
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 24 September 2015 at 1.30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr K Green
	Cr A King
	Cr D Macpherson
	Cr G Mallett
	Cr A O’Leary
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Richard Briggs – Chief Executive
	Debra Stan-Barton – Acting General Manager City Environments
	Chris Allen – General Manager City Infrastructure
	Lance Vervoort – General Manager Community
	Sean Murray – Executive Director H3 and Events
	Blair Bowcott – Executive Director Special Projects
	Paul Condor – Chief Financial Officer
	Cherie Meecham – Museum Director
	Nicolas Wells – Strategic Property Unit Manager
	Luke O’Dwyer – City Planning Manager
	Nick Johnston – Strategic Advisor
	Communications Advisors

Also In Attendance	Paul Connell, Chair Audit and Risk Committee – Item 7 2014/15 Annual Report
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Opening Prayers

The Opening Prayers were led by Bishop Steve Lowe from the Catholic Diocese of Hamilton.

1. Apologies

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

That apologies from Councillors Gallagher and Pascoe, and Councillor Macpherson for lateness, be accepted.

2. Confirmation of Agenda

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

That the Council confirm the agenda

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

Councillor Macpherson joined the meeting at 1.35pm at the conclusion of Item 3.

4. Public Forum

There were no speakers in the public forum.

5. Council Minutes - Open - 27 August 2015

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

That Council confirms and adopts as a true and correct record the Open Minutes of the Council Meetings held on 27 August 2015.

Councillors King and Macpherson dissenting.

6. Recommendations to Council - Strategy and Policy Committee Meeting

The recommendations of the Strategy and Policy Committee meeting held on 22 September 2015 were presented by the Chair of the Strategy and Policy Committee, Councillor O'Leary.

Resolved: (Crs O'Leary/King)

1. Review of the Hamilton City Public Places Bylaw - Determination Report

- a) That Council determine that a bylaw continues to be the most appropriate mechanism to manage commercial activities in public places whilst ensuring pedestrian access and public safety is not compromised (Option 3, as detailed in paragraph 45 of the Committee report); and
- b) Should Council determine that a bylaw is the most appropriate way forward and should be put in place prior to revocation (25 February 2016), that:
 - i. Council note that a draft bylaw, in conjunction with a draft policy, be presented to the Strategy and Policy Committee on 3 November 2015 to be adopted for public engagement; and
 - ii. an Extraordinary Meeting of Council be convened on 3 November 2015 to adopt the bylaw for public engagement.

2. Trade waste and Wastewater Bylaw - Determination Report

That:

- a) Council determine that a combined trade waste and wastewater bylaw is the most appropriate mechanism to manage use of, and protect, the wastewater system; and
- b) Council note that staff will work with key stakeholders and draft a proposed trade waste and wastewater bylaw, to be presented to the Strategy and Policy Committee on 23 February 2016 to be adopted for public engagement.

7. 2014/15 Annual Report

Paul Connell, Chair of Audit and Risk Committee, presented this Item for the Council to approve the 2014/15 Annual Report.

Mr Connell commented that the process undertaken by the Audit and Risk Committee included a workshop session and concluded with the Committee on 16 September 2015 recommending that the Council adopt the 2014/15 Annual Report.

It was noted that the snapshot of Performance Measures, included at page 10 of the Annual Report needed to be cross referenced to later pages in the Report.

Mr Connell talked about the work currently being undertaken by the Audit and Risk Committee, with the following noted:

- There is a comprehensive bottom up approach to identify risks, responsibility lay with the Chief Executive. Risk identification was being reviewed currently.
- Councillors could contact Mr Connell, as the Chair of Audit and Risk Committee. Mr Connell would like to have more effective engagement with Elected Members.
- A Council briefing to discuss legislative compliance and risks was to be scheduled. This was looking at both operational and strategic risks.

Resolved: (Crs Wilson/Chesterman)

- a) That the report be received.
- b) That the 2014/15 Annual Report be approved by Council for the Mayor and Chief Executive to sign and present to Audit NZ.
- c) That the Mayor and Chief Executive be authorised to sign the Audit NZ Letter of Representation on behalf of Council.
- d) That the audit opinion be received.
- e) That the audited 2014/15 Annual Report and audited Summary Annual Report be adopted.

Those for the Motion:	Her Worship the Mayor Hardaker, Councillors Forsyth, Chesterman, Yeung, Mallett, Tooman and O'Leary
Those against the Motion:	Councillors King, Green, Wilson and Macpherson

8. Resolution to Exclude the Public

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

Section 48, Local Government Official Information and Meetings Act 1987

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 Minutes - Public Excluded - 27 August 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Arts Forum Advisory Panel membership) Section 7 Local Government Official Information and Meetings Act 1987	
C3. Waikato Museum Art Collection)	
C4. Sale - Beggs Wiseman Building		

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 protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

That Bev Gatenby (Chief Executive), Dennis Turton (Operations Manager,) and Lynnette Flowers (Trustee) – Trust Waikato – remain in the Public Excluded session for part of Item C3 to provide information to the Council.

The Meeting moved into a Public Excluded session (2.10 to 2.57pm).

The Meeting was declared closed at 2.57pm.