear boundary.
- A temporary alcohol ban cannot be applied to private land, even if the land was publically accessible, unless the owner agreed. At this stage staff did not have the owners agreement to extend the temporary ban.
- If required, the Police would be able to use provisions under the Trespass Act for incidents on private land.
- If required, the Police would be able to use other existing legislation to deal with any incidents on public spaces (e.g. footpaths) outside private land.

The Officer Recommendations were Moved by Councillor Peters and Seconded by Councillor Donovan and declared carried.

**Council Resolved CNCL/2022/00208**

**Officer Recommendations accepted without change**

That the Council:

1. Resolves it is satisfied that:
  - a. There is evidence that the area to which the temporary Alcohol Ban will apply has experienced a high level of crime or disorder and that this can be shown to have been caused, or made worse, by the consumption of alcohol in public spaces within the area; and
  - b. The ban, made under the Council's Alcohol Restrictions in Public Places Bylaw, as applied by the resolution:
    - i. is appropriate and proportionate in the light of the evidence; and
    - ii. can be justified as a reasonable limitation on people's rights and freedoms.
2. Resolves to impose under Clause 5 of the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 a temporary alcohol ban to both sides of the streets in the area bounded by: Hargood Street, Glenroy Street, St. Johns Street, Ferry Road, Rutherford Street, Heathcote River (running along Radley Park), Cumnor Terrace, Riley

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Crescent, Laura Kent Park walkway, and back to Hargood Street (see Attachment A – map), 24 hours a day, seven days a week six months from adoption of this resolution.

3. Requests staff review the effectiveness of the temporary ban in 2023 and report back to Council on whether the ban should be made permanent.

Councillor Peters/Councillor Donovan

**Carried**

**12. Appointment of Recess Committee 2022/2023**

**Council Resolved CNCL/2022/00209**

**Officer recommendations accepted without change**

That the Council:

1. Appoints a Recess Committee comprising of the Mayor or Deputy Mayor or Councillors Henstock, McLellan and Peters and a minimum of any three Councillors (quorum to include Mayor or Deputy Mayor or Councillors Henstock, McLellan and Peters, to be authorised to make any urgent decisions of the Council required during the period 15 December 2022 and 24 January 2023 (both days inclusive).
2. Notes that any meeting of the Recess Committee will be publically notified and the details forwarded to all Councillors, all of whom can participate.
3. Notes that any decisions made will be reported to the Council for record purposes.

Mayor/Deputy Mayor

**Carried**

Councillors Barber, McLellan and Henstock left the meeting at 11.38am during consideration of item 11.

**11. Residual disinfection (chlorine) exemption for drinking water**

**Council Resolved CNCL/2022/00210**

**Officer Recommendations accepted without change**

That the Council:

1. Receive the information in the Residual disinfection (chlorine) exemption for drinking water Report.

Councillor Coker/Councillor Fields

**Carried**

## 10. Three Waters activities report July, August, September and October 2022

The Council received the information and requested a Memo regarding an update on the Ilam Stream by March 2023.

### Council Resolved CNCL/2022/00211

#### Officer Recommendations accepted without change

That the Council:

1. Receive the information in the Three Waters activities report July, August, September and October 2022.

Deputy Mayor/Councillor Keown

**Carried**

Councillor Harrison-Hunt left the meeting at 12.10pm and returned at 12.12pm during consideration of item 9.

Councillors MacDonald and McLellan returned to the meeting at 12.13pm during consideration of item 9.

Councillor Gough left the meeting at 12.14pm and returned at 12.17pm during consideration of item 9.

Councillor Barber returned to the meeting at 12.14pm during consideration of item 9.

Councillor Henstock returned to the meeting at 12.15pm during consideration of item 9.

Councillor McLellan left the meeting at 12.18pm and returned at 12.20pm during consideration of item 9.

## 9. Review of solid waste bylaws and proposed replacement Waste Management and Minimisation Bylaw

Council Officers joined the table to present the report and advised that, as part of the consultation, a question would be included to seek feedback from the community on whether they wish the Council to address shopping trolleys that are not returned to supermarkets.

### Council Resolved CNCL/2022/00212

#### Officer Recommendations accepted without change

That the Council:

1. Note that this report relates to the review of the Waste Management Bylaw 2009 and Cleanfill and Waste Handling Bylaw 2015.
2. Receive in accordance with section 160 of the Local Government Act 2002 the attached report on the review of the current bylaws including the Section 155 analysis of the current bylaws (Attachment C).
3. Receive the Clause by Clause Analysis of the proposed draft 2023 bylaw (Attachment D).
4. Agree, as a result of the review, to revoke the 2009 and 2015 bylaws and replace them with one integrated bylaw, the Waste Management and Minimisation Bylaw 2023 (Attachment A) together with terms and conditions made under the bylaw (Attachment B), noting both will be subject to consultation as outlined in recommendation 6 and 7.
5. Resolve, in accordance with section 155 of the Local Government Act 2002, that the proposed draft Waste Management and Minimisation Bylaw 2023:

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- a. is the most appropriate way of addressing the perceived problems; and
  - b. is the most appropriate form of bylaw; and
  - c. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
6. Adopt the proposed draft Waste Management and Minimisation Bylaw 2023 (Attachment A), for consultation.
  7. Adopt the draft terms and conditions (Attachment B) for consultation.
  8. Note that staff will prepare a consultation document for the proposal.
  9. Note that the consultation process will include:
    - advertising the proposal in social and print media, Council's website and 'Newsline',
    - direct notification of parties identified as being affected and/or interested,
    - making available the consultation document and proposed bylaw and terms and conditions online and through libraries and service desks,
    - allowing a four week period for submitters to provide their views via 'HaveYourSay', by email or in writing, and
    - provision for submitters to be heard on their views.
  10. Convene a hearings panel to receive and hear submissions on the proposed replacement bylaw, deliberate on these submissions, and make recommendations to the Council on the final form of the bylaw and terms and conditions.

Councillor Templeton/Councillor Harrison-Hunt

**Carried**

Item 6  
Attachment A

## 16. Venues Ōtautahi - Annual Report 2021/22 and 2022 Annual General Meeting by Shareholders' Resolution

The following Venues Ōtautahi staff joined the table to present the report:  
Caroline Harvie-Teare (Chief Executive), Gill Cox (Chair) and Dale Andrews (General Manager Corporate Services)

### Council Resolved CNCL/2022/00213

#### Officer Recommendations accepted without change

That the Council:

1. Receives Venues Ōtautahi's Annual Report for the year ended 30 June 2022;
2. Receives Venues Ōtautahi Quarter 1 2022/23 Performance Report for the quarter 1 July to 30 September 2022; and
3. Resolves in favour of Venues Ōtautahi holdings its Annual General Meeting for 2022 by written shareholder resolution.

Councillor Templeton/Councillor Peters

**Carried**

Councillor Scandrett sat back from the table and did not participate in the discussion or voting on this item.

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Councillor Scandrett left the meeting at 12.38pm and returned at 12.41pm during consideration of item 13.

### 13. Council Portfolios

The Mayor Moved a set of updated recommendations which were Seconded by Councillor MacDonald (refer to resolutions 1 to 3 below). With the agreement of the Mover and Seconded an additional recommendation (4) was included regarding the establishment of a Youth Committee - Te Pae Pikari.

Councillor Johanson put forward the following foreshowed motion should recommendation 2 fail.

*Establish the additional portfolios as follows with terms of reference to be confirmed at the next ordinary Council meeting:*

- a. Councillor Andrei Moore – Arts and Culture
- b. Councillor Celeste Donovan – Suburban Regeneration and Urban Development
- c. Councillor Tyrone Fields – Homelessness
- d. Councillor Yani Johanson – Sports, Recreation and Community

Recommendations 1 to 4 were voted on individually and declared carried.

#### Officer Recommendations

That the Council:

1. Adopts the Terms of Reference for Portfolio roles.
2. Agrees to allow time for the five adopted Portfolios to 'bed in', so that their effectiveness and workload commitments can be assessed before any additional ones are considered.
3. Note the staff advice that Council has a Multicultural Advisory Group and a Youth Council in place which negate the requirement for Multicultural and Youth committees.

#### Recommendations Moved by the Mayor and Seconded by Councillor MacDonald

That the Council:

1. Adopts the Terms of Reference for Portfolio roles.
2. Agrees to allow nine months for the five adopted Portfolios to 'bed in', so that their effectiveness and workload commitments can be assessed before any additional ones are established.
3. If recommendation 2 is carried, agrees to receive proposals from Councillors for additional proposals over the next nine months with the right to decide whether or not to establish them after nine months.
4. Agree that Council re-establish a Youth Committee Te Pae Pikari, comprising Councillors Harrison-Hunt, Coker, McLellan, Donovan and Moore and ask the members to report back to Council by March 2023 on a refined Terms of Reference, including external membership and on mechanism to increase youth participation.



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Mayor/Councillor MacDonald

Carried/Lost

**Council Resolved CNCL/2022/00214**

That the Council:

1. Adopts the Terms of Reference for Portfolio roles.

Mayor/Councillor MacDonald

Carried

**Council Resolved CNCL/2022/00215**

That the Council:

2. Agrees to allow nine months for the five adopted Portfolios to 'bed in', so that their effectiveness and workload commitments can be assessed before any additional ones are established.

Mayor/Councillor MacDonald

Carried

Councillor Johanson requested for his vote against resolution 2 be recorded.

**Council Resolved CNCL/2022/00216**

That the Council:

3. If recommendation 2 is carried, agrees to receive proposals from Councillors for additional proposals over the next nine months with the right to decide whether or not to establish them after nine months.

Mayor/Councillor MacDonald

Carried

Councillor Johanson requested for his vote against resolution 3 be recorded.

**Council Resolved CNCL/2022/00217**

That the Council:

4. Agree that Council re-establish a Youth Committee Te Pae Pikari, comprising Councillors Harrison-Hunt, Coker, McLellan, Donovan and Moore and ask the members to report back to Council by March 2023 on a refined Terms of Reference, including external membership and on mechanism to increase youth participation.

Mayor/Councillor MacDonald

Carried

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The meeting adjourned at 12.50pm and reconvened at 1.55pm. Councillors Gough, Henstock and Templeton were not present at this time.

## 17. Venues Ōtautahi - Draft Letter of Expectations for 2023/24

**Council Resolved CNCL/2022/00218**

### Officer Recommendations accepted without change

That the Council:

1. Approves the draft Letter of Expectations for Venues Ōtautahi for 2023/24.

Councillor MacDonald/Councillor Keown

**Carried**

Councillor Scandrett sat back from the table and did not take part in discussion.

Councillors Gough and Templeton returned to the meeting at 1.57pm during consideration of item 18.  
Councillor Henstock returned to the meeting at 1.58pm during consideration of item 18.

## 18. ChristchurchNZ Holdings Ltd - Draft Letter of Expectations for 2023/24

The Officer Recommendation was Moved by Councillor Templeton and Seconded by Councillor Keown with the inclusion of an additional recommendation (refer to resolution 3).

An amendment (refer to resolution 2) was Moved by Councillor Johanson and Seconded by Councillor Moore and declared carried.

The substantive motion was then put to the vote and declared carried.

### Officer Recommendations

That the Council:

1. Approves the draft Letter of Expectations for ChristchurchNZ Holdings Ltd for 2023/24.

### Recommendations Moved by Councillor Templeton and Seconded by Councillor Keown

That the Council:

1. Approves the draft Letter of Expectations for ChristchurchNZ Holdings Ltd for 2023/24.
3. That Council request a briefing from ChristchurchNZ on their current work programme, including urban regeneration and the creative and local music sector in Ōtautahi.

Councillor Templeton/Councillor Keown

**Carried/Lost**

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**Amendment Moved by Councillor Johanson and Seconded by Councillor Moore**

**Council Resolved CNCL/2022/00219**

2. For the Letter of Expectations to include a request for ChristchurchNZ to consider what support they can provide to the local music sector as part of their existing work programmes.

Councillor Johanson/Councillor Moore

**Carried**

**Substantive Motion**

**Council Resolved CNCL/2022/00220**

That the Council:

1. Approves the draft Letter of Expectations for ChristchurchNZ Holdings Ltd for 2023/24.
2. For the Letter of Expectations to include a request for ChristchurchNZ to consider what support they can provide to the local music sector as part of their existing work programmes.
3. That Council request a briefing from ChristchurchNZ on their current work programme, including urban regeneration and the creative and local music sector in Ōtautahi.

Councillor Templeton/Councillor Keown

**Carried**

Councillor Scandrett requested for his vote against resolutions 1 and 3 to be recorded.

Councillor Gough left the meeting at 2.34pm and returned at 2.37pm during discussion on item 23.  
Councillor Moore left the meeting at 2.38pm and returned at 2.41pm during discussion on item 23.  
Councillor Keown left the meeting at 2.42pm and returned at 2.46pm during discussion on item 23.  
Councillor Barber left the meeting at 2.46pm and returned at 2.47pm during discussion on item 23.

**Report from Audit and Risk Management Committee - 22 November 2022**

**23. Council Draft Annual Report for the year ended 30 June 2022**

**Council Resolved CNCL/2022/00221**

**Audit and Risk Management Committee Recommendations accepted without change**

That the Council:

1. Notes that the Audit and Risk Management Committee have reviewed the draft Annual Report and are satisfied that proper processes have been followed to ensure that the Annual Report and associated financial statements have been prepared correctly, subject to the Committee Chair approving any change relating to one outstanding item (prior period error disclosure).
2. Adopts the 2021/22 Annual Report for the Christchurch City Council, subject to receiving the independent auditors report.
3. Authorises the Chief Financial Officer to make minor changes to the 2021/22 Annual Report prior to publication if necessary.

