
Tira Kāwana / Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on 27 May 2021 at 10.07am.

PRESENT

Mayor	Hon Phil Goff, CNZM, JP	
Deputy Mayor	Deputy Mayor Cr Bill Cashmore	
Councillors	Cr Josephine Bartley	From 10.12am, Item 9
	Cr Dr Cathy Casey	
	Cr Fa'anana Efeso Collins	Via electronic link
	Cr Pippa Coom	Until 3.46pm, Item 17
	Cr Linda Cooper, JP	
	Cr Angela Dalton	From 10.37am, Item 10
		Until 3.50pm
	Cr Alf Filipaina	
	Cr Christine Fletcher, QSO	
	Cr Shane Henderson	
	Cr Richard Hills	
	Cr Tracy Mulholland	
	Cr Daniel Newman, JP	Via electronic link
		until 3.46pm
	Cr Greg Sayers	From 10.10am, Item 4
	Cr Desley Simpson, JP	From 12.06pm, Item 14
	Cr Sharon Stewart, QSM	
	Cr Wayne Walker	From 10.19am, Item 10
	Cr John Watson	
	Cr Paul Young	

PRESENT

Cr Chris Darby

1 Affirmation

His Worship the Mayor will read the affirmation.

2 Apologies

Resolution number GB/2021/45

MOVED by Mayor P Goff, seconded by Cr P Young:

That the Governing Body:

- a) **accept the apologies from Cr A Dalton, Cr G Sayers and Cr W Walker for lateness, Cr D Simpson for lateness on council business and Cr C Darby for absence on council business.**

CARRIED

Electronic Attendance

Resolution number GB/2021/46

MOVED by Mayor P Goff, seconded by Cr P Coom:

That the Governing Body:

- b) **approve the electronic attendance under Standing Order 3.3.3 for:**
- **Cr E Collins**
 - **Cr D Newman**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Cr G Sayers joined the meeting at 10.10am

Resolution number GB/2021/47

MOVED by Mayor P Goff, seconded by Cr G Sayers:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 29 April 2021 and the extraordinary minutes of its meeting, held on Tuesday, 25 May 2021, as a true and correct record.**

CARRIED

5 Petitions

There were no petitions.

6 Public Input

There was no public input.

7 Local Board Input

There was no local board input.

8 Extraordinary Business

There was no extraordinary business.

9 Submission on freedom camping proposal to the Ministry of Business, Innovation and Employment

Cr J Bartley joined the meeting at 10.12 am.

Resolution number GB/2021/48

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

That the Governing Body:

- a) **approve the Auckland Council submission to the Ministry of Business, Innovation and Employment in Attachment A of this agenda report on proposed changes to support effective management of freedom camping in New Zealand.**
- b) **agree that staff can lodge the Auckland Council submission in Attachment A of this agenda report on proposed changes to support effective management of freedom camping in New Zealand with the Ministry of Business, Innovation and Employment by 28 May 2021.**

CARRIED

10 Options for inclusion of General Rules in a Freedom Camping in Vehicles Bylaw

The Joint Political Working Group preferred options had been circulated prior to the meeting. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr W Walker joined the meeting at 10.19 am.

Cr A Dalton joined the meeting at 10.37 am.

Cr C Fletcher left the meeting at 11.22 am.

Note: changes were made to the original recommendation with new clause d) being added as a Chairperson's recommendation.

Resolution number GB/2021/49

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

That the Governing Body:

- a) **agree that Option B: General Rules is the preferred approach for inclusion in a new statement of proposal for a Freedom Camping in Vehicles Bylaw.**

- b) agree that the following General Rules and settings should be proposed to apply to all unscheduled areas managed by a proposed Freedom Camping in Vehicles Bylaw:
 - i) Freedom campers must use certified self-contained vehicles, unless staying in a scheduled restricted area identified as suitable for non-self-contained vehicles
 - ii) Freedom campers in vehicles may stay a maximum of two nights in the same street/off-street parking area
 - iii) Freedom campers in vehicles must vacate their parking space by 9am on the day of departure
 - iv) Freedom campers in vehicles may not return to stay in the same street/off-street parking area within a two-week period.
- c) note that the views of the Joint Political Working Group on preferred options were not available at the time of writing and will be provided as a supplementary paper for the Governing Body's consideration.
- d) agree that public feedback be sought on the statement of proposal for a Freedom Camping in Vehicles Bylaw on all the conditions of the general rule.

CARRIED UNANIMOUSLY

Attachments

- A 27 May 2021, Governing Body: Item 10 - Options for inclusion of General Rules in a Freedom Camping in Vehicles Bylaw, Joint Political Working Group options

11 Recommendation from the Regulatory Committee - Proposal to amend the Animal Management Bylaw

Cr C Fletcher returned to the meeting at 11.30 am.

