

Appointment of Non-Elected Members (Appointed Members) to Committees of Council

Adopted: 19 May 2022

Context

This policy has been developed in recognition that appointed members bring skills and expertise to support the decision-making process. This policy sets out the identification and consideration of the skills, knowledge and experience required of appointed members and the process by which they will be appointed.

The Far North District Council recognises that appointing members is an effective way to bring additional skills and expertise to support governance decision-making. This policy outlines the steps and principles that would apply to identify and consider, skills, knowledge and experience that could be beneficial to obtain through the appointment of external membership.

Legislative Context

The Local Government Act 2002 (Schedule 7, Section 31(3)) provides that the Council may appoint to a committee or subcommittee a person who is not an elected member if that person has the skills, attributes and knowledge that will assist the work of the committee or subcommittee.

The policy must also be read in conjunction with Section 76 of the Local Government Act in respect of decision-making. Any appointed member to committee will have full voting rights on all matters related to that committee responsibilities and delegations.

Objective

The objectives of this policy are to ensure:

- that the process of appointing non-elected members to council committees is undertaken in an objective and transparent manner, while protecting individual privacy.
- that committee appointments:
 - are made based on an assessment of skills, knowledge and experience, having regard to the nature of scope of the organisation's objectives and activities.
 - consider the contribution that non-elected members can make to the committee as a whole and to the achievement of the organisation's objectives and activities.
 - consider the context in which council, as a publicly accountable body, operates.
- That there is recognition that decision-making is already supported by technical advice through officer reports, advisory groups, working parties, community advocacy, contractors, and key relationships with external stakeholders.

Application of this Policy

This policy applies to:

- a. Standing Committee Meetings: i.e. a permanent committee appointed by the council (only) that meets on a regular basis to address specific issues covered by the committee's delegations.
- b. Joint Committee and Subcommittee Meetings if established by council resolution.
- c. Standing Committee and Subcommittee Workshops if the membership and workshop schedule have been approved by council resolution.
- d. Meetings of any other sub-ordinate bodies set up by Standing Committees or Subcommittees if the membership and meeting schedule has been approved by resolution.

Policies

1. Eligibility

Council can consider any person as eligible to be an appointed member of a Standing Committee provided that:

- they are not a currently elected member of the Council
- they are not a current employee of the Council
- they are not contracted or sub-contracted by the Council

For the purposes of clarity, an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.

2. Skills

The council considers that any person that it appoints to a committee should, as a minimum, have the following skills:

- sound judgement and decision-making
- a public service ethos
- a high standard of personal integrity
- clear communication skills and an ability to debate in a reasoned manner
- effective teamwork and collaboration
- commitment to the principles of good corporate citizenship
- a demonstrable commitment to the Far North District (role of the elected member)

A high level position outline will be provided for each appointed position to committee. This will be prepared by the relevant subject matter expert (officer) in consultation with the members of the Appointments subcommittee.

3. Mātauranga Māori

The council acknowledges that to inform good decision-making appropriate to our statutory requirements and in line with our unique demographics there may need to be a person on the committee that provides more than 'technical' skills but provides a knowledge and holistic understanding of Te Ao Māori (Māori World View) and how this applies to the outcomes of the

decisions made within any specific committee. Decisions are made for the whole district and are to be balanced against the advice of officers and elected members themselves.

The council considers that any person it appoints to a committee for the purposes of bringing Te Ao Māori knowledge, should, as a minimum, have the following mātauranga Māori:

- Be competent in Te Reo Māori, verbal and written
- Have a strong foundational knowledge of tikanga Māori
- Have links into the Māori communities of Te Tai Tokerau
- Understand the issues facing Māori within Te Tai Tokerau
- Have a good understanding of the Māori governance structures across Te Tai Tokerau
- Have specific mātauranga Māori relevant to the committee in question.

4. Appointments Subcommittee

As required, the relevant committee will establish an Appointments subcommittee. The members of the subcommittee will comprise the chair of the committee and two other councillors nominated by the committee.

5. Appointment Process

The Appointments subcommittee will prepare a list of possible candidates to be interviewed. In preparing the list, the subcommittee will use several resources including, but not exclusively, public advertising, personal recommendations, and self-referrals, identifying individuals with the required skills and competencies. The subcommittee will be supported by relevant council officers to facilitate the process.

The appointment committee will be responsible for:

- approving the criteria against which applications will be assessed (high level position outline).
- preparing a shortlist of candidates to interview.
- interviewing the shortlisted candidates and evaluating them against the approved criteria; and
- reporting on its assessment of each candidate against its criteria and recommending the appointment of a non-elected member to council.

When making this recommendation the committee will consider:

- The overall skills required by the committee.
- The costs of any advertisement and process.
- The availability of qualified candidates.
- The urgency of the appointment.

The Appointments subcommittee will report to the committee on the outcome of the appointments process and the subcommittee's recommendations. The committee will be the final decision-maker and will prepare an information report to Council outlining the appointments.

The Council expects all participants in the appointment process to undertake the work required of them in a timely manner.

6. Final Appointment

The committee will make the final decision in public excluded session (LGA s7(2)(a)) to protect the privacy of natural persons).

7. Tenure

An appointed member's term of appointment automatically ceases at the end of each triennium, in accordance with the Local Government Act 2002 (Schedule 7, Section 31(7) whereby committees (or any other subordinate decision-making bodies), unless resolved otherwise, are discharged at the end of each triennium. A committee may also be discharged, by resolution of council, at any time during a triennium.

8. Conflicts of Interest

FNDC expects that appointed members of committees will avoid situations where their actions could give rise to a conflict of interest. For the purposes of clarity, appointed members are expected to follow the Office of the Auditor General's guide on managing conflicts of interest.

9. Removal of appointed members

Council has the right to remove an appointed member if:

- The appointed member is convicted of a crime involving dishonesty
- Non attendance at three meetings without submitting a formal apology
- Any matters arising under Councils' adopted Code of Conduct

An appointed member may be removed in accordance with the Local Government Act Schedule 7, Clause 31 (1) or (2).

The process will be to:

- call a committee meeting for the specific purpose of removing the appointed member in question. There can be other purposes, but they must appear in the notice of the meeting.
- at the meeting, elected members can remove the appointed member through an ordinary resolution; and
- if a majority of elected members votes in favour of the resolution, it passes and the appointed member removal from their committee becomes effective immediately.

10. Remuneration

Council recognises that appointed members will incur personal expenses as a result of participating in committees of Council. It wishes to ensure that appointed members are not financially disadvantaged by their participation, or that the financial impact of their participation acts as a disincentive to participation. This policy should be read in conjunction with the Appointed Members Allowances Policy.

11. Review

The policy will be reviewed:

1. At the end of each triennium, or
2. When a formal request to do so is received from the chair of a committee, or
3. In response to a change in legislation or statutory requirements.