

**Chief Executive Performance and Employment
Committee
AGENDA**

Notice of Meeting:

An ordinary meeting of the Chief Executive Performance and Employment Committee will be held on:

Date: Monday 19 February 2024
Time: 3pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Membership

Chairperson	Mayor Phil Mauger
Deputy Chairperson	Councillor James Gough
Members	Deputy Mayor Pauline Cotter Councillor Sam MacDonald Councillor Jake McLellan

14 February 2024

Principal Advisor

Helen White
Head of Legal & Democratic Services
Tel: 941 8999

Megan Pearce
Manager Hearings and Council Support
941 8140
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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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What is important to us?

Our Strategic Framework is a big picture view of what the Council is aiming to achieve for our community

Our focus this Council term 2022–2025

Strategic Priorities



Be an inclusive and equitable city which puts people at the centre of developing our city and district, prioritising wellbeing, accessibility and connection.



Champion Ōtautahi-Christchurch and collaborate to build our role as a leading New Zealand city.



Build trust and confidence in the Council through meaningful partnerships and communication, listening to and working with residents.

Adopted by the Council on 5 April 2023



Reduce emissions as a Council and as a city, and invest in adaptation and resilience, leading a city-wide response to climate change while protecting our indigenous biodiversity, water bodies and tree canopy.



Manage ratepayers' money wisely, delivering quality core services to the whole community and addressing the issues that are important to our residents.



Actively balance the needs of today's residents with the needs of future generations, with the aim of leaving no one behind.

Our goals for this Long Term Plan 2024–2034

Draft Community Outcomes



Collaborative and confident
Our residents have the opportunity to actively participate in community and city life, have a strong sense of belonging and identity, and feel safe.



Green and liveable
Our neighbourhoods and communities are accessible and well connected, supporting our goals to reduce emissions, build climate resilience and protect and regenerate the environment, especially our biodiversity, water bodies and tree canopy.

To be adopted by the Council as part of the Long Term Plan 2024–2034



A cultural powerhouse
Our diverse communities are supported to understand and protect their heritage, pursue their arts, cultural and sporting interests, and contribute to making our city a creative, cultural and events 'powerhouse'.



Thriving and prosperous
Our city is a great place for people, business and investment where we can all grow our potential, where enterprises are innovative and smart, and where together we raise productivity and reduce emissions.

Our intergenerational vision

A place of opportunity for all.
Open to new ideas, new people,
new investment and new ways
of doing things – a place where
anything is possible.



Ngāi Tahu has rangatiratanga over its takiwā – the Council is committed to partnering with Ngāi Tahu to achieve meaningful outcomes that benefit the whole community

**CHIEF EXECUTIVE PERFORMANCE AND EMPLOYMENT COMMITTEE - TERMS OF REFERENCE NGĀ
ĀRAHINA MAHINGA**

Chair	The Mayor
Deputy Chair	Councillor Gough
Membership	Deputy Mayor Cotter Councillor MacDonald Councillor McLellan
Quorum	Half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
Meeting Cycle	Quarterly and as required
Reports To	Council

Purpose

The purpose of the Committee is to enable the Council to meet its good employer obligations to its Chief Executive. These obligations, as well as those of the Chief Executive, are set out in the Local Government Act 2002, in employment law generally and in the Chief Executive’s employment agreement.

Areas of Focus

The Committee acts for and advises the Council on all matters relating to the Chief Executive’s employment including recruitment, remuneration, performance and relationship management.

Responsibilities and Delegations

- Recommend to Council for approval when required, a recruitment, selection and appointment process for a Chief Executive
- Oversee within the Council agreed process, Chief Executive recruitment and selection, and recommend candidates and proposed remuneration to Council for approval
- Conduct and complete a review of employment at least 6 months prior to the end of the Chief Executive’s first term of employment (LGA 2002, Sch7, cl35) and recommend to Council whether or not the Chief Executive should be appointed for a second term of up to two years or that the position be declared vacant (LGA2002, Sch7, cl34)
- Negotiate an initial performance agreement, subsequent agreements and any variations with the Chief Executive and recommend to Council for approval
- Provide feedback and support to the Chief Executive and undertake performance reviews, all consistent with the process and timeline in the relevant performance agreement
- Report the outcome of the annual review of the Chief Executive’s performance and make recommendations to Council on the outcome of that review for approval
- Review the Chief Executive’s remuneration and package in accordance with the employment agreement and make recommendations to the Council for approval
- Provide updates on issues and progress to Council at other times and on request
- Engage relevant external advice including independent legal advice to assist the Committee with all or any of the matters within its delegations ensuring that such advisors are not otherwise contracted to Council for similar services
- Agree with the Chief Executive how the administration needs of the Committee will be met.

Limitations

The power to appoint a Chief Executive is one that is reserved for the Council to make and cannot be delegated (LGA 2002, Sch7, cl 32(1)(e)). The power to adopt a remuneration and employment policy also cannot be delegated by Council (LGA2002, Sch7, cl32(1)(h)).

