

RELEASE OF INFORMATION

The attached decision/information was previously included in a confidential agenda/minutes for the Tasman District Council on 15 December 2022.

The reasons for withholding the information no longer apply, the information is therefore being made publicly available.

Moved Councillor Maling/Councillor Maru

CN22-12-27

That the Tasman District Council

- 1. receives the Reappointment of Independent Chair of the Saxton Field Committee report, RCN22-12-37; and**
- 2. in accordance with Nelson City and Tasman District Council's Policy for the appointment and remuneration of jointly-appointed independent members on committees, reappoints Derek Shaw as the independent chairperson of the Saxton Field Committee for a further term of three years, until the 2025 local authority elections; and**
- 3. agrees that the decision and report be made publicly available once the reappointment process is finalised, but that Attachment 2 remains confidential.**

CARRIED

15 December 2022

**9.2 REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE -
CONFIDENTIAL****Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 December 2022
Report Author:	Elaine Stephenson, Democracy Services Advisor
Report Number:	RCN22-12-37

This report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 (s7(2)(a)) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. The meeting may discuss the performance of an individual in a role, and an individual's CV is attached to the report.

1 Summary

- 1.1 Mr Derek Shaw was appointed in February 2020 as independent chair of the Saxton Field committee, up to the 2022 elections.
- 1.2 Mr Shaw's Curriculum Vitae (CV), submitted for consideration in relation to his 2020 appointment is appended as **Attachment 2**, for information.
- 1.3 This report recommends the reappointment of Derek Shaw as the Independent Chair of the Saxton Field Committee, for a further term up to the 2025 elections.

2 Draft Resolution**That the Tasman District Council**

1. receives the Reappointment of Independent Chair of the Saxton Field Committee report, RCN22-12-37; and
2. in accordance with Nelson City and Tasman District Council's Policy for the appointment and remuneration of jointly-appointed independent members on committees, reappoints Derek Shaw as the independent chairperson of the Saxton Field Committee for a further term of three years, until the 2025 local authority elections; and
3. agrees that the decision and report be made publicly available once the reappointment process is finalised, but that Attachment 2 remains confidential.

15 December 2022

REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE**3 Purpose of the Report**

- 3.1 To reappoint Mr Derek Shaw as the independent chair of the Saxton Field Committee for the current triennium until the 2025 local authority elections.

4 Background and Discussion

- 4.1 The function of the Saxton Field Committee is to oversee the development and management of Saxton Field on behalf of Nelson City and Tasman District Councils.
- 4.2 The Saxton Field Committee's Terms of Reference state that an independent member will be appointed in accordance with the councils' Policy for the appointment and remuneration of jointly-appointed independent members on committees and that the independent member will be the Chair of the Committee.
- 4.3 The Policy on the Appointment and Remuneration of Jointly-Appointed Independent Members (**Attachment 1**) states:
6. *Reappointment of Independent Members*
- 6.1. *Independent members may not be reappointed for a fifth consecutive term unless there are special circumstances.*
- 6.2. *Subject to the terms of reference / memorandum of understanding of the committee concerned, where an independent member's term of appointment is about to expire and the independent member is offering themselves for reappointment, the Chief Executives of the councils (or their delegate) and the Mayors -*
- 6.2.1. *May make confidential enquiries to the Chairperson and/or other members of the committee as appropriate, including:*
- *Whether the skills of the incumbent add value to the work of the committee;*
 - *Whether there are other skills which the committee needs;*
 - *Whether the committee's ability to pursue a desired vision and long term strategy would be compromised by the appointment of a new independent member;*
 - *Whether there is a need for new skills and ideas on the committee; and*
 - *Whether an appointment is necessary.*
- 6.2.2. *Must consider any information obtained and form a view on the appropriateness of reappointment or making a replacement appointment; and*
- 6.2.3. *Must recommend to each council whether reappointment is appropriate.*
- 6.3. *If reappointment is not appropriate, the appointment process outlined in Section 3 and 4 will be followed.*
- 4.4 The policy also states that the following qualities and skills of candidates must be considered:

