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## Council

### OPEN MINUTES

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**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 8 February 2017 at 9.40am.**

#### PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O’Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr P Yeung

In Attendance:	Chief Executive – Richard Briggs
	General Manager Community - Lance Vervoort
	General Manager City Growth – Kelvyn Eglinton
	General Manager City Infrastructure – Chris Allen
	General Manager Corporate – David Bryant
	General Manager Venues, Tourism and Major Events Group – Sean Murray
	General Manager Strategy and Communications – Sean Hickey
	Executive Director Special Projects – Blair Bowcott
	City Waters Manager – Maire Porter
	City Safe Unit Manager – Kelvin Powell
	Key Account Manager Customer Services - Jason Cargo
	Communications Advisors – Nigel Ward, Nicola Walsh and Barbara Bilcich
	Acting Communications Manager – Tamsin Webb
	City Events Manager – Tracey Wood
	Programme Manager Analysis and Research – Mark Brougham
	Corporate Policy Specialist - Riki Manarangi
	Parks and Open Spaces Manager – Sally Sheedy
	Business Analyst (IS) – Malcolm Frethey

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City Solicitor – Lachlan Muldowney  
Independent Consultant – Stephen Halliwell  
Horwath HTL – Stephen Hamilton and  
PricewaterhouseCoopers (PwC) - Wayne Tainui

Governance Advisors      Governance Manager - Lee-Ann Jordan  
Governance Team Leader - Becca Brooke  
Committee Advisors – Ian Loiterton and Claire Guthrie

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Prior to the official business commencing, a Civic Award was presented to Dr Bev Gatenby in recognition of her services and contributions to the wider community.

Following the award, a blessing was given by Kaumatua Tame Pokaia followed by a bible reading by Reverend Stephen Black.

### 1. Apologies

**Resolved:** (Crs O’Leary/Macpherson)

That the apologies from Cr Gallagher for lateness be received and accepted.

### 2. Confirmation of Agenda

**Resolved:** (Crs Casson/Macpherson)

That the agenda be confirmed, noting that Item 10 (Service Delivery Review – Parks) and Item 11 (Service Delivery Review – H3) be taken after 1.00pm to accommodate external presenters speaking to these Items.

It was noted that there was insufficient information included in the report concerning Item 12 (Housing Accord). Staff were asked to provide further information to Elected Members at the meeting.

### 3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

### 4. Public Forum

**Deborah Fisher** (*resident*) – Spoke to Item 10 (Service Delivery Review – Parks). She noted that she was concerned that at the playground equipment at Bankwood Park had been removed and the toilets were often locked during the day. She asked that staff give consideration to this park in particular when allocating funds for parks.

**Vanessa Williams** (*Hamilton Central Business Association*) – Spoke to Item 8 (Easter Sunday Shop Trading Policy). Ms Williams noted that the Hamilton Central Business Association supported the proposal for public consultation concerning trading on Easter Sunday. It would be preferable that

any changes to trading on Easter Sunday resulting from consultation, that they occur in 2018 rather than 2017.

**Christine Norris** (*resident*) – Spoke to Item 6 (HCC's Draft 2 Submission to the Health (Fluoridation of Drinking Water) Amendment Bill). She raised concerns that the proposal to delegate decision making concerning fluoridation of drinking water supplies to central government would be detrimental to the fundamentals of local democracy.

**William Karaitinana** (*resident*) – Spoke to Item 7 (Provisional Local Alcohol Policy – Update). He noted that he was concerned with the harm alcohol could cause to individuals, especially those with mental health issues and asked that Council consider this in their decision making.

*Cr Gallagher joined the meeting at 10.05am during the public forum.*

## **5. Council - Open Minutes - 13 December 2016**

**Resolved:** (Crs Casson/Mallett)

That the Council confirm the Open Minutes of the Council Meeting held on 13 December 2016 as a true and correct record.

## 6. HCC's Draft 2 Submission to the Health (Fluoridation of Drinking Water) Amendment Bill

The General Manager Strategy and Communications introduced the staff report which asked for approval of the Council's draft submission on the Health (Fluoridation of Drinking Water) Amendment Bill. This Bill would allow District Health Boards (DHBs) to make decisions and give directions to Local Authorities about the fluoridation of drinking water supplies in their respective areas.

Elected Members sought clarification on a number of submission points, particularly in relation to clarification on who the primary decision maker would be and where responsibilities would lie for issues such as the cost of fluoridation and providing fluoride-free taps. Staff clarified that it would be the Ministry of Health making these decisions, via the Director-General.

Elected Members agreed it would be beneficial for HCC representatives to speak to HCC's submission on the Health Amendment Bill when it was heard by Central Government.

**Motion:** (Mayor King/Cr Mallett)

That:

- a) the report be received;
- b) Council approve HCC's 8 February 2017 Draft 2 submission (#481) to the Health (Fluoridation of Drinking Water) Amendment Bill; with the following amendment:
  - to make it explicit that council supports the Director General of Health in making the decision to fluoridate or not fluoridate water supplies.
- c) the approved submission #481 then be sent to Parliament's Health Committee;
- d) the approved submission be uploaded to HCC's website;
- e) local Members of Parliament be advised of and encouraged to support the approved submission; and
- f) the Chair of the Growth and Infrastructure Committee and the General Manager Strategy and Communications represent Hamilton City Council in presenting the submission to Central Government.

**Amendment:** (Crs Henry/O'Leary)

That:

- a) the report be received;
- b) Council approve HCC's 8 February 2017 **Draft 2** submission (#481) to the Health (Fluoridation of Drinking Water) Amendment Bill; with the following amendments:
  - to make it explicit that council supports the Director General of Health in making the decision to fluoridate or not fluoridate water supplies.
  - change 2.5.1 to read HCC supports central government to undertake comprehensive research into the potential benefits and harm of fluoridation including Hydrofluorosilic Acid (HFA).
- c) the approved submission #481 then be sent to Parliament's Health Committee;
- d) the approved submission be uploaded to HCC's website;
- e) local Members of Parliament be advised of and encouraged to support the approved submission; and

- f) the Chair of the Growth and Infrastructure Committee and the General Manager Strategy and Communications represent Hamilton City Council in presenting the submission to Central Government.

**The Amendment was put.**

**Those for the Amendment:** Councillors Yeung, O'Leary, Macpherson, Henry and Southgate.

**Those against the Amendment:** Mayor King, Councillors Gallagher, Pascoe, Mallett, Tooman, Bunting, Casson and Taylor.

**The Amendment was declared lost.**

**The Motion was then put and declared carried.**

**Resolved:** (Mayor King/Cr Mallett)

That:

- a) the report be received;
- b) Council approve HCC's 8 February 2017 Draft 2 submission (#481) to the Health (Fluoridation of Drinking Water) Amendment Bill; with the following amendment:
  - to make it explicit that council supports the Director General of Health in making the decision to fluoridate or not fluoridate water supplies.
- c) the approved submission #481 then be sent to Parliament's Health Committee;
- d) the approved submission be uploaded to HCC's website;
- e) local Members of Parliament be advised of and encouraged to support the approved submission; and
- f) the Chair of the Growth and Infrastructure Committee and the General Manager Strategy and Communications represent Hamilton City Council in presenting the submission to Central Government.

**Cr Henry Dissenting.**

***The meeting adjourned from 11.15am to 11.30am.***

## 7. Provisional Local Alcohol Policy (PLAP) – Update

The General Manager City Growth introduced the staff report and gave a brief overview of the process undertaken to date. Staff outlined the four options contained in the report and gave a brief background to each of the outstanding appeals.

Elected Members discussed each of the options and their merits and the City Solicitor provided legal advice on a number of issues including a one-way door policy, the appeal process and the time lines involved in the options outlined in the staff report.

**Resolved:** (Crs O'Leary/Macpherson)

That:

- a) the report is received;
- b) Council cease negotiations with all parties on the Provisional Local Alcohol Policy (PLAP) and submit the original draft PLAP to the Alcohol Regulatory and Licensing Authority as adopted; and
- c) once the PLAP is approved the one-way door policy be considered for future inclusion in the LAP.

