

---

# Late Item - Notices of Motion

File No.: 19/31

---

## 1. Purpose

In accordance with Standing Order 26, the Chief Executive has received Notices of Motion (NoM) from Mayor Feyen, seconded by Cr Campbell, with the request that they be placed on the agenda for the 13 February 2019 Council meeting.

The purpose of this report is to provide Mayor Feyen and Cr Campbell the opportunity to speak to these Notices of Motion and for Council to consider appropriate courses of action.

## 2. Recommendation

- 2.1 That Report 19/31 Late Item - Notices of Motion be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That Council resolves to support a remit to LGNZ requesting a law change under Section 41 of the Local Government Act 1982 specifically concerning Deputy Mayoralty selections. Note: The Remit will allow Mayors to choose their own Deputies. LGNZ has indicated their support for this remit. In addition, the remit will be circulated to the other District Councils in New Zealand for six Councils to support this Motion.
- 2.4 That Council resolves to support and implement the Government's proposed changes to strengthen the Protected Disclosures Act or "Whistleblowers Act". *Preamble:* A review of the Protected Disclosures Act conducted in 2018 will be announced in early 2019. The Government's five proposed changes are to:
  - a. Address the areas of confusion in the current Act.
  - b. Make sure organisations have good processes in place.
  - c. Make it easier for people to report wrongdoing (including bullying and abuse).
  - d. Create a single port of call for advice on when and how to use the Act.
  - e. Introduce new reporting obligations for all organisations.
- 2.5 That Council resolves to make an immediate submission to Horizons Regional Council to make it illegal to burn any form of plastic anywhere within the Horowhenua District. The ban will not apply to consented businesses such as plastics recycling and disposal operations.

## 3. Background/Previous Council Decisions

The NoM's were initially received by the Chief Executive's office on Monday 4 February. The original NoM's are attached to this covering report for completeness. On receipt of the NoM's the Chief Executive provided some written advice to the Mayor largely on the basis that the NoM's as drafted were poorly worded, ambiguous and in part procedurally incorrect. The advice provided to the Mayor is also attached to this covering report.

On Thursday 6 February the Mayor provided a response to the concerns raised by the Chief Executive and a re-drafted suite of NoM's. After further advice to the Mayor by way of email on Thursday 7 February the Mayor instructed the Chief Executive to include the re-drafted NoM's on the agenda. All relevant correspondence is attached for completeness.

## 4. Issues for Consideration

- Remit regarding process for appointing a Deputy Mayor

Standing Order 26.7 states 'when a motion has been considered and rejected by the local authority or a committee, no similar notice of motion, in the opinion of the chairperson, may be accepted within the next twelve months, unless signed by not less than one third of all members, including vacancies'. A similar notice of motion was considered and rejected by Council's Strategy Committee on the 4<sup>th</sup> April 2018. Procedurally this proposed NoM cannot be considered by Council at this point in time in the absence of the appropriate signatories thereto.

- Support for Protected Disclosures Act amendments

The consultation process for the proposed changes to the Protected Disclosures Act closed on 9 December 2018 and the draft Bill is to progress through Parliament early this year. Once enacted HDC will (like any other organisation) be required to not only support but give effect to this legislation. In the opinion of the Chief Executive this NoM is not necessary.

- Submission to Horizons Regional Council regarding the burning of plastics

It should be noted that the Horizons Regional Council webpage about air emissions is comprehensive and makes it very clear that the burning of certain materials (rubber, PVC, plastic, waste, oil painted timber and agricultural waste) are prohibited: <http://www.horizons.govt.nz/managing-natural-resources/air>.

Chapter 7 of the One Plan sets out the rules, including backyard burning, rubbish fires, spray drift and odour in rural areas. <http://www.horizons.govt.nz/publications-feedback/one-plan/part-1-regional-policy-statement/chapter-7>

At the time of writing this report officers were checking with the Regional Council about enforcement options and process and should therefore be in a position to provide further advice at the meeting. It may well be that the best course of action will be a submission to the Horizon Regional Council Annual Plan process (advocating for stronger enforcement) which will be available for public consultation in the near future.

## Attachments

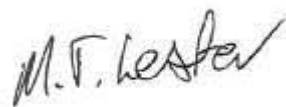
No.	Title	Page
A	Information for NOMs - 8 February 2019	

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
-----------	--	---

Approved by	David Clapperton <b>Chief Executive</b>	
-------------	--	---

NOTICES OF MOTION submitted 4<sup>th</sup> February 2019  
for 13<sup>th</sup> February 2019 HDC public meeting.

As per Standing Orders 26.1, I request that the following Notices of Motion be included in the next Horowhenua District Council Ordinary Council meeting Agenda for 13<sup>th</sup> February 2019.



2. THAT Council resolves to support a Remit to LGNZ requesting a law change under Section 41 of the Local Government Act 1982 specifically concerning Deputy Mayoralty selections. Note: The Remit will allow Mayors to choose their own Deputies. LGNZ has indicated their support for this remit. In addition, the remit will be circulated to other District Councils in New Zealand for six Councils to support this Motion.
  
3. THAT Council resolves to support and implement the Government's proposed changes to strengthen the Protected Disclosures Act or "Whistleblowers Act." *Preamble:* A review of the Protected Disclosures Act conducted in 2018 will be announced in early 2019. The Government's five proposed changes are to:
  - a. Address the areas of confusion in the current Act.
  - b. Make sure organisations have good processes in place.
  - c. Make it easier for people to report wrongdoing (including bullying and abuse).
  - d. Create a single port of call for advice on when and how to use the Act.
  - e. Introduce new reporting obligations for all organisations.
  
