
Minutes of a meeting of the Nelson City Council - Governance
Held in the Council Chamber, Civic House, Trafalgar Street, Nelson
On Tuesday 16 July 2013, commencing at 10.00am

- Present: Councillors A Boswijk (Chairperson), I Barker, G Collingwood, E Davy, K Fulton, J Rackley, P Rainey, R Reese, D Shaw, and M Ward
- In Attendance: Chief Executive (C Hadley), Executive Manager Support Services/Acting Executive Manager Community Services (H Kettlewell), Executive Manager Strategy and Planning (M Schruer), Executive Manager Network Services (A Louverdis), Executive Manager Regulatory (R Johnson), Executive Manager Kaihautū/Community Relations (G Mullen), Manager Community Relations (A Ricker), Manager Administration (P Langley), Manager Resource Consents (M Bishop), Team Leader Building Consents (C Wood), Administration Adviser (L Laird), and Youth Councillors (J Gibson and J Cotton)
- Apologies: His Worship the Mayor (A Miccio), and Councillors R Copeland, and P Matheson

Opening Prayer

1. Apologies

Resolved

THAT apologies be received and accepted from His Worship the Mayor Miccio, and Councillors Copeland and Matheson.

Boswijk/Rackley

Carried

2. Interests

Councillor Reese declared a conflict of interest with the late item, Fees and Charges 2013/14: Building Unit.

3. Confirmation of Order of Business

3.1 Late item – Fees and Charges 2013/14: Building Unit

Resolved

THAT the item regarding Fees and Charges 2013/14: Building Unit be considered at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable the updated fees and charges regime to most closely mirror the start of the new financial year.

Boswijk/Ward

Carried

Councillor Barker asked that his vote against the motion be recorded.

4. Public Forum

4.1 Fees and Charges 2013/14: Building Unit

Rachel Reese spoke to the Council about her concerns over the fees and charges for the Building Unit, to be discussed at this Council meeting.

Ms Reese said the report had been sent to councillors the day before the meeting. She said this was not enough time to sufficiently consider the report in relation to the views of the community, and the impacts the proposed rises in fees and charges will have.

Ms Reese said because of the already high cost of building, the Council should take all measures to seek efficiencies. She said housing affordability was significantly low in Nelson and the proposed rises in fees and charges would only make Nelson more unaffordable.

4.2 Candidates' Meeting

Mike Rodwell, President of Nelson Residents Association, spoke to the Council in support of the proposed funding for a candidates' meeting as a part of the 2013 local body elections. He said he supported the notice of motion to be discussed later in the meeting.

Mr Rodwell expressed concern that without funding, the public at large would miss out on a chance to meet the candidates. He added that the Nelson Residents Association were keen to increase the number of people that vote where possible.

In response to a question, Mr Rodwell said he did not intend to increase the entry fee from a gold coin donation.

5. Confirmation of Minutes

5.1 Council – Governance and Policy and Planning - 4 June 2013

Document number 1526418, agenda pages 11-29 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council – Governance and Policy and Planning, held on 4 June 2013, be confirmed as a true and correct record.

Shaw/Rackley

Carried

5.2 Council – to Approve the Annual Plan 2013/14 – 18 June 2013

Document number 1538853, agenda pages 30-36 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council to Approve the Annual Plan 2013/14, held on 18 June 2013, be confirmed as a true and correct record.

Shaw/Davy

Carried

5.3 Council – to Adopt the Annual Plan 2013/14 – 27 June 2013

Document number 1545104, agenda pages 37-46 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council to Adopt the Annual Plan 2013/14, held on 27 June 2013, be confirmed as a true and correct record.

Shaw/Barker

Carried

6. Mayor's Report

There was no Mayor's Report.

7. Status Report - Governance

Document number 1034743 v10, agenda page 47 refers.

There was discussion about the Policy on Directors Rotation during which concern was expressed that the term 'superseded' implied the action had been completed and would cease to be reported back to the Council.

It was agreed that the wording should be replaced with 'agreement on this matter is yet to be achieved between the two Councils'.

Resolved

THAT the Status Report – Governance (1034743 v10) be received.

Boswijk/Shaw

Carried

8. Portfolio Holder's Report

There was no Portfolio Holders Report.

9. Local Elections Candidates' Meeting

9.1 Local Elections Candidates' Meeting

Document number 1548330, agenda pages 48-51 refer.

9.2 Notice of Motion from Councillor Davy

During discussions, the Council reached agreement that there was community good in providing a grant for a candidates' meeting.

The Chief Executive advised the funds would most likely come from the Elections budget. Concern was expressed over the significantly higher amount required for use of the Trafalgar Centre as opposed to the Victory Room.

It was agreed that the terms of the grant must stipulate that all candidates be invited.

Resolved

THAT Council approves a grant to the Nelson Residents' Association for the use of the Victory Room, or other such room in the Trafalgar Centre, for a publicly advertised candidates' meeting for the upcoming 2013 triennial election.

Davy/Barker

Carried

Councillor Rainey and Councillor Fulton asked that their vote against the motion be recorded.

10. Code of Conduct Complaint

The Council discussed the information item about the Code of Conduct Complaint.

Concern was expressed that the complaint was made in December 2012 and had taken seven months to be reported back to the Council.

There was also concern expressed from some Councillors that the item was on the public agenda. Upon discussion, the Chief Executive suggested that should the Council wish to discuss the substance of the investigation, they should do so in public excluded session.

Point of Order: It was noted that there was no report before the Council for discussion, and that this item was for information only, therefore discussions on this matter should cease.

Senior Legal Adviser, Viesturs Altmants, joined the meeting. In response to the concerns that this item had been placed on the public agenda, he said the investigation and discussions about the complaint had been conducted in confidential, as per Code of Conduct provisions. He added that the Code of Conduct required the outcome to be reported to the Council. As there was no detail about the investigation or discussions related to the complaint on the agenda, it was appropriate that it be in public, he said.

Some Councillors were in agreement that because only the outcome of the investigation was noted on the agenda, it was appropriate to be in public session.

Mr Altmants reminded the Councillors that they had agreed to the process in the Code of Conduct when the document was adopted.

When considering if there was another means of reporting the outcome back to the Council, Mr Altmants advised that notification must be to Council and not individual Councillors. This meant that a Council meeting was the appropriate forum for a report back, he said.

Mr Altmants was asked whether the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA) trumped the Code of Conduct, and therefore precluded the item from being on a public agenda.

Mr Altmants advised that this was not a LGOIMA matter as the Code of Conduct had been put in place by provisions under the Local Government Act 2002. It had been adopted by the Council as an agreement between Councillors as to how they would deal with matters of conduct and behaviour by elected members, he said. It was agreed that this process was the one adopted by the Council and that it was properly dealt with on a public agenda.

Councillor Davy requested that his disappointment in the process of reporting back to the Council in public session be recorded.

Attendance: The meeting adjourned for a break from 11.55am to 12.03pm.

11. Establishing a District Licensing Committee

Document number 1496320, agenda pages 52-59 refer.

Manager Resource Consents, Mandy Bishop, joined the meeting and presented the report. She said the position of deputy chair had to be an elected member.

In response to questions, Ms Bishop said there would be an opportunity to explore sharing the functions with Tasman District Council, if it was interested. She also confirmed that the hearings would include cross-examination.

Ms Bishop said it was possible the number of contested applications would increase as previously applications were not weighted against 'amenity and good order', which were now part of the criteria.

Councillor Fulton, seconded by Councillor Shaw moved a motion:

THAT the report Establishing a District Licensing Committee (1496320) be received;

AND THAT the Nelson City Council District Licensing Committee comprise of elected members and suitably qualified persons including:

- an elected member as chairperson of the DLC who satisfies the LGNZ Competency Guidance for DLC members and is able to drive efficiencies in the process; and*
- an elected member as deputy chairperson of the DLC; and*
- committee members drawn from a list of elected members and other members;*

AND THAT the Chief Executive report back to a future Council meeting with a list of suitably qualified persons to be list members of the Nelson City Council District Licensing Committee for the Council's consideration and approval;

AND THAT the members of the Nelson City Council District Licensing Committee be appointed post-election;

AND THAT the Delegation Register is amended as part of the required post-election review to reflect this decision.

The Council discussed the role of the chairperson and agreed that this position would require someone with significant experience and skills. It

was agreed that the 'Making Good Decisions Chairs' course was important for managing this type of hearing, particularly the cross-examination element. There was also agreement that it was important to consider non-elected members for this role to ensure the highest level of competency.

The motion was put and it was lost.

It was noted that whether the chairperson was an elected member or a list member did not need to be agreed at this meeting. It was also agreed that all elected members would be on the list at the time of deciding the composition of the committee.

Resolved

THAT the report Establishing a District Licensing Committee (1496320) be received;

AND THAT the Nelson City Council District Licensing Committee comprise of elected members and suitably qualified persons;

AND THAT the Chief Executive advertise for expressions of interest from suitably qualified persons and report back to a future Council meeting a list of persons available to be the chairperson and list members of the Nelson City Council District Licensing Committee for the Council's consideration and approval;

AND THAT the committee and chairperson are drawn from a list of elected members and other members of the approved list;

AND THAT the chairperson and members of the Nelson City Council District Licensing Committee be appointed post-election;

AND THAT the Delegation Register is amended as part of the required post-election review to reflect this decision.

Collingwood/Davy

Carried

CROSS COUNCIL ITEMS

12. Sugary Carbonated Drinks

Document number 1495197, agenda pages 132-139 refer.

Youth Councillors, Joseph Cotton and John Gibson, joined the meeting. Mr Gibson said Youth Council opinion was divided on the issue. Mr Gibson

said some members of the Youth Council believed the Council should be a leader on the issue, whilst others believed this was not a function of a local authority.

Councillor Fulton, seconded by Councillor Ward moved the motion:

THAT the report Sugary Carbonated Drinks (1495197) and its attachment (1495057) be received;

AND THAT Council develop a draft policy on the sale of highly-sugared carbonated drinks from Council facilities and parks and Council events after consultation with directly affected parties.

There was a view that the Council should be a leader in this area. There was also agreement that this policy was consistent with the goals of the Nelson 2060 Strategy. The Council also discussed the difficulties in defining a 'highly-sugared carbonated drink'.

There was an opposing view that this was not something that the Council should focus on and that there were other activities where Council involvement would yield higher benefits for the community.

It was requested that staff write to the Minister of Health about a labelling policy for high sugar drinks.

It was agreed that staff should investigate installing water fountains next to vending machines, water availability at venues, and the product range in vending machines.

The motion was put and lost due to an equal vote.

13. Remuneration of Elected Members 2013-2016

Document number 1542709, agenda pages 60-112 refer.

Manager Administration, Penny Langley and Administration Adviser, Linda Canton joined the meeting and presented the report.

Concern was expressed that there was no provision for additional remuneration in the proposed allocation for Nelson Resource Management Plan (NRMP) work. It was re-iterated that there was a significant time commitment required of Councillors involved in plan change work.

The Council was advised that, in the opinion of the Remuneration Authority, the priority for additional remuneration was around chairing meetings and that plan change hearings did not fit this category.

The Council discussed whether it was appropriate to include in any resolution their preference for additional remuneration for plan change work.

Ms Langley further advised that it was likely that this would be an additional task by elected members that was not justifiable in the current determination from the Remuneration Authority.

