
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin on Wednesday 8 June 2022 at 4.00 pm.

PRESENT

Mayor	B P Wanden
Deputy Mayor	Deputy Mayor J F G Mason
Councillors	Cr D A Allan
	Cr W E R Bishop
	Cr R J Brannigan
	Cr T N Isaacs
	Cr S J R Jennings
	Cr V M Kaye-Simmons
	Cr R R Ketu
	Cr C B Mitchell
	Cr P Tukapua

IN ATTENDANCE

	Mrs M Davidson	Chief Executive Officer
	Mrs J Straker	Group Manager Business
	Mr D McCorkindale	Group Manager Customer & Strategy
	Mrs L Slade	Group Manager People & Culture
	Mr B Harvey	Group Manager Communities and Partnerships
	Mr B Maguire	Group Manager Infrastructure Development
	Mrs T Glavas	Health & Safety Lead
	Mrs V Miller	Compliance Manager
	Mrs M Leyland	Consents Manager
Meeting Secretary	Mrs A Huria	Business Performance Manager

Councillor Ketu opened the meeting with a Karakia.

1 Apologies

There were none.

2 Public Participation

Name	Item/Topic
Catherine Manning	Item 8.7 - Review of Smokefree and Vapefree Environment Policy
Kerry Hocquard	Item 8.7 - Review of Smokefree and Vapefree Environment Policy & Item 8.8 Review of Sun Protection Policy.

3 Late Items

There were none.

4 Declaration of Interest

There were none.

5 Confirmation of Minutes

MOVED by Cr Allan, seconded Cr Bishop:

That the minutes of the meeting of the Council held on Wednesday, 11 May 2022, be confirmed as a true and correct record.

CARRIED

6 Announcements

There were none.

7 Proceedings of Committees

7.1 Proceedings of the Finance, Audit and Risk Committee 25 May 2022

The minutes of the Finance, Audit & Risk Committee meeting held on 25 May 2022 were presented to the Council.

MOVED by Cr Allan, seconded Cr Jennings:

That Report 22/255 Proceedings of the Finance, Audit and Risk Committee 25 May 2022 be received.

That the Council receives the minutes of the Finance, Audit & Risk Committee meeting held on 25 May 2022.

CARRIED

7.2 Proceedings of the Community Wellbeing Committee 10 May 2022

The minutes of the Community Wellbeing Committee meeting held on 10 May 2022 were presented to the Council.

MOVED by Cr Kaye-Simmons, seconded Deputy Mayor Mason:

That Report 22/260 Proceedings of the Community Wellbeing Committee 10 May 2022 be received.

That the Council receives the minutes of the Community Wellbeing Committee meeting held on 10 May 2022.

CARRIED

8 Executive

8.1 Projects Steering Group - Discussion Overview

The projects being reported on and discussed by the Projects Steering Group (PSG) on 4 May 2022 were reported to Council.

MOVED by Cr Mitchell, seconded Cr Allan:

That Report 22/262 Projects Steering Group - Discussion Overview be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

8.2 Mayoral Report - June 2022

His Worship the Mayor reported to Council on community events and Council-related meetings he has attended during May 2022, and provide an update on items of interest.

MOVED by Mayor Wanden, seconded Cr Brannigan:

That Report 22/248 Mayoral Report - June 2022 be received.

That this matter or decision is recognised not significant in terms of S76 of the Local Government Act.

CARRIED

Mayor Wanden provided a brief verbal update on Community 4 Local Democracy (C4LD).

The Group Manager – Business provided an update on the Mayoral Relief Fund.

8.3 Council Resolution and Actions Monitoring Report June 2022

Council was presented with the updated monitoring report covering resolutions and requested actions from previous meetings of Council.

MOVED by Cr Allan, seconded Cr Mitchell:

That Report 22/253 on Council Resolution and Actions Monitoring Report June 2022 be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

8.4 Monthly Chief Executive Report

The Chief Executive to updated Council on a number of current matters and items of interest. This report in time will be combined with the proposed Organisation Performance quarterly report, but until that work is complete the current arrangements will continue.

MOVED by Cr Allan, seconded Cr Bishop:

That Report 22/249 Monthly Chief Executive Report be received.

