

Ordinary Meeting of Council

OPEN MINUTES

Meeting Date: **Wednesday 14 December 2016**
Time: **3.00pm-3.03pm & 4.43pm – 5.07pm**
Venue: **Main Committee Room
3rd floor Civic Building
231 Hastings Street
Napier**

Present: The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance: Chief Executive, Senior Leadership Team, Corporate Management Team, Team Leader Governance, PA to Mayor, Skatepark Coordinator

APOLOGIES

Nil

CONFLICTS OF INTEREST

ANNOUNCEMENTS BY THE MANAGEMENT

The Chief Executive introduced Council to the Corporate Management team of third tier managers.

CONFIRMATION OF MINUTES

**COUNCIL
RESOLUTION**

Councillors Wise / Tapine

That the Draft Minutes of the Ordinary meeting held on 2 November 2016 be confirmed as a true and accurate record of the meeting.

CARRIED

ADJOURNMENT OF MEETING

**COUNCIL
RESOLUTION**

Councillors Boag / Taylor

That the meeting adjourn in order to reconvene the extraordinary meeting of 24 November 2016.

CARRIED

The meeting adjourned at 3.03pm.

RECONVENE THE MEETING

**COUNCIL
RESOLUTION**

Councillors Wright / Price

That the council meeting be reconvened.

CARRIED

The meeting reconvened at 4.43pm.

LOCAL GOVERNMENT ACT 2002

**COUNCIL
RESOLUTION**

Councillors Price / Boag

The Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council consider, in its discretion, is appropriate to make decisions on the recommendations set out in this agenda (including the Public Excluded section).

CARRIED

NEW REPORTS

1. STANDING ORDERS

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>330407</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance</i>

1.1 Purpose of Report

To provide a new set of standing orders for Council to adopt. The standing orders are based on the best practice model provided by Local Government New Zealand and provide good governance for the conduct of meetings.

At the meeting

Councillor Jeffrey moved that clause 18.5 of the proposed Standing Orders, ‘calling for division’ should only be applicable to full council not committee meetings. Once a division is called for, people could change their views, so we do not want to restrict that at the committee stage, (unless a committee is making a decision of council), given Napier operates on a governance principle of double debate.

Matthew Lawson, legal counsel advised that a division is only applicable at the time a decision is being made, so only applies to council or when a committee is making a decision.

Councillor Wise raised that Councillors expect to receive an agenda for a council/committee meeting four calendar days prior to the meeting, as opposed to the legislative requirement of two working days.

AMENDMENT

COUNCIL RESOLUTION

Councillors Wise / Brosnan

Amendment to the proposed Standing Orders in Attachment A, Clause 18.5, to make clear that a calling for division only applies to full council or when committee meetings are making a decision of council, not to committee meetings.

Amendment to the proposed Standing Orders in Attachment A, Clause 9.10, to impose a minimum standard of four calendar days for Councillors to receive an agenda prior to a meeting.

CARRIED

Councillor Brosnan proposed that for Clause 21, General Procedures for speaking and moving motions, that Option C could be used as a default setting, rather than Option A. Option C was considered to enable a more flowing and inclusive way of doing things.

AMENDMENT

**COUNCIL
RESOLUTION**

Councillors Brosnan / Wise

Amendment to the proposed Standing Orders in Attachment A, Clause 21.1, to have Option C as the default option, and Chair can recommend whether to move to another Option at the beginning of a meeting.

CARRIED

**COUNCIL
RESOLUTION**

Mayor / Councillor McGrath

- a. **That Council approve and adopt the new standing orders, dated 14 December 2016, as outlined in Attachment A.**

CARRIED

2. CODE OF CONDUCT FOR ELECTED MEMBERS

Type of Report: Operational and Procedural
Legal Reference: Local Government Act 2002
Document ID: 330408
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

2.1 Purpose of Report

To provide an updated code of conduct for elected members based on the best practice model provided by Local Government New Zealand.

At the meeting

A brief mention of Clause 13.2 of the proposed Code of Conduct which outlines the process for determination and investigation of complaints. The Clause stipulates that an investigator should be determined. Officers will action this in the new year.

**COUNCIL
RESOLUTION**

Mayor / Councillor Taylor

- a. **That the code of conduct for elected members, dated 14 December 2016, as outlined in Attachment A, be adopted by Council.**

CARRIED

3. 2016-19 TRIENNIUM MEETING SCHEDULE

Type of Report: Operational
Legal Reference: Local Government Act 2002
Document ID: 330361
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

3.1 Purpose of Report

To seek Council's approval of the proposed 2016-19 triennium meeting schedule for the Council and its committees for the periods from January 2017 to October 2019.