4. THAT Council resolves to make an immediate submission to Horizons Regional Council to make it illegal to burn any form of plastic anywhere within the Horowhenua District. The ban will not apply to consented businesses such as plastics recycling and disposal operations.

Michael Feyen  
Mayor  
Horowhenua District Council

Councillor Ross Campbell

4<sup>th</sup> February 2019

Handwritten signatures of Michael Feyen and Ross Campbell.



--	--	--



---

## Strategy Committee OPEN MINUTES

---

Minutes of a meeting of the Horowhenua District Council Strategy Committee held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 4 April 2018 at 4.00 pm.

---

### PRESENT

<b>Mayor</b>	Mayor M Feyen	
<b>Deputy Chairperson</b>	Cr V M Kaye-Simmons	(to 6.25 pm)
<b>Councillors</b>	Deputy Mayor W E R Bishop	
	Cr R J Brannigan	
	Cr R H Campbell	
	Cr N G Gimblett	
	Cr B F Judd	
	Cr J F G Mason	
	Cr C B Mitchell	
	Cr P Tukapua	
	Cr B P Wanden	

### IN ATTENDANCE

<b>Reporting Officer</b>	Mr D M Clapperton	(Chief Executive)
	Mr D Law	(Chief Financial Officer)
	Mr G Saidy	(Group Manager – Infrastructure Services)
	Mr M J Lester	(Group Manager – Corporate Services)
	Mr D McCorkindale	(Group Manager – Strategy & Development)
	Mrs N Brady	(Group Manager – Customer & Regulatory Services)
	Ms S Grant	(Group Manager – Community Services)
	Mr D Haigh	(Growth Response Manager)
	Mr I McLachlan	(Risk Management Lead)
<b>Meeting Secretary</b>	Mrs K J Corkill	

### ALSO IN ATTENDANCE

Mr R Fowler, QC (Barrister)

### PUBLIC IN ATTENDANCE

There were ten members of the public in attendance at the commencement of the meeting.

---

Strategy Committee  
04 April 2018



1 Apologies

There were no apologies.

2 Public Participation

None requested.

3 Late Items

Whilst not specifically a late item, Mr Clapperton tabled the Draft Policy Statement on Land Transport and this was noted for the record.

4 Declaration of Interest

Mr Clapperton advised that as the In Committee Item was in relation to the Chief Executive Recruitment Process he would be withdrawing from the meeting at that juncture.

5 Confirmation of Minutes – 28 February 2018

MOVED by Cr Campbell, seconded Cr Mason:

*THAT the minutes of the meeting of the Strategy Committee held on Wednesday, 28 February 2018, be confirmed as a true and correct record.*

**CARRIED**

6 Announcements

There were no announcements.

7 Executive

7.1 LGNZ Remit Application - Process for appointing the Deputy Mayor

Purpose

To canvas the Committee as to its support for the attached Remit Application to the Local Government New Zealand (LGNZ) 2018 Annual General Meeting.

MOVED by Cr Campbell, seconded Cr Brannigan:

*THAT Report 18/172 LGNZ Remit Application - Process for appointing the Deputy Mayor be received.*

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

**CARRIED**

Mayor Feyen moved the recommendation seeking the Strategy Committee's endorsement of a remit application to LGNZ to clear up what he saw as a very confusing section of the Local Government Act. He stressed it was not about changing the current Deputy Mayor for this current term but he was looking to clear up a mixed message from the legislation (LGA, s41A) as it was now worded. He cited what had occurred in the past with the previous Mayor having appointed his Deputy, and as a new Mayor he would have liked the ability to choose as his deputy someone with whom he had an existing relationship.

Other Mayors with whom he had discussed this also felt it was confusing and he

Strategy Committee  
04 April 2018



believed it should be cleared up by a higher power (Central Government) rather than relying on advice from one legal firm.

The following was raised in discussion:

- it would be helpful to have a definitive response and to have any ambiguity in the legislation removed;
- there had been legal advice that the legislation was quite clear and should not be used in a circular way; however it was also noted that legal advice from a different law firm may have been to the contrary;
- the Minister of Local Government had said there was not a problem;
- this was not, in fact, a grey area, the legislation was quite clear and had operated as intended;
- the role of Deputy Mayor was important and the incumbent needed to be palatable to the Council as a whole, not just the Mayor;
- the legislation had been put in place by Government to allow a democratic decision to be made, which is what had occurred.

MOVED by Mayor Feyen, seconded Cr Campbell:

*THAT the Strategy Committee endorses the attached draft LGNZ Remit Application – Process for appointing the Deputy Mayor for submission to LGNZ as per their Remit Policy.*

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

**For:**

Mayor: Michael Feyen  
Councillors: Ross Campbell  
Neville Gimblett

**Against:**

Deputy Mayor: Wayne Bishop  
Councillors: Ross Brannigan  
Barry Judd  
Victoria Kaye-Simmons  
Joanna Mason  
Christine Mitchell  
Piri-Hira Tukapua  
Bernard Wanden

The division was declared LOST by 3 votes to 8.

**7.2 LGNZ Remit Application - Review of Māori Representation - Local Electoral Act 2001**

**Purpose**

The purpose of this report is to canvas the Committee as to its support for the attached Remit Application to the Local Government New Zealand (LGNZ) 2018 Annual General Meeting.

MOVED by Cr Tukapua, seconded Cr Brannigan:

*THAT Report 18/174 LGNZ Remit Application - Review of Māori Representation - Local Electoral Act 2001 be received.*

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

**CARRIED**

Speaking to this report, Cr Tukapua requested that recommendation 2.4 be addressed first as it was straightforward and was seeking support for the removal of the poll for Māori wards and constituencies as set out in the letter provided.

With only Cr Campbell expressing his opposition to the recommendation, it was: