

---

## **Council Kaunihera OPEN MINUTES**

---

**Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 17 September 2024 at 9:32 am.**

### **PRESENT**

**Deputy Chairperson** Deputy Mayor Angela O’Leary  
*Heamana Tuarua*

**Members** Cr Geoff Taylor  
Cr Sarah Thomson  
Cr Emma Pike  
Cr Anna Casey-Cox  
Cr Kesh Naidoo-Rauf  
Cr Maria Huata  
Cr Tim Macindoe  
Cr Ewan Wilson  
Cr Mark Donovan  
Cr Louise Hutt

**In Attendance** Mayor Paula Southgate  
Cr Andrew Bydder  
Cr Maxine van Oosten

**External Presenters** Mary Hill  
James Muldowney

---

*Deputy Mayor Angela O’Leary assumed the role Chair in the absence of Mayor Paula Southgate.*

1. **Apologies – Tono aroha**  
**Resolved:** (Cr Thomson/ Deputy Mayor O’Leary)  
That the apologies for lateness from Cr Moko Tauariki are accepted.
2. **Confirmation of Agenda – Whakatau raarangi take**  
**Resolved:** (Cr Tim Macindoe/Deputy Mayor O’Leary)  
That the agenda is confirmed noting that debate time for item 5 (Code of Conduct - Complaint - Outcome of Investigation) is increased to 3 minutes.
3. **Declarations of Interest – Tauaakii whaipaaanga**  
Cr van Oosten declared Interest in item 5 (Code of Conduct - Complaint - Outcome of Investigation) and noted that she would not take part in the discussion of vote on the matter.
4. **Public Forum – AAtea koorero**  
No members of the public wished to speak in the Public Forum.

## 5. Code of Conduct - Complaint - Outcome of Investigation

The Chief Executive provided an update on the Code of Conduct report drafted by the independent investigators Mary Hill. Ms Hill spoke to the key points on her report process and the options presented to Members for consideration. Tompkins Wake representative, Ms Hill and staff responded to questions from Members concerning the Code of Conduct, process followed, and costs of the investigation. Investigator Mary Hill and staff responded to questions from members concerning potential breaches of the Privacy Act, was this able to be handled informally, with this being a Council matter when actions happen in a personal capacity, the cost associated with the investigation, any conflicts of interests related to the investigator Ms Hill, are relationships between Territorial Authorities relevant when making recommendations in this case.

Cr Andrew Bydder then provided a verbal submission in support of his written submission that was included in the agenda for the meeting.

**Staff Action:** *Staff undertook to report the total costs of the investigation to a future meeting of the Finance and Monitoring Committee.*

**Motion:** (Deputy Mayor O’Leary/Cr Thomson)

That the Council:

- a) receives the report;
- b) considers the investigators report and accepts the findings of the investigator’s report.
- c) determines the following penalties as recommended in the investigators report be imposed:
  - i. issues a formal letter of censure to Councillor Bydder that includes advice that any further conduct of this nature is likely to result in more serious penalties;
  - ii. notes that a letter of censure shall include the decision of Council on the outcome of the Code of Conduct complaints, and any penalties imposed; and that the letter be signed by the Deputy Mayor on behalf of Council;
  - iii. requests Councillor Bydder attend relevant training which may cover matters such as conduct expected of elected members including dealing with members of the public and the media, and the requirements of the Code to be completed by 1 December 2024;
  - iv. requests Councillor Bydder tender a written apology to Waipaa District Council Mayor Susan O’Regan by 17 October 2024;
  - v. requests Councillor Bydder make a public apology to Cerebral Palsy New Zealand and IHC by the 17 October 2024;
- d) notes that the censure and penalties are proportional to the behaviour that is found to be in breach of the Code; and
- e) notes that that Council will review relevant sections of the Code of Conduct for the purposes of providing clarity for when a connection exists between an Elected Member’s private and official capacity.

**Amendment:** (Cr Taylor/Cr Pike)

That the Council:

- a) notes the report; and
- b) notes that the Council will review relevant sections of the Code of Conduct for the purposes of providing clarity for when a connection exists between an Elected Member’s private and official capacity

**The Amendment was put.**

<b>Those for the Amendment:</b>	Crs Macindoe, Pike, Taylor, and Wilson.
<b>Those against the Amendment:</b>	Deputy Mayor O'Leary, Crs Casey-Cox, Donovan, Huata, Hutt, Naidoo-Rauf, and Thomson.

**The Amendment was declared LOST.**

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

**Resolved:** (Deputy Mayor O'Leary/Cr Thomson)

That the Council:

- f) receives the report;
- g) considers the investigators report and accepts the findings of the investigator's report.
- h) determines the following penalties as recommended in the investigators report be imposed:
  - vi. issues a formal letter of censure to Councillor Bydder that includes advice that any further conduct of this nature is likely to result in more serious penalties;
  - vii. notes that a letter of censure shall include the decision of Council on the outcome of the Code of Conduct complaints, and any penalties imposed; and that the letter be signed by the Deputy Mayor on behalf of Council;
  - viii. requests Councillor Bydder attend relevant training which may cover matters such as conduct expected of elected members including dealing with members of the public and the media, and the requirements of the Code to be completed by 1 December 2024;
  - ix. requests Councillor Bydder tender a written apology to Waipaa District Council Mayor Susan O'Regan by 17 October 2024;
  - x. requests Councillor Bydder make a public apology to Cerebral Palsy New Zealand and IHC by the 17 October 2024;
- i) notes that the censure and penalties are proportional to the behaviour that is found to be in breach of the Code; and
- j) notes that that Council will review relevant sections of the Code of Conduct for the purposes of providing clarity for when a connection exists between an Elected Member's private and official capacity.

<b>Those for the Motion:</b>	Deputy Mayor O'Leary, Crs Casey-Cox, Donovan, Huata, Hutt, Naidoo-Rauf, Pike and Thomson.
------------------------------	---

<b>Those against the Motion:</b>	Crs Macindoe, Taylor, and Wilson.
----------------------------------	-----------------------------------

**The meeting was adjourned from 10.50am to 11.10am during discussion of the above item.**

**The meeting was adjourned from 11.45am to 12.00pm during discussion of the above item.**

**The meeting was declared closed at 12.43 pm**