

Some Initial Observations on Wellington City Council

Lindsay McKenzie Crown Observer - 13 December 2024

(This document has been prepared to provide some feedback on my initial observations. It includes some guidance drawn from my experience but not backed by independent expert legal advice at this stage. This document is not the Crown Observer's report to the Minister of Local Government.)

Firstly thank you to everyone in the organisation for the welcome and the support that I have been given. Information that I have sought has been given in a thorough and timely way. The excellent administrative arrangements have smoothed my onboarding and are supporting my work.

General Observation

The following observations relate to the matters in the terms of reference for the role of Crown Observer. These observations are preliminary in nature being based on only 5 weeks of engagement with the Wellington City Council.

The observations are drawn from -

- committee meetings, workshops and briefings attended in person and remotely;
- councillor drop in sessions and individual meetings with elected members;
- meetings with executive team members and senior advisers; and
- documents on key issues prepared internally and by external advisers.

Some of the challenges that you face are challenges in common with many other councils. Those common challenges include the prevailing economic conditions, significant central government policy shifts, erosion of trust in regulatory institutions as well as Covid and post-Covid disruptions.

I've noted that there are several additional factors that appear to have elevated the challenges Wellington faces.

These include matters such as -

- personalities and individual workstyle preferences;
- political positioning and ideologies;
- seismic and climate change induced risk;
- consequential compliance obligations and liabilities;
- the 'wicked' problems these issues present;
- proximity to central government;
- media spotlight;
- legacy decisions including relating to financial strategy;
- being our capital city.

The process that followed the adoption of the Long-term Plan 2024-34 (LTP) and the subsequent notice of motion to reverse the proposal in the LTP to sell the airport shares and to remove the relevant committee delegation, combined with a change in CEO, has been massively disruptive. In many respects this was the perfect storm, even more so when the challenges and expectations of local water done well reforms, on Wellington especially, are overlain.

My initial observation is that it is surprising that the organisation hasn't totally wilted under the pressure.

It didn't need to be this way.

A resolution to adopt a long-term plan does not constitute a decision to act on a specific matter covered by the plan nor can a council be required to implement the contents of any long-term plan. Any sale of the airport shares could have turned on the planned December decision point. I understand that the December decision was to be a Council decision.

There are a number of legitimate reasons why a decision not to sell could have been taken at that time. A decision not to sell in December would (presumably) have precipitated a LTP amendment but that would have been done in relation to year 3 of the LTP when the effect of the reversal decision would have been manifest. In that event, there would have been more time for the process, more time to consider debt and balance sheet issues and would have decoupled the LTP amendment decisions from water reform decisions and their respective impacts.

It is not my role to comment on the reasons why the notice of motion was advanced and succeeded. But I observe that the alternative path doesn't appear to have been considered by the proponents, nor does it appear that the impact on the organisation was a factor in the majority decision.

This may have been due to how some councillors prioritised matters and gave weight to them relative to their oral declarations, duties as a good employer, the governance principles that councils must follow as well as the requirements in relation to decisions.

Some Specific Observations

Here are some specific observations on my time with Council as well as some guidance. I'm not in a position to call it advice at this stage but do invite you to consider whether or not to make any process or messaging changes based on what follows.

1. While risks to people, processes and outcome remain, the LTP project has been well structured and the relevant risks understood and mitigated as far as is reasonable.
2. There is potential for debate about the scope of the LTP amendment as well as the annual plan content and consultation document - if not at committee then in the community consultation phase. I note that the required content of a consultation document for an LTP amendment is limited when compared to a 'full' LTP. The LTP project risk schedule flags the scope risk issue. My apologies if I've missed it, but suggest that this risk is further mitigated by express advice on scope.
3. Councillors don't appear to understand what a resolution to adopt an LTP means in relation to approvals for a project to proceed and on what terms. An LTP funding provision isn't the same as a project budget for which people can be held to account. Some council's delegate approval to proceed with projects (below a threshold) to their Chief Executive. There is also scope for Council to consider the need to explicitly consult (again) on matters that are in an LTP.