Resolution number GB/2021/50

MOVED by Cr L Cooper, seconded by Cr C Casey:

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 proposed Te Kaunihera o Tāmaki Makaurau Ture-ā-rohe Tiaki Kararehe / Animal Management Bylaw 2015:
 - i) is the most appropriate form of bylaw
 - ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.
- b) forward the original agenda report and attachments to local boards for their information.
- c) delegate authority through the Chief Executive to a manager responsible for bylaws:
 - i) to make any amendments to the proposal in clause a) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.
- d) note Panel members, Cr Linda Cooper (chair), Cr Cathy Casey, and Independent Māori Statutory Board Member Glenn Wilcox will attend 'Have Your Say' events and deliberate and make recommendations to the Governing Body on public feedback to the statement of proposal in clause a).

CARRIED

12 Recommendation from the Regulatory Committee - Proposal to make a new Trading, Events and Filming Bylaw

Cr G Sayers left the meeting at 11.38 am.

Cr S Stewart left the meeting at 11.38 am.

Resolution number GB/2021/51

MOVED by Cr L Cooper, seconded by Cr T Mulholland:

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 proposed new Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Auckland Council Public Trading, Events and Filming Bylaw 2022:**
 - i) **is the most appropriate form of bylaw**
 - ii) **does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990**
 - iii) **is not inconsistent with the Reserves Act, Resource Management Act, Auckland Unitary Plan, Trespass Act, Fair Trading Act, Customer Guarantees Act, Road User Rule, Waitakere Ranges Heritage Area Act, Electricity (Safety) Regulations, and Auckland Council Public Safety and Nuisance Bylaw and Signage Bylaw.**
- b) **forward the original agenda report and attachments to local boards for their information.**
- c) **note delegated authority through the Chief Executive to a manager responsible for bylaws:**
 - i) **to make any amendments to the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**
- d) **note Bylaw Panel members, Cr Linda Cooper (chair), Cr Josephine Bartley, Cr Shane Henderson, and Independent Māori Statutory Board Member Glenn Wilcox, will attend ‘Have Your Say’ events and deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in clause a).**

CARRIED

13 Referred from the Audit and Risk Committee - Enterprise Risk Update - May 2021

Cr S Stewart returned to the meeting at 11.42 am.

Cr G Sayers returned to the meeting at 11.52 am.

Resolution number GB/2021/52

MOVED by Cr D Newman, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- a) **receive the Enterprise Risk Update – May 2021 (Attachment A of the agenda report).**

CARRIED

14 Referred from the Audit and Risk Committee - Auckland Council's Health, Safety and Wellbeing (HSW) performance

Cr D Simpson joined the meeting at 12.06 pm.

Resolution number GB/2021/53

MOVED by Cr D Newman, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- a) **note the Auckland Council's Health, Safety and Wellbeing (HSW) performance report (Attachment A of the agenda report) and any commentary from the Audit and Risk Committee.**
- b) **note that the report has been provided to all local boards for their information.**

CARRIED

15 Referred from the Audit and Risk Committee - Auckland Council Hauora (Wellbeing) Review

Resolution number GB/2021/54

MOVED by Cr D Newman, seconded by Cr S Henderson:

That the Governing Body:

- a) **receive the Auckland Council Hauora (Wellbeing) Review report.**

CARRIED UNANIMOUSLY

The meeting adjourned at 1.16pm and reconvened at 1.47pm

Cr J Bartley, Cr C Fletcher and Cr S Henderson were not present.

16 Regional Fuel Tax Variation Proposal

Cr C Fletcher returned to the meeting at 1.51 pm.

Cr S Henderson returned to the meeting at 2.01 pm.

Resolution number GB/2021/55

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

That the Governing Body:

- a) **note feedback from public consultation and local boards on the proposal to vary Auckland's Regional Fuel Tax Scheme**
- b) **adopt, in principle, the Funding Allocation Table in Attachment A of the agenda report, as the basis for the proposal to vary Auckland's Regional Fuel Tax Scheme (for submission to relevant ministers), subject to finalisation of the Regional Land Transport Plan;**
- c) **delegate to the Mayor, Deputy Mayor, and Planning Committee Chair decision-making responsibility for approval of:**
 - i) **the final proposal to vary Auckland's Regional Fuel Tax Scheme (for submission to relevant ministers); and**
 - ii) **the accompanying report on consultation undertaken, as required under the Land Transport Management Act.**

CARRIED

17 Review of the Auckland Council Elected Members Code of Conduct

Cr J Bartley returned to the meeting at 2.23 pm.

The views of the Kaipatiki Local Board had been circulated prior to the meeting. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: changes were made to the original motion, adding a new clause b), and replacing original clause c) with a new clause c), as a Chair's recommendation.

