
Council *Kaunihera* OPEN MINUTES

Minutes of a meeting of the Council held in the Council Chamber and via Audio-Visual Link, Municipal Building, Garden Place, Hamilton on Tuesday 31 October 2023 at 1:10 pm.

PRESENT

Chairperson Mayor Paula Southgate
Heamana

Members: Cr Maxine van Oosten
Cr Moko Tauariki
Cr Ewan Wilson
Cr Louise Hutt
Cr Andrew Bydder
Cr Geoff Taylor (via Audio visual Link)
Cr Sarah Thomson
Cr Emma Pike
Cr Kesh Naidoo-Rauf (via Audio visual Link)
Cr Mark Donovan

In Attendance: Lance Vervoort – Chief Executive
David Bryant – General Manager Business Services
Blair Bowcott – General Manager Strategy, Growth and Planning
Sean Murray – General Manager, Tourism & Events
Katy Nudd – Group Business Manager
Charlotte Catmur – Sustainability and Climate Change Manager

Governance Staff: Amy Viggers – Governance Lead
Arnold Andrews – Governance Advisor

1. **Apologies – *Tono aroha***

Resolved: (Mayor Southgate/Cr Wilson)

That the apologies for absence from Cr Huaki and Cr Casey-Cox, for lateness from Deputy Mayor O’Leary and Cr Donovan and for early departure from Cr van Oosten are accepted.

2. **Confirmation of Agenda – *Whakatau raarangi take***

Resolved: (Mayor Southgate/Cr Wilson)

That the agenda is confirmed noting:

- a) that the late Item C7 Council Shareholding Discussion is accepted. This matter has been added as a late item to ensure members are informed in a timely manner; and
- b) the order of the agenda will be flexible to accommodate availability.

3. **Declarations of Interest – *Tauaakii whaipaaanga***

No members of the Council declared a Conflict of Interest.

4. Public Forum – Aatea koorero

Andrew King spoke to Item 10 (Recommendations from Open Committee Meetings) in particular the External Funding Policy Review and requested that the Council not approve the recommendation from the Community and Natural environment Committee.

Item 10 (Recommendations from Open Committee Meetings) was taken after Item 4 (Public Forum – Aatea koorero) to accommodate availability.

5. Recommendations from Open Committee Meetings

The Chair of the Strategic Risk and Assurance Committee provided an update to the Council noting that verbal clearance had been received.

2022/23 Annual Report, Summary Annual Report and Representation Letter

Resolved: (Cr Wilson/Cr van Oosten)

That the Council:

- a) adopts the Annual Report 2022/23 and the Summary Annual Report 2022/23; and
- b) approves the letter of representations to Audit New Zealand be signed by the Chief Executive and the Mayor on behalf of Council.

Cr Donovan joined the meeting (1.20pm) during the discussion of the above matter. He was present when the matter was voted on.

6. Confirmation of the Council Open Minutes - 12 October 2023

Resolved: (Mayor Southgate/Cr van Oosten)

That the Council confirm the Open Minutes of the Council Meeting held on 12 October 2023 as a true and correct record.

7. Confirmation of the Elected Member Open Briefing Notes - 30 August 2023

Resolved: (Mayor Southgate/Cr Wilson)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 30 August 2023 as a true and correct record.

8. Confirmation of the Elected Member Open Briefing Notes - 18 October 2023

Resolved: (Cr van Oosten/Cr Wilson)

That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 18 October 2023 as a true and correct record.

9. Chair's report

Mayor Southgate spoke to the report and she thanked former Councillor Hamilton for his services as he now took on his new position as the Hamilton East MP. She responded to questions from Members concerning future involvement of Elected Members in future Sister City events.

Resolved: (Mayor Southgate/Cr Wilson)

That the Council:

- a) receives the report; and
- b) approves the changes to the Governance Structure 2022-2025 outlines in the Chair's report; and
- c) approves the appointment of Cr Wilson to the Sister City portfolio in consultation with the Mayor.

Cr Taylor Dissenting.

10. Submission to the Inquiry into Climate Adaptation by Parliament's Environment Committee

The Sustainability and Climate Change Manager took the report as read.

Resolved: (Cr Hutt/ Cr Tauariki)

That the Council:

- a) receives the report;
- b) approves the **Draft 2** submission to the Inquiry into Climate Adaptation (**Attachment 1**);
- c) approves Council representatives to speak at the hearings in support of the final approved submission;
- d) notes that **Draft 1** of the submission was circulated to Elected Members and Maangai Maaori for feedback on 3 October 2023; and
- e) notes that the approved final submission will be submitted by the 1 November 2023 closing date.