Note:

The following responsibility is removed from the Committee TOR and by default will now be a Council responsibility:

Council remuneration and employment policy including the living wage

Part A	Matters Requiring a Council Decision
Part B	Reports for Information
Part C	Decisions Under Delegation

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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. Confirmation of Previous Minutes Te Whakaāe o te hui o mua

That the minutes of the Chief Executive Performance and Employment Committee meeting held on [Monday, 30 October 2023](#) be confirmed (refer page 7).

That the minutes of the Chief Executive Performance and Employment Committee meeting held on [Wednesday, 15 November 2023](#) be confirmed (refer page 10).

Chief Executive Performance and Employment Committee OPEN MINUTES

Date: Monday 30 October 2023
Time: 2.07pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present

Chairperson	Mayor Phil Mauger
Deputy Chairperson	Councillor James Gough
Members	Deputy Mayor Pauline Cotter Councillor Sam MacDonald (via AV) Councillor Jake McLellan

Principal Advisor
Helen White
Head of Legal & Democratic
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- Part A** Matters Requiring a Council Decision
Part B Reports for Information
Part C Decisions Under Delegation
-

The agenda was dealt with in the following order.

1. Apologies Ngā Whakapāha

Part C
Committee Decision

There were no apologies.

2. Declarations of Interest Ngā Whakapuaki Aronga

Part B
There were no declarations of interest recorded.

3. Confirmation of Previous Minutes Te Whakaāe o te hui o mua

Part C
Committee Resolved CEPAE/2023/00011

That the minutes of the Chief Executive Performance and Employment Committee meeting held on Monday, 14 August 2023 be confirmed.

Councillor McLellan/Councillor Gough

Carried

4. Resolution to Exclude the Public Te whakataunga kaupare hunga tūmatanui

Committee Resolved CEPAE/2023/00012

Part C

That Richard Westlake and Monique Cairns of Westlake Governance Ltd, remain after the public have been excluded for Item 6 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That at 2.07pm the resolution to exclude the public set out on pages 10 and 11 of the agenda be adopted.

Deputy Mayor/Mayor

Carried

The public were re-admitted to the meeting at 3.47pm.

Meeting concluded at 3.47pm.

CONFIRMED THIS 4th DAY OF DECEMBER 2023

MAYOR PHIL MAUGER
CHAIRPERSON

Unconfirmed

Chief Executive Performance and Employment Committee EXTRAORDINARY MINUTES

Date: Wednesday 15 November 2023
Time: 5.07pm
Venue: Mayor's Lounge, Level 6, Civic Offices,
53 Hereford Street, Christchurch

Present
Chairperson Mayor Phil Mauger
Members Deputy Mayor Pauline Cotter
Councillor Sam MacDonald
Councillor Jake McLellan

Principal Advisor
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- Part A Matters Requiring a Council Decision
Part B Reports for Information
Part C Decisions Under Delegation
-

1. Apologies Ngā Whakapāha

An apology for absence was received from Councillor Gough.

2. Declarations of Interest Ngā Whakapuaki Aronga

There were no declarations of interest recorded.

3. Resolution to Exclude the Public Te whakataunga kaupare hunga tūmatanui

Committee Resolved CEPAE/2023/00011

Part C

That at 5.07pm the resolution to exclude the public set out on pages 7 to 8 of the agenda be adopted.

Mayor/Deputy Mayor

Carried

The public were re-admitted to the meeting at 5.23pm.

Meeting concluded at 5.23pm.

UNCONFIRMED

**MAYOR PHIL MAUGER
CHAIRPERSON**

4. 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 REVIEWED FOR POTENTIAL RELEASE
5.	PUBLIC EXCLUDED CHIEF EXECUTIVE PERFORMANCE AND EMPLOYMENT COMMITTEE MINUTES - 15 NOVEMBER 2023			REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.	
6.	PUBLIC EXCLUDED CHIEF EXECUTIVE PERFORMANCE AND EMPLOYMENT COMMITTEE MINUTES - 30 OCTOBER 2023			REFER TO THE PREVIOUS PUBLIC EXCLUDED REASON IN THE AGENDAS FOR THESE MEETINGS.	
7.	APPOINTMENT OF CHIEF EXECUTIVE	S7(2)(B)(II)	PREJUDICE COMMERCIAL POSITION	THIS REPORT DEALS WITH THE PROCESS FOR RECRUITING A NEW CE, PART OF WHICH IS THE PROCESS AND APPOINTMENT OF A RECRUITMENT COMPANY.	AT THE CONCLUSION OF THE CHIEF EXECUTIVE RECRUITMENT PROCESS AND WITH THE APPROVAL OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES.
8.	INTERIM CHIEF EXECUTIVE'S UPDATE	S7(2)(A)	PROTECTION OF PRIVACY OF NATURAL PERSONS	THE MATTERS DEALT WITH IN THIS UPDATE RELATE TO EMPLOYMENT MATTERS.	WITH THE APPROVAL OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES.