
Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Orākei Marae, 59b Kitemoana Street, Orākei on Thursday, 30 October 2014 at 10.47am.

PRESENT

Mayor	Len Brown, JP	
Deputy Mayor	Penny Hulse	
Councillors	Cr Anae Arthur Anae	
	Cr Cameron Brewer	
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	Until 1.34pm, Item 14
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Denise Krum	
	Cr Mike Lee	
	Cr Calum Penrose	
	Cr Dick Quax	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	
	Cr Wayne Walker	Until 12.51pm, Item 13
	Cr John Watson	
	Cr Penny Webster	
	Cr George Wood, CNZM	

APOLOGIES

Cr Wayne Walker	Early departure
-----------------	-----------------

ALSO PRESENT

Desley Simpson, Orakei Local Board Chair
Kate Cooke, Orakei Local Board Member
Mark Thomas, Orakei Local Board Member

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

An apology was received from Cr W Walker for early departure.

3 Declaration of Interest

Cr R Clow, Cr A Filipaina and Cr L Cooper declared an interest on Item 14 - Report from the Hearing Panel on the Proposed Alcohol Control Bylaw 2014.

4 Confirmation of Minutes

Resolution number GB/2014/114

MOVED by Deputy Mayor PA Hulse, seconded by Cr WD Walker:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 25 September 2014, including the confidential section, as a true and correct record.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgements

His Worship the Mayor acknowledged the passing of Mark Ford, Jonathan Mane-Wheeki, Matija Selak, and Con Thode.

His Worship the Mayor acknowledged the work of Robert Domm, Chief Executive, Regional Facilities Auckland.

Achievements

A document noting Auckland Council Group achievements for October 2014 was tabled.

A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Attachments

- A 30 October 2014, Governing Body, Item 5.1 - Tabled Achievements October 2014

6 Petitions

There were no petitions.

7 Public Input

- 7.1 Penny Bright - The law regarding the setting of rates, and statutory duties for 'open, transparent and democratically accountable' local government, regarding rates spending.

Resolution number GB/2014/115

MOVED by Mayor LCM Brown, seconded by Deputy Mayor PA Hulse:

That the Governing Body:

- a) thank Penny Bright for her public input presentation on the law regarding the setting of rates, and statutory duties for 'open, transparent and democratically accountable' local government, regarding rates spending.

CARRIED

- 7.2 Grace Haden - Issues in the delegation, calculation of penalties, and applying penalties to rates.

Ms Haden tabled information in support of her public input presentation. A copy of the tabled documents has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2014/116

MOVED by Mayor LCM Brown, seconded by Cr LA Cooper:

That the Governing Body:

- a) thank Grace Haden for her public input presentation regarding the issues in the delegation, calculation of penalties, and applying penalties to rates.

CARRIED

Attachments

A 30 October 2014, Governing Body, Item 7.2 - Grace Haden Tabled Information

- 7.3 Lisa Prager - The setting of rates, and statutory duties for 'open, transparent and democratically accountable' local government, regarding rates spending.

Resolution number GB/2014/117

MOVED by Mayor LCM Brown, seconded by Cr CM Casey:

That the Governing Body:

- a) thank Lisa Prager for her public input presentation regarding air quality, the setting of rates, and statutory duties for 'open, transparent and democratically accountable' local government, regarding rates spending.

CARRIED

8 Local Board Input

Desley Simpson, Orakei Local Board Chair, welcomed the Governing Body to Orakei.

9 Extraordinary Business

There was no extraordinary business.

10 Notices of Motion

There were no notices of motion.

11 Long-term Plan 2015-2025 - Mayoral Proposal on Rating Policy

A copy of the Mayor's Proposal was tabled at the meeting. A copy has been placed on the official minutes and will be available on the Auckland Council website as a minutes attachment.

Deputy Mayor PA Hulse left the meeting at 11.39 am.

Deputy Mayor PA Hulse returned to the meeting at 11.41 am.

Cr AJ Anae left the meeting at 12.16 pm.

Cr AJ Anae returned to the meeting at 12.21 pm.

Resolution number GB/2014/118

MOVED by Mayor LCM Brown, seconded by Cr MP Webster:

That the Governing Body:

- a) **receive the Long-term Plan 2015-2025 – Mayoral Proposal on Rating Policy.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CE Brewer	
Mayor LCM Brown	Cr CE Fletcher	
Cr CM Casey	Cr D Quax	
Cr WB Cashmore	Cr SL Stewart	
Cr RI Clow		
Cr LA Cooper		
Cr C Darby		
Cr AM Filipaina		
Deputy Mayor PA Hulse		
Cr DA Krum		
Cr ME Lee		
Cr CM Penrose		
Cr JG Walker		
Cr WD Walker		
Cr J Watson		
Cr MP Webster		
Cr GS Wood		

The division was declared **CARRIED** by 17 votes to 4.

CARRIED

Attachments

- A 30 October 2014, Governing Body, Item 11 Tabled Information - Mayor's Proposal for Rating Policy
- B 30 October 2014, Governing Body, Item 11 Tabled Information - General Rates Impact by Local Board
- C 30 October 2014, Governing Body, Item 11 Tabled Information - Rating Policy
- D 30 October 2014, Governing Body, Item 11 Tabled Information - Ratepayers facing change - pause LTDS

12 Introduction of a new Air Quality Bylaw - Recommendations from the Regulatory and Bylaws Committee

Secretarial note: The original recommendations were replaced in the motion by a Chair's recommendation.