The meeting was adjourned at 3.04pm and reconvened at 3.22pm during consideration of item 15.

### **15. Review of the Council's Policy for the Appointments and Remuneration of directors of Council Organisations**

The Mayor Moved a set of updated recommendations (refer to 1a and 2-14) which were Seconded by Councillor Barber.

Two foreshadowed motions (1b and 1c) were tabled at the meeting. It was also noted that should 1a, 1b or 1c not carry, the status quo would remain.

Foreshadowed Motion 1b was not Moved or Seconded. Councillor MacDonald indicated he would Move Foreshadowed Motion 1c.

During discussions Councillor Keown put forward a foreshadowed amendment to 1a, should 1a carry. The amendment was in relation to including a noting provision that individuals may choose to donate their fees.

The meeting adjourned at 3.04pm and reconvened at 3.22pm to enable Council Officers to provide procedural advice.

When the meeting reconvened Councillor MacDonald Moved a Procedural Motion, Seconded by Councillor Templeton, to let the item of business being discussed lie on the table and not be discussed further at the meeting, and be deferred to the Council meeting on 25 January 2023 to enable a workshop to take place. The Procedural Motion was declared carried.

#### **Officer Recommendations**

That the Council:

1. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
  - a. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
  - b. Elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
  - c. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
  - d. Require all proposed re-appointments of incumbent directors to be approved by the Council;
  - e. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;

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- f. Include in core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
  - g. All proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
- 2. Agrees to the treatment of fees to elected members who are appointed to Council-controlled organisation boards as follows:  
EITHER:
  - a. Status quo - fees are not received personally by councillor-directors and Christchurch City Holdings Ltd, ChristchurchNZ Holdings Ltd and Transwaste Canterbury continue to make donations to Tahua Taupua Mayor's Welfare Fund in lieu of councillor-director's fees;  
OR
  - b. Councillor-directors of Christchurch City Holdings Ltd only be entitled to receive fees personally as recompense for the workload, liabilities and reputational risk faced as directors;
  - c. OR
  - d. Councillor-directors of all Council-controlled organisations be entitled to receive fees personally as recompense for their governance work on the boards;
- 3. if recommendation 2a. is agreed - EITHER:
  - i. Council-controlled organisations need not donate amounts equal to the fees and can instead retain the value of the fees within the organisation;  
OR
  - ii. Only commercially profitable Council-controlled organisations donate the value of fees not paid to councillor-directors to the Tahua Taupua Mayor's Welfare Fund or other recipient the Council may choose;  
OR
  - iii. All Council-controlled organisations, whether profitable or not make donations in lieu of paying fees to the Tahua Taupua Mayor's Welfare Fund, and bear the costs of doing so;  
OR
  - iv. Councillor-directors who receive fees from Council-controlled organisations as a result of board membership determine and declare the recipients of donations in lieu of fees, but cannot retain the value personally;
- 4. Consider whether to reduce the number of elected member appointments to the ChristchurchNZ Holdings Ltd board from two to one; and
- 5. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.

**Recommendation 1a Moved by the Mayor and Seconded by Councillor Barber**

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards;

Mayor/Councillor Barber

Carried/Lost

**Recommendations 2 to 14 Moved by the Mayor and Seconded by Councillor Barber**

That the Council:

2. Requests that CCHL provide an annual donation of the amount equal to the fees otherwise paid to the two Councillor-directors disestablished at the 7 December Council meeting into the Mayor's Welfare Charitable Fund;
3. Notes that there will be two Councillor-directors on each of the boards of Christchurch City Holdings Limited, Christchurch NZ Holdings Ltd and Venues Ōtautahi.
4. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
5. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
6. Continue to ensure CCHL elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
7. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
8. Require all proposed re-appointments of incumbent directors to be approved by the Council;
9. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
10. Continue to ensure core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
11. Require all proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
12. That CCHL report back as part of their Director fee review this year, the amount of discount applied to the public service element of Directors roles on CCHL and its wholly owned Subsidiaries. As part of this review that CCHL consider an appropriate donation to recognise this discount to the Mayors welfare fund commencing the year ended June 2024.
13. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations

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only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.

14. To allow the ChristchurchNZ board to carry out its own appointments process, instead of Christchurch City Holdings Limited.

Mayor/Councillor Barber

**Carried/Lost**

**Foreshadowed Amendment if Recommendation 1(a) is carried**

**Secretarial Note:** Put forward by Councillor Keown

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards; noting that individuals may choose to donate their fees.

**Foreshadowed Motion 1(b) if Recommendation 1(a) is not carried**

**Secretarial Note:** Not Moved or Seconded

1. (b) Agrees that if recommendation 1 is not carried, then any elected members who are appointed to the board of Christchurch City Holdings Limited will be entitled to receive any fees personally as recompense for their governance work on the boards;

**Foreshadowed Motion 1(c) if Recommendation 1(b) is not carried**

**Secretarial Note:** Indicated to be Moved by Councillor MacDonald

1. (c) Agrees that elected members who are appointed to Council-controlled organisation boards will be entitled to receive 67% of fees personally as recompense for their governance work on the boards and directs that the remaining 33% will be paid by the respective organisation to the Mayors Welfare Fund.

**Secretarial Note:** If lost the Status Quo remains.

**Council Resolved CNCL/2022/00222**

That the item of business being discussed should lie on the table and not be discussed further at this meeting and is deferred to the 25<sup>th</sup> of January 2023 to enable a workshop to take place.

The division was declared **carried** by 10 votes to 7 votes the voting being as follows:

**For:** Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Harrison-Hunt, Councillor Henstock, Councillor Keown, Councillor MacDonald, Councillor Peters, Councillor Scandrett and Councillor Templeton

**Against:** Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Johanson, Councillor McLellan and Councillor Moore

Councillor MacDonald/Councillor Templeton

**Carried**

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## 19. Resolution to Exclude the Public

### Council Resolved CNCL/2022/00223

That Claire Evans and Paul Silk of Christchurch City Holdings Limited and Therese Arseneau of ChristchurchNZ, remain after the public have been excluded for Item 21 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

#### AND

That at 3.26pm the resolution to exclude the public set out on pages 201 to 202 of the agenda, pages 326 to 327 of the supplementary agenda no1 and pages 4 to 5 of the supplementary agenda no2 be adopted.

Mayor/Councillor MacDonald

Carried

**The public were re-admitted to the meeting at 4.32pm.**

**Karakia Whakamutunga:** Given by all Councillors

**Meeting concluded at 4.33pm.**

**CONFIRMED THIS 25<sup>TH</sup> DAY OF JANUARY 2023**

**MAYOR PHIL MAUGER  
CHAIRPERSON**



## 7. Policy and Practices 2021/2022-Section 10A Requirement Dog Control Act 1996

Reference / Te Tohutoro: 22/1721181

Report of / Te Pou Matua: Lionel Bridger, Manager Animal Services, Regulatory Compliance Unit

General Manager / Pouwhakarae: Jane Davis, General Manager Infrastructure, Planning & Regulatory Services (jane.davis@ccc.govt.nz)

### 1. Nature of Information Update and Report Origin

- 1.1 This report is required to be submitted by each Territorial Authority to Local Government under section 10A of the Dog Control Act 1996.
- 1.2 Required by legislation.

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Receive the information in the Policy and Practices 2021/2022-Section 10a Requirement Dog Control Act 1996 Report.
2. Adopt the 2021/2022 Annual report on the administration of the Council's dog control policy and practices, as set out in Section 10A of the Dog Control Act 1996.

### 3. Brief Summary

#### Decision Making Authority / Te Mana Whakatau

- 3.1 Section 10A of the Dog Control Act 1996, requires the Territorial authority to report on dog control policy and practices.
  - (1) A territorial authority must, in respect of each financial year, report on the administration of—
    - (a) its dog control policy adopted under [section 10](#); and
    - (b) its dog control practices.
  - (2) The report must include, in respect of each financial year, information relating to—
    - (a) the number of registered dogs in the territorial authority district;
    - (b) the number of probationary owners and disqualified owners in the territorial authority district;
    - (c) the number of dogs in the territorial authority district classified as dangerous under [section 31](#) and the relevant provision under which the classification is made;
    - (d) the number of dogs in the territorial authority district classified as menacing under [section 33A](#) or [section 33C](#) and the relevant provision under which the classification is made;
    - (e) the number of infringement notices issued by the territorial authority;
    - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
    - (g) the number of prosecutions taken by the territorial authority under this Act.
  - (3) The territorial authority must—
    - (a) give public notice, as defined in [section 5\(1\)](#) of the Local Government Act 2002, of the report; and
    - (b) make the report publicly available, as described in [section 5\(3\)](#) of that Act.

- 3.2 Regarding the requirement to give public notice, section 5(1) of the Local Government Act 2002 specifies:

**public notice**, in relation to a notice given by a local authority, means one that—

- (a) is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and
- (b) is published in at least—
  - (i) 1 daily newspaper circulating in the region or district of the local authority; or
  - (ii) 1 or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district

- 3.3 The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

### **Christchurch City Council's Policies (Section 10A (1a))**

- 3.4 The Council adopted the "Control of Dogs" Policy ("the policy") in September 2016. The Policy has provisions relating to the control of dogs in public places, which are enforceable under the Christchurch City Council Dog Control Bylaw 2016.

- 3.5 The objectives of the policy are to:

- set the framework for Dog Registration Fees and Classification of Owners.
- identify mechanisms for promoting responsible dog ownership and interaction with dogs.
- set the framework for Issuing of Infringement notices and impounding of Dogs.
- specify the requirement for neutering of dogs classified as dangerous or menacing; (sections 32(1) (c) and 33E (b));
- provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners.
- set the framework for categories of Dog Control.
- Notify areas where specific dog control status has been designated for reasons such as public health, safety and hygiene and protection of wildlife, animals and stock.
- Identify the matters to be covered by bylaws.

### **Christchurch City Council's Practices (Section 10A (1b))**

- 3.6 To satisfy the requirements of section 10A of the Dog control Act 1996, the following information is provided.

#### **Dog Registration**

- 3.7 The total number of dogs recorded on the Council's dog registration database for the period was 44,349

#### **Probationary and Disqualified Owners**

- 3.8 The Council recorded 11 Owners as probationary, and 10 owners as disqualified over the period

#### **Dangerous Dog Classifications**

- 3.9 The Council classified 11 dogs as dangerous under section 31 of the Dog Control Act 1996, adjusting the total number of dogs on the dangerous dog register to 52

### **Menacing Dog Classifications**

3.10 The Council has two separate menacing dog classifications

- Section 33A (1) (b) (i) of the Dog control Act 1996, provides for dogs to be classified as menacing (based on the dogs aggressive behaviour). For the period, 47 new dogs were classified as menacing, adjusting the total number of dogs classified in this category, on the Council's register to 224.
- Section 33C of the Dog Control Act 1996, provides for dogs to be classified as menacing (based on the dogs breed or breed type). For the period, 2 new dogs were classified as menacing, adjusting the total number of dogs classified in this category, on the Council's register to 106.

### **Infringement Notices issued**

3.11 The Council issued 1343 infringement notices for breaches against the Dog Control Act 1996.

### **Dog related complaints**

3.12 The Council investigated 694 priority one complaints (dogs attacking persons, stock, poultry, domestic animals and protected wildlife or traffic hazards relating to wandering stock on roads).

3.13 The Council received 5094 complaints relating to dogs barking, wandering, fouling, rushing and unregistered dogs.

3.14 Council received a total of 9,651 complaints relating to Animal Management.

### **Prosecutions**

3.15 The Council took 1 prosecution which is before the Courts.

### **Found Dogs**

3.16 Council found 2332 dogs wandering 1749 were returned to their owners, 583 were impounded of these 489 were claimed by their owners from the animal shelter, 41 were adopted to new homes, 49 were rehomed to dog rescues, 4 were euthanized, 1 was court ordered euthaniser, 2 were voluntary surrendered for euthaniser after serious attacks. 1 found dog could not be safely rehomed and was euthanized.

### **Education**

3.17 Child education talks were provided to 450 children as part of the 6 Dog Smart talks 7 adult educational talks were provided to 92 adults.

3.18 This service was impacted by the Covid-19 pandemic.

### **Microchipping**

3.19 Council continues to offer free microchipping to all dog owners which is available every Wednesday.

### Statistical Summary

Total number of registered dogs	40,067
Total number of probationary owners	11
Total number of disqualified owners	10
Total number of dogs classified as dangerous (live records only)	52
Total number of dogs classified as menacing (live records only)	326
Number of infringement notices issued (not waived or cancelled)	1149
Number of dog related complaints - Dog attacks on people, stock, poultry, domestic animals or protected wildlife	553
Dog rushing, intimidating people or domestic animals.	530
Dogs barking, roaming or fouling (covers self-generated bylaw, roaming dogs and miscellaneous matters)	4171
Number of prosecutions taken	1

### Attachments Ngā Tāpirihanga

There are no attachments to this report.