The Council also expressed concerns over the emphasis for additional remuneration to be awarded to elected members that chair meetings. Councillors felt the current governance arrangement included portfolio holders who did not chair meetings and only a few council committees with chairing roles.

It was also felt that there was an unfair discrepancy in the proposed salary of the Audit, Risk and Finance chair and that of portfolio holders in Option 1. It was suggested that Option 1 could be less definitive and could list salaries for portfolio holders, chairs of other committees and then members.

Attendance: Councillor Davy left the meeting from 12.20 to 12.31pm.

Executive Manager Support Services, Hugh Kettlewell said it was important, as much as possible, to reflect the current governance structure to the Remuneration Authority, regardless of how the next council may be structured.

It was agreed that within Option 1 it would be preferable to articulate the levels of remuneration for a generic chair or portfolio holder position and if possible, put aside a lump sum for plan change hearings.

It was agreed that this item would be deferred until later in the meeting to allow Councillors further time to consider the issues.

14. Adoption of the Fees and Charges: Resource Consents Business Unit 2013/14

Document number 1544662, agenda pages 113-120 refer.

Resolved

THAT the report Adoption of the Fees and Charges: Resource Consents Business Unit 2013/14 (1544662) be received;

AND THAT the Fees and Charges: Resource Consents Business Unit (1452697) be adopted;

AND THAT the fees and charges under section 36 of the Resource Management Act apply as from 22 July 2013.

Shaw/Rackley

Carried

Councillor Reese requested that her vote against the motion be recorded.

15. Fees and Charges 2013/14: Building Unit

Document number 1483441, late item refers.

Conflict of Interest: Councillor Reese withdrew from the meeting for the discussion on this item.

Executive Manager Regulatory, Richard Johnson, and Team Leader Building Consents, Chris Wood, joined the meeting and presented the report.

In response to a question, the Chief Executive said the reason this report had not been presented to Council at an earlier stage was because the Building Unit had been significantly under-resourced due to staff vacancies and a necessary focus on the recent IANZ accreditation.

Councillors asked questions on specific proposed increases in the fees and charges. In summary, officers explained that only 80% of the income from the Building Consent Authority work on building consents derived from the applicants. The proposed changes in fees and charges would limit the impact on rates. Mr Johnson said many of the increases attempted to make adjustments towards a greater user-pays system and he acknowledged that some fees had not been adjusted for CPI annually for some years.

It was noted that officers should make best attempts at smaller incremental increases.

Resolved

THAT the report Fees and Charges 2013/14: Building Unit (1483441) and its attachment (1485024) be received;

AND THAT the fees and charges for Building Unit activities for 2013/14 be approved;

AND THAT the revised fees and charges apply from 5 August 2013.

Boswijk/Shaw

Carried

REPORTS FROM COMMITTEES

16. Kotahitanga Hui – 10 May 2013

Document number 1512524, agenda pages 121-125 refer.

Resolved

THAT the unconfirmed minutes of the meeting of the Kotahitanga Hui, held on 10 May 2013, be received.

Shaw/Davy

Carried

17. Remuneration Review Committee – 17 June 2013

Document number 1536413, agenda pages 126-128 refer.

Resolved

THAT the unconfirmed minutes of the meeting of the Remuneration Review Committee, held on 17 June 2013, be received.

Collingwood/Davy

Carried

18. Audit, Risk and Finance Committee – 18 June 2013

Document number 1538456, agenda pages 129-131refer.

Resolved

THAT the unconfirmed minutes of the meeting of the Audit, Risk and Finance Committee, held on 18 June 2013, be received.

Barker/Boswijk

Carried

Attendance: The meeting adjourned for lunch at 1.08pm. Following lunch, in accordance with Standing Orders 3.5.2, the meeting lapsed before the remaining business could be considered and therefore the meeting was adjourned until the next Council meeting on 18 July 2013.

There being no further business the meeting ended at 1.30pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date