COUNCIL RESOLUTION

Councillors Price / Hague

- a. That Council adopt the schedule of meetings for the committees of Council for the period January 2017 to October 2019, covering the 2016-19 triennium (Attachment 1).
- b. That Council note that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.
- c. Note that meeting times for other committees and subcommittees will be formally notified when they are required in accordance with the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

CARRIED

4. GOVERNANCE STRUCTURE

Type of Report: Operational and Procedural
Legal Reference: Local Government Act 2002
Document ID: 330523
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

4.1 Purpose of Report

To seek Council's approval of the paper, *Governance Structure: Committee structure, Terms of reference and delegations 2016-19*.

COUNCIL RESOLUTION

Mayor / Councillor Wright

- a. That the report titled **Governance Structure: Committee structure, Terms of reference and delegations 2016-19** be approved and adopted by Council.
- b. That Council note that delegations for joint committees will be compiled into the report as outlined in recommendation a. for Council's approval in February. In the interim, all delegations as approved in the 2013/16 triennium for joint committees remain.

CARRIED

5. WATCHMAN ROAD PROJECT - NZTA LEASE CONCESSION AND UNISON EASEMENT CONCESSION

Type of Report: Legal and Operational
Legal Reference: Reserves Act 1977
Document ID: 329893
Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

5.1 Purpose of Report

- a) To obtain Council approval to grant a concession in the form of a lease over two areas of reserve land. The subject land is required by the NZ Transport Agency (NZTA) for temporary occupation for activities designed to assist in the construction of the Watchman Road Project.
- b) As a separate matter but still related to the project, to grant an easement to Unison Networks Limited to use reserve land for the conveyance of electricity and telecommunications data and electronic data.

COUNCIL RESOLUTION

Councillors Price / Wise

- a. That Council grant a concession in the form of a lease to the New Zealand Transport Agency over that part of the Local Purpose (Community Buildings) Reserve and that part of the Local Purpose (Wildlife) Reserve as described in Schedule 1 below for a term of twelve (12) months pursuant to the Minister of Conservation's authority under Section 59A of the Reserves Act 1977, such authority being delegated to the Council pursuant to an instrument of delegation dated 12 June 2013.
- b. That Council grant a concession in the form of an easement to Unison Networks Limited over that part of the Local Purpose (Wildlife) Reserve as described in Schedule 2 below respectively for a term of thirty (30) years pursuant to the Minister of Conservation's authority under Section 59A of the Reserves Act 1977, such authority being delegated to the Council pursuant to an instrument of delegation dated 12 June 2013.

SCHEDULE 1: Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Land Status
0.4894ha	Section 1 SO 468666	Local Purpose (Community Buildings) Reserve
46.3329ha	Part Section 2 SO 10606	Local Purpose (Wildlife) Reserve

SCHEDULE 2: Hawkes Bay Land District – Napier City

Area m ²	Legal Description	Land Status
753m ²	Part Section 3 SO 468666	Local Purpose (Wildlife) Reserve

CARRIED

6. PREBENSEN DRIVE ROAD STOPPING

Type of Report: Legal
Legal Reference: N/A
Document ID: 328956
Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

6.1 Purpose of Report

To seek Council approval for the stopping of two parcels of legal road, which currently form part of the farm access into Area 3 of Parklands Residential Development.

**COUNCIL
RESOLUTION**

Councillors Wright / Wise

That the Council resolve:

- a) That Council in accordance with Section 116 of the Public Works Act 1981 declares that part of Prebensen Drive as described in Schedules 1 and 2 below be stopped.
- b) That Council, in accordance with Section 117(7) of the Public Works Act 1981, declares the stopped road described in Schedule 1 below to be a Local Purpose (Passive Recreation) Reserve subject to the Reserves Act 1977, to be added to the Local Purpose (Passive Recreation) Reserve situated on Prebensen Drive.
- c) That Council consents to that part of the stopped road described in Schedule 2 below being vested in the Council as the owner of the adjoining land (being Lot 3 DP 448910 as described in Certificate of Title 568343) pursuant to Section 117(3) of the Public Works Act 1981 and the Council further consents to both parcels of land being amalgamated into one certificate of title pursuant to Section 120(3) of the Public Works Act 1981.