4. The way that the Mayor gives effect to her leadership role in the LTP and LTP amendment process (by promoting a substantive amendment to the officers recommendation) complicates decision making especially when further amendments are sought. There may be scope for a closer alignment, short of compromising professional integrity. In the alternative absolute clarity on process ahead of meetings is needed.
5. There appears to be a misunderstanding among some councillors about the Council's role as an employer. Two councillors stated that the CEO is the council's only employee. Others may have that view. The view that the CEO is the council's only employee is open to interpretation. The CEO is the only employee who council directly appoints and employs. All other employees of the local authority are employed on its behalf by the CEO. Elected members are the embodiment of the local authority. Elected members, individually and jointly, have good employer obligations (including in the LGAct's governance principles) as well as officer due diligence obligations under health and safety legislation.
6. Some councillors are concerned at the amount, quality and timeliness of the information they get to enable decision making - typically too much too late. A few are concerned about biases in officers' reports and advice. Others are more than happy. The lack of capability and capacity of the transport team has been raised.

The convention at Council is to hold -

- briefings on key issues well in advance of decision points;
- workshops on key agenda items;
- Chairs' briefings;
- Q&A sessions and written Q&As up until the meeting date.

Finally there is the opportunity for debate and questioning as part of the formal meeting process. This is as thorough as one could expect. Perhaps having draft recommendations available at the Chairs' meetings would be an advantage.

7. The practice of making in-principle decisions and progressive decision making i.e. developing proposals ahead of more detailed decisions is also best practice. The challenge seems to be that some councillors struggle to make governance level decisions including interim decisions with incomplete information. My view is that this tendency speaks to the workstyle preferences of elected members rather than officers' approach. The officers' approach to supporting decision making is thorough and enabling. While mistakes will occur from time to time there is nothing to suggest that these are in any way deliberate or designed to constrain elected member's roles and responsibilities. That said, some councillors cite examples from the past that have eroded trust and confidence.
8. The number of noting recommendations in officers reports tends to dominate some committee papers. While I understand the logic, it may assist debate and process if councillors' attention was directed to substantive decisions. One alternative approach could be to put the prior decisions in the officers' report with a recommendation along these lines - *receive the report and note the prior decisions set out in the report.*

9. The perceived performance and the underlying performance of the Council are likely to be different. But perceptions, shaped mostly by elected members performance in committee room/Council chamber, become reality. I feel an obligation to make this point externally and look forward to receiving some metrics and narrative in order to do that.
10. The interface between committee delegations and Standing Orders may be constraining the Council's ability to make decisions reserved for it under the Local Government Act. The legal advice appears clear that the arrangement is lawful. Some councillors are concerned that the Council has been reduced to a rubber stamping role. My interest is in exploring what effect, if any, the arrangement has on decision making. It may be that the outcome would be no different but I do need to examine the issue.
11. The spotlight is on Council's decision making on future water services delivery. There are some process and timeline risks especially aligning with the LTP amendment. I'm sure officers are aware of the challenges. My reading of the KPMG balance sheet advice is that it doesn't deal with the challenges and opportunities the potential transfer of assets, debt and revenues present for future borrowing capacity, unfunded potential liabilities arising from natural disasters and the like. I understand that further advice from KPMG on this specific issue is on the way.
12. The CEO recruitment process was well managed, including in relation to risks, up until the appointment decision. While I was not involved in the process I was briefed about an unauthorised disclosure of the appointment prior to the agreed timeline. I understand that the disclosure occurred while a non-disclosure agreement was in place and before the appointee had advised his employer and before Wellington City staff and residents could be properly advised of the appointment. That is extremely disappointing and unless well-handled from here on will add to concerns about leaks.

I hope that you find this helpful. Unless there is something noteworthy I won't repeat this process in January but will provide an update ahead of the interim report to the Minister which is due by late February.