Resolution number GB/2014/119

MOVED by Mayor LCM Brown, seconded by Cr CM Penrose:

That the Governing Body:

- a) **agree that the draft Air Quality Bylaw be returned to the Regulatory and Bylaws Committee for further consideration at its February 2015 meeting, before being re-presented to the Governing Body for decision.**

CARRIED

The meeting was adjourned at 12.51pm.

The meeting was reconvened at 1.30pm.

Cr W Walker was not present.

13 Report from the Hearing Panel on Amendment of the Health and Hygiene Bylaw 2013

Resolution number GB/2014/120

MOVED by Cr CM Penrose, seconded by Mayor LCM Brown:

That the Governing Body:

- a) **receive and adopt the recommendations of the hearing panel on the proposed amendment of the Health and Hygiene Bylaw 2013**
- b) **amend the Health and Hygiene Bylaw 2013 contained in Attachment A pursuant to section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956, with effect from 1 November 2014**
- c) **authorise the Manager Policies and Bylaws, in consultation with the chair of the Regulatory and Bylaws Committee, to make any minor edits or amendments to bylaw amendment to correct any identified errors or typographical edits or to reflect decisions made by the governing body.**

CARRIED

14 Report from the Hearing Panel on the Proposed Alcohol Control Bylaw 2014

*Cr RI Clow left the meeting at 1.34 pm.
Cr LA Cooper left the meeting at 1.34 pm.*

Secretarial note: Cr R Clow, Cr L Cooper and Cr A Filipaina declared an interest on this matter. Cr R Clow and Cr L Cooper left the meeting and did not take part in the debate or vote. Cr A Filipaina remained in the room but did not take part in the debate or vote.

Resolution number GB/2014/121

MOVED by Cr CM Penrose, seconded by Cr GS Wood:

That the Governing Body:

- a) receive and adopt the recommendations of the hearing panel on the proposed Alcohol Control Bylaw 2014 contained in this report
- b) determine pursuant to section 155 of the Local Government Act 2002, that the Alcohol Control Bylaw 2014 contained in the report is the most appropriate way to address the issues relating to the possession and consumption of alcohol in public places in Auckland, is the most appropriate form of bylaw, and is not inconsistent with the New Zealand Bill of Rights Act 1990
- c) make the proposed Alcohol Control Bylaw 2014 pursuant to section 145 and section 147 of the Local Government Act 2002, with effect from 18 December 2014
- d) revoke the following legacy bylaws pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010 on 31 October 2015:
 - i) Auckland City Council Liquor Control in Public Places Bylaw 2004
 - ii) Franklin District Council Liquor Control Bylaw 2008
 - iii) Manukau City Council Liquor Control Bylaw 2010
 - iv) North Shore City Council Liquor Control in Public Places Bylaw 2009
 - v) Papakura District Council Liquor Control in Public Places Bylaw 2008
 - vi) Rodney District Council Liquor Ban Bylaw 2009
 - vii) Waitakere City Council Control of Liquor in Public Places Bylaw 2008
- e) confirm the delegations contained in Attachment A of the report to local boards to make decisions on alcohol bans, except in areas of regional significance.
- f) direct the Manager Policies and Bylaws to develop alcohol ban signage guidelines to be reported to the Regulatory and Bylaws Committee.
- g) authorise the Manager Policies and Bylaws, in consultation with the chair of the Regulatory and Bylaws Committee, to make any minor edits or amendments to the bylaw or delegations to correct any identified errors or typographical edits or to reflect decisions made by the governing body.

CARRIED

15 Local board decisions on local dog access rules

*Cr LA Cooper returned to the meeting at 1.40 pm.
Cr GS Wood left the meeting at 1.58 pm.
Cr GS Wood returned to the meeting at 1.59 pm.*

Resolution number GB/2014/122

MOVED by Mayor LCM Brown, seconded by Cr CE Brewer:

That the Governing Body:

- a) receive the local board decisions on changes to local dog access rules in the Orākei local board area (Attachment A of the report).
- b) make the necessary amendments to the Auckland Council Policy on Dogs 2012 pursuant to section 10 of the Dog Control Act 1996 in relation to the summer beach end time on specified beaches in Orākei Local Board area as contained in Attachments A of the report with a commencement date of 25 October 2014 (the Saturday of Labour Weekend).
- c) make the necessary amendments to the Auckland Council Dog Management Bylaw 2012 in accordance with section 20 of the Dog Control Act 1996 as contained in Attachments A of the report with a commencement date of 25 October 2014 (the Saturday of Labour Weekend).
- d) authorise the Manager Policies and Bylaws in consultation with His Worship the Mayor and the relevant chair of the local board hearing panel to make any minor edits or amendments as per decisions (b) and (c) and to correct any identified errors or typographical edits.

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5 Cr C Casey requested her dissenting vote be recorded.

16 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

17 Procedural motion to exclude the public

Resolution number GB/2014/123

MOVED by Mayor LCM Brown, seconded by Cr LA Cooper:

That the Governing Body:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

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.

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:

C1 Recommendation for Appointments to the Disability Advisory Panel

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains the names of people recommended for the Disability Advisory Panel. This information should not be made public until the Governing Body has adopted the recommendations and the successful applicants confirmed their acceptance of the appointment.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

2.04pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

2.08pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Recommendation for Appointments to the Disability Advisory Panel

Resolution number GB/2014/124

MOVED by Cr SL Stewart, seconded by Cr CM Casey:

That the Governing Body:

- c) agree that the report and attachments remain confidential, and only decisions a) and b) be made publicly available once all successful candidates have been advised and have confirmed they accept their appointment.

2.08 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE GOVERNING BODY HELD
ON

DATE:.....

CHAIRPERSON:.....