11. Recommendations from Open Committee Meetings (Continued)

Community Assistance Policy Review

Resolved: (Cr Wilson/Cr Bydder)

That the Council:

- a) adopts the draft Community Grants Policy;
- b) delegates authority to:
 - i. The Community Grant Allocation Sub-committee to make the final grant allocation decisions for Community Partnership Agreement Grants and Community Services Grants;
 - ii. approves staff to make the final grant allocation decisions for Community Initiatives Grants;
- c) notes that the approval of this report will replace the cooperative Community Assistance Policy with the Community Grants Policy; and
- d) notes that all Elected Members will be invited to future Community Grants Allocation Sub-committee meetings and that staff will report to the Community and Natural Environment Committee on the outcome of all Community Grant allocations.

Financial Performance & Strategy Report to 30 September 2023

Resolved: (Cr Wilson/Cr Bydder)

That the Council:

- a) approves the capital movement as identified in paragraph 29 of the 30 September 2023 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments and revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 46 to 51 of the staff report; and
- c) approves unbudgeted operational costs of \$192,500 for a by-election following the resignation of Ryan Hamilton.

Class 4 Gambling and TAB Venues Policies - Deliberations and Approval

Resolved: (Cr Wilson/Cr Bydder)

That the Council:

- a) approves the TAB Venues Policy with **Option 1**: the continuation of the sinking-lid approach (status quo);
- b) approves the Class 4 Gambling Venues Policy with:
 - i. **Option 1**: the continuation of the sinking-lid approach (status quo); and
 - ii. **Option A**: the continuation of the current Relocation and Merger provisions in the

Policy.

Cr Taylor and Cr Donovan Dissenting.

External Funding Policy Review

Resolved: (Cr Wilson/Cr Bydder)

That the Council:

- a) approves **Option 2** of the staff report for the revised External Funding Policy;
- b) notes that the staff will review the Policy in three years or when Council balances its books (whichever occurs earlier); and
- c) notes that any applications to gaming funds are to be considered through an 'equity and community benefit' lens.

11. Resolution to Exclude the Public

Resolved: (Mayor Southgate/Cr van Oosten)

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. Confirmation of the Council Public Excluded Minutes 12 October 2023) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Confirmation of the Elected Member Briefing Public Excluded Notes - 30 August 2023) Official Information and) Meetings Act 1987	
C3. Confirmation of the Elected Member Briefing Public Excluded Notes - 13 September 2023		
C4. Confirmation of the Council (Recommendation from the CE Review Committee) Public Excluded Minutes 15 June 2023		
C5. Recommendation from the CE Review Committee - Chief Executive's End of Year Review 2022-23		
C6. Recommendation from the CE Review Committee		

- Consultant's Report to
the CE's End of Year
review 2022-23

C7. Council Shareholding
Discussion

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 enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C3.	to enable Council to carry out negotiations to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (i) Section 7 (2) (j)
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C7.	to enable Council to carry out commercial activities without disadvantage to enable Council to carry out negotiations	Section 7 (2) (h) Section 7 (2) (i)

The meeting was moved into public excluded session at 2.12pm.

The meeting was declared closed at 3.23pm.

Minute Note 8/10/2024

On 8/10/2024 the following resolutions were determined to be released to the public via these minutes and the quarterly update.

Resolved:

That the Council:

- a) receives the report;
- b) delegates authority to the Chief Executive and General Manager Strategy, Growth and Planning to undertake the necessary actions, engage professional advice, and work with the New Zealand Food Innovation (Waikato) Ltd (NZFIWL) board and in consultation with Callaghan Innovation, to advance negotiations and sign any documentation in order to sell 100% of Council's shareholdings in NZFIWL for no less than \$70,000 return to Council;
- c) delegates authority to the Chief Executive and General Manager Strategy, Growth and Planning to take any steps and sign any documentation to wind up Waikato Innovation Growth Ltd (WIGL);
- d) notes that:
 - i. New Zealand Food Innovation (Waikato) Limited (NZFIWL) is co-owned by Waikato Innovation Growth Limited (WIGL) (70%) and Callaghan Innovation (30%); WIGL is a 100% subsidiary of Hamilton City Council, the ultimate parent, and after the sale of NZFIWL, there will be no further reason for WIGL to exist;
 - ii. advisors at Deloitte have assessed current market conditions, taken feedback from parties approached, factored in the time available before NZFIWL is likely to become technically insolvent, and evaluated the short-to-medium term trading outlook of NZFIWL;
 - iii. the advice from Deloitte and our legal advisors from Tompkins Wake is that Council should advance negotiations and complete a transaction for the sale of Council's shareholdings in NZFIWL through its shareholding in WIGL;
 - iv. an existing offer from New Zealand Nutritional Foods Limited (NGC) should be pursued alongside comparable or more favourable offers that could result in an unconditional binding agreement on or before 30 November 2023; and
- e) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.