SCHEDULE 1

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining	CFR Reference
0.3035	Section 1 SO 470226	Section 3 SO 488315	741089
		Lot 3 DP 448910	568343

SCHEDULE 2

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining	CFR Reference
0.0156	Section 2 SO 470226	Lot 3 DP 448910	568343

CARRIED

7. QUARTERLY REPORT FOR SEPTEMBER 2016

Type of Report:	<i>Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>318884</i>
Reporting Officer/s & Unit:	<i>Mary Quinn, Senior Management Accountant Elaine Cooper, Corporate Planner Chris Comber, Accounting Manager</i>

7.1 Purpose of Report

To consider the Quarterly Report for the period 1 July 2016 to 30 September 2016 and the Health & Safety Report for October 2016.

At the meeting

Mayor noted this is a fantastic report and it an effective way for Councillors to receive information.

COUNCIL RESOLUTION

Mayor / Councillor McGrath

- a. That the Quarterly Report for the period 1 July 2016 to 30 September 2016 and the Health & Safety Report for October 2016 be received

CARRIED

REPORT / RECOMMENDATIONS FROM THE STANDING COMMITTEES

REPORTS FROM FINANCE COMMITTEE HELD 29 NOVEMBER 2016

DECLARATION OF THE REMAINING COUNCILLOR ELECT

Type of Report: Legal and Operational
Legal Reference: Local Government Act 2002
Document ID: 327058
Reporting Officer/s & Unit: Jane Mcloughlin, Team Leader Governance

Purpose of Report

To outline the required process for receiving the declaration of the remaining Councillor elect following the 2016 Triennial Election.

COUNCIL RESOLUTION

(made at Finance Committee meeting, on 29 November 2016)

- a. The remaining Councillor elect, Mr Tony Jeffery, makes an oral declaration and attests a written declaration at the Finance Committee meeting on 29 November 2016, in accordance with the requirements set out in Schedule 7, Clause 14, of the Local Government Act 2002.

CARRIED

1. EASTER SUNDAY TRADING POLICY

Type of Report: Legal and Operational
Legal Reference: Local Government Act 2002
Document ID: 323961
Reporting Officer/s & Unit: Kim Anstey, Planner Policy/Analyst

1.1 Purpose of Report

Changes to the Shop Trading Hours Act provide an opportunity for local authorities to adopt a policy allowing shops to trade on Easter Sunday. Informal consultation with the community and retailers on the proposal to adopt an Easter Sunday Trading policy has indicated there is sufficient interest to warrant commencing formal consultation. This report is to seek Council approval of the proposed Easter Sunday Trading Policy 2017, the accompanying Statement of Proposal (**Attachment A**), and to authorise officers to commence the special consultative procedure.

COUNCIL RESOLUTION

(made at Finance Committee meeting, on 29 November 2016)

- a. That Council approve the draft Easter Sunday Trading Policy 2017 and Statement of Proposal (subject to the inclusion under the heading Policy, of a direct reference to workers choice and retailers having the ability to open or not), and authorize officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002.

CARRIED

2. MARINE PARADE REDEVELOPMENT COSTS

Type of Report: Operational
Legal Reference: N/A
Document ID: 324923
Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

2.1 Purpose of Report

To update Council on the financial status of the Marine Parade redevelopment project, and to obtain approval of funding of additional construction-related costs.

At the meeting

AMENDMENT

COUNCIL RESOLUTION

Councillors Price / McGrath

Amendment to withdraw the substantive motion resolution c. from *That Council agree to proceed with the construction of the new skate ramps, (a Vert ramp + 4 small ramps) at a cost of \$200,000, as these ramps form an integral part of the features of the new site, and replace with:*

That Council agree to proceed with the construction of several new skate ramps to the value of \$200,000 which may include a vert ramp as these ramps form an integral part of the features of the new site.

CARRIED

COUNCIL RESOLUTION

Councillors Price / Dallimore

- a. That the report be received.
- b. That Council note that additional costs to the project have been identified, and some costs have been incurred, and that additional funding of approximately \$318,500 will be required.
- c. That Council agree to proceed with the construction of several new skate ramps to the value of \$200,000 which may include a vert ramp as these ramps form an integral part of the features of the new site.
- d. That Council note that the original location for the vert ramp will need to be repurposed, with shade sails and street furniture in order to make it a useable space, at a cost of \$45,000.
- e. That Council note additional funding of approximately \$613,500 for items noted in the resolutions in a-d, will be sourced from capital reserve.

