
Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 26 March 2015 at 1.30pm.

PRESENT

Chairperson	Her Worship the Mayor J Hardaker
Deputy Chairperson	Cr G Chesterman
Members	Cr M Forsyth
	Cr M Gallagher
	Cr A King
	Cr G Mallett
	Cr A O’Leary
	Cr R Pascoe
	Cr L Tooman
	Cr E Wilson
	Cr P Yeung

In Attendance	Chief Executive, Chief Financial Officer, General Manager City Environments, General Manager City Infrastructure, General Manager Community, General Manager Events and Economic Development, General Manager Organisational Development, General Manager Performance.
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Planning Guidance Manager, City Transportation Manager, Programme Manager – Policy and Bylaws, Strategic Property Unit Manager, Communications Advisor

Committee Advisors	Mrs J Pani and Mr B Stringer
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Opening Prayers

The Opening Prayers were led by Carrie Barber, Quaker Community.

1. Apologies

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

That apologies from Councillors Green and Macpherson be accepted

2. Confirmation of Agenda

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

The Council confirmed the agenda.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes had been set aside for a public forum. The following spoke to Item 6 – Application for Board Venue Consent – Five Crossroads Sports Bar:

Kylie Bryant, supported by Louise Were, spoke on behalf of the Marawaatea Maori Women's Welfare League, opposing the New Zealand Racing Board (**NZRB**) taking over the lease of the Five Crossroads Sports Bar. Ms Bryant expressed her disappointment with the consultation process undertaken by the NZRB and urged the Council to decline the application for a change in tenancy.

Jarrold True, Harkness Henry, and Michael Wemyss, NZRB, spoke to a presentation tabled at the meeting. They requested that the Council grant consent under Section 80 of the Local Government Act 2002 for the NZRB to take over the lease of the Five Crossroads Sports Bar, 236 Peachgrove Road. They emphasised that, apart from the look and feel of the premises that would be upgraded, all activity would remain as is currently in place.

Mr Wemyss confirmed that under NZRB policy, 80% of the profits from the gaming machines went to Racing with 20% allocated to a range of amateur sport, not just rugby. Allocation to amateur sport was in response to applications. He advised that currently the TAB are a guest at the premises, without any guarantee of ongoing tenancy, and taking over the lease would enable the NZRB to operate the premises as a TAB Board Venue.

5. Council Minutes - Open - 26 February 2015

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

That the open minutes of the Council Meeting of 26 February 2015, copies having been circulated, be adopted as a true and correct record.

6. Application for Board (T.A.B) Venue Consent - Five Crossroads Sports Bar

The General Manager City Environments, supported by the Planning Guidance Manager and the Programme Manager – Policy and Bylaws, spoke to this report for the Council to consider whether to grant a consent – contrary to the provisions of Council’s Board (TAB) Venue Policy (**Policy**) – to the NZRB. It was explained that the Council had the discretion to make a decision contrary to the Policy provided it took account of community views and clarified the rationale for such a decision.

The following was noted in response to questions:

- When the Council reviews the Policy, along with the Class 4 Gambling Policy, a special consultative procedure would be required.
- There is no opportunity for an appeal and, referring to paragraph 37 of the report, staff advised that the Policy intent was clear and that they believed this did not create an opportunity for a judicial review.
- The venue had been operating with gaming machines prior to the Class 4 Gambling Policy coming into force. Three businesses in the city were in a similar situation at that time and were granted consent based on “existing use” rights.
- It was up to the NZRB to provide information to the Council to assist with decision-making.

Resolved: (Crs Forsyth/O'Leary)

That:

- a) the report be received; and
- b) the Council declines consent to the application as it does not comply with the provisions of Council’s Board (TAB) Venue Policy.

Councillors Mallett and Wilson dissenting.

7. Amendments to Waikato Plan Terms of Reference

Resolved: (Crs Mallett/Forsyth)

That:

- a) the report be received; and
- b) pursuant to clause 30 of Schedule 7 of the Local Government Act 2002, Council resolves to amend the section 3.1 of the Terms of Reference for the Waikato Plan Joint Committee as follows with amendments highlighted in red:

At least one of the five non-Local Government Members must be a suitable person to ~~represent~~ provide a perspective on the interests of Māori.

8. Resolution to Exclude the Public

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

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 Minutes - Public Excluded - 26 February 2015) Good reason to withhold information exists under	Section 48(1)(a)
C2. Domain Endowment Lease -) Section 7 Local Government Official Information and Meetings Act 1987	
)	

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.	for the reasons noted on the Agenda	Section 7 (2) (a)
Item C2.	to enable Council to carry out negotiations	Section 7 (2) (i)

The Meeting moved into Public Excluded Session from 2.25 until 3.25pm.

The Meeting was declared closed at 3.25pm.