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## Tira Kāwana / Governing Body

# OPEN MINUTES

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Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 22 November 2018 at 9.32am.

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### PRESENT

<b>Mayor</b>	Hon Phil Goff, CNZM, JP	
<b>Deputy Mayor</b>	Deputy Mayor Cr Bill Cashmore	
<b>Councillors</b>	Cr Dr Cathy Casey	
	Cr Ross Clow	
	Cr Fa'anana Efeso Collins	
	Cr Linda Cooper, JP	
	Cr Chris Darby	From 9.35am, item 6.1
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Richard Hills	From 9.33am, item 2
	Cr Penny Hulse	From 9.51am, items 6.1 and 6.2
	Cr Mike Lee	
	Cr Daniel Newman, JP	From 9.34am, item 4
	Cr Greg Sayers	
	Cr Desley Simpson, JP	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	From 9.51am, items 6.1 and 6.2 Until 12.25pm
	Cr Wayne Walker	
	Cr John Watson	From 9.34am, item 4
	Cr Paul Young	From 9.34am, item 4

### ABSENT

Cr Josephine Bartley

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## 1 Affirmation

His Worship the Mayor read the affirmation.

## 2 Apologies

*Cr R Hills entered the meeting at 9.33 am.*

Resolution number GB/2018/182

MOVED by Mayor P Goff, seconded by Cr W Walker:

**That the Governing Body:**

- a) **accept the apology from Cr J Bartley for absence on council business.**

**CARRIED**

Note: an apology was subsequently received from Cr P Hulse for lateness on council business.

## 3 Declaration of Interest

There were no declarations of interest.

## 4 Confirmation of Minutes

*Cr D Newman entered the meeting at 9.34 am.*

*Cr J Watson entered the meeting at 9.34 am.*

*Cr P Young entered the meeting at 9.34 am.*

Resolution number GB/2018/183

MOVED by Mayor P Goff, seconded by Cr D Simpson:

**That the Governing Body:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 25 October 2018, including the confidential section, as a true and correct record.**

**CARRIED**

## 5 Petitions

There were no petitions.

## 6 Public Input

Note: Items 6.1 and 6.2 were considered together.

### 6.1 Public Input: Keep the Auckland Dockline Tram Running Movement - Auckland Dockline Tram

### 6.2 Public Input: Auckland Electric Tramways Trust - Auckland Dockline Tram

Puneet Dhallm of the Keep the Auckland Dockline Tram Running Movement spoke to the Governing Body, tabled documents and gave a PowerPoint presentation in support of Item 6.1.

Jef Grobбен of Auckland Electric Tramways Trust spoke to the Governing Body and gave a PowerPoint presentation in support of Item 6.2.

Copies of the documents have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

*Cr C Darby entered the meeting at 9.35 am.*

*Cr P Hulse entered the meeting at 9.51 am.*

*Cr J Walker entered the meeting at 9.51 am.*

Resolution number GB/2018/184

MOVED by Mayor P Goff, seconded by Cr C Fletcher:

**That the Governing Body:**

- a) **receive and note the public input presentations from Puneet Dhall of Keep the Auckland Dockline Tram Running Movement and Jef Grobбен of Auckland Electric Tramways and thank them for their attendance.**

**CARRIED**

#### Attachments

- A 22 November 2018, Governing Body: Item 6.1 - Public Input: Keep the Auckland Dockline Tram Running Movement - Auckland Dockline Tram, presentation
- B 22 November 2018, Governing Body: Item 6.1 - Public Input: Keep the Auckland Dockline Tram Running Movement - Auckland Dockline Tram, tabled document
- C 22 November 2018, Governing Body: Item 6.2 - Public Input: Auckland Electric Tramways Trust - Auckland Dockline Tram, presentation

## 7 Local Board Input

### 7.1 Local Board Input: Māngere-Ōtāhuhu Local Board - Health and Hygiene Bylaw Review

Lemauga Lydia Sosene, Māngere-Ōtāhuhu Local Board Chair spoke to the Governing Body and gave a short presentation.