Lindsay

Some Observations, Guidance and Advice on the Governance Arrangements for Long-term Plan Adoption at Wellington City Council

Overview of the Issue and Guidance

1. The terms of reference for the appointment of a Crown Observer to Wellington City Council noted that the conduct of councillors at recent Council meetings was not conducive to effectively managing the Long-term Plan amendment and adoption process.
2. In this report I am advising that a full Council approval step be included in the Long-term Plan development process, preferably prior to the Consultation Document being submitted for audit. I note there would be practical challenges in keeping the process to time, if the Council approval step was done post-audit and the Council required changes.
3. The Long-term Plan, Finance and Performance Committee has a comprehensive delegation to develop the Long-term Plan (among other things) save for the final Council adoption step which cannot be delegated. That delegation is not intended to be affected by this advice.
4. This advice relates specifically to the Long-term Plan development given the length and complexity of the process as well as the status of the Plan as the enabler of virtually everything. I do not support extending the advice to have it apply to other processes or delegations.
5. It is evident from the record that Council's process for developing and adopting the 2024-34 Long-term Plan (LTP) has created an opportunity for frustration, division and re-litigation. That culminated in a notice of motion which succeeded in reversing a plan to sell shares in Wellington Airport which in turn precipitated the need to amend the LTP and perhaps contributed to the government intervention.
6. I am concerned that while the process remains the same, those risks and opportunities to disrupt remain. That is especially so given the historic voting divisions that have occurred at Wellington City Council and committee level on key issues. The differing personalities and political perspectives 'in play' are an aggravating factor.
7. With water reform decisions on the same process path as the LTP amendment - the consequences of not taking steps to mitigate these risks may be dire.
8. My observation is that the change in the Long-term Plan, Finance and Performance Committee's (LTPF&P) delegations between the 2019-22 and 2022-25 triennia was a significant contributor to the situation that developed around the June 2024 adoption of the 2024-34 Long-term Plan, to the subsequent notice of motion and to the government intervention.

9. There were other factors of course including the opportunity some took to leverage political advantage. While legal advice correctly supported the process - it didn't de-risk it and a failure of good governance ensued.
10. By way of guidance and advice I propose that Council should meet to consider the recommendation of the LTPF&P Committee on the Consultation Document and associated documents and adopt them. This was the process used in the 2019-22 triennium. The same process step should be inserted for the local water done well proposal and options.
11. I don't see the current delegation to the LTPF&P Committee as a constraint on inserting Council into the process. That committee could, of its own volition, refer a recommendation on the Consultation Document to Council or the Council could ask that it does. That is a matter for your officers to consider and advise you on. All I would say is that I don't see that it is necessary to discharge the committee or remove its delegations in order to do so.
12. Reinstating this process step isn't a guarantee that issues won't emerge later on or that risks will be eliminated but it does -
 - provide an early opportunity to reconcile any differences in the committee's v Council's priorities;
 - cool political tensions;
 - enhance transparency;
 - give Council a sense of ownership;
 - promote public confidence in the overall process;
 - enable the Council to have better oversight of the broad delegation through its critical stages.

Background and Reasoning

13. On 24 November I raised my concerns about the role of Council in adopting the LTP with Council officers having read the Annual Plan/Long-term Plan Steering Group's Charter. The Charter contained an inconsistency between the roles and responsibilities of the LTPF&P Committee and Council (certain key interim decisions were assigned to Council) and the meeting schedule (which didn't have a Council decision on the matter until 26 June 2025).
14. I suspected that the Charter may not have been updated from a time when the Council took certain key interim decisions. That view seems to be borne out by my recent inquiries.
15. During the 2019/22 and the 2022/25 triennia the LTPF&P Committee and its predecessor had/have the same delegation in part i.e. *Develop the Council's draft and final Long-term Plan, Annual Plan and any amendment to the Long-term Plan, for recommendation to the Council.*