**Cr Mallett Dissenting.**

***The meeting adjourned from 1.00pm to 1.30pm.***

*Cr Macpherson left the meeting during the adjournment.*

*Item 11 (Service Delivery Review – H3) followed by Item 10 (Service Delivery Review – Parks) were taken after the adjournment to accommodate external presenters.*

**11. Service Delivery Review - H3**

The General Manager of Venues, Tourism and Major Events introduced Stephen Halliwell (Independent Consultant) and Stephen Hamilton (Horwath HTL). He summarised the outcomes of the H3 service delivery review as outlined in the staff report. It was noted that the recommendations resulting from the Horwath Report (Attachment 1 of the staff report) were to move towards a Council Controlled Organisation (CCO) business model. Staff proposed that this decision should be delayed until the upcoming Council discussions on models were completed.

Elected Members discussed the merits of the Horwath recommendations and asked questions concerning the benefits of a CCO model in relation to the H3 venues, and the costs associated with undertaking a business case to investigate the options.

**Resolved:** (Mayor King/Cr Yeung)

That:

- a) the report be received;
- b) Council defers a decision on the Horwath HTL recommendations until after 30 June 2017; and
- c) the CE presents a report to the 4 April 2017 Community and Services Committee Meeting outlining the impact of moving the H3 business from a fully commercial business model through to a community focused business model.

**Cr Mallett Dissenting.**

*Cr Macpherson re-joined the meeting (2.10pm) during the above item. He was present when the matter was voted on.*

## 10. Service Delivery Review - Parks

The General Manager Community introduced Wayne Tainui (PwC) who spoke to the staff report, outlining the most cost-effective method of service delivery for Parks. He explained that after examining nine different service delivery options, the current in-house model, with some improvements (Enhanced Status Quo) would continue to be the most cost-effective service delivery model for Parks and Open Spaces and City Parks services.

He noted that the Parks service delivery review had led to, and enabled more flexibility and cooperation between the Parks and Open Spaces and City Parks teams with a clearer focus on the Community Group's overall strategy. The review had also clarified the roles and responsibilities with other Groups in Council that fed into various Park's processes. This would ultimately enable improvements in performance across the organisation.

**Resolved:** (Crs Southgate/Casson)

That:

- a) the report be received;
- b) Council approves Parks and Open Spaces continuing with the Enhanced Status Quo service delivery model as the most cost effective service delivery option for Council's park management activity; and
- c) Council receives a report in the 2017/18 Annual Plan process that outlines the vehicle fleet investment requirements to move the City Parks vehicle fleet within asset management plan specifications.

*Cr Gallagher left the meeting (3.44pm) during the above Item. He was not present when the matter was voted on.*

As per Standing Order 3.5.6 (items not on the agenda may be dealt with), the following was resolved to permit the addition of a late Public Excluded Agenda item.

**Resolved:** (Mayor King/Cr Bunting)

That a verbal report from General Manager H3 concerning a City Event be added to the Public Excluded Agenda as an additional item. This item was to be taken as publically excluded to enable Council to carry out commercial negotiations without disadvantage.

***The Meeting adjourned from 4.00pm to 4.10pm.***

*Crs Henry and Macpherson left the meeting during the adjournment.*

*Cr Mallett retired from the meeting during the adjournment.*

Following the adjournment, as per Standing Order 3.2.7 (duration of meetings and time limits) the following was resolved to extend the duration of the meeting.

### Extension of Time

**Resolved:** (Mayor King/Cr Yeung)

That the Meeting be extended in accordance with Standing Order 3.2.7.

## 8. Easter Sunday Shop Trading Policy

The General Manager Strategy and Communications introduced the staff report which sought Council approval for a public engagement on the draft Easter Sunday Shop Trading Policy. He explained that the Shop Trading Hours Act (1990) was amended in 2016, allowing councils to develop a policy to permit shop trading on Easter Sunday.

