

5. SCOPE OF PROPOSED GOVERNANCE FRAMEWORK

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SUMMARY

The purpose of this report is to recommend that the Council put in place a more formal and comprehensive framework of governance. It was evident in elected member seminars both prior to and following the recent election that there is considerable uncertainty and inconsistency around aspects of current decision-making processes. We can also anticipate that a new Local Government Act is likely to require all Councils to put in place something along the lines of a framework of governance (including a code of conduct).

WHAT IS THE PURPOSE OF A FRAMEWORK OF GOVERNANCE?

It would comprise a series of statements which clarify how, by whom, and when Council decisions are made and how citizens may (or may not) influence them. It helps give effect to principles in the area of transparent government and open government. Transparent government is about achieving clarity and consistency in the processes which lead to and result in elected member decision-making; open government is about providing appropriate access for the community to influence those decisions.

In terms of the Council's new Committee structure there is a Special Committee which will be looking at issues around consultation. I would anticipate that this Committee will bring forward a series of recommendations which between them will provide greater clarity to the community as to how, when and to what extent they may influence Council decisions. Other elements of a governance framework would need to be developed by the Strategy and Finance Committee.

ELEMENTS OF A GOVERNANCE FRAMEWORK

The possible elements for a framework are as follows:

- Processes for Standing Committees and Subcommittees
- Elected member behaviour (code of conduct) including conflict resolution processes
- Staff behaviour (code of conduct)
- Rules relating to "interests" (elected member and staff)
- Consultation (Seeking Community Views)
- Public access to information
- Council : City Manager relationship framework (contract and performance agreement)
- Complaint and conflict resolution procedures
- Legal Compliance.

The above listing is put forward as a provisional scheme for a framework of governance. Each element is likely to be a separate document, albeit with appropriate cross-references. During development of the process, however, some fine tuning of the suite of documents is likely to be appropriate. At this stage some detailed work has been undertaken on alternative approaches to a code of conduct for elected members and from the recent seminar meetings it is possible to scope the contents for a document on "Processes for Standing Committees and Subcommittees".

PROCESS FOR PUTTING IN PLACE A FRAMEWORK OF GOVERNANCE

If the Council decides to proceed with putting such a framework in place I would suggest a process along the following lines. First, a short scoping report on the contents of a particular document be brought to the appropriate Committee (Strategy and Finance or Consultation and Communication). The purpose of this would be to provide guidance for more detailed work. Second, more detailed work be developed through seminar meetings of the Committee, in the case of Strategy and Finance seminars I would recommend it would be appropriate for all Councillors to be invited and on occasion the Community Board Chairs. I would recommend a seminar style of working as unlike most Committee reports where elected members consider a set of recommendations, the outcome of this process would be the adoption of the documents as a whole. Third, draft documents be brought to Committee for consideration and recommendation on to the Council.

PROCESSES FOR STANDING COMMITTEES AND SUBCOMMITTEES: SCOPE

In the light of the recent elected member seminars I would recommend the following scope for a Council Policy document on "Processes for Standing Committees and Subcommittees":

- Terms of Reference for Committees and Community Boards
- Delegations for Committees and Community Boards

- Requirement to identify outcomes and work programmes for Committees, Standing Subcommittees and Community Boards
- Requests for/identification of matters for report
- Compilation of order papers (agendas) and agenda meetings (including status of recommendations)
- Circulation of order papers and clarification of issues/questions prior to Committee meetings
- Criteria for late and supplementary items
- Conduct of meetings including use of standing orders and procedures for public excluded items
- Criteria for receiving and ground rules for deputations (including possibility of treating deputations requesting funding differently from other deputations)
- Role of Chairman, Deputy Chairman, Principal Adviser and officers advising Committee
- Purpose and use of seminar and working party meetings
- Processes for managing relationships between Standing Committees and between Standing Committees and Community Boards and any other advisory or other boards
- Processes for considering/recommending or actioning variations to the Annual Plan
- Annual review of the above Standing Committee and Subcommittee processes
- Subcommittees - Role and relationships.

CODE OF CONDUCT

More detailed work has been undertaken on a code of conduct for elected members and is under way on a code of conduct for staff. Given that this work has already advanced beyond the scoping stage I would recommend that drafts are provided as a basis for Committee seminar consideration.

The Chair commented:

I am very supportive of the above recommendations. In regards to the role of Chairpersons and the conduct and effectiveness of meetings, I would support workshop/training programmes for Chairs and other interested elected members.

- Recommendation:**
1. That the Council put in place a framework of governance generally along the lines set out in this report. That a target for completion of the work, other than in the area of consultation, be June 2002.
 2. That the scope for a policy on "Processes for Standing Committees and Subcommittees" as set out above be adopted.
 3. That work on codes of conduct be referred directly to workshop/seminar meetings of the Committee.
 4. That a training programme/workshop be arranged for Chairs and other elected members who may wish to attend.