16. But the power (obligation) that was in the 2019/22 delegation to *recommend the Consultation Document for a Long-term Plan, Annual Plan and any amendment to the Long-term Plan, for adoption by the Council* was not repeated.
17. Officers explained that the delegation to ‘develop’ the draft and final LTP for recommendation to Council was broad and all-encompassing i.e. mandated everything up until Council adoption. I expressed the view that while that might be within the law, for all practical purposes the power of the Council to do anything in the last week of June other than adopt the Committee’s recommendation had been usurped. As a matter of good governance I said I preferred the decision to adopt a Consultation Document and to go to public consultation to be one for a full council.
18. Subsequently I’ve heard references from councillors to ‘rubber stamping’ and have read about the debate and questioning at the 24 June 2024 meeting when councillors were advised that they couldn’t adopt an LTP other than the one the LTPF&P Committee recommended.
19. There is no guarantee that the debate that occurred around the 24 June 2024 LTP adoption decision would not play out when Council considers a recommendation on a Consultation Document but at least -
 - there is time to resolve it;
 - consultation can occur on proposals that the full Council is committed to;
 - decisions by the delegate that effectively bind the Council are avoided;
 - issues arising from the different voting arrangements between the committee and Council can be addressed; and
 - Council’s ability to adopt an LTP on terms that a clear majority of members support is preserved.
20. I have read and been briefed about the legal advice, in relation to the options Council has when presented with a recommendation on the Long-term plan by its delegate. I agree with the advice. I have also noted the practical implications of the need to reaudit (and the time involved) if the plan was not adopted in June, as required.
21. These processes are fertile ground for legal opinions, which should be considered of course. My preference is in taking a good governance approach to addressing the political challenges that the delegation and interpretation of them has given rise to and to assist resolve them.
22. To that end I invite Council to consider what follows.

Council’s Powers

23. It is common ground in the legal advice that Council retains full capacity to exercise a delegated function without reference to the delegate. That principle is referenced in clause 32(7) of Schedule 7 of the Local Government Act 2002 (the LGA) and was recognised in Buddle Findlay’s 7 October advice. As their advice focused on clause 30 of Schedule 7, they didn’t expressly provide advice on this point other than noting that

before the Council could exercise its own powers the committee would need to be discharged or have its delegation changed by resolution.

24. I can understand officers' apparent emphasis on the advice about needing to discharge the committee before the Council exercised the delegated power given the risks to the integrity of the whole process if/when certain councillors sought to relitigate certain committee decisions.
25. I also agree that the committee's decision stands as a matter of fact and is part of the record, but my advice is that this does not limit the power retained by Council.
26. The concern about the Council's LTP drafting and adoption process is that the Council's discretion to do anything other than accept the committee's recommendation is, for all practical purposes, fettered by the extent of the delegation. Can I suggest that it would have been and still is helpful to consider the issue in governance as well as legal terms.

Committees of the Whole

27. The LTPF&P Committee is a committee of the whole plus there are two pouiwi members with full rights. In other words, there are 18 votes around the table.
28. The delegation framework in the LGA makes most sense for smaller committees and probably wasn't designed with committees of the whole in mind. That said, the statutory framework needs to be able to work for committees of the whole especially in the case where other members have been appointed with full voting rights. The risk is that the committee's wider membership could produce different voting patterns to the Council. Outcomes like this can incentivise relitigating of committee decisions even when all members of the Council have been involved. This is both problematic and undesirable if good governance is the aim and every effort should be made to mitigate this risk.
29. For the Council to have full confidence in important decisions made on its behalf under delegation, the decision-making system must be clear, readily understood and capable of producing decisions for which the Council itself can be held accountable.
30. This requires careful delegation design especially where complex multistage decisions and processes are involved. In my view the broad delegation to the current LTPF&P Committee lacks specificity about what can and should happen at critical points in the process of developing an LTP. It may not be in the public interest if, for example the Council's community consultation obligation is undone because the proposal and options in a Consultation Document don't have majority councillor support.
31. CEO recruitment processes serve to illustrate the point. The power to appoint a CEO is reserved for Council. Theoretically a committee with the requisite delegation could decide who the preferred candidate is and make an offer to them. That could result in a significant contractual obligation for which the Council is accountable but may not

have supported. It remains essential that all members of Council have ownership of and confidence in the decision.