Elected Members discussed whether any changes to the policy approved post public consultation, should be implemented in 2017 or 2018. It was noted that the representative from Hamilton Central Business Association who spoke during the public forum, had asked for any proposed changes to be implemented in 2018 rather than 2017 to allow for adequate public engagement, and to allow time for business owners to make arrangements.

**Motion:** (Mayor King/Cr Tooman)

That:

- a) the report be received; and
- b) Council approve the notification of the draft Easter Sunday Shop Trading Policy and the Statement of Proposal – Easter 2018 for consultation between 9 March and 9 May 2017 in accordance with section 83 (special consultative procedure) of the Local Government Act 2002.

**Amendment:** (Crs Bunting/Taylor)

That:

- a) the report be received; and
- b) Council approve to publicly notify the draft Policy and the Statement of Proposal (Attachment 2) on 9 February 2017 for consultation, consider any submissions received, and deliberate on a Policy at 6 April 2017 Council meeting in time for implementation by Easter 2017

**The Amendment was put.**

**Those for the Amendment:** Mayor King, Councillors Bunting and Taylor

**Those against the Amendment:** Councillors Gallagher, Pascoe, Yeung, Tooman, O'Leary, Casson and Southgate

**The Amendment was declared lost.**

**The Motion was then put and declared carried.**

**Resolved:** (Mayor King/Cr Tooman)

That:

- a) the report be received; and
- b) Council approve the notification of the draft Easter Sunday Shop Trading Policy and the Statement of Proposal – Easter 2018 for consultation between 9 March and 9 May 2017 in accordance with section 83 (special consultative procedure) of the Local Government Act 2002.

*Cr Macpherson and Cr Henry re-joined the meeting (4.35pm) at the conclusion of the above item. They were not present when the matter was voted on.*

## 9. Plan and Strategy Summary Report

The General Manager Strategy and Communications introduced the staff report which gave an overview of the current status of the actions within key Council plans and strategies. He noted that these plans and strategies provide direction to staff in business as usual activities and in the development of proposals for the Long Term Plan.

Elected Members questioned whether the report was an update on actions within the plan or simply an indication of whether they were funded or unfunded.

**Resolved:** (Crs O'Leary/Southgate)

That the report is received.

## 12. Housing Accord

The General Manager City Growth introduced the staff report which asked for approval for the final signed version of the Housing Accord document.

Elected Members queried the version of the document in the agenda, noting it had not been updated with the changes approved at the 13 December 2016 meeting of council.

**Resolved:** (Mayor King/Cr Macpherson)

That:

- a) the report be received;
- b) Council retrospectively approves the signed version of the Hamilton Housing Accord (attachment 2 of the staff report); and
- c) staff circulate an updated version of the document showing the changes post 13 December 2016.

## 13. Nominations for LGNZ National Advisory Groups for the New Triennium.

The report was taken as read.

**Resolved:** (Crs Yeung/Tooman)

That:

- a) the report be received; and
- b) the nominations for Cr Paula Southgate (Chair of Community & Services Committee) for the Policy Advisory Group and Lee-Ann Jordan (Governance Manager) for the Governance and Strategy Advisory Group are retrospectively approved.

**14. Resolution to Exclude the Public**

**Resolved:** (Crs O'Leary/Casson)

**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Council - Public Excluded Minutes - 13 December 2016	) Good reason to withhold information exists under Section 7 Local Government	Section 48(1)(a)
C2. Weathertight Claims - Verbal Report	) Official Information and Meetings Act 1987	
C3. Proposed Plan Change 1 - Ruakura Appeals Management	)	
C4. City Event – Verbal Report (LATE)		

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, as follows:

Item C1.	To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	To maintain legal professional privilege	Section 7 (2) (g)
Item C3.	On the grounds that a right of appeal lies to any Court or Tribunal against the final decision of the Local Authority in this matter	Section 7 (2) (a) (i) Section 7 (2) (i) Section 7 (2) (j)
Item C4 (LATE)	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	
	to enable Council to carry out without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7 (2) (k)

**The meeting went into a Public Excluded session at 4.55pm.**

**The meeting was declared closed at 6.00pm.**