That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

MOVED by Mayor Wanden, seconded Cr Brannigan:

That Council resolves to establish a District Plan Working Party to work with Officers on District Plan Changes and appoint three members plus the Mayor.

CARRIED

MOVED by Cr Isaacs, seconded Cr Allan:

That Council resolve to establish a District Plan Working Party to work with Officers on District Plan Changes and appoint the following elected members Cr Mitchell, Cr Ketu and Cr Bishop.

CARRIED

MOVED by Cr Allan, seconded Cr Jennings:

That Council adopt the Tornado Community Recovery Plan.

CARRIED

MOVED by Cr Mitchell, seconded Cr Jennings:

That Council receive the annual report for Civic Financial Services and agree to appoint Nicola Mills, a director of Civic Financial Services Ltd, as the proxy for the Civic Financial Services annual general meeting.

That Council record the appointment and remuneration of the OAG as Auditor of Civic Financial Services.

CARRIED

8.5 Electra Trust 2022 Trustee Elections

Council decided the three candidates that Horowhenua District Council will vote for in the upcoming the Electra Trust Election 2022.

MOVED by Cr Allan, seconded Cr Bishop:

That Report 22/264 Electra Trust 2022 Trustee Elections be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

The meeting adjourned at 5:15 pm.

The meeting reconvened at 5:19 pm.

MOVED by Cr Allan, seconded Cr Brannigan:

That the Horowhenua District Council proceeds proceed with exercising its voting rights for the Electra Trust 2019 Trustee Elections.

CARRIED

MOVED by Mayor Wanden, seconded Cr Bishop:

That the Horowhenua District Council votes for Sharon CROSBIE and Brendan DUFFY and Stephen GREGAN in the 2022 Electra Trust elections.

CARRIED

8.6 Review of Local Election Signage Policy 2022

Council considered the requirements for electoral signage for the purpose of the 2022 local elections, and any ensuing by-election.

MOVED by Cr Brannigan, seconded Cr Allan:

That Report 22/236 Review of Local Election Signage Policy 2022 be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

MOVED by Cr Jennings, seconded Cr Allan:

That the Council adopts the "Local Election Signage Policy" dated 16 May 2022.

CARRIED

MOVED by Cr Jennings, seconded Cr Allan:

Council officers to investigate and propose options on additional sites for signage in the Levin ward for possible adoption as part of the policy.

CARRIED

8.7 Review of Smokefree and Vapefree Environment Policy

Council considered the adoption of the reviewed Smokefree and Vapefree Environment Policy.

MOVED by Mayor Wanden, seconded Cr Kaye-Simmons:

That Report 22/240 Review of Smokefree and Vapefree Environment Policy be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

That the Council adopt the Smokefree and Vapefree Environment Policy.

CARRIED

The Health and Safety Lead joined the table taking the report as read and providing some clarification on the changes made to the policy.

MOVED by Cr Bishop, seconded Cr Allan:

That Council in reviewing its public places bylaw looks to see how to bring the spirit of the Smokefree and Vapefree policy into this bylaw.

CARRIED

8.8 Review Sun Protection Environment Policy

Council considered the adoption of the reviewed Sun Protection Environment Policy.

MOVED by Cr Allan, seconded Cr Brannigan:

That Report 22/244 Review Sun Protection Environment Policy be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

That the Council adopt the Sun Protection Environment Policy.

CARRIED

8.9 LGNZ 2022 Conference Attendance

Council sought the endorsement for Elected Members attendance at the 2022 Local Government New Zealand Conference.

MOVED by Mayor Wanden, seconded Cr Isaacs:

That Report 22/245 LGNZ 2022 Conference Attendance be received.

That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

MOVED by Cr Allan, seconded Cr Bishop:

That the Council endorses the attendance of Mayor Wanden, Deputy Mayor Mason, Cr Tukapua and Cr Kaye-Simmons at the Local Government New Zealand Conference to be held in Palmerston North from 20-22 July 2022.

CARRIED

It was noted that there is still time for other Councillors to apply to attend this conference.