The Delegation to the LTPF&P Committee

32. It is accepted that the delegation to the committee is broad. I also accept unreservedly that it is in the public interest and consistent with the Tākai Here Partnership Agreement to have two pouiwi members with full voting rights.
33. As noted above I consider the delegation too broad given the committee's membership and the complexities and multistage process that defines an LTP. That breadth may not be in the public interest. The delegation should be specific about what happens at critical points in the process.
34. On one interpretation it is possible that the delegation **is** specific about the process as it uses the words "draft and final" in relation to the LTP and the committee's recommendation to Council. These words could be taken to refer to two different documents and stages in the process i.e. the draft LTP (being prepared in advance of issuing the Consultation Document but not as part of it as sections 93A(2) and 93C(3)(c) make clear) and the post community consultation decisions.
35. Support for this view can be found in the LGA. That is because when a council's power to adopt an LTP in clause 32(1)(d) is read alongside section 93(2) i.e. a "local authority must use the special consultative procedure in **adopting** a long-term plan" (my emphasis), the approval of a Consultation Document could be viewed as part of the adoption process that cannot be delegated.
36. That doesn't appear to be the officers' or advisers' prevailing view. I understand their view to be that the use of both words is intended to reinforce the fullness of the delegation.
37. I am uncertain, if on that interpretation, the breadth of the delegation is as intended or desirable in public accountability terms. Again, rather than labour these fine legal points it is better to put the matter beyond doubt with robust and transparent governance processes and steps - as the delegation in the 2019-22 triennium sought to do.
38. It seems clear that, despite all councillors being on the committee, mechanisms should exist so that Council itself is practically able to exercise oversight of the process and manage the risks.

Key Take Out

39. Bringing the Consultation Document to Council for approval before it is audited and open for public submission would recognise the important milestone, mitigate many of the risks that have manifest themselves and ensure that the Council retains oversight

of its delegated powers through its various stages. That would also be consistent with clause 30(3) of Schedule 7 of the LGA.

Lindsay McKenzie

Crown Observer

5 February 2025

Further Observations on Wellington City Council

13 December to 6 March 2025 - Lindsay McKenzie Crown Observer

(This document provides some feedback to the Council on my observations between 13 December 2024 and 6 March 2025. This document is not the Crown Observer's report to the Minister of Local Government but it does cover some of the same ground. Among its uses, I hope that what follows will assist the new Chief Executive's transition.)

Long-term Plan Amendment

The Council has addressed concerns that I raised about the extent of the delegation to the Long-term Plan Finance and Performance Committee to develop the Long-term Plan and its amendment. While the delegation was lawful, my concern was that the Council's statutory role in adopting the Plan had, practically speaking, been usurped. The Council is now taking key approval decisions on the Long-term Plan amendment. I am grateful to officers and to the committee chair for acting on this advice notwithstanding the short lead time it gave them.

Financial Prudence

It is unlikely that Council's financial strategy as set out in the 2024-34 Long-term Plan will be fully achieved by the debt cap approach in the amendment. The investment portfolio won't be materially diversified by selling land leases alone.

The amendment delivers a smaller total disaster fund than the 2024-34 Long-term Plan provided and further out in time i.e. ~\$1.13B in 2031-32 c.f. ~\$1.27B in 2026-27. Whether or not the debt cap approach achieves the targeted debt headroom (200%) depends on several factors - primarily the Council's ability to constrain future spending in the face of community requests for investment. Elected members will need to give due weight to their statutory financial obligations (Local Government Act s101(1)) if the debt cap strategy is to succeed.

These numbers may differ from those in the Consultation Document as they were prepared for me prior to the 18 March meeting agenda being finalised.

Water Reforms

Council's commitment to 'staying the course' and fulfilling its water reform obligations has been reported to the Minister. I acknowledge that will be challenging for councillors given the recently released Wellington Water value for money reports and the doubts that have been raised about the ability of joint shareholding councils to provide the necessary oversight.