In addition to the attached documents, the following background information is available:

Document Name - Location / File Link
Not applicable

### Confirmation of Statutory Compliance Te Whakatūrutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

### Signatories Ngā Kaiwaitohu

<b>Author</b>	Lionel Bridger - Manager Animal Services
<b>Approved By</b>	Tracey Weston - Head of Regulatory Compliance Jane Davis - General Manager Infrastructure, Planning & Regulatory Services

## 8. 2022-23 Metropolitan Discretionary Response Fund - YSAR Trust

Reference / Te Tohutoro: 22/1628103

Report of / Te Pou Lexie Reuben, Team Leader Community Funding  
Matua: (Lexie.Reuben@ccc.govt.nz)

General Manager / Mary Richardson, General Manager Citizens & Community  
Pouwhakarae: (Mary.Richardson@ccc.govt.nz)

### 1. Purpose of Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Council to consider an application for funding from its 2022-23 Discretionary Response Fund from the organisation listed below.

Funding Request Number	Organisation	Project Name	Amount Requested	Amount Recommended
00064942	YSAR Trust	Youth and SAR (Youth Search and Rescue) Development Programme Christchurch	\$50,000	\$16,369

- 1.2 There is currently a balance of \$183,076 remaining in the fund

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

- Makes a grant of \$16,369 from the 2022-23 Metropolitan Discretionary Response Fund to the YSAR Trust towards the costs of purchasing a Portable Repeater for their development programme.

### 3. Key Points Ngā Take Matua

#### Strategic Alignment Te Rautaki Tīaroaro

- 3.1 The recommendation is aligned to the Strategic Framework and in particular the strategic priority of enabling active and connected communities to own their future. It will contribute to three community outcomes, resilient communities, liveable city and healthy environment. The recommendation is consistent with the Strengthening Communities Together Strategy.

#### Decision Making Authority Te Mana Whakatau

- 3.2 Determine the allocation of the Discretionary Response Fund for each community
- 3.3 Allocations must be consistent with any policies, standards or criteria adopted by the Council
- 3.4 The Fund does not cover:
- Legal challenges or Environment Court challenges against the Council, Council Controlled organisations or Community Board decisions
  - Projects or initiatives that change the scope of a Council project or that will lead to ongoing operational costs to the Council (though Community Boards can recommend to the Council that it consider a grant for this purpose).

### Assessment of Significance and Engagement Te Aromatawai Whakahirahira

- 3.5 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the fact that the decision expected is the allocation of a community funding scheme using Council-approved criteria. This is an established level of service in the Long Term Plan.
- 3.6 Engagement has included discussions with the applicant, and discussions during a staff assessment. Due to the assessment of low significance, no further community engagement and consultation is required.
- 3.7 There is no impact on Mana Whenua as the decision pertains to the allocation of an established community fund as a contribution to the purchase of radio communications equipment. For the same reasons there are no climate change and accessibility considerations.


### Discussion Kōrerorero

- 3.8 At the time of writing, the balance of the 2022-23 Discretionary Response Fund is as below.

Total Budget 2022-23	Granted To Date	Returns made to the DRF	Available for allocation	Balance If Staff Recommendation adopted
\$302,768	\$121,692	\$2,000	\$183,076	\$166,707

- 3.9 Based on the current Discretionary Response Fund criteria, the application listed above is eligible for funding.
- 3.10 The attached Decision Matrix provides detailed information for the application. This includes organisational details, project details, financial information and a staff assessment.

### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A 	Decision Matrix - 00064942 - YSAR Trust	22/1569800	52

### Confirmation of Statutory Compliance Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

## Signatories Ngā Kaiwaitohu

<b>Author</b>	Lexie Reuben - Team Leader Community Funding
<b>Approved By</b>	Gary Watson - Manager Community Partnerships & Planning Peter Langbein - Finance Business Partner John Filsell - Head of Community Support and Partnerships Mary Richardson - General Manager Citizens & Community

Item 8



2022/23 DRF METROPOLITAN DECISION MATRIX

Priority Rating

One	Meets all eligibility criteria and contributes <b>significantly</b> to Funding Outcomes and Priorities. Highly recommended for funding.
Two	Meets all eligibility criteria and contributes to Funding Outcomes and Priorities. Recommended for funding.
Three	Meets all eligibility criteria and contributes to Funding Outcomes and Priorities but to a lesser extent than Priority 2 applications. Not recommended for funding.
Four	Meets all eligibility criteria and has minimum contribution to Funding Outcomes and Priorities / Insufficient information provided by applicant (in application and after request from Advisor) / Other funding sources more appropriate. Not recommended for funding.

00064942	<b>Organisation Name</b> YSAR Trust	<b>Name and Description</b> <b>Youth and SAR development Programme Christchurch</b>  YSAR (Youth Search and Rescue) provides adventure-based learning, and environmental education for 14 to18-year-old rangatahi.  They are seeking support to purchase a Portable Repeater and other radio equipment, which would allow for effective communication between course participants and trainers during training and exercises.	<b>Funding History</b>  Nil  <b>Other Sources of Funding</b> Nil.	<b>Request Budget</b>  <b>Total Cost</b> \$115,463 <b>Requested Amount</b> \$50,000 <b>43% percentage requested</b> <b>Contribution Sought Towards:</b> Radio System Equipment - \$50,000	<b>Staff Recommendation</b>  <b>\$16,369</b>  That Council makes a grant of \$16,369 from the 2022-23 Metropolitan Discretionary Response Fund to the YSAR Trust towards the costs of purchasing a Portable Repeater for their development programme.	<b>Priority</b>  <b>2</b>
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Organisation Details:

Service Base:	Christchurch
Legal Status:	Charitable Trust
Established:	15/09/2009
Staff – Paid:	5
Volunteers:	30
Annual Volunteer Hours:	7840
Participants:	650
Target Groups:	Children/Youth
Networks:	LandSAR, Coastguard, NZ Mountain Safety Council, Rescue Helicopter, Tai Poutini Polytechnic, Skills Active, House of Science, AREC, Metservice, Surf Life Saving, Eagle Technology, Civil Defense

Organisation Description/Objectives:

YSAR's core objective is to train young people to become active community volunteers in the search and rescue and civil defence emergency management sector.

Alignment with Council Strategies and Policies

- Strengthening Communities Together Strategy (People 1.4, 1.6; Participation 3.1, 3.4; Preparedness 4.1, 4.2, 4.3);
- Physical Recreation and Sport Strategy (Effective Providers, Funding).

Alignment with Council Funding Outcomes

- Support, develop and promote capacity
- Community participation and awareness
- Increase community engagement
- Enhance community and neighbourhood safety
- Provide community based programmes
- Reduce or overcome barriers

Outcomes that will be achieved through this project

Deliver the YSAR training weekly during school terms,  
Run monthly weekend exercises,  
Host a 5 day camp for the end of year assessments,  
Deliver qualified search and rescue volunteers to the sector.

How Will Participants Be Better Off?

Student will receive mentors, giving them the confidence to grow and shine, and supporting them to develop abilities that you don't learn in a classroom. They will learn how to be responsible for themselves and their actions as both individuals and team. Participants will also grow in their academic capability, receive unit standard qualifications, and benefit from the health, exercise and nutrition training available.

Staff Assessment

YSAR, which previously only operated in Auckland and Tauranga is opening new branches in Wellington, the Waikato, Thames, and Christchurch. The radio equipment applied for is to support the establishment of the Christchurch function, and is essential for the activity of the trust, in communicating with students while they are both in training and running exercises.

The programmes are designed to enable students to gain various external qualifications such as the Duke of Edinburgh award, and the day skipper award. They learn valuable Science, Technology, Engineering and Math skills that contribute to school credits. Those engaged in the programme are often recommended at challenging times in their lives, and learn through the programme to serve a greater purpose beyond their own context. They experience learning outside the classroom, while encouraging personal fitness and mental health, leadership development, and teamwork skills.

Financially, the charity has shown itself to be self-sufficient while delivering its Auckland and Tauranga services. The up-front cost is not covered by annual memberships, and requires a minimum investment before young people can become involved. Longer term, Search and Rescue New Zealand will benefit from this service, by training and growing a skilled diverse workforce that is recognized to have a particular volunteer shortage in a growing sector.

The rationale to recommend to award \$16,369 to YSAR Trust is:

- The impact that the purchase of the Portable Repeater will have on the establishment of the Christchurch YSAR branch
- This application is a one-off, as membership fees will support healthy activity of this group in years to come.
- Furthermore, this grant award will bolster involvement in civic activities in individuals from a young age at key developmental moments, build lifelong skills, contribute to STEM learning, and ultimately support a community sector that is heavily reliant on volunteer participation.



## 9. Councillor Remuneration

Reference / Te Tohutoro: 22/1772967

Report of / Te Pou Matua:	Helen White, Head of Legal & Democratic Services (helen.white@ccc.govt.nz)
General Manager / Pouwhakarae:	Lynn McClelland, Assistant Chief Executive Strategic Policy and Performance (lynn.mcclelland@ccc.govt.nz)

### 1. Nature of Decision or Issue and Report Origin

- 1.1 The council is required to forward to the Remuneration Authority a proposal to allocate the governance remuneration pool.
- 1.2 This is a legislative requirement.
- 1.3 The decisions in this report low significance in relation to the Significance and Engagement Policy. The level of significance was determined by considering the criteria within the Policy. This is because the council is allocating a governance remuneration pool as determined by the Remuneration Authority.

### 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Receives the report.
2. Approves the distribution of the governance remuneration pool for submission to the Remuneration Authority as follows:
  - a. Deputy Mayor (1.15% of Councillor rate) - \$135 294.00
  - b. Councillor \$117 647.00
3. Authorises the Head of Legal & Democratic Services to complete the prescribed documentation for the Remuneration Authority.

### 3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 The recommendation is based on recognising the position of deputy mayor as having additional responsibilities. The allocation of 115% of the councillor remuneration has been the allocation over the last three council terms. Elected members have indicated that they wish to continue with this approach.
- 3.2 The additional responsibilities of the role of deputy mayor include:
  - 3.2.1 Performing the duties and responsibilities of the Mayor during absence, if he is prevented by illness undertaking duties, or if there is a vacancy in the office of the Mayor.
  - 3.2.2 Deputise for the Mayor when he has competing commitments, including chairing meetings, addressing the media, representing the Mayor or council and other duties.
- 3.3 The base remuneration for 15 councillors to be set at \$117 647. 00 per annum representing an equal share of the balance of the pool.

- 3.4 Following the council decision, officers will submit this recommendation along with the required supporting documentation to the Remuneration Authority.
- 3.5 The Remuneration Authority will consider the council's recommendation and issue a determination in late February/March 2023. Changes in remuneration will be back dated until either the day after the member took office and/or appointments were made.
- 3.6 The decision affects all councillors, but not the Mayor or community board members. The remuneration for the Mayor and community board members is set directly by the Remuneration Authority. For this financial year, the Mayor's remuneration is \$200 000.00. The Community boards are remunerated primarily based on population calculations. The range for the chairperson is \$20 305.00 to \$52 077.00 (depending on the board) and for members is \$10 153.00 to \$26 039.00 (depending on the board).
- 3.7 For the avoidance of doubt, councillors are not additionally remunerated for their membership on the community boards.

#### 4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 It is open to the Council to consider that responsibilities, such as chairperson, deputy chairperson, committee memberships or portfolio leads are additional responsibilities deserving of a different level of remuneration.
- 4.2 Separately it has been suggested that the Council could ask for the remuneration pool to be reduced. There is no legal reason why the council could not ask for this, however, it is the view of officers that the chances of success of a reduction to the size of the pool are minimal. That is because the setting of the pool is a matter for the Remuneration Authority after taking into account statutory factors. The Remuneration Authority Act 1977 includes these factors:
  - 4.2.1 The size of the job for governance of the city as a whole
  - 4.2.2 The average time required by members to perform their role (for the council, it is assessed that the role of councillor is a full-time position)
  - 4.2.3 Population
  - 4.2.4 Operational expenditure
  - 4.2.5 Asset base
  - 4.2.6 Socio-economic factors
  - 4.2.7 General comparison with the role of the members of Parliament
- 4.3 In addition to these factors, the Local Government Act 2002 requires the decisions of the Remuneration Authority to include the following considerations:
  - 4.3.1 Minimising the potential to distort behaviour in relation to positions of responsibility
  - 4.3.2 Achieving and maintaining fair relativity across the country
  - 4.3.3 Fairness to both those being remunerated and the rate payer
  - 4.3.4 Attracting and retaining competent persons as elected representatives
- 4.4 It is anticipated by the Remuneration Authority in their online guidance that the role of members may change in year. For example, if there were to be a disaster that increased the scale of the governance of the city, the Remuneration Authority can consider that extraordinary circumstances justify extra responsibilities and a larger remuneration pool.

- 4.5 There is no express guidance that suggests that the Remuneration Authority could reduce the size of the governance remuneration pool either within the current financial year or for future years. However, in order for the Remuneration Authority to comply with their own obligations, it would need to be satisfied that the legal tests for the size of the pool are met and that there is a change that needs to be reassessed and determined. The council would need to forward grounds with reference to the above statutory factors about why the pool should change. For example, providing evidence that the role of the governance of the city has in some way reduced in size.
- 4.6 Officers have considered the above statutory factors and consider that there is no evidence to suggest that the Remuneration Authority could lawfully reduce the size of the governance remuneration pool for this or future years.