CARRIED

3. NAPIER CONFERENCE CENTRE - COST UPDATE

Type of Report: Operational
Legal Reference: N/A
Document ID: 324368
Reporting Officer/s & Unit: Sally Jackson, Manager Visitor Experience

3.1 Purpose of Report

To update Council on costs relating to the earthquake strengthening and redevelopment of the Napier Conference Centre.

To update Council on an increase of the project scope involved in the redevelopment, and to seek Council approval on the funding required.

To update Council on the estimated completion date of the project.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council notes the update provided on the increase in costs to the redevelopment of the Napier Conference Centre. In particular, key factors causing the increased costs include an increase of the project scope; time delay variations to contracts; inadequate contingency budget under industry standard; and an inadequate estimate of fixtures, fittings and furniture.
- b. That Council agree that the construction must reflect the community's expectations for the Napier Conference Centre to be Hawke's Bay's primary conference venue, and to be a secure site, is of critical importance.

AMENDMENT TO OFFICER'S RECOMMENDATION

- c) That Council approve the total funding request of \$745,864 for additional costs relating to the redevelopment of the Napier Conference Centre.
 - 1) Funding of \$402,110 for additional costs relating to the redevelopment of the Napier Conference Centre to be funded from capital reserve.
 - 2) Funding of \$343,754 for a 10% contingency to cover the remainder of the construction phase for the project, to be funded from capital reserve if required.

CARRIED

4. MOUNTAIN BIKE ENHANCEMENT PROPOSAL

Type of Report: Operational
Legal Reference: N/A
Document ID: 323871
Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

4.1 Purpose of Report

To consider Council support for three enhancement proposals for the Hawke's Bay Mountain Bike Club (HBMTBC) bike park within the Pan Pac owned land at Eskdale. The three enhancement proposals are being submitted to Council as the land is outside of Napier City jurisdiction, however there are significant benefits to Napier City if the enhancements go ahead.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council approves the relocation of the redundant toilet block from the Marine Parade redevelopment to the Ken Ross Reserve at PanPac and approves the Napier City Council to provide ongoing cleaning services for the toilet.
- b. That Council provides funding up to the value of \$20,000 from the Napier City Council capital reserve towards the installation of directional signage and loop maps for the Mill Block trails at the Pan Pac Eskdale Mountain Bike Park.
- c. That Council provides funding up to the value of \$25,000 from the Napier City Council capital reserve towards the development of a mountain bike skills area within the Ken Ross reserve at the Pan Eskdale Mountain Bike Park.

CARRIED

5. FINAL SHADE POLICY

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>325095</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jessica Wilson, Community Advisor</i>

5.1 Purpose of Report

To bring back to Council, the draft Napier City Council Shade Policy, that has been updated to reflect public feedback.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council adopt the amended Napier City Council Shade Policy (Attachment A) that has been updated to reflect public feedback.

CARRIED

6. RATING OUTTURN SURPLUS 2015-16

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>Local Government Act 2002</i>
<i>Document ID:</i>	<i>324128</i>
<i>Reporting Officer/s & Unit:</i>	<i>Adele Henderson, Director Corporate Services Ian Condon, Revenue and Treasury Manager Caroline Thomson, Chief Financial Officer</i>

6.1 Purpose of Report

To report on the Rating Account to 30 June 2016, and to approve allocations from the Rating Surplus.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That the 2015/16 net rating surplus of \$3,256,800 be transferred to the Capital Reserve Account where it is available for future commitments.

CARRIED

7. MTG HAWKE'S BAY SCHOOL EDUCATION FEES AND CHARGES

Type of Report: Operational
Legal Reference: N/A
Document ID: 324120
Reporting Officer/s & Unit: Sally Jackson, Manager Visitor Experience

7.1 Purpose of Report

To seek approval to change the fees and charges in place for the school education programme supplied by MTG Hawke's Bay Museum.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

That the Council resolve:

- a. To move the entry fee for MTG Hawke's Bay Museum from Students \$4.50 (primary) & \$6.50 (secondary) to \$2.50 (primary) & \$4.50 (secondary) effective from 1 January 2017.

CARRIED

8. RELOCATION OF LOADING ZONE, TENNYSON STREET

Type of Report: Operational
Legal Reference: N/A
Document ID: 325266
Reporting Officer/s & Unit: Peter Scott, Contracts Engineer

8.1 Purpose of Report

To consider the relocation of a loading zone at 39 Tennyson Street from immediately outside the Former McGlashan's Building (containing Wallace Cotton) to outside of the Former Daily Telegraph Building (currently occupied by Bayley's Real Estate) located at 49 Tennyson Street.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

- a. That Council resolve to relocate the existing loading zone located outside of 39 Tennyson Street to a position outside 49 Tennyson Street (as shown on the plan attached as Attachment A).
- b. That two parallel car parks be formed outside of 39 Tennyson Street where the loading zone is currently located.
- c. That retailers within the area, and local courier companies be notified of these changes.