Some councillors have expressed concern at having to agree on a delivery model proposal before they can be satisfied on matters such as debt transfers, tariff levels, controls and corporate accountability. There is a feeling of being corralled.

Officers have correctly emphasised the stepwise nature of the process and advised that the other matters will be considered following consultation on the delivery model over the next few months. Given that the Local Government (Water Services) Bill isn't enacted, officers can't be categorical in their advice.

Councillors can be assured that a joint water services delivery CCO can be successfully 'stood up' and operated based on the -

- collaboration between DIA and council officers on water reforms;
- opportunity to take a lessons learned approach from the Wellington Water experience;
- presence of a regulator in the future mix.

Governance and Leadership

Instances of councillor criticism of one another and of officers, as well as information leaks, continue to impact the organisation. The proceedings of the 17 December 2024 LTPF&P Committee also drew criticism and a complaint about a member's accusatory language.

I'm aware that concerns about the partiality in chairing meetings still exists. Refresher training is underway. This concern seems to relate to the frustration some councillors have expressed about their inability to influence the agenda - a point I'll come back to.

The complaints about Cr O'Neil's language when referring to Crs Chung and Randle's position on the Treaty Principles Bill submission, were resolved amicably - to their collective credit. Based on that experience there may scope for council to consider an informal facilitated dispute resolution process combined with some form of issues register for matters that could otherwise warrant a code of conduct complaint.

At Wellington City and at other councils, the code of conduct complaint and inquiry process has proved ineffectual in responding to behaviours that are alleged to create risks to the organisation. The Local Government Commission is producing a standardised code of conduct for local authorities. My hope is that work recommends an independent body be set up to undertake the inquiries and strengthens the available sanctions.

The lack of effective tools to respond to the type of behaviour that leads to Ministerial interventions is a frustration and should be considered as part of the Government's Systems Improvement work. It seems inequitable that the Minister's assistance and intervention powers are exercisable only in relation to the local authority when one or several elected members' conduct is the catalyst.

The Organisation's Performance

I have undertaken some work to assess the organisation's underlying performance to compare that with what is perceived. Where available I looked at comparative sector information and benchmarking as well as internal surveys and industry acknowledgements. My review covered strategic initiatives, response to growth and housing pressures, climate change, manawhenua partnering, project delivery and staff engagement.

The underlying performance of the organisation is markedly better than its perceived performance. The reason for the difference is likely to relate to utility service delivery performance (principally water) and to governance performance. The issue with both utility services and governance performance is that success is unseen yet failure is manifest.

In my 13 December 2024 internal report I made some observations about the pressures Wellington City Council faced and expressed surprise that the organisation hadn't 'totally wilted'.

I've since read Alicia McKay's book *Local Legends – How to make a difference in Local Government*. It describes how to rate local government organisations from a strategic capability perspective. Using her characterisation I'd describe Council as **overwhelmed**.

An overwhelmed council is one that is busy and reactive, spends time a lot of time on emails, in meetings and responding to crises. It is struggling to get its head above water. The community is typically at its wits end with the state of infrastructure. Councillors can't understand why the organisation can't get the basics right and reflect ratepayer frustration back into the organisation.

The solutions she proposes include taking a longer term view, managing work volume, trust building and collaborating productively. These things require strong political and executive leadership in order to align objectives, overcome short termism and moderate unrealistic expectations. The leadership challenge is a real one given that we are wired for the 'here and now' and our electoral systems reward tangible short term action over long term thinking and delivery.

It is important that Wellington City invests in improving its strategic capability not just for its own sake but also because of its regional leadership potential and because of the role it can play in supporting the government of the day to achieve its agenda.

Observations about Governance Performance and Some Advice

Common Themes

Some consistent themes have been coming through in the issues raised at councillor drop in sessions and at individual meetings with elected members. They typically relate to the organisation's governance arrangements and the servicing by officers.

