
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 18 February 2016 at 12.30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth Cr M Gallagher Cr A King Cr D Macpherson Cr G Mallett Cr A O’Leary Cr R Pascoe Cr L Tooman Cr P Yeung
In Attendance	Richard Briggs – Chief Executive David Bryant – General Manager Corporate Kelvyn Eglinton – General Manager City Growth Debra Stan-Barton – Planning Unit Manager Julie Clausen – Programme Manager, Strategy Kelvin Powell, City Safe Unit Manager Communications Advisor
Democracy Advisors	Mrs Jude Pani and Mrs Mary Birch

1. Apologies

Resolved: (Her Worship the Mayor Hardaker/Cr Tooman)

That apologies from Councillor Green, and for lateness from Councillors Macpherson and Wilson, be received and accepted.

2. Confirmation of Agenda

Resolved: (Her Worship the Mayor Hardaker/Cr Chesterman)

That the Council confirm the agenda.

3. Declarations of Interest

Councillor Green had previously declared a conflict of interest for the development of the Public Places Bylaw 2016 and Public Places Policy and did not participate in discussion or voting on this item.

4. Recommendations to Council from Strategy and Policy Committee - Public Places Bylaw 2016 and Public Places Policy

Councillor O'Leary presented the recommendations of the Strategy and Policy Committee meeting held on 16 February 2016 noting a change to point a) iv to read "Amend Clauses 4.2 to read *"Mobile shops are not permitted to operate within the Central City (as defined in the map in Schedule 4)."* and Clause 4.5 be deleted, rather than deleting both clauses. This more accurately reflected the intention of the Committee's decision.

Motion: Crs O'Leary/Tooman

That:

- a) The Public Places Policy be adopted with the following changes:
 - i. Remove the duplication of the definition of 'Market';
 - ii. Amend the definition of "Mobile shops" to change 'order' to read 'ordered';
 - iii. Amend clause 1.4.1 to read:

'There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times with the exception of Victoria Street within the area contained in the map in Schedule 4, which will be 1.7 metres.'
 - iv. Amend Clauses 4.2 to read *"Mobile shops are not permitted to operate within the Central City (as defined in the map in Schedule 4)."* and Clause 4.5 be deleted;
 - v. Amend clause 5.1 (IV), Schedule 3, to change '\$1 million' to read '\$2 million';
 - vi. Amend clause 3.1 (IV), Schedule 3, to add the following at the end:

'cover to a minimum of \$2 million.'; and
 - vii. Clauses 5.1 (V) and (VI), Schedule 3, be deleted;
- b) the Public Places Bylaw 2016 (Attachment 2 to this report) be adopted;
- c) consistent with the resolution made by Council in 2009, Council undertakes not to enforce the bylaw against the Old English Baked Potato Van, provided it pays the prescribed annual fee. This entitlement will cease on the sale or the closure of this business;
- d) a fee for Other Activities on Footpaths is set at an administration fee of \$85.00 and a per event permit fee of \$20.00; and
- e) the Public Places Bylaw 2016 and Public Places Policy come into force on the 25 February 2016.

Amendment: Crs Forsyth/Mallett

That the tracked changes identified in clauses 4.2 and 4.5, and schedule 3 clause 5.1(V) and (VI) are reinstated.

Councillor Macpherson joined the Meeting at 12.35pm.

The Amendment was Put:

Those for the Amendment:

Councillors Forsyth, Pascoe and Yeung

Those against the Amendment:

Councillors King, Gallagher, Chesterman,
Hardaker, Mallett, Tooman, O'Leary and
Macpherson

The Amendment was declared lost.

The Motion was then Put.

Resolved: (Crs O'Leary/Tooman)

That:

- a) The Public Places Policy be adopted with the following changes:
 - i. Remove the duplication of the definition of 'Market';
 - ii. Amend the definition of "Mobile shops" to change 'order' to read 'ordered';
 - iii. Amend clause 1.4.1 to read:
'There must be a continuous 2.0 metre wide clearway maintained on all footpaths at all times with the exception of Victoria Street within the area contained in the map in Schedule 4, which will be 1.7 metres.'
 - iv. Amend Clauses 4.2 to read "Mobile shops are not permitted to operate within the Central City (as defined in the map in Schedule 4)." and Clause 4.5 be deleted;
 - v. Amend clause 5.1 (IV), Schedule 3, to change '\$1 million' to read '\$2 million';
 - vi. Amend clause 3.1 (IV), Schedule 3, to add the following at the end:
'cover to a minimum of \$2 million.'; and
 - vii. Clauses 5.1 (V) and (VI), Schedule 3, be deleted;
- b) the Public Places Bylaw 2016 (Attachment 2 to this report) be adopted;
- c) consistent with the resolution made by Council in 2009, Council undertakes not to enforce the bylaw against the Old English Baked Potato Van, provided it pays the prescribed annual fee. This entitlement will cease on the sale or the closure of this business;
- d) a fee for Other Activities on Footpaths is set at an administration fee of \$85.00 and a per event permit fee of \$20.00; and
- e) the Public Places Bylaw 2016 and Public Places Policy come into force on the 25 February 2016.

The Meeting was declared closed at 12.45pm