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

*Cr R Clow left the meeting at 10.33 am.*

*Cr M Lee left the meeting at 10.33 am.*

Resolution number GB/2018/185

MOVED by Mayor P Goff, seconded by Cr L Cooper:

**That the Governing Body:**

- a) **thank Māngere-Ōtāhuhu Local Board Chair, Lemauga Lydia Sosene for her input in relation to the Health and Hygiene Bylaw Review and her attendance.**

**CARRIED**

**Attachments**

- A 22 November 2018, Governing Body: item 7.1 - Māngere-Ōtāhuhu Local Board Input - Health and Hygiene Bylaw Review, presentation

## **7.2 Albert-Eden Local Board - Freedom Camping in Vehicles Statement of Proposal**

This request was withdrawn by the Albert-Eden Local Board.

*Cr M Lee returned to the meeting at 10.35 am.  
Cr R Clow returned to the meeting at 10.35 am.*

## **8 Extraordinary Business**

There was no extraordinary business.

## **9 Future of Auckland Dockline Tram**

*Cr A Filipaina left the meeting at 10.38 am.  
Cr A Filipaina returned to the meeting at 10.47 am.  
Cr C Fletcher left the meeting at 11.46 am.*

Note: clause a) was moved as a Chair's recommendation.

Resolution number GB/2018/186

MOVED by Mayor P Goff, seconded by Cr M Lee:

**That the Governing Body:**

- a) **receive the report from Panuku and convey to the Panuku board that the preferred option of the Governing Body is Option 3 in the agenda report – Reinstate full original loop and have tram running for the 36th America's Cup, then review its future.**

**CARRIED**

Note: Pursuant to Standing Order 1.8.6, Cr R Hills requested that his dissenting vote be recorded.

## **10 Hearings Panel report on Health and Hygiene Bylaw 2013**

*Cr R Clow left the meeting at 12.09 pm.  
Cr M Lee left the meeting at 12.09 pm.  
Cr W Walker left the meeting at 12.09 pm.  
Cr M Lee returned to the meeting at 12.18 pm.*

*Cr R Clow returned to the meeting at 12.18 pm.*  
*Cr W Walker returned to the meeting at 12.23 pm.*

Note: changes to the original recommendation were made by staff with the addition of new clauses b), c) i) and c) ii), with the agreement of the meeting.

Note: changes to the original motion were incorporated with the addition of clause g), with the agreement of the meeting.

Resolution number GB/2018/187

MOVED by Cr L Cooper, seconded by Cr E Collins:

**That the Governing Body:**

- a) **approve the Panel recommendations on proposed changes to the Health and Hygiene Bylaw 2013 in Attachment A and Attachment B of the Hearings Panel report.**
- b) **confirm that a bylaw is the most appropriate way to protect the public from health risks posed by services that contact the body.**
- c) **the Health and Hygiene Bylaw 2013 in Attachment C of the Hearings Panel report:**
  - i) **is the most appropriate form of bylaw; and**
  - ii) **is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- d) **adopt the Health and Hygiene Bylaw 2013 in Attachment C of the Hearings Panel report under section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956.**
- e) **approve the distribution of this report and associated minute to local boards and advisory panels for their information.**
- f) **delegate authority through the Chief Executive to a manager responsible for bylaws to make any amendments to the Health and Hygiene Bylaw 2013 in Attachment C of the Hearings Panel report to correct errors or omissions.**
- g) **establish a working party consisting of relevant councillors, local board members and members of the Pacific Peoples Advisory Panel to further consult Pasifika communities on the implementation of the tatau/tattooing practice under the bylaw.**

**CARRIED**

The meeting adjourned at 12.25pm and reconvened at 1.01pm.

Cr R Clow, Cr E Collins, Cr R Hills, Cr G Sayers and Cr J Walker were not present.