Councillor's opinions are split on many of the issues - there isn't a consensus on the problem or the solution. My approach has therefore been to take the issues at face value even when the view expressed is in the minority or some people hold the opposite view.

While I have made some observations on how to respond to the issues, I don't know enough about the detail of council's systems and processes to provide specific advice. Nor is that level of involvement appropriate given my role. Instead, I've suggested an overall approach and noted areas where changes should be considered.

What is the end game?

The governance challenges of the past need to be resolved so that electors, ratepayers, prospective members, those who are elected, officers and the Government can have confidence in the organisation's ability to fulfil its role and functions post the 2025 elections and beyond. It is helpful to view governance performance as a management accountability.

The Issues

The issues as I have interpreted them are -

1. lack of balance in committee workloads;
2. little opportunity to raise issues at meetings or get them on agendas;
3. limited scope to express a minority voice;
4. need to use notices of motion to make changes;
5. biases in the flow of information;
6. biases in approaches to chairing meetings;
7. too much information too late;
8. too little notice of key issues
9. reports reflect the author's desire to impart information rather than the governors' need for it;
10. complex recommendations and complex language;
11. officers' recommendations having virtual motion status under Standing Orders;
12. stronger Tier 2 committee chair relationship;
13. perception of institutional capture;
14. a weaponised/politicised code of conduct regime;
15. complex delegations;
16. complex standing orders;
17. resource hungry Q and A regime;
18. too little time to read stuff and do everything justice;
19. lack of detail in project status reports and opportunity to question;

The Suggested Approach

I suggest that before the end of this term there is a facilitated workshop to agree to the governance systems and process changes that Council wishes to make; that work is commenced on the priority issues and that guidance is given to the incoming Mayor and councillors based on the outcome of the workshop. It would be useful to confirm whether the reasons for 'things being as they are' still hold true and/or whether they are having unseen adverse consequences. Nothing should be immune from questioning.

It would be good to see the programme of work, including ongoing training, forming part of a governance milestones calendar.

In no particular order the tasks could be to -

1. review committee terms of reference with a view to reducing the Long-term Plan Finance and Performance Committees workload and the workload of its chair;
2. review committee delegations in line with any scope changes to ensure good governance outcomes as well as legal compliance;
3. defer a review of the Code of Conduct pending the Local Government Commission's report back;
4. consider setting up an incidents/complaints register and informal dispute and conflict resolution arrangement - should also consider whether safety nets for elected members and officers are fit for purpose;
5. review standing orders, standardise them where it is advantageous and have a close look at provisions such as 21.1 which appear to unnecessarily convolute your decision making in meetings;
6. review the agenda setting regime to ensure that the Mayor, chairs and their deputies have timely and effective input into items, their order and draft recommendations;
7. encourage chairs to consult committee members about forward programming and agenda setting;
8. encourage the use of alternatives to notices of motion, including other provisions in standing orders, to give voice to alternative/minority views;
9. strengthen members' knowledge of the relevant law and meeting procedures especially relating to how to get matters discussed or on agendas;
10. review protocols for advising elected members of press releases, key events, off agenda decisions and the like to ensure everyone is in the loop.
11. support members to develop cultural competence so that discomfort is not misinterpreted;
12. determine whether or not institutional capture is a concern, especially for newer members and agree what can be done to address any concerns;
13. review officers' report format and style to ensure the content is fit for governance decision making; the recommendations focus on key decisions; the language is simple, direct and personal;
14. develop a report style guide if there isn't one and encourage compliance if there is;
15. review the sequence and timing of the steps that precede bringing significant matters forward for a decision - topic briefings, draft report Q&As, report publication, electronic Q&As - to ensure they are efficient for both officers and elected members and are achieving their purposes;
16. consider attributing questions raised in electronic Q&As to elected members;

While all of these matters are transactional, I believe that addressing them will lift governance performance. Doing so should also assist the organisation to take a longer term view, get closer alignment on its big objectives, manage its work volume, build trust and collaborate productively.

Lindsay McKenzie

Crown Observer