## 5. Detail Te Whakamahuki

- 5.1 The Remuneration Authority determines the total governance remuneration pool for the council. The pool is required to be fully allocated.
- 5.2 The Remuneration Authority is the independent statutory body to set the remuneration of elected members of local authorities. The relevant statutes are the Local Government Act 2002 and the Remuneration Authority Act 1977.
- 5.3 The Local Government Members 2022/2023 Determination set for Christchurch City Council:
  - 5.3.1 Remuneration for the Mayor and community board members from 1 July 2022 to 30 June 2023.
  - 5.3.2 Remuneration for councillors from 1 July 2022 until the date elected members come into office following the 2022 local government elections.
  - 5.3.3 A governance pool (\$1 900 000.00 per annum) to be allocated for remuneration between all councillors, including a minimum councillor remuneration (\$100 278.00 per annum). This pool represents a nearly 3% increase in the size of the pool.
- 5.4 An updated determination from the Remuneration Authority is expected in late February/March 2023 and will contain the decision that takes into account the recommendations of the council. It is not automatic that the Remuneration Authority to accept the recommendation of the council.
- 5.5 Once the decision has been gazetted, any increases to the remuneration of councillors will be backdated to the day after they took office.

## 6. Policy Framework Implications Ngā Hīraunga ā- Kaupapa here

### Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This decision relates to the remuneration of councillors.

### Policy Consistency Te Whai Kaupapa here

- 6.2 The decision is consistent with Council's Plans and Policies.

### Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 6.3 The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions. This decision relates to the remuneration of councillors.

## Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

6.4 None.

## Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

6.5 None.

## 7. Resource Implications Ngā Hīraunga Rauemi

### Capex/Opex Ngā Utu Whakahaere

7.1 The governance remuneration pool is operational expenditure that is required to be spent.

### Other He mea anō

7.2 None.

## 8. Legal Implications Ngā Hīraunga ā-Ture

### Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

8.1 This report recommends action that is part of a statutory process.

### Other Legal Implications Ētahi atu Hīraunga-ā-Ture

8.2 The final date for the Remuneration Authority to recommendation is 27 January 2023.

## 9. Risk Management Implications Ngā Hīraunga Tūraru

9.1 Not applicable.

## Attachments Ngā Tāpirihanga

There are no attachments to this report.

In addition to the attached documents, the following background information is available:

Document Name – Location / File Link
Not applicable

## Confirmation of Statutory Compliance Te Whakatūturutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

## Signatories Ngā Kaiwaitohu

<b>Author</b>	Helen White - Head of Legal & Democratic Services
<b>Approved By</b>	Lynn McClelland - Assistant Chief Executive Strategic Policy and Performance



## 10. Review of the Council's Policy for the Appointments and Remuneration of directors of Council Organisations

Reference / Te Tohutoro: 22/1785224

Report of / Te Pou Matua: Leah Scales, General Manager Resources/Chief Financial Officer  
(Leah.Scales@ccc.govt.nz)

General Manager / Pouwhakarae: Leah Scales, General Manager Resources/Chief Financial Officer  
(Leah.Scales@ccc.govt.nz)

### 1. Purpose of Report Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Council to consider proposed amendments to the Council's governance settings in its Policy for the Appointment and Remuneration of Directors of Council Organisations (the Appointments' Policy).
- 1.2 The Original Officer Report (refer to **Attachment A**) was considered by the Council at its meeting on 14 December 2022 and was deferred to 25 January 2023 to enable a workshop to take place.

### 2. Considerations – 14 December 2022

- 2.1 The report was considered by the Council at its meeting on 14 December 2022.
- 2.2 The Mayor Moved a set of updated recommendations which were Seconded by Councillor Barber (refer 1a and 2-14 in section 4 below).
- 2.3 Two foreshadowed motions (refer 1b and 1c in section 4 below) were tabled at the meeting. It was noted that should 1a, 1b or 1c not carry, the status quo would remain.
- 2.4 Foreshadowed Motion 1b was not Moved or Seconded. Councillor MacDonald indicated he would Move Foreshadowed Motion 1c.
- 2.5 During discussions, Councillor Keown put forward a foreshadowed amendment to 1a, should 1a carry. The amendment was in relation to including a noting provision that individuals may choose to donate their fees.
- 2.6 The Council agreed with the Procedural Motion to let the item lie on the table and be deferred to the Council meeting on 25 January 2023 to enable a workshop to take place.

### 3. Original Officer Recommendations

That the Council:

1. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
  - a. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
  - b. Elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
  - c. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
  - d. Require all proposed re-appointments of incumbent directors to be approved by the Council;

- e. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
  - f. Include in core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
  - g. All proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
- 2. Agrees to the treatment of fees to elected members who are appointed to Council-controlled organisation boards as follows:  
EITHER:
  - a. Status quo - fees are not received personally by councillor-directors and Christchurch City Holdings Ltd, ChristchurchNZ Holdings Ltd and Transwaste Canterbury continue to make donations to Tahua Taupua Mayor's Welfare Fund in lieu of councillor-director's fees;OR
  - b. Councillor-directors of Christchurch City Holdings Ltd only be entitled to receive fees personally as recompense for the workload, liabilities and reputational risk faced as directors;OR
  - c. Councillor-directors of all Council-controlled organisations be entitled to receive fees personally as recompense for their governance work on the boards;
- 3. if recommendation 2a. is agreed - EITHER:
  - i. Council-controlled organisations need not donate amounts equal to the fees and can instead retain the value of the fees within the organisation;OR
  - ii. Only commercially profitable Council-controlled organisations donate the value of fees not paid to councillor-directors to the Tahua Taupua Mayor's Welfare Fund or other recipient the Council may choose;OR
  - iii. All Council-controlled organisations, whether profitable or not make donations in lieu of paying fees to the Tahua Taupua Mayor's Welfare Fund, and bear the costs of doing so;OR
  - iv. Councillor-directors who receive fees from Council-controlled organisations as a result of board membership determine and declare the recipients of donations in lieu of fees, but cannot retain the value personally;
- 4. Consider whether to reduce the number of elected member appointments to the ChristchurchNZ Holdings Ltd board from two to one; and
- 5. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.

#### 4. Motions left to lie on the table - 14 December 2022

**Recommendation 1a and 2 to 14 Moved by the Mayor and Seconded by Councillor Barber**



That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards;
2. Requests that CCHL provide an annual donation of the amount equal to the fees otherwise paid to the two Councillor-directors disestablished at the 7 December Council meeting into the Mayor's Welfare Charitable Fund;
3. Notes that there will be two Councillor-directors on each of the boards of Christchurch City Holdings Limited, Christchurch NZ Holdings Ltd and Venues Otautahi.
4. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
5. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
6. Continue to ensure CCHL elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
7. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
8. Require all proposed re-appointments of incumbent directors to be approved by the Council;
9. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
10. Continue to ensure core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
11. Require all proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
12. That CCHL report back as part of their Director fee review this year, the amount of discount applied to the public service element of Directors roles on CCHL and its wholly owned Subsidiaries. As part of this review that CCHL consider an appropriate donation to recognise this discount to the Mayors welfare fund commencing the year ended June 2024.
13. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.
14. To allow the ChristchurchNZ board to carry out its own appointments process, instead of Christchurch City Holdings Limited.

**Foreshadowed Amendment if Recommendation 1(a) is carried**

**Secretarial Note:** Put forward by Councillor Keown

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be

entitled to receive any fees personally as recompense for their governance work on the boards; [noting that individuals may choose to donate their fees.](#)

### **Foreshadowed Motion 1(b) if Recommendation 1(a) is not carried**

**Secretarial Note:** *Not Moved or Seconded*

1. (b) Agrees that if recommendation 1 is not carried, then any elected members who are appointed to the board of Christchurch City Holdings Limited will be entitled to receive any fees personally as recompense for their governance work on the boards;


### **Foreshadowed Motion 1(c) if Recommendation 1(b) is not carried**

**Secretarial Note:** *Indicated to be Moved by Councillor MacDonald*

1. (c) Agrees that elected members who are appointed to Council-controlled organisation boards will be entitled to receive 67% of fees personally as recompense for their governance work on the boards and directs that the remaining 33% will be paid by the respective organisation to the Mayors Welfare Fund.

**Secretarial Note:** *If lost the Status Quo remains.*

## **Attachments Ngā Tāpirihanga**

No.	Title	Reference	Page
A 	Original Officer Report	22/1785243	63

Council  
14 December 2022

Christchurch  
City Council 

## 15. Review of the Council's Policy for the Appointments and Remuneration of directors of Council Organisations

Reference / Te Tohutoro: 22/1642881

Report of / Te Pou Matua: Linda Gibb, Performance Advisor, Resources Group  
(linda.gibb@ccc.govt.nz).

General Manager / Pouwhakarae: Leah Scales, General Manager Resources/Chief Financial Officer  
(Leah.Scales@ccc.govt.nz)

### 1. Nature of Decision or Issue and Report Origin

- 1.1 This report proposes amendments to the Council's governance settings in its Policy for the Appointment and Remuneration of Directors of Council Organisations (the Appointments' Policy).
- 1.2 This report has been written with a view to bringing the Appointments' Policy up to date following its last review in 2017, in recognition that best practice governance as it relates to local government has continued to evolve since that time.
- 1.3 The Appointments' Policy (at **Attachment A**) largely affects Christchurch City Holdings Ltd (CCHL) and its subsidiaries, ChristchurchNZ Holdings Ltd (CNZHL), Venues Ōtautahi (VŌ), Civic Building Ltd and Te Kaha Project Delivery Ltd.
- 1.4 Other Council-controlled organisations (CCOs) – Local Government Funding Agency (LGFA) and Transwaste Canterbury Ltd are excluded from the Appointments' Policy as they each have their own entity-specific appointments' policies and/or practices as a result of their multiple ownership.
- 1.5 Trusts are also exempted from the Appointments' Policy as their governance needs are quite different to those of commercial or quasi-commercial CCOs.
- 1.6 Council staff have reviewed the Appointments' Policy and recommendations are made taken into account the following:
  - decisions made by the Council on 7 December 2022 on the Northington Partners' strategic review of CCHL (NP CCHL strategic review);
  - legislative governance requirements, including Companies Act 1993, Local Government Act 2002 (LGA) and CCO constitutions;
  - Royal Commission on Auckland Governance, 2009;
  - best practice governance settings recommended by independent governance experts (e.g. Institute of Directors (IoD) and Financial Markets Authority (FMA));
  - Office of the Auditor-General (OAG) advice 'Governance and accountability of CCOs' 2015;
  - the appointments' policies and practices of Auckland, Wellington, Dunedin, Queenstown Lakes, Hamilton and Tauranga councils;
  - independent review of the CCHL parent company board, 2021; and
  - advantages and disadvantages of any proposed changes to the Appointments' Policy's governance settings.

Council  
14 December 2022



- 1.7 At its meeting on 7 December 2022, the Council resolved to reduce the number of Councillor-directors on the CCHL board, from four to two, based on the NP CCHL strategic review recommendations.
- 1.8 This in turn raises the question as to whether the number of councillor-directors on the CNZHL board should also be reconsidered. There are currently two, but could be reduced to one. Staff assume that the three councillor-directors on the Civic Building Ltd board would be retained given there are no independent directors and the one councillor-director on the VÖ board would also be retained.
- 1.9 In 2020, the Council's Legal Services Unit sought a declaration from the OAG as to the ability of all councillors, whether directors of CCHL or other Council organisations or not, to vote participate in decision-making regarding the Appointments' Policy. The OAG advised that all members of the governing body of the Council could participate on the grounds that it is in the interests of the electors or inhabitants of the area (Christchurch) that they be allowed to do so. The OAG's advice is at **Attachment B**. The Legal Services Unit has sought the OAG's confirmation that this advice remains valid and will update the Council at the meeting.
- 1.10 The decisions in this report are of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by assessing the extent to which the decisions might impact the community.

## 2. Officer Recommendations Ngā Tūtohu

That the Council:

1. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
  - a. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
  - b. Elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
  - c. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
  - d. Require all proposed re-appointments of incumbent directors to be approved by the Council;
  - e. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
  - f. Include in core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
  - g. All proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
2. Agrees to the treatment of fees to elected members who are appointed to Council-controlled organisation boards as follows:

EITHER:

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- a. Status quo - fees are not received personally by councillor-directors and Christchurch City Holdings Ltd, ChristchurchNZ Holdings Ltd and Transwaste Canterbury continue to make donations to Tahua Taupua Mayor's Welfare Fund in lieu of councillor-director's fees;  
OR
  - b. Councillor-directors of Christchurch City Holdings Ltd only be entitled to receive fees personally as recompense for the workload, liabilities and reputational risk faced as directors;
  - c. OR
  - d. Councillor-directors of all Council-controlled organisations be entitled to receive fees personally as recompense for their governance work on the boards;
3. if recommendation 2a. is agreed - EITHER:
- i. Council-controlled organisations need not donate amounts equal to the fees and can instead retain the value of the fees within the organisation;  
OR
  - ii. Only commercially profitable Council-controlled organisations donate the value of fees not paid to councillor-directors to the Tahua Taupua Mayor's Welfare Fund or other recipient the Council may choose;  
OR
  - iii. All Council-controlled organisations, whether profitable or not make donations in lieu of paying fees to the Tahua Taupua Mayor's Welfare Fund, and bear the costs of doing so;  
OR
  - iv. Councillor-directors who receive fees from Council-controlled organisations as a result of board membership determine and declare the recipients of donations in lieu of fees, but cannot retain the value personally;
4. Consider whether to reduce the number of elected member appointments to the ChristchurchNZ Holdings Ltd board from two to one; and
5. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.