9 Customer and Regulatory Services

9.1 Customer and Strategy - Activity Update

Council was provided with an operational update on the activities being undertaken within the Customer and Strategy portfolio of Council. In time, a regular organisation performance that spans the whole organisation will be presented to Council on a quarterly basis. Until then regular department activity reports will be presented.

MOVED by Cr Isaacs, seconded Cr Allan:

That Report 21/326 Customer and Strategy - Activity Update be received.

That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

9.2 Adoption of Fees and Charges 2022/2023 Food Act Businesses and Resource Consenting (Planning)

1. Purpose

The purpose of this report is to seek a resolution of Council to adopt fees and charges in respect of Food Act Businesses and Resource Consenting for the 2022/2023 year.

2. Recommendation

- 2.1 That Report 22/238 Adoption of Fees and Charges 2022/2023 Food Act Businesses and Resource Consenting (Planning) be received.
- 2.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 2.3 That the Schedule of Fees and Charges attached as **Attachment A** (Food Act Businesses) and **Attachment B** (Resource Consenting (Planning)) be adopted as operative fees and charges for the 2022/23 year, effective 1 July 2022.

The Adoption of Fees and Charges 2022/2023 Food Act Businesses and Resource Consenting (Planning) will lay on the table until the next meeting to be held on Wednesday 22 June 2022.

9.3 Review of Alcohol (Liquor) Bylaw

1. Purpose

Council's Alcohol (Liquor) Bylaw is due for review, and the purpose of this report is to propose that the draft bylaw attached be consulted on using the Special Consultative Procedure as prescribed in section 83 of the Local Government Act 2002.

2. Executive Summary

- 2.1 Council currently has an Alcohol (Liquor) Bylaw 2015 that was made under the Local Government Act 2002 and specifically taking account of the requirements of section 147 "Power to make bylaws for alcohol control purposes".
- 2.2 The Alcohol (Liquor) Bylaw was adopted in May 2016 and was due for review in 2021. In order to amend or revoke a bylaw, Council must use the special consultative procedure set out in the Local Government Act 2002
- 2.3 Before making under section 147, a bylaw that is intended to replace an expiring bylaw and is to the same effect (or substantially the same effect) as the expiring bylaw, a territorial authority must be satisfied that-
 - (a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
 - (b) a high level of crime and disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
 - (c) the bylaw is appropriate and proportionate in the light of that likely crime or disorder.

MOVED by Cr Allan, seconded Deputy Mayor Mason:

That Report 22/241 Review of Alcohol (Liquor) Bylaw be received.

That this decision is recognised as significant in terms of S76 of the Local Government Act.

That Council resolves that:

- (i) A bylaw is the most appropriate way of addressing alcohol control matters, s155(1) Local Government Act 2002; and
- (ii) the draft bylaw attached as **Attachment C** is the most appropriate form of bylaw, s155(2)(a) Local Government Act 2002; and
- (iii) the draft bylaw attached as **Attachment C** does not give rise to any implications under the New Zealand Bill Of Rights Act 1990, s155(2)(b) Local Government Act 2002.

That Council is satisfied that the proposed Alcohol Control Bylaw is justified as a reasonable limitation on people's rights and freedoms; a high level of crime or disorder (being crime and disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and the bylaw is appropriate and proportionate in the light of that likely crime or disorder, s147A(3) Local Government Act 2002.

That the Horowhenua District Council resolves that the special consultative procedure as set out in section 83 of the Local Government Act 2002 be used for consultation purposes, and

- (i) The Council adopts the Statement of Proposal attached as **Attachment**

A, and the submission form attached as **Attachment B** be used to carry out the special consultative procedure.

That the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.

CARRIED

The meeting adjourned at 6:33 pm.
The meeting reconvened at 8:47 pm.

10 Procedural motion to exclude the public

MOVED by Mayor Wanden, seconded Cr Allan:

That the public be excluded 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 Chief Executive Performance Development Agreement Framework

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.	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

8.47 pm The public were excluded.

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

8.57 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF COUNCIL HELD ON

DATE:.....22 June 2022

CHAIRPERSON:

A handwritten signature in black ink, appearing to read "B. Anderson", is written to the right of the "CHAIRPERSON:" label.