15 December 2022

REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE

- *Effective communication and facilitation skills;*
 - *Strong leadership qualities;*
 - *Objectivity in decision making;*
 - *Respect for colleagues and staff;*
 - *Ability to get on with a range of people;*
 - *High ethical standards;*
 - *Positive attitude to public ownership and the principles of good corporate citizenship;*
 - *Financial acumen;*
 - *Commitment to regional needs and priorities;*
 - *Experience chairing committees, boards or trusts;*
 - *An understanding of local government processes;*
 - *Any other special considerations/requirements in respect of the specific committee.*
- 4.5 For the Saxton Field Committee, the policy states that it is important that the independent member has skills in one or more of the following areas:
- *Recreation planning;*
 - *Sport and recreation management marketing;*
 - *Communications;*
 - *Event Management.*
- 4.6 Mr Shaw's CV, appended at **Attachment 1** lists his qualifications and experience.
- 4.7 At the 24 August 2022 councillor workshop, last triennium, councillors noted that the Saxton Field Committee was a good example of a joint committee working well.
- 4.8 There is support from both councils for Mr Shaw's reappointment:
- 4.8.1 On behalf of Nelson City Council, Mayor Smith and Councillor Skinner (as the Nelson City Councillor remaining from the previous Saxton Field Committee) have expressed their support for Mr Shaw's reappointment.
- 4.8.2 On behalf of Tasman District Council, Mayor King and Councillors Maru and Ellis (as appointees to the Saxton Field Committee) are supportive of Mr Shaw's reappointment.
- 4.9 Mr Derek Shaw has been approached by Group Manager Infrastructure, Richard Kirby, on behalf of the Chief Executive, and has confirmed that he is offering himself for a further term of appointment for the current triennium.
- 4.10 It is therefore considered that Mr Shaw's reappointment is appropriate.

15 December 2022

REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE
5 Options

5.1 The options are outlined in the following table.

	Option	Advantage	Disadvantage
1.	Approve the reappointment of Mr Derek Shaw	Ensures continuity in the leadership of the Saxton Field Committee. Both Councils support the reappointment	
2.	Decline to reappoint Mr Derek Shaw		An appointment process would be required, which would mean recruitment and appointment could be a lengthy process, this would mean a lack of continuity in the leadership of the committee. Both Councils support the reappointment.

5.2 Option one is recommended.

6 Strategy and Risks

6.1 No risks have been identified with this proposal.

7 Policy / Legal Requirements / Plan

7.1 The reappointment of Mr Derek Shaw as independent chair of the Saxton Field Committee is in accordance with the Policy on the Appointment and Remuneration of Jointly-Appointed Independent Members.

8 Consideration of Financial or Budgetary Implications

8.1 The costs for any appointment process and payments to independent members are included within existing budgets.

9 Significance and Engagement

15 December 2022

REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does this activity contribute or detract from one of the goals in the Tasman Climate Action Plan 2019?	No	
5.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
6.	Does the decision create a substantial change in the level of service provided by Council?	No	
7.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
8.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
9.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
10.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	

15 December 2022

REAPPOINTMENT OF INDEPENDENT CHAIR OF THE SAXTON FIELD COMMITTEE

	Issue	Level of Significance	Explanation of Assessment
11	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

10 Conclusion

10.1 Both councils recommend the reappointment of Mr Derek Shaw as independent chair of the Saxton Field Committee.

11 Next Steps / Timeline

11.1 Staff will undertake the necessary administration regarding the reappointment.

11.2 Once the appointment process has been completed, the decision and report will be made publicly available.

12 Attachments

1. Policy on the Appointment and Remuneration of Jointly-Appointed Independent Members

Policy on the Appointment and Remuneration of Jointly-Appointed Independent Members on Committees

Joint Policy of Nelson City Council/Tasman District Council

Contact Mike Drummond, Corporate Services Manager, Tasman District Council
Nikki Harrison, Group Manager Corporate Services Nelson City Council

Approved by Tasman District Council
Nelson City Council

Date November 2018
Review November 2021

1. Introduction

1.1. Nelson City Council and Tasman District Council jointly appoint independent members to a number of joint committees.

2. Purpose

2.1 This Policy sets out the process for selection, appointment and remuneration of jointly-appointed independent members on joint committees.

3. Criteria for Selection of Independent Members

3.1. All appointees must have, in the opinion of the councils, the skills, knowledge or experience to:

- guide the committee, given the nature and scope of its activities; and
- contribute to the achievement of the objectives of the committee.

3.2 The following qualities and skills of candidates must also be considered

- Effective communication and facilitation skills;
- Strong leadership qualities;
- Objectivity in decision making;
- Respect for colleagues and staff;
- Ability to get on with a range of people;
- High ethical standards;
- Positive attitude to public ownership and the principles of good corporate citizenship;
- Financial acumen;
- Commitment to regional needs and priorities;
- Experience chairing committees, boards or trusts;
- An understanding of local government processes;

- Any other special considerations/requirements in respect of the specific committee.

3.3 In addition to the qualities and skills outlined in paragraph 3.2 above, in respect of commercial committees (eg. Nelson Regional Sewage Business Unit and Nelson Tasman Regional Landfill Business Unit), the following qualities and skills of candidates must be considered:

- Ability to think commercially and financially about strategies, projects and the intelligent deployment of resources;
- Commitment to, and understanding of, the responsibilities of directorships;
- Relevant business experience and/or the ability to gain an in-depth understanding of the committee and its activities;
- Proven commercial experience;

3.4 In addition to the qualities and skills outlined in paragraph 3.2 above, in respect of the Saxton Field Committee, it is important that the independent member has an understanding of local government processes, as well as skills in one or more of the following areas:

- Recreation planning;
- Sport and recreation management marketing;
- Communications;
- Event management.