CARRIED

9. PUKEMOKIMOKI MARAE PROJECT COMPLETION

Type of Report: Operational
Legal Reference: N/A
Document ID: 325508
Reporting Officer/s & Unit: Natasha Carswell, Manager Community Strategies

9.1 Purpose of Report

To provide Council with an update on the Pukemokimoki Marae progress and project completion.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

- a. That Council receives the Pukemokimoki Marae Year Two Progress Report and notes the completion of the project.

CARRIED

10. CREATIVE COMMUNITIES SCHEME SEPTEMBER 2016

Type of Report: Operational
Legal Reference: N/A
Document ID: 323884
Reporting Officer/s & Unit: Belinda McLeod, Community Funding Advisor

10.1 Purpose of Report

To receive the minutes from the Creative Communities Scheme meeting held on Tuesday 27 September 2016 as outlined in **Attachment A**.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

That the minutes of the Creative Communities Scheme meeting held on Tuesday 27 September 2016 be received and the recommendations be adopted.

CARRIED

11. HAWKE'S BAY AIRPORT LIMITED ANNUAL REPORT FOR FINANCIAL YEAR ENDING 30 JUNE 2016

Type of Report: Legal
Legal Reference: Local Government Act 2002
Document ID: 326384
Reporting Officer/s & Unit: Adele Henderson, Director Corporate Services

11.1 Purpose of Report

To consider the Hawke's Bay Airport Limited Annual Report for the financial year ending 30 June 2016.

Mr Nick Story, Chief Executive of Hawke's Bay Airport Limited to speak to the report.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That the Hawke's Bay Airport Limited Annual report for financial year ending 30 June 2016 be received.

CARRIED

12. BAY SKATE – FEES AND CHARGES

Type of Report: Operational
Legal Reference: N/A
Document ID: 324126
Reporting Officer/s & Unit: Glen Lucas, Manager Sports and Recreation

12.1 Purpose of Report

To outline the proposed fees and charges for Bay Skate.

At the meeting

Councillor McGrath moved an amendment that full price entry is not charged until Bay Skate is completed with ramps. Officers advised that they are looking at other options for utilizing the area until the ramps are built, and noted that the concrete skating area is outstanding and already attracting people to Napier. Officers advised that they undertook consultation during the special consultative process 3 years ago with the public, and based on the feedback received are confident that the entry fee is affordable. Councillor Brosnan sought the advice of an Officer that works at Bay Skate. The officer also advised that skaters are coming to Bay Skate not just for the skate park but because it is a safe facility, and there are staff who provide lessons too. Councillor Price raised that members are getting a very cheap deal for what it is currently, and the addition of the ramps will only make it even more appealing. Councillor Jeffrey raised that Council should not be wavering fees on an adhoc basis without taking into consideration the impacts on the operating model.

AMENDMENT

**COUNCIL
RESOLUTION**

Councillors McGrath / Boag

Amendment that fully price entry is not charged until the skate park is completed with ramps.

MOTION LOST

**COUNCIL
RESOLUTION**

Wise / Dallimore

- a. That the proposed fees and charges for Bay Skate be approved and adopted as outlined in Attachment A.**

CARRIED

**REPORTS FROM AUDIT AND RISK COMMITTEE
HELD 1 DECEMBER 2016**

1. AUDIT AND RISK CHARTER REVIEW

<i>Type of Report:</i>	<i>Information</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>326620</i>
<i>Reporting Officer/s & Unit:</i>	<i>Adele Henderson, Director Corporate Services</i>

1.1 Purpose of Report

To present and make recommendations on amendments to the Audit and Risk Committee Charter and Terms of Reference.

**COUNCIL
RESOLUTION**

Councillors Wise / Hague

- a. That the report titled Audit and Risk Charter Review be received.**
- b. That the amendments to the Audit and Risk Committee Charter and Terms of Reference are recommended to Council for approval.**

CARRIED

2. AUDIT AND RISK MEETING SCHEDULE 2016-17

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>326623</i>
<i>Reporting Officer/s & Unit:</i>	<i>Adele Henderson, Director Corporate Services</i>

2.1 Purpose of Report

To consider the proposed timetable of meetings for the Audit and Risk Committee in 2017, as detailed below.