Resolution number GB/2021/56

MOVED by Mayor P Goff, seconded by Cr A Dalton:

That the Governing Body:

- a) receive the feedback from local boards as contained in Attachments C and D of the agenda report.
- b) amend clause 3 of the covering document to:
 - i) add “ *or offensive*” to bullet point 3
 - ii) amend bullet point 5 to read “ *undermining the role of other elected members*”
 - iii) add a new bullet point to read “ *publicly criticising staff or calling into question their professionalism or integrity*”
- c) adopt the covering document (not including attachments) as the Auckland Council Elected Members Code of Conduct, as contained in Attachment A of the agenda report, which includes:
 - i) principles that guide conduct
 - ii) a definition of material breaches of the Code
 - iii) the complaints procedure
- d) amend the “Working with staff policy” so that in clause 3.3 the bullet which reads:

“not publicly criticise any employee in any way, but especially in ways that reflect on the competence and integrity of the employee or otherwise undermine their work”

is changed to read:

“avoid disagreements over policies or proposals becoming a personal criticism of any employee in ways that reflect on the competence and integrity of the employee, and avoid public criticism of individual employees”

and, adopt the following in Attachment B of the agenda report as attachments to the Auckland Council Elected Members Code of Conduct under which a complaint can specifically be made:
 - i) Conflict of interest policy
 - ii) Confidential information – policy and protocol
 - iii) Working with staff policy

- e) adopt the following in Attachment B, of the agenda report, as attachments to the Auckland Council Elected Members Code of Conduct which give further policy and guidance relating to the conduct of elected members:
 - i) Election year policy
 - ii) Communications policy
 - iii) Media protocols
 - iv) Social media guidelines
 - v) Governance roles and responsibilities
 - vi) Legislation relevant to the conduct of members
- f) note that the Expense policy (which is included in attachments to the Code) is adopted separately as part of the process set by the Remuneration Authority
- g) recommend to the incoming Governing Body (following the 2022 elections) that it assess the operation of the Auckland Council Elected Members Code of Conduct
- h) agree that the newly adopted Auckland Council Elected Members Code of Conduct commence on 1 June 2021
- i) appoint as Conduct Commissioners those members of the current Conduct Review Independent Panel who have confirmed their availability:
 - i) Professor Ron Paterson
 - ii) Derek Firth
 - iii) David McGregor
- j) note that a further report will be presented for the Governing Body to agree additional Conduct Commissioners who are appropriately qualified and who represent the diversity of Auckland
- k) delegate to the Audit and Risk Committee the power to suspend a member from committees or other representative bodies to which they have been appointed following a determination by a Conduct Commissioner
- l) authorise the Manager Governance Services and the Mayor, in finalising the document, to make minor amendments for the purpose of improving grammar or presentation or for clarifying meaning or for updating attachments that are amended by Governing Body resolution (such as the Expense policy).

CARRIED UNANIMOUSLY

Note: Pursuant to Standing Order 1.8.6, Cr C Casey requested that her dissenting vote against clause d) ii), be recorded.

Attachments

- A 27 May 2021, Governing Body: Item 17 - Review of the Auckland Council Elected Members Code of Conduct, Kaipatiki Local Board views

*Cr D Newman left the meeting at 3.46pm.
Cr P Coom left the meeting at 3.46pm.*

18 Nomination to Alleva Animal Health Limited Animal Ethics Committee

Resolution number GB/2021/57

MOVED by Cr L Cooper, seconded by Cr W Walker:

That the Governing Body:

- a) **note that it will consider expressions of interest for nomination to the Alleva Animal Health Limited Animal Ethics Committee, in the confidential section of this meeting**
- b) **agree that future nominations to animal ethics committees under the Animal Welfare Act 1999 are made by staff with elected members having the opportunity to submit suggestions or expressions of interest.**

CARRIED

19 Appointment of Heritage Advisory Panel member

Resolution number GB/2021/58

MOVED by Cr W Walker, seconded by Cr T Mulholland:

That the Governing Body:

- a) **note the process for appointing a new student member to the Heritage Advisory Panel**
- b) **note that the confidential report presents the proposed candidate's profile in detail**
- c) **endorse a change to the terms of reference to allow replacement panel members to be appointed by the mayor in consultation with the liaison councillor.**

CARRIED

20 Summary of Governing Body information memoranda, workshops and briefings (including the Forward Work Programme) - 27 May 2021

Resolution number GB/2021/59

MOVED by Cr D Simpson, seconded by Cr C Casey:

That the Governing Body:

- a) **note the progress on the forward work programme appended as Attachment A of the agenda report**
- b) **receive the Summary of Governing Body information memoranda, workshops and briefings – 27 May 2021.**

CARRIED

21 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

22 Procedural motion to exclude the public

Resolution number GB/2021/60

MOVED by Mayor P Goff, seconded by Cr T Mulholland:

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: Nomination to Alleva Animal Health Limited Animal Ethics 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
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, a discussion about a nomination is likely to disclose personal details.	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.

C2 CONFIDENTIAL: Appointment to the Heritage 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 a student's name recommended for the Heritage Advisory Panel. This information should not be made public until the governing body endorses the candidate.	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

3.50pm 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.

3.54pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: Nomination to Alleva Animal Health Limited Animal Ethics Committee

Resolution number GB/2021/61

MOVED by Cr D Simpson, seconded by Cr T Mulholland:

- c) agree that the appointment, reports and attachments (with information on the successful applicant only) will be made public once the appointment has been confirmed by the Alleva Animal Health Limited Animal Ethics Committee.

C2 CONFIDENTIAL: Appointment to the Heritage Advisory Panel

Resolution number GB/2021/62

MOVED by Cr W Walker, seconded by Cr L Cooper:

- b) agree that the appointment and report be made public once the proposed candidate has been advised and confirmed their acceptance of the appointment.

3.54 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:.....