## **11 Recommendations from the Regulatory Committee - Freedom Camping in Vehicles Statement of Proposal**

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

*Cr R Hills returned to the meeting at 1.05 pm.*  
*Cr E Collins returned to the meeting at 1.06 pm.*  
*Cr G Sayers returned to the meeting at 1.06 pm.*  
*Cr R Clow returned to the meeting at 1.22 pm.*

Resolution number GB/2018/188

MOVED by Cr L Cooper, seconded by Deputy Mayor BC Cashmore:

**That the Governing Body:**

- a) **adopt the statement of proposal in Attachment A of the original agenda report for public consultation and confirm that the draft bylaw:**
  - i) **is necessary to protect the area, protect the health and safety of people who may visit the area and/or to protect access to the area**
  - ii) **is the most appropriate and proportionate way of addressing the perceived problem in relation to the area**
  - iii) **is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- b) **forward to local boards and advisory panels:**
  - i) **the statement of proposal in Attachment A of the original agenda report for their views**
  - ii) **this agenda report and attachments for their information.**
- c) **note delegated authority to a manager responsible for bylaws to make any amendments to the statement of proposal in Attachment A of the original agenda report to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**

**CARRIED**

**Attachments**

A 22 November 2018, Governing Body: Item 11 - Recommendations from the Regulatory Committee - Freedom Camping in Vehicles Statement of Proposal, Timeline

**12 Recommendations from the Appointments, Performance Review and Value for Money Committee - Value for Money (s17A) - Legal and Risk Management Services**

Resolution number GB/2018/189

MOVED by Mayor P Goff, seconded by Cr D Simpson:

**That the Governing Body:**

- a) **approve the terms of reference for the Legal and Risk Management value for money review (included in Attachment A of the agenda report).**

**CARRIED**

**13 Appointment of Councillor Paul Young to committees**

Resolution number GB/2018/190

MOVED by Cr R Clow, seconded by Cr C Casey:

**That the Governing Body:**

- a) **amend the Committee Terms of Reference to show that Councillor Paul Young is a member of:**
  - i) **all committees of the whole of the Governing Body**
  - ii) **the Regulatory Committee**
  - iii) **the Civil Defence and Emergency Management Committee**
  - iv) **the Community Development and Safety Committee.**

**CARRIED**

**14 Summary of Governing Body information memos and briefings - 22 November 2018**

Resolution number GB/2018/191

MOVED by Mayor P Goff, seconded by Cr C Darby:

**That the Governing Body:**

- a) note the progress on the forward work programme
- b) receive the Summary of Governing Body information memos and briefings – 22 November 2018.

**CARRIED**

**15 Correspondence from select committee**

Resolution number GB/2018/192

MOVED by Mayor P Goff, seconded by Cr L Cooper:

**That the Governing Body:**

- a) note there is a confidential report in the agenda which contains a communication from the select committee on a bill.

**CARRIED**

**16 Chief Executive's performance objectives**

Resolution number GB/2018/193

MOVED by Mayor P Goff, seconded by Cr R Clow:

**That the Governing Body:**

- a) agree the set of performance objectives for the Auckland Council's chief executive for the calendar years 2019-2020.
- b) note there is a confidential report in the agenda.

**CARRIED**

**17 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.



## 18 Procedural motion to exclude the public

Cr W Walker left the meeting at 1.42 pm.

Resolution number GB/2018/194

MOVED by Mayor P Goff, seconded by Cr C Casey:

**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 CONFIDENTIAL: Correspondence from Select Committee

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
In particular, the report contains correspondence from the Justice Select Committee. It is contempt of the House of Representatives to disclose select committee proceedings prior to the committee reporting to the House..	Not applicable.	s48(1)(b) The public conduct of the part of the meeting would be likely to result in the disclosure of information which would be contrary to a specified enactment or constitute contempt of court or contempt of the House of Representatives.

### C2 CONFIDENTIAL: Chief Executive's performance objectives

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, during this item, the committee will discuss the Chief Executive's performance objectives which are yet to be agreed.	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**

1.42 pm 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.

2.16 pm The public was re-admitted.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 CONFIDENTIAL: Correspondence from Select Committee**

Resolution number GB/2018/195

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- b) confirm that the resolutions, report and attachments remain confidential until reasons for confidentiality no longer exist.

**C2 CONFIDENTIAL: Chief Executive's performance objectives**

Resolution number GB/2018/196

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- b) agree that there be no restatement of the resolutions, report and attachment until agreement of the performance objectives has been reached. Staff will provide advice on which documents may be released.

2.16 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:**.....