COUNCIL RESOLUTION

Councillors Wise / Hague

- a. That feedback be provided on the proposed timetable of meetings for the Audit and Risk Committee for 2017.

CARRIED

REPORTS UNDER DELEGATED AUTHORITY

1. REQUESTS FOR OFFICIAL INFORMATION

<i>Type of Report:</i>	<i>Information</i>
<i>Legal Reference:</i>	<i>Local Government Official Information and Meetings Act 1987</i>
<i>Document ID:</i>	<i>330005</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

1.1 Purpose of Report

To report on written requests for official information received since the September Council Meeting.

At the meeting

Councillor Wright queried the change in procedure in reporting to Council on official information requests. Officers advised that they had reviewed processes and legally must ensure a right to privacy for those making requests under the Local Government Official Information and Meetings Act 1987. Therefore Officers would not include the name of the requesters in the report to Council.

Officers also responded to a question about why a particular request had been declined due to privacy when the questions appeared to be of a generic nature. Officers advised this is because if the information had been provided, due to the small number of people it applied to, it would have been easy to deduce who the persons are, and would thus breach their privacy.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the requests for official information be received.

CARRIED

2. LIQUOR LICENSES

Type of Report: Information
Legal Reference: Sale and Supply of Alcohol Act 2012
Document ID: 330006
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

2.1 Purpose of Report

To report on the Liquor Licences issued under delegated authority for September-November.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

3. TENDERS LET

Type of Report: Information
Legal Reference: Local Government Act 2002
Document ID: 330007
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

3.1 Purpose of Report

To report on Tenders let under delegated authority from 24 September 2016 to 8 December 2016.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

4. SCHEDULE OF DOCUMENTS UNDER SEAL

Type of Report: Operational
Legal Reference: N/A
Document ID: 330008
Reporting Officer/s & Unit: Jane McLoughlin, Team Leader Governance

4.1 Purpose of Report

To report of documents executed under seal, from 22 September 2016 to December 2016. 7

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

5. RESOURCE CONSENT

Type of Report:	Information
Legal Reference:	Resource Management Act 1991
Document ID:	330009
Reporting Officer/s & Unit:	Holly Lucas, Personal Assistant to Director Corporate Services

5.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for August 2016.

COUNCIL RESOLUTION

Councillors Jeffery / Wright
That the report be received.

CARRIED

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION

Councillors White / Wright
That the public be excluded from the following parts of the proceedings of this meeting.

CARRIED

New Reports

1. Land Purchases

Reports from Finance Committee held 29 November 2016

1. Hawke's Bay Airport Limited Shareholders Report for September Quarter Financial Year 2016/17
2. Embankment Bridge - Integrated Structure with Rail Corridor

Reports from Audit and Risk Committee held 1 December 2016

1. Napier City Council Investment and Debt Report
2. Health and Safety Report 30 September 2016
3. Review of Payroll for Overtime and Time in Lieu
4. Audit NZ - Management Letter 2015/16
5. DRAFT Multi Use Sports Facility Business Case
6. Review of Procurement at City Services (The Depot)
7. Risk Register October 2016
8. Napier City Council Internal Audit Status Report

The general subject of each matter to be considered while the public was excluded, the reasons 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 were as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) TO THE PASSING OF THIS RESOLUTION
New Reports		
1. Land Purchases	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
Reports from Finance Committee held 29 November 2016		
1. Hawke's Bay Airport Limited Shareholders Report for September Quarter Financial Year 2016/17	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied 7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Embankment Bridge - Integrated Structure with Rail Corridor	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7

		(except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
Reports from Audit and Risk Committee held 1 December 2016		
1. Napier City Council Investment and Debt Report	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Health and Safety Report 30 September 2016	7(2)(d) Avoid prejudice to measures protecting the health and safety of members of the public	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
3. Review of Payroll for Overtime and Time in Lieu	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
4. Audit NZ - Management Letter 2015/16	7(2)(g) Maintain legal professional privilege	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
5. DRAFT Multi Use Sports	7(2)(b)(ii) Protect information	48(1)A That the public conduct of

Facility Business Case	where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
6. Review of Procurement at City Services (The Depot)	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
7. Risk Register October 2016	7(2)(e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
8. Napier City Council Internal Audit Status Report	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

The meeting concluded at 5.07pm.

APPROVED AND ADOPTED AS A TRUE AND ACCURATE RECORD OF THE MEETING

CHAIRPERSON: _____ **DATE OF APPROVAL:** _____