4. Process for Appointment of Independent Members

4.1. The Chief Executives of the councils (or their delegates) and the Mayors (or their delegates) will:

- meet with the Chairperson of the relevant committee (or another representative of the committee in circumstances where the independent member will be the Chairperson) to discuss specific requirements (including whether the appointment is necessary) and to consider whether there is any need for any variation of procedure, under Section 8 of this policy; and
- If the vacancy is on a commercial committee, retain a recruitment consultant to advertise the vacancy and develop a list of candidates; and
- If the vacancy is on a non-commercial committee, arrange for the vacancy to be advertised and a list of candidates to be prepared; and
- Decide on the composition of the interview panel, to include the relevant committee Chairperson. In circumstances where the independent member will be the Chairperson, the panel will not include the Chair.

- 4.2. The Chief Executive of either of the councils (or their delegates) may include on the list of candidates any persons recommended by the councils.
- 4.3. For a commercial committees, the recruitment consultant shall, in consultation with the interview panel, prepare a short list of candidates, assist with any interview process and carry out reference checks of persons on the list of candidates, having regard to the criteria listed in Section 3 above.
- 4.4. For non-commercial committees (e.g. Saxton Field Committee), the Chief Executives of the councils (or their delegates) shall in consultation with the interview panel, prepare a short list of candidates, assist with any interview process and carry out reference checks of persons on the list of candidates, having regard to the criteria listed in Section 3 above.
- 4.5. The interview panel will conduct interviews with the short listed candidates and recommend a preferred candidate (or in the case of multiple vacancies, candidates) to the councils through the Chief Executives.
- 4.6. The councils will individually make the final decision to appoint the independent member, on the recommendation of the interview panel.

5. Term of appointment

- 5.1. The term of the appointment will be as per the terms of reference/ memorandum of understanding of the relevant committee.
- 5.2. In circumstances where the term of appointment is not specified in the terms of reference or memorandum of understanding of the committee, the term of appointment will be specified in the resolution to appoint the independent member.

6. Reappointment of Independent Members

- 6.1. Independent members may not be reappointed for a fifth consecutive term unless there are special circumstances.
- 6.2. Subject to the terms of reference / memorandum of understanding of the committee concerned, where an independent member's term of appointment is about to expire and the independent member is offering themselves for reappointment, the Chief Executives of the councils (or their delegate) and the Mayors -
 - 6.2.1. May make confidential enquiries to the Chairperson and/or other members of the committee as appropriate, including:
 - Whether the skills of the incumbent add value to the work of the committee;
 - Whether there are other skills which the committee needs;

- Whether the committee's ability to pursue a desired vision and long term strategy would be compromised by the appointment of a new independent member;
 - Whether there is a need for new skills and ideas on the committee; and
 - Whether an appointment is necessary.
- 6.2.2. Must consider any information obtained and form a view on the appropriateness of reappointment or making a replacement appointment; and
- 6.2.3. Must recommend to each council whether reappointment is appropriate.
- 6.3. If reappointment is not appropriate, the appointment process outlined in Section 3 and 4 will be followed.

7. Remuneration

- 7.1. The process for calculating the remuneration for directors of Council Controlled Trading Organisations, which is based on the Strategic Pay New Zealand Directors' fees data, is applied to calculating the remuneration for independent members of commercial committees. Adjustments will be made for the varying workloads, risk and responsibilities associated with the role.
- 7.2. The formula is outlined in the joint Nelson City and Tasman District Council procedure "*Jointly Setting Remuneration for Directors of Council Controlled Trading Organisation*", which is focused on recruiting professional directors, and is as follows:
- 7.2.1. Remuneration is based on the previous two years' data from the Strategic Pay New Zealand Directors' fees report for the appropriate organisation type.
- 7.2.2. Other relevant factors from the surveys, such as annual turnover, assets, number of respondents and number of employees are also taken into consideration.
- 7.2.3. An average for the two years' results is taken, with recommended remuneration per annum set between the lower and median quartile results.
- 7.2.4. Remuneration is normally set for a three year period aligning with the Long Term Plan cycle.
- 7.3. Based on the above, the remuneration range for independent members of commercial committees would be between \$6,692 and \$10,420 per annum, as a starting range, as at the time of this Policy being written.
- 7.4. The remuneration range for independent members of non-commercial committees, would be set at half of the above-mentioned range, (\$3,350

- \$5,200 per annum) as a starting range, as at the time of this Policy being written

- 7.5. A review of these indicative ranges will be made when the Policy is next reviewed.
- 7.6. Consideration of additional factors, such as the skills required to carry out the role, the ability to attract the necessary expertise, whether the independent member will be acting as chair of the committee and the public good aspect of the role, allow for some flexibility around the actual fees paid.

8. Variation of Procedure

- 8.1. Each council may decide, by agreed resolution, to vary the procedures outlined in this policy as necessary, provided that such variation meets the requirements of the Local Government Act 2002 and provides an objective and transparent process for the appointment of an independent member.