### 3. Reason for Report Recommendations Ngā Take mō te Whakatau

- 3.1 To ensure the Council is adhering to best practice governance (in the local government context) principles to the greatest extent possible.

### 4. Alternative Options Considered Ētahi atu Kōwhiringa

- 4.1 The only alternative option is to retain the status quo, which is less reflective of contemporary best practice governance.



## 5. Detail Te Whakamahuki

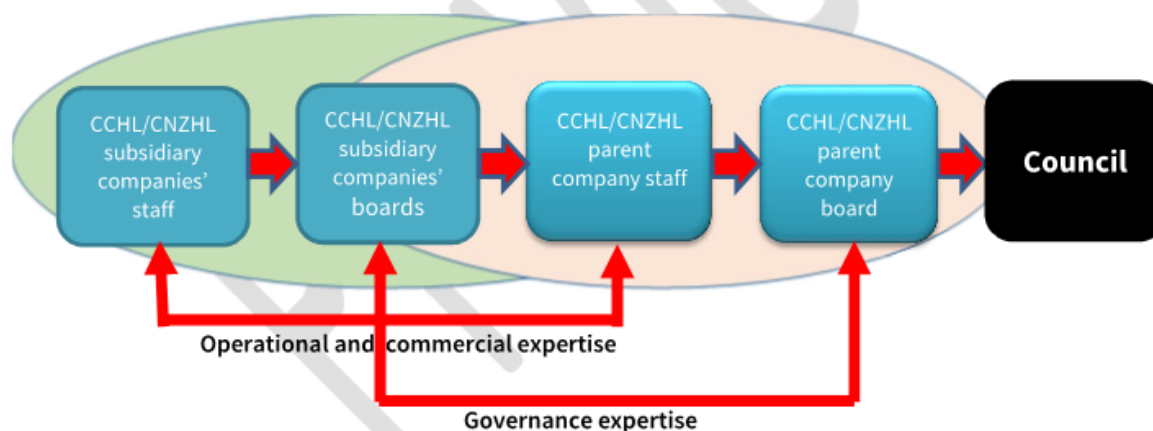
### Background

#### Legal

- 5.1 Section 57(1) of the LGA requires a local authority to adopt a policy that sets out an objective and transparent process for:
- (a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation (CO); and
  - (b) the appointment of directors to a CO; and
  - (c) the remuneration of directors of a CO.
- 5.2 Section 57(2) of the LGA provides that a local authority may appoint a person to be a director of a CO only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to guide the organisation, given the nature and scope of its activities and contribute to the achievement of the objectives of the organisation.
- 5.3 Section 57(3) requires that when identifying the skills, knowledge, and experience required of directors of a CCO, the local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of that CCO. This was a new requirement added in at the time of the 2019 LGA amendments and will be included in the revised Appointments' Policy.

#### Holding companies

- 5.4 The diagram over the page shows the holding company, subsidiaries and Council relationship.



- 5.5 The OAG notes in its 2015 'Governance and accountability of CCOs' report the following relating to holding companies:
- "there is a view that the potential for conflict between a councillor-director's interests and responsibilities as a councillor and as a CCO director is reduced where the councillor is a director of a CCO holding company. The reasoning is that the holding company will be focussed on managing the local authority's investment in its CCOs, rather than on the specific business of each CCO. However, a director of a holding company has a particular need for business acumen and governance experience".*
- 5.6 For the holding company model to be effective, it is important that the parent company has the mandate to act as would an ordinary shareholder (to the greatest extent possible), and that the Council limits its interventions to those that are of the utmost importance.

- 5.7 For CCHL and CNZHL, their governance decision-making without Council involvement relates to their subsidiary boards - re-appointment of directors, appointment of the boards' chairs and remuneration of subsidiary boards' directors. The only subsidiary board-related decisions not made by the parent company boards is the appointment of new directors which is retained by the Council.
- 5.8 In addition, the Council has the decision rights for new appointments, re-appointments, chair appointment and remuneration of directors to the parent company boards.
- 5.9 While on one hand, CCHL has responsibility for a number of the key governance decisions, it also has accountability for the effectiveness of those arrangements across the group. The accountability can be characterised as being for the overall performance of the group in meeting shareholders' expectations, including commercial returns on capital invested and social, environmental and cultural outcomes.
- 5.10 Dunedin City Holdings Ltd (DCHL) is Dunedin City Council's (DCC's) holdings company for its commercial investments. Most of the governance decision-making is the same across the two councils and holding companies but with two key exceptions - DCC prohibits councillors from being appointed to the DCHL and its subsidiaries' boards and DCC approves re-appointments of directors (all independent) to the DCHL board.
- 5.11 DCC's Appointments' Policy also provides two clear differences in the holding company framework - directors of DCHL are also the directors of its subsidiaries and the DCC is more actively involved in the appointments' process.

### Appointments' Policy

- 5.12 Recognising that in general elected members and Council staff are very unlikely to have the in-depth knowledge and understanding of the subsidiaries' businesses, and likely other core governance skills and capability, the following clauses are in the Appointments' Policy:
- clause 8.3 – CCHL has responsibility for the appointment of directors to its subsidiaries, Civic Building Ltd, Venues Ōtautahi and CNZHL; and
  - clause 8.14 - elected members are not eligible for appointment to CCOs other than the CCHL parent company unless there are compelling reasons for the Council deciding otherwise, or it is provided for in an entity's constitution, rules or specific legislation.
- 5.13 In effect, the Appointments' Policy is, or should be an articulation of the Council's views of good governance practices in the local government context. To the extent possible, it should seek to mimic governance outcomes in the private sector. The OAG, in its 2015 report entitled "Governance and accountability of CCOs" advises that a local authority's Appointments' Policy should cover those matters shown in the following table:

Policy inclusion	CCC Policy
Who is eligible for appointment (or who is not eligible)	✓
Process for identifying which skills appointees should have	✓
How candidates will be identified	✓
How candidates' skills will be assessed	✓
Composition of the appointments' panel	✓
Role of the board chair	✓
Remuneration of directors	✓

#### Governance fundamentals

- 5.14 Governance commentators generally note that a company's compliance with strong governance practices can lead to a lower cost of capital, higher company value as well as better performance in meeting other corporate objectives, for example sustainability and community outcomes.
- 5.15 Key characteristics of good boards include:
- it is an optimal size for the company's size, nature, diversity and complexity;
  - its members have an appropriate mix of skills and expertise between them to govern the business including navigating the challenges that are emerging for the future;
  - remuneration is fair and equitable;
  - conflicts of interest, if any are minimal; and
  - the roles of shareholders, the board and management are clear and relationships between them are respectful.
- 5.16 The extent to which value could be adversely impacted by sub-optimal board arrangements should not be under-estimated, given the total value of CCHL's assets of circa \$5 billion and issued debt securities of around \$2 billion.
- 5.17 For the most part, the settings the Council has reflect good governance practice. Each of the issues that have been explored as part of the review of the Appointments' Policy follow.

#### Appointment of elected members to CCO boards

- 5.18 In the local authority context, it is likely the most common reasons for appointing councillors to CCO boards are to allow them to influence the strategic direction of the CCO and/or to provide the Council with an inside view of what the CCO is doing. Neither of these objectives require board membership. There are ex-ante accountability processes that allow shareholders to influence the strategic direction of the CCO (Letter of Expectations, Statement of Intent (SOI)) and ex-post statutory reporting obligations which, coupled with a robust council monitoring function should provide these opportunities in a more transparent way.
- 5.19 At its meeting on 7 December 2022, the Council resolved to reduce the number of Councillor-directors on the CCHL board, from four to two, based on the NP CCHL strategic review recommendations. Among a number of reasons that NP notes in favour of reducing councillor-director representation on the CCHL board is that they potentially have less time to commit to CCHL leading to unequal workloads among directors and that not all councillor-directors have the skills and experience for the CCHL governance role.
- 5.20 This in turn raises the question as to whether the number of councillor-directors on the CNZHL board should also be reconsidered. There are currently two, but could be reduced to one. Staff assume that the three councillor-directors on the Civic Building Ltd board would be retained given there are no independent directors and the one councillor-director on the VÖ board would also be retained.

#### Independent advice

- 5.21 From a variety of research, the following summarises various positions on the matter of councillors being appointed to boards:

**OAG, 'Governance and accountability of CCOs' 2015** – appointing elected members to CCO boards should be the exception and any appointments should be open and transparent, and subject to the same selection criteria as for independent directors. As part of its work culminating in the report, the OAG engaged with independent directors of CCO boards.



The OAG's report notes the following:

- most independent directors and CCO board chairs believed that the disadvantages of councillor appointments outweigh the benefits;
- acknowledgement of the argument that elected members can make a contribution to CCO governance and that councillor-directors may add value to a board by being a Council voice, by ensuring the CCO's objectives are aligned to those of the local authority and by providing community perspective;
- however a councillor-director must have the necessary skills and experience to contribute fully to the governance of the CCO;
- effective monitoring and oversight, including setting clear expectations about the CCO's purpose and strategic alignment should obviate any need for councillor-directors to provide an additional layer of oversight; and
- many of the advantages and disadvantages will apply also to staff being appointed as directors, exacerbated by the real potential for a manager's role as adviser to the council to conflict with his or her obligations to the CCO as a director.

**Royal Commission on Auckland Governance, 2009** - the size of the CCOs - Watercare, Auckland Transport, Panuku Development, Regional Facilities - requires the very highest standards of governance practice and commercial directors of the highest quality; and councillors or council staff should not be able to be appointed to the CCO boards.

Section 93 of the Local Government (Auckland Council) Act 2009 prohibits councillors and local board members from appointment as directors of substantive CCOs, other than to Auckland Transport which Auckland Council can appoint two members to. It is unclear why this exception was made. However, the Review of Auckland Council's CCOs in July 2020 noted that Auckland Council has not made any appointments to Auckland Transport since 2016 (p.30).

**FMA's** 'Corporate Governance Handbook' 2018 provides guidelines that include directors should be selected and appointed using rigorous, formal processes designed to give the board a range of relevant skills and experience; and all directors should, except as permitted by law and disclosed to shareholders, act in the entity's best interests.

**IoD**, in its publication 'Four pillars of Governance Best Practice' 2021 the IoD notes that:

- board composition is a major consideration for the effectiveness and performance of the board (p.82);
- the composition of the board is the deciding factor in its success (p.82); and
- directors are required to act in the best interests of the company by law, fiduciary duty and best practice in corporate governance (p.100).

- 5.22 The following is extracted from the NP CCHL strategic review, presenting the advantages and disadvantages/risks of having councillor-directors on the CCHL board:

Advantages of having Councillor Directors at CCHL	Disadvantages / Risks of having Councillor Directors at CCHL
Provides a direct link between Council and CCHL, supporting a consistent, clear local authority view at CCHL.	No guarantee that skills and experience of Councillors is suited to CCHL governance role.
Ensures Council perspective at CCHL regarding council processes that might be relevant to a decision at CCHL.	Councillor directors may face potential difficulties reconciling their roles as both a Councillor and a CCHL Director.
Potential to improve CCHL's responsiveness to community views.	Councillor directors are considered conflicted and excluded from Council discussions and decisions regarding CCHL.
	Councillor directors potentially have less time to commit to CCHL - unequal workloads among directors.

- 5.23 NP notes that "on balance, we believe that the benefits of having councillor-directors on the CCHL board can be achieved through having a smaller number of councillor appointees".
- 5.24 Staff recommend that the Council considers whether councillor-directors on the CNZHL board be reduced from two, to one. In part this reflects the need the company has for a suite of strong financial, economic, commercial, place making and urban development skills and expertise at the board level as its functions have grown as an expanded economic development agency.

#### Benchmarking with other councils

- 5.25 A selection of other councils' appointments' policies and practices were reviewed (from information on their websites) including Auckland, Wellington, Hamilton, Tauranga and Dunedin and Queenstown Lakes.
- 5.26 Their respective policies and practices are shown in the following table:

Council	Appointments' Policy - councillors on CCO boards	Practice - councillors on CCO boards
Auckland	Auckland Transport only.	None, including Auckland Transport. Liaison councillors have been appointed for each substantive CCO.
Dunedin City	No.	None.
Hamilton City	No, unless exceptional circumstances.	None.
Queenstown Lakes District	Yes.	None.
Tauranga City	No, unless exceptional circumstances.	None - the council is run by a commissioner and so there are no elected members. The CE is appointed to a JV CCO for shared services between nine Bay of Plenty councils.
Wellington City	Yes*.	Yes (excl WellingtonNZ).

\*Wellington City Council provides for two councillors on boards that have more than four directors, and one councillor for boards with four or less.

#### Appointment of Council staff to CCO boards

- 5.27 The Appointments' Policy provides for a staff member of a local authority to be appointed to a CO board and to the CCHL parent board. It is silent with respect to CCOs but as it prohibits councillors from being appointed to CCO boards, it is assumed this applies to staff also.

- 5.28 The OAG's report (2015) notes that many of the same advantages and disadvantages of councillor-directors apply also to local authority managers as directors. The conflict of interest between being on one hand the monitor and on the other, the monitored is a real risk. In a 2001 report, the OAG said that to ensure the local authority's chief executive is able to discharge his/her advisory responsibilities he/she should take no part in the internal governance of subsidiary entities so that he/she remains independent when assessing entity performance against expectations and in providing strategic advice to the council. This applies also to local authority employees, and therefore they "should not, as a rule sit on the governing bodies of such organisations" (p. 18/19 of OAG report Local Authority Governance of Subsidiary Entities, 2001).
- 5.29 The Royal Commission on Auckland Governance advised that to avoid conflict of interest concerns, the Commission considers that Auckland Council employees and those of its COs and CCOs and councillors should be prohibited from appointment to Auckland Council COs and CCO boards (p.469).
- 5.30 The Council has seldom appointed staff to CO and CCO boards. A key exception is the Chief Executive who has been appointed as a director of the Council's shelf CCOs – CCC One Ltd, CCC Five Ltd, CCC Seven Ltd and Ellerslie International Flower Show Limited. These CCOs are not operational, and as soon as they become so, new directors are appointed.
- 5.31 Staff consider that the shelf company arrangement is practical and should continue, but that staff should not be appointed to any CCOs. As with the elected member appointment clause 8.14 in the Appointments' Policy, the condition "unless the Council decides otherwise" would be included for flexibility.

#### **Auckland council's 'liaison councillor' roles**

- 5.32 The 2020 review of Auckland Council's CCOs notes that Council has appointed 'liaison councillors' for each of its substantive CCOs in an effort to improve the relationship between CCOs and the council and also improve the flow of timely information between the two. The five liaison councillors have a range of options available to them to carry out their role, including attending some or all board meetings, attending committee meetings (such as audit and risk) and meeting the chair and/or chief executive from time to time (page 50).
- 5.33 The review advised "we are not convinced about the usefulness of the role of liaison councillor because, like the Auditor-General, we think the role of observer is "unlikely to add anything" if effective monitoring and good council-CCO relationships are in place" (p.64).

#### **Remuneration of councillor-directors**

- 5.34 The Council's current policy is that councillor-directors do not benefit personally from their roles on CCO boards to ensure even-handed treatment with other councillors who participate on the Council's committees, panels, and non-CCO organisations, all of which do not pay fees.
- 5.35 The Council has required some CCOs with councillor-directors to donate an amount equal to the fees to the Tahua Taupua Mayor's Welfare Fund Charitable Trust. This was considered to be a fairer way of making the fees available to priority council spending requirements, as opposed to having the few councillor-directors getting personal benefit or donating to their individual specific causes.
- 5.36 The only CCOs that donate under the Appointments' Policy are CCHL and Transwaste Canterbury both of which are commercially profitable, and CNZHL which, in effect donates from the Council's annual funding. Other CCOs do not pay fees to their councillor-directors (VÖ, CBL, trusts). For the year ending 30 June 2022, the donations in lieu of fees totalled \$291,600. With the reduction of two councillor-directors on the CCHL board, the donations

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- will reduce to \$194,700. If the CNZHL board was to have one fewer councillor-directors, the donations would reduce further to \$158,700.
- 5.37 The OAG in its 2015 report 'Governance and accountability of CCOs' commented that "the usual practice is that councillor-directors receive directors' remuneration in addition to their remuneration as councillors. A CCO director is responsible for the governance of the CCO. The position, if discharged properly, involves work, so remuneration is appropriate".
- 5.38 In its strategic review, NP noted that "all directors should receive fees for their services, obligations and liabilities" (page 55).
- 5.39 Of the other councils surveyed, none provided for councillor-directors to receive fees, noting however that most do not permit the appointment of councillors to director positions in any event. Wellington City Council (which does allow for councillors to be appointed to boards all of which are relatively minor) requires fees to be remitted back to the Council.
- 5.40 Several key points for noting include:
- Directors attract liabilities and obligations, as well as potential reputational damage that members of panels, committees and other non-corporate organisations do not. Some of the financial risk can be managed by directors' and officer's liability insurance but not all (e.g. improper activity and unjustified decision-making). There is therefore an argument of there being some legitimate call for remuneration to be awarded.
  - Transwaste does not donate councillor-director fees itself, preferring to treat all of its directors the same. The councillor-director donates the fees received to the Tahua Taupua Mayor's Welfare Fund Charitable Trust, in accordance with Council policy.
  - If councillor-directors are to be paid fees for their directorships (and retain them personally), donations of \$194,700 (plus \$96,000 already forgone as a result of the 7 December Council resolutions on the NP CCHL strategic review) would no longer be made to the Tahua Taupua Mayor's Welfare Fund Charitable Trust.
  - If councillor-directors in principle are to be able to retain fees for director positions, the Council is likely to come under pressure to both:
    - fund fees for councillor-directors of unprofitable CCOs (or allow them to reduce other organisational expenditure to fund the fees); and
    - fund fees for councillors participating on other council external bodies (e.g. panels and committees).
- 5.41 This matter is one for Councillors' discretion. However, in the event the donation of fees continues, it is proposed that it apply only to CCHL on the basis that it is governing \$5 billion of assets and \$2 billion of debt, and is highly visible to the public and the potential governance risks that go with that. If this is accepted, the other CCOs with councillor-directors would neither pay fees nor make donations in lieu of payment since these donations are not made from commercial profits.

## Appointments

### Diversity

- 5.42 The Appointments' Policy provides that the assessment of candidates as directors of its CCOs must take into account encouraging diversity, the CCO's objectives, the CCO's relationship with the Council and succession planning.
- 5.43 The Council has in recent years sought an increase in the diversity of its CCO boards. To date the focus of most boards has been on gender diversity. The IOD, in its 2021 edition of its Four

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Pillars publication notes that boards are at their best when they are distinguished by diversity of thought and capability. Diversity goes beyond gender to include ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience (refer page 83). This said, the IOD is very clear that demonstrated competency is above all else when considering board appointments.

- 5.44 The Council may wish to provide more specification of its expectations regarding diversity on boards that is consistent with the IOD's advice.

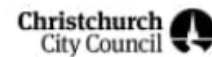
**New directors**

- 5.45 CCHL is charged with running appointment processes for its group of companies, CNZHL and VŌ and any other of the Council's CCOs that the Council may request it to from time to time.
- 5.46 The Appointments' Policy requires a specialist panel/committee to be established (with Council approval as to membership) to undertake the work necessary to make recommendations for director appointments, including identifying the membership requirements of the boards and assessing the skills, knowledge and experience of director candidates (the core skills, knowledge and experience for director appointees to CCOs are identified in the Appointments' Policy).
- 5.47 The Council is the final decision-maker on the appointment of new directors to all CCOs, including CCHL's subsidiaries.
- 5.48 The Council might wish to consider whether CCHL should be asked to provide a short list of suitable candidates for Council selection. However, the disadvantages of this may outweigh the benefits by bringing political considerations into what is mostly a commercial decision.
- 5.49 Staff consider that what is important is that there is a robust process conducted to identify preferred director candidates. Councillors and staff are in no better position than the CCHL board to determine the most appropriate candidate for a director role.

**Chair**

- 5.50 The following examples underpin decisions of who should appoint the board chair:
- schedule 3 of the Companies Act 1993 provides that directors may elect one of their number as chair of the board;
  - the Crown appoints the chair and deputy to State-owned Enterprise (SOE) boards;
  - the parent board of a SOI appoints directors to its subsidiaries;
  - of the councils surveyed, two did not include any provisions in their appointments' policies for chairs of CCO boards, Auckland Council's substantive CCO boards appoint chairs, and the other councils in the survey approve chair appointments; and
  - the IOD's constitution provides for the board to appoint the chair and deputy.
- 5.51 The Council appoints the chair of the boards of its directly-owned CCOs including the CCHL parent. The CCHL board appoints the chairs of its subsidiaries' boards). Any change in these settings will require a shareholders' resolution to amend the constitution.
- 5.52 In practice, CCHL notifies the Council when it is proposing an external appointment to the role of chair or chair-elect.
- 5.53 Currently there is a requirement for an external appointee to the position of chair to serve at least one year on the board before taking on the chair role. This requirement does not recognise that directors bring different experience with them and some may be more ready and able than others to take up the chair role immediately.

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- 5.54 Staff propose that the Appointments' Policy is amended to reflect the status quo with respect to chair appointments, for the purposes of clarity and that the requirement for a one year lead time to take on a board's chair role is removed.

**Re-appointments**

- 5.55 CCHL has the right to re-appoint directors to the organisations it has appointments' responsibility for. The Appointments' Policy provides that matters to be considered when deciding about a re-appointment are whether the skills of the incumbent add value to the work of the governing body or other skills are needed, the director's length of tenure to date and succession planning.
- 5.56 Of the other councils surveyed, only Queenstown Lakes does not require Council approval to re-appointments (possibly as the committee making the recommendation includes the Mayor and a councillor). Two of the councils did not address re-appointments in their policies.
- 5.57 The Crown approves re-appointments to State-owned Enterprise (SOE) boards.
- 5.58 Staff consider it appropriate that the Council, as shareholder has the right to consider re-appointments to its CCOs and to CCHL's subsidiary companies in the same way it has the right to approve new appointments.

**Terms of appointment**

- 5.59 The Appointments' Policy provides that CCO directors can serve up to three terms of three years each, with a fourth at the Council's discretion. It also provides that a director who is appointed as chair in his/her third term may serve two further terms in that role.
- 5.60 There is no definitive guidance as to how many terms constitute good practice. Many commentators instead advise the importance of striking a balance between institutional knowledge and fresh thinking, as well as ensuring the board has the right mix of skills.
- 5.61 Of the councils surveyed, most provide for two terms of three years with a third if advisable. Dunedin City and Queenstown Lakes' councils provide for three terms of three years. The Crown's policy is two terms of three years each for SOEs and further terms where there is a strong business need.
- 5.62 The IoD's constitution provides a maximum of nine years continuous tenure for its directors.
- 5.63 Staff consider that two terms of three years each facilitates the board being refreshed more regularly, which may help with goals such as achieving diversity of membership, creating flexibility for the board to bring on new skills and competencies in line with emerging issues, trends or demands. It may also over time deepen the pool of capable directors in general.
- 5.64 The downside of reducing the number of terms could be the early loss of experience and knowledge that is highly valued by a board, and potential directors preferring to seek the certainty of longer tenure from other boards. There would also be higher administration costs incurred in running appointments' processes more frequently.
- 5.65 Staff recommend that on balance, two terms of three years with a third if the Council consider it appropriate is preferable.



### Core skills and expertise sought

Staff have reviewed the core skills and expertise sought by the Council in all appointments to its CCO boards, as well as those sets that other councils seek. This leads to a recommendation for three additional competencies, as shown in the shaded rows:

Core skills and competencies for directors	CCC	NZ Treasury	Auckland Council – substantive CCOs	Dunedin City Holdings Ltd	IOD
Sound judgement and decision-making including common sense and strong sense of ethics	✓	✓	✓	✓	✓
Public sector ethos including adapting to the political context of the day	✓		✓	✓	✓
High standard of personal integrity	✓	✓	✓	✓	✓
Commercial and governance experience, including commercial acumen and financial literacy	✓	✓	✓	✓	✓
Clear communications skills and ability to debate in reasoned manner	✓	✓	✓	✓	✓
Effective teamwork and collaboration	✓	✓	✓	✓	✓
Ability to think strategically including organisational and strategic awareness	✓	✓	✓		✓
Risk assessment and contingency management	✓		✓	✓	✓
Commitment to principles of good corporate citizenship (fairness, accountability, responsibility, transparency)	✓		✓	✓	
Understanding of wider interests of the Council/ Crown as a publicly accountable shareholder	✓	✓	✓	✓	
Sector knowledge relevant to the specific board opportunity		✓			✓
Confidence to ask questions		✓			✓
Awareness of a public media profile			✓	✓	
Understanding and commitment to the Council's obligation to Te Tiriti o Waitangi			✓	✓	
Intellectual ability				✓	
Commitment to knowledge building and professional development					✓
Reliability and dependability					✓

- 5.66 It is important that the core skills and competencies sought are not overly prescribed so as to create a barrier to achieving good appointments. Most of the requirements that the Council (and other councils) have not included as core competencies are in fact intrinsic to several that are – for example, intellectual ability and confidence to ask questions are included in commercial and governance experience, strategic thinking, and risk assessment. Commitment to Te Tiriti o Waitangi is highly correlated to 'understanding of wider interests of the Council (Crown) as a publicly accountable shareholder'. Reliability and dependability is linked to a high standard of personal integrity and effective teamwork and collaboration.
- 5.67 Nevertheless staff consider the three shaded competencies could usefully be added to the Council's expectations of core skills and competencies.

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- 5.68 Staff also recommend that proposals for appointments to boards should be supported with a skills and competencies matrix for the board which demonstrates the balance held by the incumbent directors and how the candidate adds value to that board.

## 6. Policy Framework Implications Ngā Hīraunga ā- Kaupapa here

### Strategic Alignment Te Rautaki Tīaroaro

- 6.1 This report is consistent with the Council's commitment to good governance of its CCOs. This is aligned to the efficient delivery of the outcomes sought by the [Council's Long Term Plan \(2021 - 2031\)](#).

### Policy Consistency Te Whai Kaupapa here

- 6.2 The decision relates directly to the Council's Plans and Policies – the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations.
- 6.3 This report does not support the [Council's Long Term Plan \(2021 - 2031\)](#).

### Impact on Mana Whenua Ngā Whai Take Mana Whenua

- 6.4 The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions.
- 6.5 The decision does not involve a matter of interest to Mana Whenua and will not impact on our agreed partnership priorities with Ngā Papatipu Rūnanga.
- 6.6 The recommendations in this report are of a governance nature, although some touch on issues such as including in the core skills and capabilities sought from CCO directors an understanding and commitment to the Council's obligation to Te Tiriti o Waitangi (in addition to the LGA's provision that a local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of a CCO (section 57(3))).

### Climate Change Impact Considerations Ngā Whai Whakaaro mā te Āhuarangi

- 6.7 Not relevant.

### Accessibility Considerations Ngā Whai Whakaaro mā te Hunga Hauā

- 6.8 Not relevant.

## 7. Resource Implications Ngā Hīraunga Rauemi

### Capex/Opex Ngā Utu Whakahaere

- 7.1 Cost to Implement – there are no material direct costs of implementing the recommendations in this paper.
- 7.2 Maintenance/Ongoing costs – nil.
- 7.3 Funding Source – not required.

### Other He mea anō

- 7.4 Not applicable.


## 8. Legal Implications Ngā Hīraunga ā-Ture

### Statutory power to undertake proposals in the report Te Manatū Whakahaere Kaupapa

- 8.1 Section 57(1) of the LGA requires a local authority to adopt a policy that sets out an objective and transparent process for appointing directors to Council organisations.



Council  
14 December 2022

Christchurch  
City Council 

#### Other Legal Implications Ētahi atu Hīraunga-ā-Ture

- 8.2 Other corporate legislation such as the Companies Act 1993 and CCO constitutions provide governance guidance that contributes toward this policy.

### 9. Risk Management Implications Ngā Hīraunga Tūraru

- 9.1 Ensuring the Appointments' Policy reflects contemporary good practice governance minimises the risks associated with the CCO businesses.

#### Attachments Ngā Tāpirihanga

No.	Title	Reference	Page
A	Council's Policy for the Appointments and Remuneration of Directors of Council Organisations	22/1724580	
B	OAG Declaration 2020	22/1722059	

In addition to the attached documents, the following background information is available:

Document Name – Location / File Link
Not applicable

#### Confirmation of Statutory Compliance Te Whakatūturutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

#### Signatories Ngā Kaiwaitohu

Author	Linda Gibb - Performance Monitoring Advisor CCO
Approved By	Leah Scales - General Manager Resources/Chief Financial Officer

## CHRISTCHURCH CITY COUNCIL

### POLICY FOR THE APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS

#### 1. PURPOSE

- 1.1. The Council will appoint a person to be a director of a Council Organisation only if the person has, in the opinion of the Council, the required skills, knowledge, and experience to guide the organisation and contribute to the achievement of its objectives (s.57(2) Local Government Act 2002).
- 1.2. For the purpose of achieving that outcome, and as required by the Act, this policy sets out objectives and transparent processes for:
  - (a) identifying and considering the skills, knowledge, and experience required of directors of Council Organisations;
  - (b) appointing directors to Council Organisations;
  - (c) setting remuneration levels;

#### 2. OBJECTIVE

- 2.1. The Council's objective, through the implementation of this policy, is the appointment of the best person for each role, based on merit.

#### 3. DEFINITIONS

- 3.1. S. 6 of the LGA 2002 contains statutory definitions that are relevant to the policy, and which are summarised below:

##### (a) Council Organisation

A Company in which the Council holds or controls shares, or has the right to appoint 1 or more directors.

An entity in which the Council controls 1 or more of the votes at any meeting of the members or controlling body of the entity, or the right to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.

The control of shares or votes, or the right of appointment may be direct or indirect (i.e. through the Council's interest in another company or entity).

##### (b) Council-controlled Organisation

A Company in which the Council holds or controls 50% or more of the shares, or has the right to appoint half or more of the directors.

An entity in which the Council controls 50% or more of the votes at any meeting of the members or controlling body of the entity, or the right to appoint half or more of the trustees, directors, or managers (however described) of the entity.

The control of shares or votes, or the right of appointment, may be direct or indirect (i.e. through the Council's interest in another company or entity).

(c) **Council-controlled Trading Organisation**

A Council-controlled Organisation which operates a trading undertaking for the purpose of making a profit.

(d) **Entity**

For the purposes of the LGA 2002 (and this policy) an entity may be any partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, or other similar arrangement. It does not include a company, committee, or joint committee of the Council.

If a Council Organisation is not a company, references relating to that entity are further defined as follows:

- (i) equity securities include any form of voting rights;
- (ii) the directors and the board include trustees, managers, members, or office holders (however described);
- (iii) shareholders include any partners, joint venture partners, members, or other persons holding equity securities; and
- (iv) the constitution includes any rules or other documents constituting the organisation or governing its activities;

(e) **Organisations that are not Council-controlled Organisations**

S.6(4) of the LGA 2002 lists a number of entities that are not Council-controlled Organisations, even though 50% of their shares may be held or controlled by a local authority. These include an energy company within the meaning of the Energy Companies Act 1992 and a port company within the meaning of the Port Companies Act 1988.

Orion New Zealand Ltd is an energy company, and Lyttelton Port Company Ltd is a port company. The Council, through CCHL, holds all or the majority of shares in these two companies.

**4. OTHER RELEVANT LEGISLATION**

- 4.1. In addition to this policy, the appointment and re-appointment of directors to Council Organisations are governed by their respective constitutions, trust deeds or, in some cases specific legislation. In the event of a conflict, the regulatory requirements of those documents take precedence over this policy.

- 4.2. Where Council Organisations are jointly owned with other entities governance arrangements may be established through shareholder agreements or other documentation. These also take precedence over this policy.

## 5. POLICY STRUCTURE

- 5.1. There are four parts to the policy:

- Part One: appointments to Council Organisations that are not Council-controlled Organisations;
- Part Two: appointments to Christchurch City Holdings Ltd (CCHL);
- Part Three: appointments to other Council-controlled Organisations;
- Part Four: remuneration;

## 6. PART ONE - APPOINTMENTS TO COUNCIL ORGANISATIONS

- 6.1. The Council has a minority interest in numerous Council Organisations. This may have been sought by the Council, or requested by the organisation. In some cases, the Council's involvement may be a statutory requirement or provided for in the organisation's founding document (such as a trust deed, rules, or constitution).
- 6.2. As soon as practicable after each local body triennial election, the Council will establish a panel, to be known as the Council Organisation Appointments Panel, for the purpose of recommending elected members and others to Council Organisations. Members of the Panel will be the Mayor and the Deputy Mayor (or their nominees).
- 6.3. Before considering an appointment, the Panel will determine whether there is a benefit to the Council being represented on the governing body of the organisation.
- 6.4. The Panel will call for expressions of interest from all elected members, including Community Board members if the Panel considers this appropriate. Potential appointees will be assessed against the skills, knowledge, and experience the Panel has determined are required for each position.
- 6.5. The Panel will report its recommendations to the Council to enable appointments to be made in a timely manner.
- 6.6. Council officers, in their capacity as employees of the Council, may be appointed to a Council Organisation, with the approval of the Chief Executive. This will usually be for the purpose of ensuring the Council's interests are monitored and managed.
- 6.7. Officer appointments will be deemed to be part of that officer's normal duties and will lapse on completion of his or her employment with the Council, or earlier at the direction of the Chief Executive.

**7. PART TWO – APPOINTMENTS TO CHRISTCHURCH CITY HOLDINGS LTD (CCHL)**

**Background**

- 7.1. CCHL's constitution contains a number of provisions relating to the appointment of directors.
- 7.2. For example, the size of the board may not be fewer than three nor more than eight, subject to the Council determining otherwise. Currently the Council has decided there should be eight, comprising the Mayor, three Councillors, and four Non-Council directors.
- 7.3. A Council director is defined as a Council member, Community Board member, or an employee of a Local Authority.
- 7.4. The Council is entitled to appoint and remove any person as a director. At least two members of the board must be Non-Council directors.
- 7.5. The constitution also requires Council directors of CCHL to retire on a date specified by the Council, but which must be within three months of each local body triennial election. Of the four Non-Council directors, two are required to retire annually in accordance with CCHL's rotations policy.
- 7.6. All retiring directors are deemed to be re-appointed, unless the Council has given notice that re-appointment is not to be assumed, another person has been appointed to the vacated office, or that the vacated office is not to be filled for the time being.
- 7.7. CCHL directors will not generally be appointed for more than three terms of three years each, subject to the requirements referred to in paragraphs 7.5 and 7.6 above.
- 7.8. Directors may be removed from office at any time by notice in writing by the Council, as shareholder. Without limitation, the Council may give such notice if it believes a director
  - (a) No longer has the confidence of the CCHL board;
  - (b) Has breached ethical standards in circumstances where the Council believes the breach reflects badly on CCHL or the Council;
  - (c) Has not acted in the best interests of the company;
  - (d) Has breached an obligation of confidentiality imposed on directors, including speaking publicly on board matters without the board's authority.
  - (e) Has breached the principles of collective responsibility.

**Appointments Committee**

- 7.9. As soon as practicable after each local body triennial election, or as otherwise required, the Council will establish an Appointments Committee for the purpose of recommending the appointment of directors to CCHL (Council and Non-Council directors). The members of the committee will comprise the chairperson of the CCHL

board, an external commercial advisor with relevant experience and knowledge, and up to two other members nominated by the Council.

- 7.10. Any recommendation made must be the unanimous decision of the committee.

#### Appointments process

- 7.11. The Appointments Committee will assess the skills, knowledge and experience required for appointment as a director of the CCHL board (both independent and Council directors), taking into account such other factors as:
- (a) encouraging diversity;
  - (b) the Council's objectives for CCHL (described in its Statement of Intent);
  - (c) CCHL's relationship with the Council, as CCHL's sole shareholder;
  - (d) succession planning;
- 7.12. In addition, there are a number of core competencies expected of all appointees, including:
- (a) sound judgement and decision-making;
  - (b) a public service ethos;
  - (c) a high standard of personal integrity;
  - (d) commercial and governance experience;
  - (e) clear communication skills and an ability to debate in a reasoned manner;
  - (f) effective teamwork and collaboration;
  - (g) ability to think strategically;
  - (h) risk assessment and contingency management;
  - (i) commitment to the principles of good corporate citizenship;
  - (j) understanding of the wider interests of the Council, as a publicly accountable shareholder.
- 7.13. The committee will prepare a list of possible candidates to be interviewed. In preparing the list, the committee will use a number of resources including, but not exclusively, public advertising, a data base of potential candidates maintained by CCHL, personal recommendations and self-referrals, identifying individuals with the required skills and competencies, and a specialist consultant.
- 7.14. Where a candidate is being re-appointed or has previously been a director on the board of another Council-controlled Organisation, the committee may choose not to interview that person but will first discuss the matter with the relevant board Chairperson. The process for considering re-appointment will be as set out in paragraphs 8.16 – 8.19 of this policy.

- 7.15. The Appointments Committee will report to the Council on the outcome of the appointments process and the committee's recommendations. The Council will be the final decision-maker.
- 7.16. The Council expects all participants in the appointment process to undertake the work required of them in a timely manner.

#### **Succession Planning**

- 7.17. These provisions are specifically for the position of Chairperson of the CCHL board.
- 7.18. A director appointed as Chairperson in their third three year term may serve in that role for a maximum of six years, unless the Council decides otherwise.
- 7.19. The Appointments Committee will be responsible for managing the succession planning process, which may (but not necessarily) be initiated by the board. This must commence at least six months before the settling-in period referred to below, and one year before the proposed retirement of the current Chairperson.
- 7.20. The process may be initiated by the board, and will include discussions with the Chairperson, assessing the skills, knowledge and expertise required for the role, and identifying any board members who may be possible candidates.
- 7.21. If the proposed candidate is new to the board there must be time for a settling-in period of at least one year before that person can be nominated for the role of Chairperson.
- 7.22. The qualities expected of the Chairperson include (but not exclusively) the ability to develop and maintain a sound relationship with the Council based on mutual trust and confidence and a close but independent working relationship with CCHL's Chief Executive, and to use the collective skills of the board and executive team for the purpose of achieving the Council's objectives for CCHL (described in its Statement of Intent).
- 7.23. The Chairperson must also be able to lead and encourage full participation in board decision-making, ensure the timeliness and relevance of information, assume the role of spokesperson for CCHL, and have a reputation for integrity and credibility within the business community.

### **8. PART THREE – APPOINTMENTS TO OTHER COUNCIL-CONTROLLED ORGANISATIONS**

#### **Background**

- 8.1. CCHL or the Council holds all, or a majority of, the shares in Christchurch International Airport Ltd, City Care Ltd, Enable Services Ltd, Red Bus Ltd and Eco-Central Ltd. and Civic Building Ltd. These are Council-controlled Trading Organisation and, with the exception of Civic Building Ltd, are subsidiaries of CCHL.
- 8.2. CCHL or the Council holds all of the shares in Vbase Ltd, Development Christchurch Ltd, Tuam Ltd, and ChristchurchNZ Holdings Ltd (which holds all of the shares in

ChristchurchNZ Ltd). These are Council-controlled Organisations not engaged in trading for the purpose of making a profit.

- 8.3. CCHL also owns all, or a majority of, the shares in Lyttelton Port Company Ltd and Orion New Zealand Ltd which, as explained earlier, are not defined as Council-controlled Organisations in the LGA 2002. They are, however, treated as Council-controlled Trading Organisations for the purposes of this policy.
- 8.4. CCHL has responsibility for the appointment of directors to all of the organisations set out in paragraphs 8.1, 8.2, and 8.3.
- 8.5. Transwaste Canterbury Ltd was established as a joint venture company by private interests and five local authorities (including the Council) to develop, own and operate the Kate Valley regional landfill. It is a Council-controlled Trading Organisation but appointments to the board of Transwaste Canterbury are made and managed through the Canterbury Regional Landfill Joint Committee.
- 8.6. The Council recommends that appointments made by the joint committee follow a similar appointments process to that described in this Part Three.
- 8.7. The Central Plains Water Trust is a Council-controlled Organisation, but appointments are made and managed through the Central Plains Joint Committee established by the Council and Selwyn District Council. This policy does not apply to those appointments.
- 8.8. The Council has the right to appoint half or more of the members of governing bodies of other Council-controlled Organisations, such as Riccarton Bush Trust, World Buskers Festival Trust, Rod Donald Banks Peninsula Trust, and Christchurch Agency for Energy Trust. These appointments are made and managed in accordance with each organisation's constitution, shareholders agreement, specific legislation, or rules.
- 8.9. The Council may ask CCHL to undertake the appointments process in respect of these organisations, and any other Council-controlled Organisations not referred to in this policy or established after the policy has been adopted. Any process undertaken by CCHL will comply with the provisions of this Part Three.
- 8.10. Appointments to the governing bodies of Council-controlled Organisations will generally be for no more than three terms of three years each, unless the Council decides otherwise. Appointees are also subject to any requirements for the rotation of members contained in the organisations' constitution, shareholders agreement, or rules.
- 8.11. Where CCHL owns all or the majority of shares in a Council-controlled Organisation, CCHL will be responsible for exercising its rights as shareholder in respect of the removal of directors from the boards of those organisations. In doing so, CCHL will have regard to the matters contained in paragraph 7.8 of Part Two of this policy, as well as the views and preferences of the Council.



#### Governance and Appointments Committee

- 8.12. CCHL will establish a Governance and Appointments Committee to recommend the appointments for which CCHL is responsible. The membership and terms of reference of the committee will be determined by CCHL.

#### Appointments Process

- 8.13. CCHL is to ensure that the appointments process will be the same as that for the appointment of directors to CCHL. This will include an assessment of the skills, knowledge and experience required for each board and take into account the factors referred to in Part Two.
- 8.14. Elected members are not eligible for appointment to Council-controlled Organisations other than CCHL, unless there are compelling reasons for the Council deciding otherwise, or it is provided for in an entity's constitution, rules, or specific legislation.
- 8.15. The Governance and Appointments Committee will report its recommendations to the CCHL board, which will then seek the approval of the Council before confirming the nominations for appointment with the governing body of each organisation. How the appointments are made will be subject to the entity's constitution, shareholders' agreement, or rules.
- 8.16. Should appointments be required to Council-controlled Organisations not referred to in this policy, or established after the policy has been adopted, the Council may engage CCHL to conduct the appointments process in accordance with the provisions of this Part Three.
- 8.17. A current director whose term of office is about to expire may be entitled to seek re-appointment. If CCHL is responsible for appointments to that organisation, the re-appointments process will begin with the chairperson of the CCHL board consulting the chairperson of the organisation.
- 8.18. The matters discussed will include, without limitation, whether the skills of the incumbent add value to the work of the governing body or other skills are needed, the director's length of tenure, and/or succession planning.
- 8.19. The outcome of the discussion will be reported to the Governance and Appointments Committee which will form a view on whether or not to recommend re-appointment.
- 8.20. The CCHL board may approve a recommendation to re-appoint without further reference to the Council. If re-appointment is not approved, then CCHL will undertake an appointments process for the director's position in accordance with this Part Three.

#### 9. PART FOUR – REMUNERATION

- 9.1. CCHL is responsible for approving remuneration levels for the directors appointed to the Council-controlled Organisations and Council-controlled Trading Organisations referred to in paragraphs 8.1, 8.2, and 8.3 of Part Two of this policy.
- 9.2. For that purpose CCHL will undertake a review of remuneration levels for appointees as soon as practicable after each local body triennial election, or more frequently if

CCHL considers it necessary. The review will cover all members of each board (elected members and independents), including CCHL.

- 9.3. CCHL will also be responsible for reviewing and approving any changes to remuneration levels that may be required should the Council decide that a Council-controlled Organisation has become a Council-controlled Trading Organisation. The review will be carried out in accordance with this Part Four.
- 9.4. CCHL will commission an independent consultant to benchmark the level of fees paid. This will include reference to organisations that are comparable to each Council-controlled Organisation (whether trading for a profit or not), and the annual Institute of Directors' Fees Survey.
- 9.5. The review will take into account factors such as the need to attract and retain appropriately qualified people, the external market for comparable positions, and the objectives of each organisation.
- 9.6. Also to be considered will be the size and scale of the organisation, its complexity and scope, the level of accountability, and the type of expertise and specialisation needed. CCHL will ensure it understands the role and responsibilities of each board of directors appointed to the organisations CCHL monitors.
- 9.7. An important principle for the Council is that the remuneration of members of the governing body of a Council-controlled Organisation will reflect the fact there is an element of public service involved. The Council will therefore expect fees to be set at or below the average for comparable private sector entities.
- 9.8. CCHL will apply this principle in the context of ensuring strong governance outcomes through attracting and retaining high quality appointees, and remuneration levels that recognise the public service element identified by the Council.
- 9.9. The information obtained by CCHL in the course of its review will be presented to the CCHL board for consideration and approval. CCHL will then confirm the remuneration levels to be set for each organisation it monitors, to be implemented in accordance with the organisation's constitution, shareholders' agreement, or rules.
- 9.10. To recognise the element of public service referred to earlier the Council has resolved that a person appointed to the governing body of an external organisation in his or her capacity as an elected member or employee of the Council will not receive the remuneration otherwise payable in respect of that appointment.
- 9.11. Instead, those organisations will be directed to donate an equivalent amount to recipients specified by the Council from time to time, to be paid as at 30 June each year. The recipients will be charitable organisations established for the purpose of benefitting the community (or a particular sector of it) or funds administered by the Council for the benefit of ratepayers, such as the Mayor's Welfare Fund and the Innovation and Sustainability Fund.
- 9.12. The external organisations referred to in paragraphs 9.10 and 9.11 include, (but not exclusively) Council Organisations, Council-controlled Organisations and Council-controlled Trading Organisations.



OFFICE OF THE AUDITOR-GENERAL  
Te Mana Arotake

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19 June 2020

File Ref: LAMIA379

Christchurch City Council  
Attn: Ian Thomson, Special Counsel Governance  
Legal Services Unit  
Via email: [ian.Thomson@ccc.govt.nz](mailto:ian.Thomson@ccc.govt.nz)

Dear Ian

**LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968 – REVIEW OF POLICY FOR THE APPOINTMENT AND REMUNERATION OF DIRECTORS TO COUNCIL ORGANISATIONS**

We refer to your letter of 10 June 2020.

On behalf of all members, the Christchurch City Council has requested a declaration under section 6 of the Local Authorities (Members' Interests) Act 1968 (the Act) to enable all Councillors to be involved in decision-making about the Council's Policy for the Appointment and Remuneration of Directors to Council Organisations 2017 (remuneration policy).

For the reasons explained below, we have decided to issue the declaration allowing all Councillors to discuss and vote on the remuneration policy, despite their direct or potential financial interest.

We have issued the declaration on the basis that we are satisfied that it is in the interests of the electors or inhabitants of the area that all members be allowed to participate in the remuneration policy review.

**The law**

The 'non-participation rule' in section 6(1) of the Act prohibits a member of a local authority or its committees from discussing or voting on a matter before the authority in which the member has a financial interest, other than an interest in common with the public.

Under section 6(4) of the Act, the Auditor-General can grant a declaration that the non-participation rule will not apply to a matter or class of matters if he is satisfied that:

- applying the rule would 'impede the transaction of business of the Council'; or
- it is 'in the interests of the electors or inhabitants of the district of the local authority or of the area under its jurisdiction' that the rule should not apply.

**The declaration requested**

In your letter of 10 June 2020 you have requested, on behalf of all members, a declaration under section 6(4). The scope of the declaration sought is to enable all Councillors to participate in the discussion and voting on whether or not to amend the remuneration policy. This discussion is scheduled to be held at a Council meeting on 25 June 2020 (June meeting).

Under the current remuneration policy, Councillor-directors appointed to an external organisation<sup>1</sup> of the Council in their capacity as an elected member of the Council do not personally receive any fees for that appointment.<sup>2</sup> Instead, the external organisations donate equivalent sums to organisations identified by the Council.<sup>3</sup>

One of the options to be discussed at the June meeting is resetting the remuneration policy to permit Councillor-directors to retain the fees paid by the external organisations.

<sup>1</sup> "External organisations" include Council Organisations, Council-controlled Organisations and Council-controlled Trading Organisations. [Clause 9.12 of the Policy for the Appointment and Remuneration of Directors to Council Organisations].

<sup>2</sup> Clause 9.10 of the Policy for the Appointment and Remuneration of Directors to Council Organisations.

<sup>3</sup> Clause 9.11 of the Policy for the Appointment and Remuneration of Directors to Council Organisations.

You have told us that:

- all members may have a financial interest in the outcome of this discussion given all members could potentially be appointed to an external organisation at some point in the future; and
- the participation of all elected members in the decision-making on the remuneration policy is more important than their individual interests.

#### Our view

In our view, it is likely that all Councillors have a financial interest in the outcome of the discussion about the remuneration policy. Those councillors who are willing to be appointed as directors of an external organisation have an interest in the policy on the fees paid to those positions. Members who are not currently Councillor-directors could be appointed to the boards of external organisations and entitled to any remuneration payable. Therefore all councillors are potentially affected by any change to the remuneration policy.

This means that all members are potentially prohibited from participating in decision-making about the policy unless we are satisfied that there are grounds to issue a declaration under the Act.

There is an exception in section 6(3)(c) of the Act that applies to the election or appointment of a member of a local authority to any office, even if the member may be remunerated or receive an allowance for that role.

We do not think the exception applies here. It is for the narrower situation of deciding which particular councillors should be appointed to other bodies, rather than the broader issues covered by the remuneration policy (particularly whether or not the member will receive a financial benefit for performing the role).

In this case, the remuneration policy covers significant policy matters concerning Councillors' contributions of their skills, knowledge and experience to guide external organisations. We think that it is in the interests of the community for all councillors to be able to participate in decision-making about the fees payable for Councillor appointments to commercial boards, despite their direct and potential financial interests. We have granted similar declarations for other councils considering their remuneration policies for external organisations.

#### Declaration

The Auditor-General hereby issues a declaration under section 6(4) of the Act authorising all members of the governing body of the Christchurch City Council to participate in decision-making regarding the Council's 2017 Policy for the Appointment and Remuneration of Directors to Council Organisations, on the grounds that it is in the interests of the electors or inhabitants of the area that they be allowed to do so.

If the 2017 iteration of the Policy for the Appointment and Remuneration of Directors to Council Organisations is amended or superseded, the declaration will not apply to any discussion or voting on the amended or new policy.

We would be grateful if you would inform the mayor and councillors of the contents of this letter.

If you have any queries about this matter please feel free to contact me or Miriam Davie, Senior Solicitor on 021 222 6220.

Yours sincerely



Melanie Webb  
Assistant Auditor-General, Legal Policy and Inquiries Group

Copy to: Andy Burns (Appointed Auditor)  
Jonathan Keate, Office of the Auditor-General (Sector Manager)



## 11. Resolution to Exclude the Public

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

### Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

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 are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE RELEASED
12.	PUBLIC EXCLUDED COUNCIL MINUTES - 14 DECEMBER 2022			REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.	
13.	CCO APPOINTMENTS' COMMITTEE	S7(2)(A)	PROTECTION OF PRIVACY OF NATURAL PERSONS	TO PROTECT THE REPUTATIONS OF PRIVATE INDIVIDUALS WHO ARE NAMED IN THIS REPORT.	IMMEDIATELY FOLLOWING THE COUNCIL'S DECISIONS ON MEMBERSHIP OF THE APPOINTMENTS' COMMITTEE.
14.	CHRISTCHURCH CITY HOLDINGS LTD - APPOINTMENT OF DIRECTOR TO ENABLE SERVICES LTD	S7(2)(A)	PROTECTION OF PRIVACY OF NATURAL PERSONS	TO PROTECT THE CANDIDATE'S REPUTATION IN THE EVENT THE APPOINTMENT IS NOT APPROVED.	AS SOON AS THE CANDIDATE HAS BEEN NOTIFIED OF THE COUNCIL'S DECISION.
15.	21965752 PARK AND STREET TREE MAINTENANCE PROCUREMENT PLAN APPROVAL	S7(2)(B)(II), S7(2)(H), S7(2)(I)	PREJUDICE COMMERCIAL POSITION, COMMERCIAL ACTIVITIES, CONDUCT NEGOTIATIONS	THIS REPORT DETAILS THE STRATEGY AND APPROVAL PRIOR TO TENDER; COMMERCIALLY SENSITIVE INFORMATION	3 JULY 2023  ON REVIEW AND APPROVAL OF THE HEAD OF PROCUREMENT AND CONTRACTS

## Karakia Whakamutunga

Kia whakairia te tapu

Kia wātea ai te ara

Kia turuki whakataha ai

Kia turuki whakataha ai

Haumi e. Hui e. Tāiki e